

THE LEGAL TECHNOLOGIST

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FEATURES

ARTICLE

A day in the life..

Chloe Kennedy, legal technologist from law firm Ashurst reflects on a day at work in this month's issue.

ARTICLE

Westlaw v ROSS

We take a look at Westlaw's claims against ROSS Intel and discuss why this AI-driven Legal Tech Start-up worries the legal research giant.



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The Legal Technologist

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The Apperio Series, Part 1 - Building a Startup with Nicholas d'Adhemar



Nicholas d'Adhemar is the founder and CEO of Apperio, a legal tech scaleup which helps bring spend transparency to the legal industry. He founded Apperio in 2015 after working for six years as a lawyer at an international law firm, completing an MBA at INSEAD, and spending three years in private equity. The Legal Technologist recently had the opportunity to talk with Nicholas about his experiences building a legal tech startup and how technology will change the relationship between law firms and clients.

In this first of three segments, Nicholas discusses his career and the journey to founding Apperio with our European Editor, William White.

A lot of our readers are just embarking on careers in law and technology and wonder how they can find a role which spans those two industries. Can you tell us a bit about your background, and how you went from solicitor to founder of a legal tech startup?

Absolutely. I'd start by saying that I'm not sure my journey should be seen as a blueprint. Other people might have gone about it a little bit differently, or a little bit faster. After university I joined CMS, or Cameron

McKenna as it was back then, and worked there for about five and a half years. I did the normal training contract stuff and qualified into the oil and gas space. Even then, I was much more interested in what the client was doing than in providing legal advice. I first thought I might be able to scratch that itch by jumping from private practice to in-house, so I moved in-house to a smaller oil and gas company. And that was great — I got a lot more exposure to commercial decision making. But I still wanted a little bit more.

This was around 2009, the time of the global financial crisis, so it wasn't easy to suddenly put your hand up and say "I want to do something that isn't law". Once you're a lawyer, most (but not all) employers will view you only as a lawyer. In order to broaden my horizons and ultimately change career, I went to INSEAD and did an MBA. I spent a year there and met people from all different walks of life. I wanted to set up my own business but I just didn't have any good ideas. Instead I went to a private equity fund as an investment manager, which I thought was the next best thing.

What changed? Did you have a lightbulb moment or did the idea for Apperio gradually evolve?

By that point I had experienced the legal industry from all sides. At the fund, I managed deal costs including keeping tabs on legal fees. Every time we began a transaction we would instruct a firm and get a fee estimate. Deals ebb and flow, but the normal pattern was that most of the legal spending came in the last quarter of the project. Almost without fail, we would get a phone call from the lawyers around completion saying, "I know we said it would be £250k for this deal, but it's turned out to be complicated. We're already at £500k on the clock and it's going to end up around £1m".

We were frequently out by a significant multiple, and it used to cause friction in our relationship with our lawyers. I knew what was happening inside the law firm — it wasn't malicious, but they were focused on getting the work done rather than communicating on fees. Equally on the investment side, we were too focused on closing the deal to pick up on it earlier. This was the catalyst for me, and I spent evenings and weekends working on an idea to solve the problem.

It's one thing to have the idea, but another thing to make it a reality. How did you build the idea out into a business plan and build up the courage to do it?

The initial idea was a bit different from what we do today, but I wrote a detailed business plan in my spare time (which I wouldn't recommend). I read *The Lean Startup* and realized that you don't need \$10 million and a team of 50 to build an MVP. There was a point at which I realised if I didn't do it now, I might never do it. I took a leap of faith, quit my job, and used a small amount of money to get a basic prototype built. One of my biggest learnings is that no matter what your initial idea is, it might be very different from what you end up building and what your customers end up buying!

Has founding Apperio been like you had expected? Is there anything you wish you'd done differently?

You can read about startups; you can talk to your friends about startups; but there's no substitute for doing. I learnt a lot from making mistakes and from being around very bright people. Sometimes I would

wonder why we weren't growing. As a lawyer, I had no idea about lots of roles like product management, marketing, customer success. After I hired people into them, I often found myself thinking, "Oh God, I should've hired you a year ago!"

Some of the brightest people I've met are lawyers, and I'm married to one! But it was great to suddenly be surrounded with engineers, marketers and so forth who have other experience to offer.

Do you think your experience of founding now would be different from ten years ago? The legal tech market, in the UK at least, has matured quite a lot and there's more support in place for founders. At the same time, a lot of the obvious problems have already been solved and there's more competition. Would you need a different set of skills?

Absolutely it's different from ten years ago, although lots of the same antiquated processes and technologies persist, especially inside law firms. When I set up Apperio, I was fortunate to receive some investment and be selected as part of a seed camp. That gave me huge insight, validation and credibility. You're right that a lot of the low-hanging fruit has been consumed, but there's always more and technology continually evolves. Think about the proliferation of cloud technologies in the last five years or so. When we started talking to law firms, I had CIOs saying that they would never use the cloud. They look really silly now!

Back then AI, natural language processing, and machine learning were fairly exotic. That stuff has become mainstream now. Nowadays if you can find a problem that is worth solving, you can probably build something to solve it.

In part two of this series in our March edition, Nicholas and William discuss Apperio in more detail, and explore how spend management solutions impact the relationship between law firms and clients.

First Impressions: Legal tech vendors vs. Law firms

Sophiya Volkova



Sophiya Volkova is a Legal Technologist at Ashurst and holds an LLB with Honours in Spanish from the University of Edinburgh. She also completed a masters in International Business and Emerging Markets at Edinburgh University Business School and was involved in exploring use cases for Hyperloop implementation in the UK. Sophiya is passionate about technology and an avid hackathon participant.

Did you know that First Impressions was the original title for Jane Austen's *Pride and Prejudice*? I found it quite fitting for this article as first impressions can lead to many conclusions, including both pride and prejudice.

As a Legal Technologist and someone involved in buying legal tech products, I have seen a great deal of demos from legal tech vendors. I can conclude that the disparity between my initial expectations of a vendor and the impression I take away from meeting them is often very surprising. Yes, there is a lot of prejudice towards vendors from law firms because the former at times may underestimate what it takes to on-board a legal tech product. At the same time, there is a lot of pride among vendors because they are so passionate (and it absolutely has to be this way!) about their product that they refuse to accept it has any shortcomings. The reason I say this is because there have been times when I read about a product and was excited to see a demo of it and the demo turned out to be average or worse. Conversely, there have been quite a few times when prior to a demo I thought a product was pretty standard or there had not been enough written on it, but a demo would totally blow my mind. First impressions are key!

Working in legal technology excites me as it revolutionises one of the most conservative and change resistant industries - law. Tech-minded people inspire me every day and although I am sitting on the other

side of the fence, I am empathetic towards some vendors and I do my best to help them succeed. I can understand that vendors can also get frustrated when law firms do not get back to them after a demo – being ghosted is awful in any situation. In this article I share my thoughts on how vendors and law firms can work in tandem to increase each other's chances of success and ensure things end on a good note. Who knows: you might be reaching out to one another in the future.

1. Forget about generic demos.

Every vendor has a generic demo, and if they don't, they should have. These are great on many occasions like training, PR and marketing or pre-demo screening processes. Generic demos in my experience have little success in law firms – they need to be bespoke and address a pre-specified use case or cases. Both vendors and law firms need to spend time communicating about it so a demo will resonate with the pain points that a given law firm experiences. Getting that information is crucial as well as the list of attendees of the demo. Make sure there are no spelling mistakes especially in the names when you send out invites. Attention to detail is paramount!

2. Information security – the key deal breaker.

You can have the coolest tool in the world (everyone can love it at a law firm you are pitching to) but if you have not sorted out information security and obtained ISO 270001 – this is one of the key requirements in 99% of cases — you will not be successful at striking a deal with a law firm. Be open and transparent about information security requirements, resource and features – these apply to both vendors and law firms. Be prepared for cloud-averse attitudes as even though cloud has been around for years, some clients simply will not agree to use it and this is usually not a law firm's fault.

3. Follow up & stay in touch.

More often than not vendors follow-up post-demo, however, these follow-ups need to be meaningful and tailored. Perhaps there is another approach that can be taken to address the use case with your tool? Suggest it if there was a pause in communication. Ask for feedback from law firms, and please do not be defensive but rather reflect on it. It is very rare that law firms will provide feedback – how many companies provide feedback to unsuccessful candidates after a job interview? Exactly: a handful but practically none. Both vendors and law firms should stay in touch and be proactive at adding one another on LinkedIn and checking in with each other. Another point here for vendors: please never call law firms when it has not been pre-arranged, as it can affect the relationship (not in your favour). Firms are your prospective clients and their time is pricey!

The points above are not ground-breaking, but what I want to highlight is that they address both law firms and vendors. In my experience, vendors and law firms like to speak about one another behind each other's backs. This does not help anyone. A call to be more co-operative might sound vanilla or clichéd, but it is essential. It is crucial that both parties are transparent with one another, that they are both eager to drive success and that they are both very engaged because an excellent demo can be a start of a long-term successful partnership! Although pride and prejudice are prevalent on both fronts, first impressions are immensely significant. Let's keep them positive!

Sophiya Volkova

Legal Technologist
Ashurst

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

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

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

The Keys to the City: Legal Tech in Portugal

By **André Feiteiro**

André Feiteiro is a Junior Associate at Macedo Vitorino. He has an LL.M. in International Business Law from Tilburg University and a Bachelor's degree from the University of Lisbon.

The evolution of legal services in Portugal

A leisurely stroll around Lisbon's cobbled pavements and leafy financial quarter does not reveal to the untrained eye that this country of endless charms, mild-mannered people, and competitive prices is a product of change.

Geographically peripheral and economically vulnerable to the slightest of financial tremors, it was a generous helping of European benevolence and a touch of the Portuguese people's grit and strength of character that saved the Portuguese economy multiple times since the 1970s. Leaving behind a 40-year-old dictatorship and shortly afterwards jumping into European integration, Portugal entered the global economy as unprepared as it could be. It seems that change periodically catches Portugal by surprise, and every time the forces of change compel all sectors to adapt, leaving behind a trail of destruction for those that failed to readjust and naming a few champions here and there. And one can gauge the nature of innovation in Portugal from this across all sectors, including the legal services sector: just as with the economy, the story of legal services in Portugal over the past 30 years or so is a story of change.

As with other civil law jurisdictions, as part of a broader global market, Portuguese firms started handling larger and more frequent international transactions and national investments with foreign capital. This influenced standards for contract drafting. Portugal witnessed the influence of a common law practice for contracts: lawyers and clients, in national or international transactions, became accustomed to verbose drafts containing clauses which were not traditionally Portuguese.

It is arguable that contract drafting in Portugal is now much like it is in any common law jurisdiction, the result of efforts to replicate foreign practice and conform with client expectations and international standards. Lawyers sometimes fail to bear in mind that lengthy wording will not replace the basic principles of civil law and the parol evidence rule is not one of them! English terminology is often misused and confusing under Portuguese law. But the legal services sector made it to 2021. It is ready to build on its existing precedents, which are much fitter for legal tech than old school civil law contract drafts relying mainly on statute.

How are Portuguese firms leveraging legal tech opportunities?

Clients are more likely to find examples of early stage innovation in the provision of legal services, namely that their lawyers are using a modern intranet, searching secured databases, digital libraries, sometimes with recourse to artificial intelligence. Technology is currently an efficiency-enhancer for administrative or quasi-administrative backlogs. Admirable as that may be when compared with the old-fashioned way of doing things, technology is used mainly in back-office functions.

Clients are less likely to find that their lawyers use front-end tools that fully or partially automate actual legal tasks. Technology is used extensively but not to great depth for pre-analysis of documentation, or in preparatory work for the actual provision of the legal service. This might mean filling-in-the-blanks functions, categorization and organization of documentation, knowledge management, and other such tasks.

The future of legal tech in Portugal

Material change will come to the Portuguese legal sector, as happened in the past. At some point, clients, in national or international transactions, will appreciate

the value of the legal thinking provided by lawyers but not the time it takes them to deliver. Within the next few years, clients' expectations of their lawyers will change, and increased deployment of legal technology will push down the cost of legal services. Larger firms with shared resources will be better able to survive the change.

One upside of technology is that automated solutions, for example a good contract automation tool, can allow the smallest of legal teams to compete with the bigger firms. As regards costs, efficiency, and quality, the first player which combines front-end systems with fluid

back-office functions and scales value using automation tools, will have the keys to the city as far as the Portuguese legal services market is concerned.

At an early stage of adoption, but with huge potential for growth, especially amid the current public health crisis, the Portuguese legal services market is vastly unspoiled as regards legal technology, and poses a great opportunity for further developments over the coming years.

André Feiteiro

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Blockchain Revives Negotiable Instruments

By Duranay Ayse

As an ancient finance instrument, negotiable instruments enable parties to create a payment, credit or security intermediate that is strictly regulated and protected by law to sustain a reliable, secure and well-functioning trade life. Nonetheless, in a world where we strive to find a commodity that would enable us to realize our transactions without using cash, negotiable instruments are often neglected as an option.

Although negotiable instruments are still indispensable for international trade, they seem to lose their popularity due to the rise of fintech and lawmakers being slow-paced when adapting their laws to the developing world. The latter has led to the inevitable and endless controversy between stringent laws and judges trying to bend the rules for the sake of equity, and this eventually results in edging away from the legal certainty. On the other hand, blockchain appears to be the structural evolution that negotiable instruments are in need of.

What is a blockchain-based negotiable instrument?

Beyond question, technology will always be faster than lawmakers. However, negotiable instruments laws rarely change due to the almost absolute protection granted to its holder. On the balance of interests between legal certainty, equity and well-functioning trade life, negotiable instruments may be one of the hardest to strike, and this would always constitute an obstacle before updating negotiable instruments law. Nevertheless, a solution to this problem could either be addressed as a fintech or legaltech model: blockchain-based negotiable instrument.

A blockchain-based negotiable instrument is a smart contract where the required data, such as the issuer, amount, maturity date is stored in a blockchain. Parties would be able to validate the authenticity of each other's identity and the transaction without an

intermediary using the blockchain. Furthermore, as a smart contract, the negotiable instrument would self-execute itself, when the conditions set under the embedded code are met.

Are negotiable instruments compatible with blockchain?

Negotiable instruments can be defined in various ways by courts or codes. Still, it is simply a signed document containing a commitment to pay a certain amount of money on demand or at a designed maturity date which could be transferred to a third party. A negotiable instrument could be issued for many reasons, such as an underlying contractual relationship or an accommodation bill; however, once issued, it creates an obligation to pay which is abstracted from the relationship which constituted the base for the issuance. If endorsed to a third party in good faith, the obligor may not assert the defences it has against the initial beneficiary to the holder. Further, it is essential to trace the chain of endorsement to establish the validity of the chain and the endorsers where the holder would be entitled to recourse if the instrument was dishonoured.

Creating a negotiable instrument is like putting elements into an equation; if the required components have been satisfied, the outcome is a valid and enforceable negotiable instrument. Having such a technical nature, it appears to be one of the legal tools that could be transferred into a blockchain-based network. Once the required elements are embedded into a computer code, with the qualifications of providing tamper-proof and time-stamped data, blockchain gives us an even more effective and traceable system. Also, one of the most criticized aspects of smart contracts, its inflexibility, would work for the proposed system since it is desirable for the negotiable instruments to be unmodifiable.

When it comes to the question of whether the blockchain-based negotiable instrument is compatible with the current legal ecosystem, the answer is no. Negotiable instruments laws of many countries foresee a paper-form requirement, and it is not possible to issue a negotiable instrument with one's electronic signature.

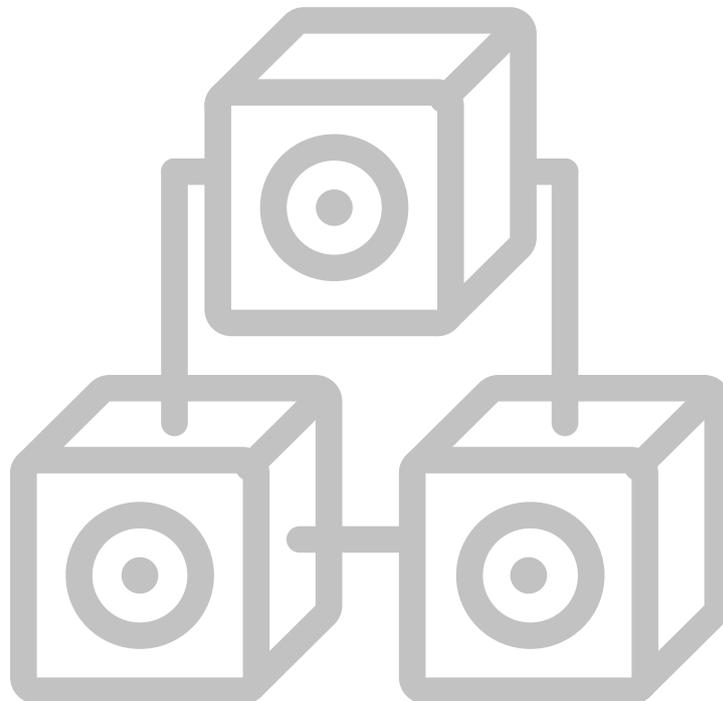
How can it be possible?

Humanity and financial ecosystems are evolving due to globalization, and technology is one of the main drivers of the process. Regardless of how we stick to what we regard as safe, laws will adapt to the changing world. We already started to see inspiring attempts such as the International Trade and Forfeiting Association's (ITFA) Digital Negotiable Instruments Initiative which foresees the digital versions of legal instruments to be qualified as they were in paper form.

Additionally, another point to be made is that unification is the way the blockchain-based negotiable instruments can function at it's best, in terms of international trade. Unification will suppress not only the legal vagueness such as determination of jurisdiction but also the concerns of the enforceability in another country. Although unifying the negotiable instruments laws was brought to the world's agenda many times and the attempts such as the Geneva Conventions on the unification of bills of exchange and cheques laws have failed, blockchain technology may lead the way for making it finally possible.

Duranay Ayse

Associate
CMS



Africa and Middle East

Interview with Feras El Hajjar, CEO of App4Legal

Part 2

by Stephenie Ong



Feras El Hajjar – founder, CEO, chairman, speaker and innovator – is nothing short of impressive. An entrepreneur in his own right, Feras has more than 18 years of international experience under his belt in understanding information systems, successfully developing and managing CRMs and ERPs before starting his own companies. He is now the proud founder of two highly successful disruptors: Infosysta and App4Legal. I had the delight of speaking with him about his start in the industry, and importantly, how App4Legal began.

In our previous issue, we spoke about how Feras had his start in legaltech and digital transformation. In this issue we discuss the many lessons Feras has learnt and his plans for App4Legal.

So what sort of plans do you have for growing App4Legal internationally?

We believe in the mixture of the law and technology. Neither legal nor technological knowledge alone will be able to do the job. But, a good mix between the law and technology would provide brilliant, premium solutions. And this is exactly what I did when I started to scale and grow App4Legal at the beginning of the year. When I first spun myself off from my previous company, I started by building an advisory board.

I wanted an advisory board with members from a diverse background; members from the legal industry, business development, growth strategy, technology, etc. This was where I first got in touch with Jeremy from Jameson Legal via LinkedIn (by the way, this is the first time we have met face-to-face!). Jeremy is our main player on the advisory board, adding global value to what we're doing. He provides insight from a legal and business development perspective, especially in the market within which Jameson Legal operates. I have the Head of Engineering of Careem (a wholly-owned subsidiary of Uber in the Middle East) over on the technology end of things. And I have Hashem, an ex-startup member, coach and mentor aiding me on the acceleration, growth and fundraising front. All of them are doing brilliantly in the growth of App4Legal.

Looking ahead, I have two incoming members: one from an in-house GC, the head of legal of a major telecommunications group in the Middle East and Africa, the other is the senior partner and owner of one of the biggest law firms in Indonesia. So, this is really the ultimate suite of advisory board members. But, in growing internationally, I work with Jeremy in developing strategies so we can replicate the successes we have had in the Middle East and Africa and export them outside our comfort zone i.e. at a global level.

What are some of the learnings, whether from failures or successes out of your 20 years of experience, that you're taking with you in growing App4Legal. Is there anything that comes to mind?

Yes, certainly. I'm driven by the lessons I learned from my past experiences. I mean, I failed in launching my first startup. Whatever the reasons we failed were, there were a lot of lessons to be learnt. I'm always looking at the positive side of the story; when you fail at something, the upside is you learn a lot. It is a very rich learning experience. And fortunately, running a company, managing a product or scaling a company, is not something that you read in a book or something that you can be trained on. Otherwise you would see the entire world try their hand at running their own businesses.

So, it's experience – and experience is ugly because you need to fail, and you need to get up, and run over and over again. And, how fast you are in recovering from this failing is really important because you will need to think very quickly. If you take your time in failing, the situation would be very bad. You might most likely end up closing your business. So you need to, fail, make your quick changes, get up, and run again. Doing this will provide a solid structure to whatever you are doing.

Focus currently plays big part in what I'm doing with App4Legal, just as it did with Infosysta. Every single day, I receive hundreds of ideas, all of them relevant, all of them excellent. Unfortunately, you can't be excellent everywhere. So you need to pick your battles, and build on being excellent somewhere.

When I started Infosysta's digital transformation, I did not aspire to be a partner at Oracle, SAP, Microsoft – any of these legacy companies. I picked a company that was in its early stages. And 10 years later, Atlassian is an IPO worth USD\$10 billion in San Francisco. When I started with Atlassian, I took the lessons I learnt from Paris and very quickly spotted the opportunities available within emerging markets. Thanks to that, Atlassian has been in the Gartner Magic Quadrant for the past 5 years and is a leading product in its field.

So focus is really important; I think it really is the key ingredient in ensuring App4Legal's success. With App4Legal, we focus on milestones and we are realistic – we don't believe in the need to attack all the markets, or all legal sub-sectors, for that matter, at the same time. We cannot possibly be excellent solo lawyers in Singapore and expect to successfully run the Commercial Bank of Dubai; the responsibilities and skillsets relating of both these establishments are not the same.

So, at the moment, we are focusing on building the largest enterprise possible, from a segment perspective, and expanding in the EMEA, geographically speaking.

Look out for the final part of our interview with Feras our next issue, where we discuss his advice for budding entrepreneurs and a special cameo from our Managing Editor, Marc.

Interview by Stephenie Ong

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North America

Getting Smart About Smart Contract Liability

By Andrew J. Throckmorton

Self-executing smart contracts are a solution to some of the thorny issues that arise from disputes regarding the interpretation and enforcement of contract terms. Smart contracts can reduce the delays and uncertainties inherent in contract interpretation and enforcement that lead to costly litigation. At its core a smart contract is an agreement reduced to software code that executes the terms of an agreement based on triggers the parties build into the software code.

Smart contracts also present unique liability issues because the terms of an agreement are written into a smart contract's lines of code and executed without human interpretation. For example, should a smart contract be strictly interpreted to bind the parties to all outcomes of the code they use, regardless of intent? What if a party exploits a flaw it finds in the agreed upon code? It is crucial for lawyers to learn how to approach smart contract liability smartly if they want to unlock the potential of these exciting and increasingly useful tools while also minimizing the risks and costs associated with contract liability.

What Is A Smart Contract?

Basic knowledge about how smart contracts function is necessary for accessing approaches to minimizing liability. In their 2018 article, *An Introduction to Smart Contracts and Their Potential and Inherent Limitations*, Stuart D. Levi and Alex B. Lipton define smart contracts as "computer code that automatically executes all or parts of an agreement and is stored on a blockchain-based platform."

In his 2020 law review article, *Smart Contracts: Implications on Liability and Competence*, Ryan Hasting defines a smart contract similarly as "a digital program stored on blockchain that transfers digital assets between parties when certain conditions have been met."

Levi and Lipton observe that smart contracts already perform tasks like moving cryptocurrency between parties but more complex smart contracts are also possible by stringing multiple transaction steps together. However, they predict that we are many years away from code being able to determine more subjective legal issues like whether reasonable efforts are made or whether an indemnification clause is triggered. Smart contracts present interesting liability risk issues because of their ability to automatically execute on the terms of an agreement based on pre-defined triggers. Proactively anticipating smart contract liability risk issues is a crucial step in effectively using smart contracts in more complex cases.

Smart Contract Liability Issues

Resolving smart contract liability requires lawyers and judges to address issues like whether the intent of the parties should be considered when the parties agreed upon the explicit terms written into the smart contract's code. Unlike traditional contracts, where humans interpret each term and perform consistently with these subjective interpretations, a smart contract executes the agreement exactly as coded by the parties based on pre-defined performance triggers. This removes subjective human interpretation from the determination of whether a performance obligation is triggered. Additionally, the parts of the agreement coded into the smart contract perform exactly as the parties programmed the software code to function. This creates an interesting liability issue of whether the parties are bound by any outcomes of their agreed-upon code, without regard to their intent. Essentially, should smart contracts be strictly construed against the parties?

Input from courts and legislative bodies is necessary to resolve the issue of whether smart contracts should be

strictly construed against parties based on the code they write and agree to use. However, there are specific steps that attorneys can take to minimize the liability of clients who are condensing an agreement into the code of a smart contract. For example, Morgan N. Temte's 2019 law review article, *Blockchain Challenges Traditional Contract Law: Just How Smart Are Smart Contracts*, suggests that parties can minimize smart contract liability risk issues by either building a risk allocation mechanism into the code or by executing a separate written agreement outlining the allocation of risk. Similarly, Dr. Eliza Mik suggests in her 2017 article, *Smart Contracts: Terminology, Technical Limitations and Real World Complexity*, that potential technical issues in smart contracts, like coding errors, make it necessary for the parties to have a prior agreement or other regimes allocating liability for smart contract coding errors.

The written software code comprising smart contracts also creates unique liability risks because specific technical skills are required to understand how a smart contract's code will function. A software programmer is also necessary to create code that is not already in a template. This requires the parties to rely on each other or third parties to draft the contract in the way they desire, without necessarily being able to "read" it themselves. Levi and Lipton's 2018 article suggests that parties to smart contracts consult trusted technical experts with programming expertise to either prepare the code or to confirm that a third-party's code is accurate. They also recommend providing a term sheet of desired smart contract functionality to the programmer and obtaining written representations from the programmer on the functionality of the smart contract's code.

Approaching Smart Contracts Smartly

The unique liability issues that arise with self-executing smart contracts require creative approaches to addressing the ensuing liability risks. Courts will eventually provide more guidance on these liability issues as smart contracts are applied to more complex agreements. However, attorneys and parties to contracts can proactively address liability issues before they reach a court.

Proactively getting ahead of smart contract liability risk issues includes identifying creative ways to eliminate liability at the coding stage. Building conflict resolution mechanisms into smart contract code and executing a separate written agreement pre-allocating liability are two effective ways to mitigate smart contract liability risks.

Another good step is obtaining input on the proposed code of a smart contract from technically proficient domain experts. This ensures that potential exploits are identified in the code and that the smart contract is capable of accurately executing the agreement according to the performance triggering events pre-defined by the parties.

Taking proactive steps to identify and minimize the liability risks inherent in self-executing smart contracts is a great way to approach these exciting tools and glean the most benefit from them. The format that parties use to memorialize and perform their agreements is quickly changing, but the fundamental need for creative and innovative approaches to mitigating contract liability remains unchanged. Smart Contracts need not be a source of fear for lawyers or their clients if proper liability and risk assessments — something lawyers do everyday with "dumb" contracts already— are conducted. Bridging expanding contract formats and proven legal solutions for contractual liability risks is an exciting challenge that legal professionals can embrace in their quest to do great work and provide value to clients.

Andrew J. Throckmorton is an attorney based in Philadelphia, Pennsylvania. He is a graduate of Villanova University School of Law. Follow him on Twitter @Throcklaw for more discussion of legal technology.

Data-Driven Litigation Strategies: The value of legal analytics on your opposing counsel

By Nicole Clark

Approximately 41,000 civil lawsuits are filed each day in the United States. Ninety-seven percent of these cases circulate at the circuit and the county level. This represents a veritable goldmine of information about the litigation process. There is just one small problem. Very few states have integrated court systems, which means this information rarely emerges from one place. Each county authors its own procedures for collecting, cataloging, and publishing court documents. A clerk working in a courthouse somewhere in the middle of Georgia posts schedules on their website in WordPerfect, a software format rarely installed on most computers. Across the country, in a county nestled near San Francisco, the Superior Court of California publishes tentative rulings in PDF files every day. These files are organized by judge—one file for each judge. The files seem to disappear just as quickly as they appear.

This is a treasure trove of information, but the formats are clunky and the interfaces are cumbersome. If an attorney wanted to sort through this information, they would have to construct their own databases, hand-coding each entry one-by-one. This would allow them to sort through different variables, whether it be the parties involved, the topics considered, or the motions filed. The process would be “super slow—to the point where you wouldn’t even do it,” says Huong Nguyen, an intellectual property attorney.

This is the world in which AI-powered legal analytics adds value. Legal tech platforms like Trellis, Ravel Law, and Premonition are revolutionizing the ways attorneys conduct legal research.

Trellis, for example, uses artificial intelligence to mine state court records, aggregating data in ways that allow users to search through—and collect information

about—virtually any variable of their choosing. Typically, attorneys use these resources to uncover judicial tendencies by studying tentative rulings. “[C]ertain judges are re-using the same language over and over again, or according themselves to patterns, like focusing on the third factor in a four-factor test,” explains Daniel Lewis, the co-founder and CEO of Ravel Law.

However, what is, perhaps, less well known is the fact that the same type of analysis can be performed on opposing counsel. Does your opposing counsel tend to lose motions because of the circumstances of a particular case? Or, does your opponent have a tendency to miss procedural deadlines? Does she or he tend to advance irrelevant arguments? What are the sources of case law towards which they tend to turn? For example, do they litigate trade secret cases as intellectual property matters or do they prefer to treat them as a contract disputes? By answering these questions, an attorney can learn to think like their opponent.

Curating historical information about individual attorneys and law firms is a particularly daunting task. The difficulties are compounded by the fact that attorneys move from one law firm to another. Law firms add and delete named partners. As such, it can be hard to track legal entities across any given dataset. Luckily, Trellis has found ways to manage these challenges at the state trial court level, offering a service that allows attorneys to learn the ins-and-outs of the counsels involved in each case through a Google-like search algorithm. Attorneys can study how their opponents draft their motions and shape their case timelines. Similarly, Lex Machina’s Law Firms Comparator application enables a user to perform side-by-side comparisons of different law firms, displaying a range of case-specific data about win-rates, case timing, and damages history that can be crucial in determining whether or not to settle out-of-court.

Kirk C. Jenkins, chair of the Appellate Task Force at Sedwick, uses AI-powered legal analytics to study his opponents. “Scanning your opponent’s filings in cases in other jurisdictions can sometimes reveal useful admissions or contradictory positions,” he explains. “If your case is a putative class action, these searches can help determine at the earliest moment whether the named plaintiff has filed other actions, perhaps against other members of your client’s industry.”

Did these earlier actions end in trials, settlements, or dismissals? When combined, all of this information can be used to give an attorney an idea about how aggressively their opponent will litigate a case.

Jenkins uses these same tools to study his opposing counsel and the sitting judge on his matters. Have they frequently appeared in front of a particular judge? How experienced are they in different areas of the law? Do they tend to win more often than comparable law firms? All of these questions can be answered with legal analytics.

Even in family matters, where attorneys are less concerned about win rates than they are about case durations, such analysis can help an attorney set timelines and client expectations for pending litigation. For instance, Toby Unwin, the co-founder of Premonition, has helped clients identify how long divorce cases typically last in specific jurisdictions, curating lists of attorneys that consistently have high case durations. This is the kind of information that is critical in the development of case strategy.

With each day that passes, the data behind legal analytics continue to grow. This information is no longer buried inside courthouse archives, stuck behind county clerks and cumbersome filing procedures. Because of legal tech innovators, it is now accessible to anyone with a computer and an Internet connection. The types of strategic insights enclosed in these datasets feel infinite, limited only by the types of questions we might think to ask. The answers to your questions about opposing counsel are there. What do you want to know?

Nicole Clark is a business litigation and labor and employment attorney and the CEO and co-founder of Trellis Research.



AI vs The World (of Westlaw)

It's Westlaw's world. We're all just living in it.

By Tiffany M. Sillanpää

At least, that's how the subtext surrounding the recent developments in the ongoing copyright dispute between Westlaw and ROSS Intelligence reads. On December 11, ROSS formally announced that the burden of its litigation against Thomson Reuters and Westlaw had become too heavy to bear; ROSS will cease operations in the New Year, transfer its customers to like-minded legal research suppliers, and continue its legal battles against Westlaw using funds from its insurance policy. Westlaw has won—for now.

If you aren't familiar with ROSS Intelligence, they are a Toronto-grown, AI-driven legal research platform designed to compete with pricier legal research options like Westlaw and LexisNexis. Their strategy for keeping prices low? Unlike Westlaw, who depends on human lawyers to read, categorize, and summarize case law, ROSS has trained AI to distinguish between good and bad answers to legal questions presented in natural-language.

As part of its AI-training program, ROSS contracted with LegalEase Solutions — a legal research and writing supply company — to gather the cases required to build the dataset it used to train the algorithm. Westlaw filed its lawsuit against ROSS in June 2020 claiming that ROSS used this contractual relationship with LegalEase — which had an access contract with Westlaw to support its business of providing legal research memos to its customers —to essentially scrub Westlaw for content and obtain their proprietary headnotes and commentary which is copyright protected work owned by Westlaw.

ROSS has firmly denied these allegations. In fact, they say that the proprietary Westlaw headnotes and summaries would be detrimental to training the ROSS algorithm; what they wanted, and specifically requested from LegalEase, was case summaries scrubbed of all Westlaw proprietary information.

To prove this, ROSS founder and CEO, Andrew Arruda released an email exchange between it and LegalEase supporting this claim, wherein they called the Westlaw additions “extra noise” and request LegalEase not send them cases with such proprietary information included. Furthermore, he claims that when Westlaw subpoenaed all ROSS's communications, agreements, and work product related to the claim, their attorneys were unable to find any evidence that ROSS used or benefited from Westlaw's data.

Still, ROSS has had to close its doors due to the financial pressures of the looming lawsuit, so in a sense, Westlaw has already won. In its statement of claim Westlaw complains that ROSS was able to “rush out a competing product without having to spend the resources, creative energy, and time to create it itself” and that Westlaw is now in the “unfair position of having to compete with a product that they unknowingly helped create.” Elsewhere in its claim, Westlaw boasts about its “thousands of lawyers” who have authored “creative and original material” that makes legal research on Westlaw seamless and well-designed.

While ROSS's evidence seems strong, the truth of the matter will come out over the next few months of litigation. In the meantime, what's clear is that this is, at its core, a classic battle between AI and good-old-fashioned human intelligence. Using AI has allowed ROSS to build an aggressively competitive legal research product in just six years -- something that Westlaw has taken more than 20 years to perfect. *Was there unfair advantage? Or is this just the power of AI at work? Only time will tell.*

Tiffany M. Sillanpää is the North American Editor for The Legal Technologist and a legal licensing candidate in both New York, USA and Ontario, Canada. She is passionate about the potential for technology in legal practice to deliver greater efficiency for lawyers and better outcomes for clients.

Asia and Pacific

Interview with Sebastian Ko:

Legal ethics and data governance in legal tech - the next frontier

By Roslyn Lai

Sebastian currently leads FiscalNote's Asia-Pacific business. FiscalNote is a World Economic Forum Technology Pioneer for "Government Relations 2.0;" applying analytics to track and manage fast-developing regulations and public policies. Holding science and law degrees, including the Bachelor of Civil Law (Oxford), he is qualified as a solicitor in Hong Kong and an attorney in the U.S.

*He has been co-teaching a legal innovation & ethics course at the Faculty of Law, University of Hong Kong. Sebastian was founding chairman of the InnoTech Law Hub at the Law Society of Hong Kong. He was Asia regional director and senior legal counsel at Epiq, a leading legal solutions provider. Previously, he focused on data protection, fintech and technology commercialization in private practice. He is also a co-author of *The RegTech Book* and *The LegalTech Book* (Wiley).*

In this month's Asia and Pacific column, Sebastian speaks with Roslyn Lai, our Asia Pacific Editor, about how AI in legal tech has impacted legal practice and how practitioners have met challenges in this space.



Roslyn: How do you see AI and machine-learning focused legal tech impacting how lawyers operate? What do you think are the key concerns here?

When I first got into legal tech, the applications of AI and machine learning were quite novel in the law. Over time, I found it dovetails well with the domains of computer science and the law in terms of how legal concepts could be reflected in digital environments. The deeper question here for developers and vendors is: how do you do so precisely, reliably, and with user-friendly design?

You could adopt many IT tools without understanding how they technically function. Indeed, IT professionals could support lawyers with tech adoption in cases without understanding the underlying legal concepts. Depending on the circumstances, it could be highly risky to blindly adopt technology and highly costly to reject technological help. Legal practitioners should grasp enough technical knowledge to competently weigh the net gain in efficiency of using a tech tool against data security and other risks.

Nonetheless, AI and machine learning applications in the law necessitate cross-domain comprehension in areas like computational law. For example, in an electronic discovery (or eDiscovery), statistical analysis is needed to ensure that an AI assisted document review is conducted within an acceptable margin of error. Without understanding how the machine actually learns and analyses data and its limitations, lawyers would not get the most value out of the AI tools they have adopted.

Roslyn: Yes, it's definitely important to look at how AI adds value in legal work, and to be aware of the risks involved, particularly in amplifying errors, by machine processing and making value judgement out of datasets.

Just on that point, I think this is where it's important to differentiate between data processing and the making of value judgements. At the end of the day, the machine reduces the words, the sentence structures and the documents structures into algorithms and mathematical expressions. It doesn't actually comprehend the concepts the way that humans do. To ensure those outcomes make sense and comply with the law, you have to apply quality control techniques to the machine's processes and review its recommendations. Only with thorough discernment of its limitations and strengths, lawyers could then

optimise the use of technology to efficiently conduct cases and manage risks of human and machine errors, while achieving their legal and policy objectives.

Roslyn: Got it! So, moving on the next question, with tech moving so fast, there has certainly been a big push towards data ethics & governance for businesses. How does these frameworks translate over to the legal profession?

I think there are two ways to look at this question.

First, in terms of the technical framework; how AI and machine learning processes and outcomes could reflect ethical practices. You mentioned about introducing bias to the machine learning framework, so the idea of "garbage in, garbage out" applies here. That will be an immense challenge to address in the next decade or two. Machines are being trained on historical records. These records reflect human and social history – warts, prejudices, and all. Bias may be quite difficult to rectify in real life and its effect can be rather insidious. Bias may be even more difficult to rectify when it is embedded subtly in computer codes via machine learning. How would we reprogram the codes and retrain using quality, unbiased data? The question then returns to what bias even means. There are legal and ethical problems as well as computational ones.

Second, most businesses are now big data businesses, given, among other things, storage costs are so cheap. From that perspective, technology is accelerating organisational needs for robust data governance and foresight in their IT architecture. Tactically, you could look at data breaches and cybersecurity issues as a rallying call for businesses to think harder about governance from information security and legal perspectives, and in protecting personal information and other sensitive data.

Roslyn: How do you see law firms in the APAC region meeting these data-related and ethics-related concerns?

Lawyers – as gatekeepers of legal and ethical practices – should step up their game in understanding the legal and ethical implications of emerging technologies, like AI, blockchain and the Internet of Things (or IoT). On the law firm side, there are now a lot more lawyers specialising in emerging technologies. On the corporate in-house side, I am seeing more and more teams with mixed professional backgrounds. Lawyers, project managers, and data scientists collaborating in multi-disciplinary ways to address legal and legal operational needs.

The adoption of systems automating decision-making with real-world impact blurs the issues of digital governance, legal compliance, and ethics. For example, in advising on blockchain and other smart contract based frameworks, lawyers need to work very closely with software engineers. This may involve design input into the ledger in respect of information security and data privacy, and a governance review of the consensus mechanism. This may also involve ensuring the legal enforceability of the underlying and relevant contractual obligations. However, there is still a long way to go. Presently, the issues of digital governance, legal compliance, and ethics are addressed in a fairly piecemeal manner.

Roslyn: As a follow-up question, what are your thoughts on imposing a competence standard for lawyers when it comes to data ethics?

In order to discharge your duties as a lawyer properly, it is about how you work, why you work, and what you work with holistically. There have been cases, especially in the eDiscovery field, where courts have commented on lawyers failing to discharge their duties of competence in neglecting to adopt technologies that would otherwise help the parties conduct their cases in a cost-efficient manner. I believe that's a good reminder to the profession to be aware of technological competency issues in the legal ethics framework. And, there is a growing number of jurisdictions updating their legal professional codes of conduct to incorporate technological competence requirements.

It would depend on context and on the focus of the practitioner, but, undoubtedly, it should be part of one's duty to be aware of the issues that impact on their practices. You're not meant to know everything. The ethical frameworks don't require you to do that. The key is to appreciate when to use the tech (or not) and, when it is necessary to engage experts.

Roslyn: Absolutely. This area is one which is still evolving. The idea of technological competence is certainly a new one for most lawyers!

Roslyn Lai was talking to Sebastian Ko. If you have any comments or questions, please contact Roslyn at roslyn@legaltechnologist.co.uk.

Overview of Legal Tech in Japan

By Stefanie Santana, Production Development Lead at LegalForce Inc.

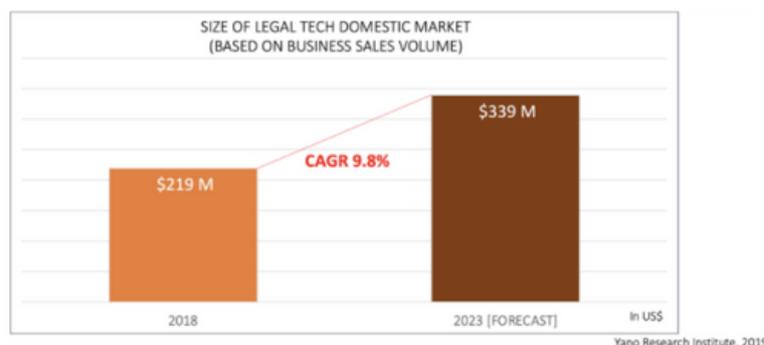
For almost two years, I have been at the forefront of legal tech development in Japan as Practice Development Lead at LegalForce, the pioneer of AI contract review in Japan. As the information on the development of legal tech in Japan is rarely found in English, this article aims to provide a brief overview on the matter, highlighting key points to give you a general understanding of what is happening in the domestic legal tech scene. I will discuss the early days, the market size, the players, the level of adoption, and some of the recent developments.

The Early Days

The first legal tech developments can be traced back to the 90s when the Japanese Patent Office began accepting online patent applications—a first in the world. Then, in the mid-2000s, legal marketplaces such as bengo4.com and e-discovery tools (known locally as “legal forensics”) such as AOS and FRONTEO kicked out a new era for legal tech. However, it was not until 2015 that Japan began a real legal tech awakening. That year, the number of legal tech providers increased significantly and the term legal tech started to be recognized among legal professionals.

Market Size Since 2015, the Japanese legal market has experienced steady growth. As shown in the graph below, in 2018, the market reached US\$ 219M and it is expected to grow at a compound annual rate of 9.8%,

reaching US\$ 339M in 2023. This is significant because legal tech is one of the few domestic industries expected to grow, as Japan faces threats of economic stagnation due to the rapid population decline.



Legal tech map

As of 2020, the products found in the market can be divided into the following categories:

- Contract, document management, and e-signatures —they can be grouped as contract tech
- Tools to simplify government application and procedures: these are particularly useful to overcome procedural burdens. An example is One Visa, a platform that simplifies visa applications
- Legal research tools
- Due diligence
- Dispute resolution and litigation



CloudSign, 2020

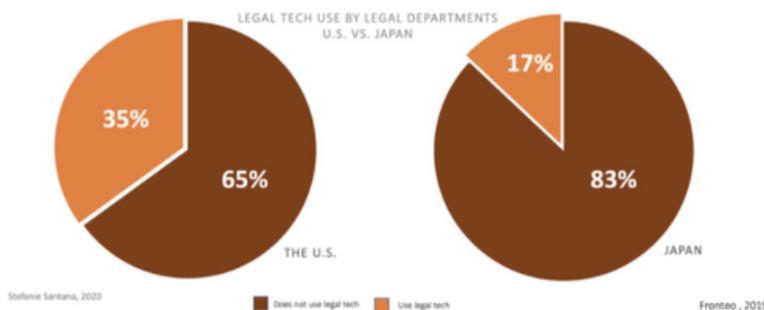
The growth of the domestic legal tech market is led by contract tech. The players in this category have attracted the highest investments and are experiencing the fastest growth. As an example, LegalForce was the first in the market to offer contract review powered by artificial intelligence. It was founded in April 2017 and released its first product in May 2019. Less than a year later, in February 2020, it raised US\$10M in series B and the headcount almost tripled.

In terms of end-users, more than 50% of legal tech solutions are designed for legal departments. This may be explained by the fact that tech offers effective solutions to this sector. Japanese legal departments are small in size, compared to its North American counterparts. As labor force is limited, the time savings achieved by legal tech has an almost immediate impact on their performance.

Legal tech for individuals is the least developed sector with just over a handful ventures.

Adoption

Despite being the 3rd largest economy in the world, the adoption of legal technology in Japan remains low compared to sizable economies like the US. In 2019, only 17% of legal departments of large Japanese companies had adopted legal tech solutions, while that number is 35% in the US. This may be partially explained by the fact that legal operations is a nascent concept in Japan compared to the US where it is becoming the norm among large legal departments. In the US, legal operation professionals are in charge of researching, testing and supporting the department's transition from manual tasks to automatization by tech. In contrast, in Japan, this task is usually assumed by the heads of the legal departments. Due to time constraints, they cannot devote the same attention to the digital transformation of their departments.



Latest Developments

The recent developments show that the adoption rate of legal tech is likely to increase, especially for law firms. In October 2019, Nagashima Ohno & Tsunematsu, a top Japanese law firm, entered into a partnership with a legal tech provider and invested US\$7M. Similarly, in November 2020, the largest Japanese firm, Nishimura & Asahi, invested in the London based legal tech platform “Reynen Court”, the first investment from an Asian firm. Another recent development is the entrance of foreign players into the Japanese market. In November 2020, Luminance, the UK based contract review solution, began offering Japanese and Korean versions of its product.

Conclusion

Although the first steps in legal tech in Japan started almost 30 years ago, the market lags behind other top economies. However, the market is expected to grow steadily thanks to increasing investment and the entrance of foreign players.

Stefanie Santana

Disrupting Legal Organisational Infrastructure: A Modular Structure Approach

By Osman Rehman Syed

Disruption in an industry acts as an impetus for change and a catalyst for reformation, and in the legal industry this stimulus is technology. Innovation breeds at the intersection of law and technology, giving birth to a legal tech landscape where the law of the land is accessibility, scalability, flexibility, and cost effectiveness. Legal product and service providers are, therefore, constrained to either keep up or give way to those more technologically inclined.

How, then, are legal product and service providers supposed to keep pace in these innovative, experimental, and disruptive times? Well, it is put forward that to remain competitive legal product and service providers will need to adopt a modular structure approach to organisation and function. However, before we delve into our discussion regarding the modular structure approach, it is important to clarify that the term 'legal organisations', as used in this article, is meant to be an all-inclusive phrase covering all varieties of legal product and service providers such as in-house legal departments, law firms, legal consultancies, and legal start-ups etc.

The Modular Structure Approach

The modular structure approach suggests that legal organisations define and divide their functions into six separate objectives: Why, Who, What, When, Where, and How. Each of these individual objectives serves as an independent module and corresponds to an important aspect of the contemporary technology-infused legal backdrop which directly correlates to a legal organisation's adaptability, accessibility, flexibility, scalability, and cost-effectiveness.

This particular approach is best exemplified by Google's Project Ara (now a discontinued project). This project proposed a modular smartphone that was customizable. This smartphone had a core module in which upgradeable parts (or modules) could be attached, such as those for processing power, camera, display, and battery. This allowed for a user to replace a particular unit to meet their specific need or to keep up with current times, instead of replacing their entire smartphone unit. And it is this very spirit that is being extrapolated for use by legal organisations.

The modular approach, hence, predicates that a legal organisation's functional composition should be based on the six separate objectives identified above. Each objective will be further explored below so as to provide a clearer understanding as to what they refer to, their place in a legal organisation, and the purpose they serve within the wider function-focussed organisational infrastructure.

The Core Objective – the “Why”

Beginning with the core, irreplaceable, and non-changeable objective – the Why. This refers to a legal organisation's mission and purpose – i.e. the reason it operates and came into existence. This is not often replaceable or changeable, and if it is to be altered it would require that the entire functionality and structure of a legal organisation, i.e. all the other objectives, be revised and remoulded to align with the new mission or core values that drive the organisation.

On the other hand, the subsequent objectives, i.e. Who, What, When, Where and How, can be independently and individually altered, reoriented, modified, and/or replaced as needed or required.

The Ancillary Objectives – the “Who, What, When, Where and How”

1. The “Who”

After the core objective, the “Why”, the next objective a legal organisation should consider is the Who. This refers to the clients of legal services and products.

The question of what consists of or who is a client has transformed in accordance with modern times and because of the advent of legal products and productized services now includes customers, end-users, and back-end users.

Just one example of this is that legal software, bespoke and otherwise, is now being provided to businesses to further use in their provision of legal services to clients and customers. Thus, legal organisations will have to adapt with regard to who they provided services and products to, otherwise they may end up severely limiting their target audience.

2. The “What”

Next, the What concerns the legal product or service the organisation is providing to meet its Why. Contemporary times demand that traditional legal services be productized and legal organisations will have to adapt to this new demand to remain not only competitive, but functional. A key aspect of this productization is the adaptation from an hourly-billing method to a subscription-based method, which allows for scalability in legal product or service delivery. One example is the development of a digital Contract Lifecycle Management (CLM) system that is then made available to customers, legal and otherwise, for use in their organisations to reduce their time, risks, and costs to contract.

3. The “When”

The When refers to the time it takes for legal services and products to be provided to clients. The increasing synthesis of law and technology has meant that the time it takes for legal products and services to be delivered and provided to clients has been minimized and reduced drastically. For example, contract drafting and review which used to be an arduous and time-consuming process has now been automated through integration with e-discovery, artificial intelligence tools to be expeditious and prompt.

4. The “Where”

The Where refers to the marketplace where legal products and services are provided. This used to be in traditional offices, but is now increasingly taking place in a globalized digital market. The most obvious example of this is the fact that clients and customers no longer need to visit traditional law firms for services such as for contract management, review, drafting, assessment, and analytics; these are now easily accessible through online legal product and service providers in an efficient, reliable, and effective method. Resultantly, legal organisations must offer products and services in accordance with the demands of the present, or risk losing clientele and revenue.

5. The “How”

The final objective, How, considers the mode and medium through which a legal organisation delivers and provides its products and services. While traditional offices still hold significance, a considerable level of products and services are now being provided digitally via the internet; these services include but are not limited to managed legal services, automated documentation, contract management, digital consultations, and conversational chat-bot software etc. Hence, legal organisations that fail to digitally provide their products and services may not be able to keep pace with their competitors.

Increasing Significance of Scalability in the Legal Profession

An underlying theme that has now become of paramount importance is that of technology in the legal scene. Integration with and implementation of technological tools has become increasingly important for a legal organisation to not only operate and function efficiently and effectively, but also to remain competitive and relevant. Traditionality can no longer serve as an excuse and neither can it be sustained.

A legal organisation, to be successful and to remain competitive, must constantly review and reassess all these individual objectives – the Why, Who, What, When, Where, and How. This is to ensure that they not only function coherently together, but are also keeping up with contemporary times.

Osman Rehman Syed

A Day in the life of..

Chloe Kennedy, Legal Technologist at Ashurst

Growing up within the PlayStation™ generation, technology very quickly became a staple in my life. Getting my hands on the latest tech and figuring out what it can do is something that I love doing, and have done since a young age. I enjoy solving puzzles and this motivated me to embark upon a legal career, as I wanted to help solve other people's puzzles. Like most, I aspired to become a solicitor. I attained both my LL.B Honours and Diploma in Professional Legal Practice at the University of Edinburgh, where instead of finding my passion for legal practice I found myself steering towards a career in legal technology - combining my interests and my education.

I am currently the Senior Legal Technologist within Ashurst Advance Digital, which sits within Ashurst's NewLaw division "Ashurst Advance". The legal technology field is dynamic and reactive to what is happening in the legal market and the role of those working in this field is exactly the same. Although I am dabbling in the same toolkit most days, every day is different and offers something new, whether that be a fresh test or deploying a new perspective to improve existing solutions. I work with a diverse toolset which enables me to offer a range of services to both internal and external clients such as: mature document



automation capabilities, A.I. assisted due diligence; automated workflow and decision making programs as well as setting up and maintaining document and project management portals.

At the heart of my role, and what motivates me, is the drive to make a difference. One of the crucial elements of my role is to support clients in responding to their own challenges and pre-empt those that they may face in future so that together we can craft a technological solution to overcome those obstacles before they become an issue. Much like a traditional lawyer, I interact with clients across various industries, together with our legal teams, to understand their businesses and work together to identify legal problems and business inefficiencies. Collaborations like this are what enable us to build remarkable and effective solutions - which, for me, is the most exciting part of my work!

Recently, we launched ESG Ready - a sophisticated digital product which delivers tailored guidance to ensure compliance with the new EU Sustainable Finance Disclosure Regulation. This solution was devised by the collective minds of our lawyers and our clients to assess the issue and us, Ashurst Advance Digital, who configured an intricate yet user-friendly solution to ensure client readiness for ESG. ESG Ready was a fun project to be a part of as it once again pushed the boundaries of what we are capable of: we created a complex workflow which encompasses the elaborate logic provided by our solicitors to produce bespoke obligations which update dynamically, keeping our clients notified of any status changes or ESG developments. Projects like this make me realise the true value of working in legal technology: by leveraging my technical and legal knowledge I am crafting innovative solutions to aid people and businesses in their everyday lives. The work that I do is valuable in boosting productivity and profit for our clients, and I have fun whilst doing it.

Legal technology has become a cornerstone for legal service delivery, embraced by those who are directly benefiting from its game-changing methods to drive cost-effective and time-efficient solutions. I am fortunate to have entered the sector in its infancy and develop alongside it but there are vast opportunities for others to get involved and experience the thrill of working with legal technology. If you would like to find out more about legal technology in a law firm or the impact that it has in the legal landscape then please contact [me](#).

Chloe Kennedy

Legal Technologist
Ashurst



Elani Buchan, Venture Lead at MDR Lab

I'm Elani Buchan, I am the Venture Lead at MDR Lab based in London. MDR LAB is the innovation and venture arm of Mishcon de Reya. MDR Lab is committed to supporting the legaltech ecosystem primarily through working with startups at their various stages of development: from ideation to scale. My role within our team of three is to work with startups, using my background as an operator, to help them navigate working with a law firm. This article reflects my working day.

My days start quite early. As a mum to a toddler, I cannot remember the last time I set an alarm. I use the mornings to catch up on industry news. I read a combination of broader venture capital newsletters,

specific legaltech newsletters, then a combination of Twitter and LinkedIn. You get such a wildly different experience of the industry on each platform, which is helpful in getting me to form an opinion. I leverage my knowledge of the startup ecosystem and understanding broader trends, to then see how they apply, or could apply, to legaltech.

My background is in running operations from seed to Series E companies, but never at a legaltech startup. I made the move because of my interest in the industry, the role MDR LAB wants to play in supporting founders and my own personal commitment to creating a more diverse ecosystem.

After the toddler is successfully deposited at nursery, the next part of the morning is focused on programme delivery. Currently that means working with the latest cohort of our Improve programme, Draftwise and Jur, ensuring they get the most out of the experience. What makes our accelerator unique is that we bring on companies that could become customers and get startups unparalleled access for three months. It is rapid, real-time user testing in a real-world context.

The challenges of working remotely means startups are not able to do the same level of networking that they would if we were sitting in an office together, so this means I spend more time helping facilitate these introductions. One bright note on being remote is we can work globally. Both startups are scattered across the globe and yet we have still been able to run a successful programme with them, an opportunity we may not have had if they were required to be in the UK.

Once finished with programme delivery, I spend the next chunk of the day on recruiting. We run our Improve programme on a rolling basis so I am constantly talking to startups interested in joining us. Since we offer such a bespoke accelerator experience, I spend a lot of time behind the scenes speaking with potential users within the firm to see if they are interested in the product.

The last chunk of my day is spent collaborating with the members of the LAB team. Either discussing some of the stealth projects we are working on, planning our marketing strategy or analysing the latest developments in tech, like GPT-3, and what that means for the legaltech ecosystem.

The best part about my job is working with the founders. We are seeing more VC funding going into

these companies, but still a wariness on the part of investors past the seed stage. I see MDR LAB as playing a vital role in advocating for legaltech startups and educating more generally about the potential for change in the industry.

In terms of where I see legaltech going in the next few years, I think we're going to see a lot more purposed-led founders. In my experience, I see a lot of founders who are focused on solving a particular pain point for a law firm, without going into the "why?" of it. It's my belief that the lack of purpose is an element of what is holding the industry back from raising the Series A+ rounds, regardless of being B2B or B2C.

Additionally, we cannot ignore the lasting effects of the pandemic. We are going to come out of the pandemic in a "K-shaped" recovery and it is clear that women and minorities have been disproportionately affected in terms of economic impact. I think that there are people now looking at tools and products that can stop eviction notices, challenge terminations and help people understand their rights as an employee or contractor. There is a real opportunity to make legal products and services accessible, in the way that financial services has evolved in the past decade.

Elani Buchan

Venture Lead

MDR Lab

Career Stories

Malin Männikkö

Legal Technologist at DLA Piper Sweden



“Wait, legal technologist is a real profession?”

The confusion was real one Wednesday evening when my partner realised that my work at DLA Piper, in fact, was not an imaginary thing I had made up for myself. I had to laugh and think, surely this is not a common misconception? Turns out, a number of my family and friends thought I had made up my own work title.

My name is Malin and I am a legal technologist at DLA Piper Sweden, law school student at Stockholm University and organiser of Stockholm Legal Hackers and Stockholm Startup Bootcamp. Being a legal technologist includes a whole palette of tasks and assignments. Generally, I help our firm in its journey towards a more efficient and digital tomorrow. That might sound fuzzy, and granted, made-up. The work consists of, for example, reviewing our current work processes, collecting pain points and running projects with my colleagues to improve the current situation. I work with lawyers, partners, assistants, trainees and the people from the business side as well as with my international colleagues. The best part of my job is to see an idea become reality delivering real value to many people.

The story of how I got here is mostly powered by the rapid development in legal tech and changes in attitude towards the whole field. When I moved to Stockholm from countryside Finland in 2017, I'd never been introduced to technology, software development or any startup scene. By chance I came across the topic of blockchain during my first semester of law school and through that I found my way into the tech scene in Stockholm. From the start I saw potential to combine tech and law and soon enough found that I wasn't alone by googling terms like law and technology. Through some searching I found Legal Hackers, with chapters worldwide discussing topics in the intersection between

law and technology and mending the gap between tech and law. The only problem was that there was no active chapter in Stockholm. So, I took a leap of faith and applied to become the organiser for the local chapter. To my surprise I got the honour to become a local organiser and since 2018 I've been organising events ranging from coding for lawyers to speaker events and panels, for the past year together with the amazing Linnéa Simon.

Our events made me see a gap that only hands-on events could fill, and in January 2020 David Flodin and I ran the first Stockholm Startup Bootcamp: our take on lean startup methods and design thinking for law, business and tech students to come together and learn by implementing these methods on real problems from familiar companies. The Bootcamp showed us that building things together is the best way to get the point of legal tech across.

Technology as a vessel for better, more creative and interesting legal work has always been very interesting to me. I started discussing digital tools for law firms with people that joined our events or who I met at conferences for law school students. Suddenly I found myself talking digitisation with partners at DLA Piper Sweden and soon enough behind a desk as a summer intern for their digitisation project. My interest in the field of work processes and digitalisation was, and is, ever-growing and so I pitched to stay at the firm part time as a Legal Technologist. And here we are today. Six months into my role and we have barely scraped the surface on the initiatives our firm comes up with on a weekly, if not daily basis.

For those who would like to take a deep dive into the field of legal tech or work in it I welcome you to your local community of enthusiasts, and the global community on Twitter. Legal tech is a huge field ranging from building software to applying agile processes at law firms - the scope of the field really depends on whose definition you listen to. Find what is interesting to you in this field: Access to justice, technology's impact on law, entrepreneurial aspects, education or something entirely different? Look up who else is interested and interesting in that and connect with them. If you are joining the field from the legal industry make sure you also connect with your fair share of developers, designers and policymakers to avoid an echo chamber in your newsfeed. Lastly make sure you follow your interests and have fun while you're at it.

Malin Männikkö

Legal Technologist
DLA Piper Sweden



Courtney Weidner

Senior Consultant at HBR Consulting



I am a Senior Consultant in the Legal Technology practice at HBR Consulting. My group helps Fortune 500 companies and Am Law 200 law firms assess technology solutions and optimize processes to improve legal operations. I focus on identifying key business issues, determining client needs, and taking the appropriate actions to meet expectations. However, my day-to-day responsibilities vary. One day I could be onsite with a client to assess the state of their department, the next day I could be writing scripts for a technology implementation, and thereafter I could be drafting technical specifications for HBR's development teams. In true consultant fashion, "it depends."

Consulting and its nature of ever-changing priorities is not for everyone, but every day feels like a new challenge that motivates me to continue learning. Whether I'm training to learn a new system, preparing for a client meeting, or drafting deliverables and project materials, no two days are ever the same. Given that I do not enjoy performing repetitive and mundane tasks, this career path has been a terrific fit. I attribute my success to a few key principles that are pillars in my life.

Take Initiative

During my upbringing, I dreamed of a life as an attorney. In college, I pursued a Political Science degree, a typical path for prospective law school students. However, in the spring semester of my senior year, I found myself with a relatively light workload and

focused on my future. In case I did not attend law school the following fall, I submitted my resume to the top ten law firms in the Philadelphia area. Attached to my resume was a cover note articulating my skillset and technical proficiencies, and my desire to be considered for any role that may be a good fit.

Have a Flexible Mindset

Six months later – after crunching numbers, considering the pros and cons of earning a JD, and having an honest conversation with myself, I deferred law school. While I did not hear back from the ten firms I applied to, I leveraged my small network and solidified a paid internship at a boutique law firm. I worked as an administrative assistant where I was responsible for opening matters and resolving post-closing issues (data entry and customer service). After some time, I shifted my focus and used this role as an opportunity to become a sponge for new information. Eager to learn the inner workings of a law firm, I gained exposure to marketing, operations, and technology projects in

addition to my daily responsibilities. These experiences allowed me to develop a unique perspective on the legal landscape.

Step Out of Your Comfort Zone

After about eighteen months, I received a call from one of the ten firms I applied to initially. The recruiter called to tell me that they were establishing a new department focusing on Legal Practice Technology and there was an opening for a Document Automation Specialist. The recruiter thought I would be a strong candidate for the role. I took the job and, as the new department took shape, I learned to wear many hats and became involved in new functions. For example, I played the role of business analyst, project manager, developer, quality assurance resource, and change management agent.

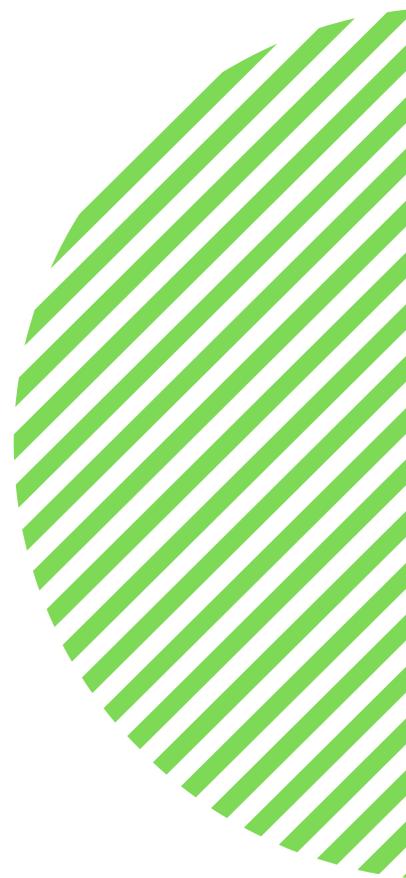
Find a Champion

My first year at the firm, I kept my head down and focused on my work. I went above and beyond by arriving to the office early, staying late, saying yes to any and all requests, and taking on responsibilities beyond the scope of my job description. Despite believing that my dedication had gone unnoticed by most, I continued down this path. As the team continued to grow and the strategy shifted, I met with professionals across the business to better understand our team's impact. During this process, I found my champion – a senior executive who noticed my qualities, embraced my potential, and advocated for my personal and professional success.

After almost three years at the firm and with my newly formed interest in all things Legal Ops, I realized that my knowledge base was limited. Familiar with only the issues of my firm, I yearned for more – new challenges, different perspectives, and fresh information. I interviewed with some outstanding companies but in the end, I realized: why work for one company when I can work with multiple? Leveraging these four pillars while developing and refining my skills along the way ultimately led me to where I was meant to be – consulting.

Courtney Weidner

Senior Consultant
HBR Consulting



Horace Wu

Founder and Managing Director of Syntheia



What do I do? What do I enjoy about it?

I am the Founder and Managing Director of a legal tech company called Syntheia (www.syntheia.io). Syntheia builds software for lawyers, such as an application that automatically turns legal documents into a structured clause bank, and a Word Add-in that recommends contract drafting based on the meaning of the text.

As a Founder and Managing Director of a legaltech company, my role is to see the big picture and recognise all the pieces of the puzzle. I am not necessarily the one to assemble the picture from the jigsaw pieces, but I have to coordinate the process and manage all the stakeholders.

I view my role as having two parts - the outward and the inward. The outward part of my job is about understanding our customers' needs and wants, and working closely with them to deliver products that are useful to them. The inward part of my job is to distil our observations into theories, invent solutions, and manage our team to make sure we create and build products that meet the expectations of our customers.

My favourite parts of what I do are two Eureka moments - the moment when I feel like we have arrived at a promising hypothesis for a problem, and the moment when end users are delighted by a solution we created.

How did I get here?

Before starting Syntheia, I was a private M&A lawyer. I had worked for over 10 years in different parts of the world. I loved what I did as a lawyer, which is perhaps an unusual thing to admit as a legal tech founder. I enjoyed figuring out what clients want, crafting words to express those ideas in contracts, and negotiating to reach a happy outcome.

It was Christmas 2016 when I decided to leave private practice to run a tech business. I had always helped my friends with their business ideas while practising law, and I had already been running a startup in my spare time. I was working for DLA Piper at the time, and the firm was kind enough to give me a year off to focus on the startup full time. That first startup used machine learning to recommend events and things to do to consumers. Unfortunately, the business didn't last because both Facebook and Google released products for the same problem five months after we launched. It

was bad timing, but I learnt a lot during that year.

Before I had to decide whether to go back to private practice, almost by accident, a friend of mine who is a data scientist working for a German AI company asked me to help him solve a natural language processing problem for reading US leases. A few days later, on the first day of 2018, I sent him a five page paper for how to solve the lease parsing problem, plus a proposal for solving a much more valuable problem for lawyers. A few months after that, I incorporated Syntheia in mid-2018, and the company came out of stealth in July 2020.

Advice to people following the same path?

There is no instruction manual for how to build a product, a team, and, by extension, a business. Rather than giving advice, I want to share three things I have learnt which may be useful.

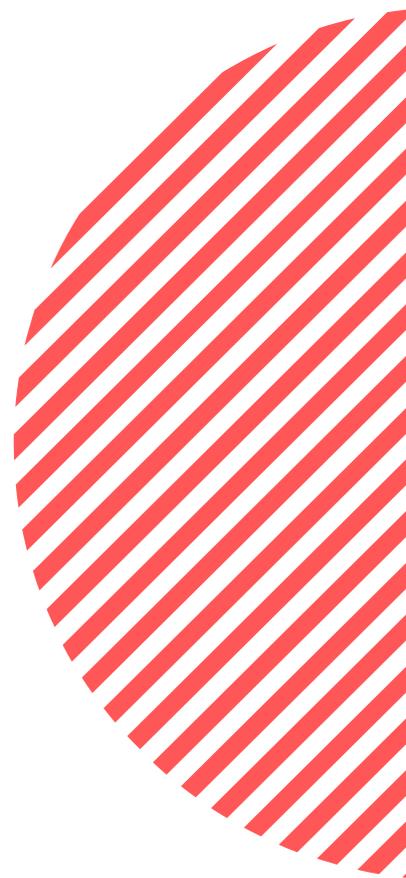
First, I think the fundamental cornerstone of a business is to understand the customer and know what customers want and need. We must engage with our customers and ask them questions in order to understand them. I think it is the founder's job to figure out the next thing customers will want, then sketch out what must be done, and how to take action.

Second, I think building relationships of trust is vital in the legal profession. Without trust, having open conversations with your customers would be nearly impossible. Personally, I think you have to be willing to give more than you take, offer to help others without expecting anything in return, and take sensible risks from time to time.

Third, I think we should not underestimate how slow and scary it is to start a business. For the first three years, every dollar, every minute, and every ounce of my energy were spent on the business. There are a lot of days when I felt uncertain. Fortunately, those moments do not last too long because I have a wonderfully supportive wife and family, a trusting team who works with me, and customers who share a common vision with us.

Horace Wu

Managing Director and Founder
Syntheia



Martin Kammandel Legal Tech Engineer at Kliemt.Arbeitsrecht



How I became a Legal Tech Engineer

Ask yourselves: how many legal tech engineers do you know? Not a large number, most likely. Though it is not a very common profession to choose, it is an upcoming and important one. Let me tell you why – and how to get there.

My journey within the law firm world started in 2016 when I had just graduated from university with my LL.M.. Having studied law and political science with an international focus, I never had the specific plan to work for a law firm but rather to work within any kind of international organisation. Nevertheless, after having received a job offer from a law firm I decided to give it a try and thought that it would be good to have some work experience in the private sector before working for public institutions. I can tell you that this has been a really good choice!

Therefore, I started as an *economic lawyer* (which is something between a paralegal and a normal lawyer in Germany) for two big American law firms in Germany in competition law and M&A. I realised that I really liked using the latest available technologies and explaining the effective use of new functions to other colleagues. That is how I quickly became *the colleague to ask* when there was any kind of technical question or issues with Microsoft Office or other programs. Bit by bit, I realized how important an efficient use of these technologies could be for the daily business of law firms and I started

to get more and more involved in legal tech activities. Luckily, I had the chance to dive deep into legal tech work by attending lots of legal tech conferences and developing strategies and tools.

During this period I really came to understand how important it was for law firms to react to the changes driven by digitisation, not only from a technological point of view but also in relation to the whole law firm structure (thinking about Legal Operations and new ways of providing legal services). I then decided that it was time to focus solely on what really drives me, namely legal tech, and get rid of the rest of the ordinary legal work. So, I started working officially as a legal tech engineer at Kliemt.Arbeitsrecht in Düsseldorf – which has been a really good choice.

What I do as legal tech engineer: from daily engineering to strategy development

Here at Kliemt, I often find myself being asked by my colleagues what I'm doing. Usually, I answer in the same way: I'm helping my colleagues to find alternative technical solutions to their daily work-related problems, like an in-house digital consultant specialising in the legal sector. From my experience in law I know the ways in which lawyers work well and what they struggle with. My knowledge of sales, politics/PR etc. enables me to create and promote solutions which are easy to use and have a positive impact on the work of my colleagues.

Together with a small group of lawyers and non-legal staff we are further developing Kliemt's legal tech strategy. This combines a lot of different, very interesting tasks: we identify new use cases, scan the legal tech market for new products and with our software at hand we build tools for internal and external use, through which we automate legal decisions and processes as well as legal documents. Creating new tools always requires an extensive process, starting with a good idea and forming a strategy of how to implement it, followed by hours of programming and several sessions with colleagues to present the project progress. In the end we have a proper new tool ready to use. What I really enjoy is that within this process you work together with many different people from IT, Marketing and the lawyers, of course, which makes every project a new and interesting challenge.

Besides the development of new solutions we also educate our colleagues in the use of the tools and new developments in legal tech topics e.g. by conducting legal tech workshops, publishing internal legal tech newsletters and conducting brainstorming sessions for new tool ideas. All in all, it is a diverse job which combines many interesting activities.

How to get into legal tech: some advice

To make it clear: there is not just one way to work in legal tech – which is also shown by my background. Many of the people with similar jobs have studied law and have a passion for technology, but there is a lot of potential for rather exotic career paths. So, if you consider working in this field you should be someone who is interested in technology with an understanding of law plus being open minded in the sense of willing to learn new approaches to solve problems. Knowing how to code is not a requirement, but it helps to understand the logic and the process of product development. Working in legal tech means working as an interface between lawyers and other business functions including marketing and IT. I generally suggest getting to know as many people as possible who are working with technology in different sectors in order to comprehend how experts in their specific sectors solve problems. Legal tech is a fascinating field to work in and I encourage anyone who is thinking about starting his/her career in it, as it offers you many different options. If you have any questions, please feel free to get in touch with me!

Martin Kammandel

Legal Tech Engineer
Kliemt.Arbeitsrecht



Access to Justice + Legal Tech



openTenancy: Opening the Doors on Tenancy Rights with Legal Tech

Large cuts to legal aid funding resulted in many people being unable to access legal advice when they need it most, leaving the law primarily to those that can afford it. This has meant that many people don't understand, never mind enforce, the rights that are available to them as tenants. Legal technology is capable of fixing that problem and improving access to justice, something that we noticed and which ultimately led to the creation of openTenancy.

The initial idea for openTenancy was an application that would condense the multitude of online resources into one simple interface, summarised in plain English, with the aim being to provide a more centralised and digestible source of tenancy guidance. The platform grew into something much larger than this when we met our now sponsor Catherine Bamford (CEO of consultancy BamLegal) who introduced us to Docassemble, an open source tool used to create automated questionnaires.

openTenancy is now an open source website for users to understand their tenancy rights and be signposted to the most appropriate resources depending on their issue. On the website users can access an automated questionnaire that cuts out the white noise and legal jargon, condensing the information into a short PDF at the end of the interview. The PDF also includes every question asked and the answers given by the users, allowing them to have a document they can bring to their local council or legal aid centre.

We decided to make openTenancy open source for a number of reasons. At its core, we wanted openTenancy to be made for the average individual who has no knowledge of the law, and doesn't necessarily want to be

forced to pursue that knowledge. Instead, they need somewhere they can turn to in order to figure out what to do when they can't pay their council tax or have a leak that their landlord won't repair. We felt that the best way to do that was to allow openTenancy to be shaped by our community, and that's why we're keeping openTenancy fully transparent, from every line of code to every decision tree that we implement.

Developing an open source platform isn't easy. openTenancy is and always will be free for our users, meaning that it is a passion project for both of our co-founders, Amy and Ana. This means we need to balance the time and money that we invest in the project. Currently our server costs are covered by our sponsor BamLegal, while the rest of the costs come out of our own pocket. This means that there are certain things we have to learn ourselves, such as UI design, and there are other luxuries that for-profit companies can afford that we cannot.

The benefits of having people contribute to the development of openTenancy outweigh the negatives. This means that openTenancy will grow in the direction that the contributors wish it to. It was important to us that openTenancy did not feel inaccessible, and instead felt more like a community. Leveraging open source principles and allowing contributors to get involved is our primary way of doing that.

There are two different ways that people can contribute to the development of openTenancy. For those with experience with Docassemble or coding, we welcome direct contributions to our code base. On the other hand, we also welcome flowcharts or decision trees breaking down common tenancy issues into questions

and answers, which we can then turn into the code that makes up the automated questionnaire. The first version of openTenancy has just launched, covering a range of topics under repairs. We now welcome contributions and flowcharts covering any tenancy topic, meaning that the growth of openTenancy will be truly dynamic and shaped by the community.

The version of openTenancy that we have now launched is just the beginning. The best part of developing a platform in this way is that the sky's the limit for what we can achieve, the future will undoubtedly be shaped by the needs of the users and those who contribute. openTenancy has the power to become the google of discovering your tenancy rights, providing a central hub from which everyone will be signposted to the appropriate resources.

openTenancy is now available at www.opentenantcy.co.uk, with our current questionnaire relating to repairs. If you're interested in contributing and shaping the future of access to justice in the UK you can find out more at www.opentenantcy.co.uk/about.

By Amy Conroy and Ana Shmyglya

Lawyer of the Future

No Crisis is Unique: 3 Key Ways to Respond to Abrupt Change

By Pieter van der Hoeven, co-founder and CEO, Clocktimizer

No one can doubt that 2020 has been tough. However, to say the challenges the legal profession has faced are unique would be an exaggeration. A crisis may arise out of any number of causes, but the effects remain consistent. For this very reason, the legal profession can develop a set of robust best practices which are applicable in any financial upheaval. By focusing on predictability, transparency, and careful listening, law firms can develop relationships with clients that can weather any storm.

Cause and effect are two very different beasts

Before diving into crisis best practices, it is worth examining the consistency of client reactions to global catastrophes. As Altman Weil has noted in 2008, post-economic downturn; and in 2012 during the European debt crisis; and finally in 2020 during the pandemic: economic uncertainty drives up the use of fixed fees and increases the proportion of work performed in-house.

For law firms, this is a lost opportunity. Embracing three simple best practices, and using technology to support them, reduces the need to constantly adjust to a new understanding of client value. No one can predict the arrival of a crisis, but by implementing best practices year-round your firm will already be delivering predictability, certainty, and value.

Best Practice 1: Be predictable

There is no worse feeling than having budgeted a price, only to discover a host of unexpected costs. Predictability in pricing is something of a holy grail in legal services. At Clocktimizer, we see firms that fail to make use of early warning systems, or use narratives instead of codes, inevitably find predictable pricing challenging.

Developing fixed fees on the basis of billing codes will

result in inaccurate scoping of a matter. Codes are used inconsistently between practice groups, and are often incorrectly applied. This means that your fixed fees are based on inaccurate data. The key is to scope matters based on narratives. Narrative-based billing technologies like Clocktimizer can automatically categorise activities found in past billing narratives. This gives a more accurate picture of the work performed, and in turn, leads to more accurate fixed fees. It can even improve your detail when pitching for new work, as Barnes & Thornburg's Levi Remley highlights:

"We had the opportunity to pitch for some wage and hour class action work, which is complex, expensive work. The client was looking for fixed fees and capped fees by phases, so we were able to identify tasks and classify them into phase categories and constructed a quote from that. Because of how detailed our quote was, we pitched an AFA and won the work."

It is also worth noting that early warning systems are a key tool in the predictable pricing armoury. However perfect your quote, unexpected or out-of-scope activities may still pop up during the course of your matter. A system which alerts you the moment this work is recorded allows you to open a conversation with your client before this becomes a problem. This prevents surprises at billing or worse, the dreaded write-off.

Best practice 2: Be transparent

Uncertainty in pricing is something firms should strive to avoid. It erodes the trust in the relationship and can eventually lead to a client choosing to work with a competitor. This is never more true than during a crisis. The most alarming thing is that many firms could regain this trust by offering transparency.

During my time as a practising lawyer, I recognised that when clients queried a bill, it was rarely because of the quality of the work. It was often because a price was unexpected, or because they were not able to reconcile the activities performed with the cost. Sharing a breakdown of the matter by activities performed during each phase offers sufficient transparency to satisfy a client. It shows not only that your firm manages matters in detail, but also that you are confident in sharing that with them.

This is also applicable where cost over-run becomes a problem. As previously noted, nobody is lucky enough to own a crystal ball. As such, you may find your matter exceeds budget for specific activities. However, proactively noting this out of scope work and taking it to the client, increases transparency and confidence. Your transparency offers them greater control over the financial implications, which is vital in times of crisis.

Best practice 3: Listen carefully

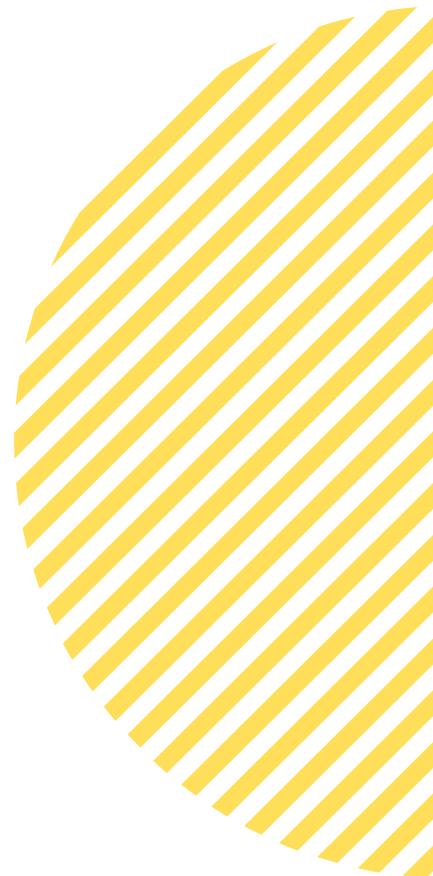
The final best practice for law firms in times of crisis is developing a way of responding to the changing priorities of clients during uncertainty. Some clients will need to focus on cost, which means your firm will have to be competitive in its pricing structures. Some clients will value speed, to stay dynamic and ahead of their competition; in these cases, you must be able to identify processes that will expedite service delivery in line with value. In all of these situations, firms must be able to identify what a client values in this moment and then be able to integrate that value into their service delivery.

Again, the key point for firms here is to listen carefully and then act swiftly based on the client's wishes. By managing expectations carefully from the start, your firm can determine whether Senior Partners working on specific phases in matters is something a client would value. Being able to quickly surface what that would mean for the costs of the matter and to be able to quickly make adjustments is then essential.

Never be surprised again

If no crisis is unique, then no response to a crisis needs to be unique. For law firms, in an increasingly competitive market, valuable resources are wasted by chopping and changing between fixed fee and hourly billing models depending on the economic climate. By implementing predictability, transparency, and client centricity into pricing structures permanently, firms can always be assured of client satisfaction.

Pieter van der Hoeven is the co-founder and CEO of Clocktimizer.



Skills of the Future Lawyer

David Bullock is the Director of Client Services at Tiger Eye. Through this role he builds partnerships with clients by providing, designing and supporting solutions to help customers reach their strategic business goals. Before working at Tiger Eye, David held a number of senior roles within Legal IT, including working as IT Director at Ward Hadaway, as well as working at firms such as Dickinson Dees, Herbert Smith Freehills and more.

Introduction

It has been said before, and no doubt will be said again, that the world of business has undergone a radical change. It has also been said that law firms – often traditionally structured, office-based, and stereotypically slow to adapt – were hit particularly hard by the changes brought on by the pandemic.

It is not an understatement to say that the move to working from home was tricky for many firms. Yet, whilst the need to designate fee earners with agile equipment, secure workspaces, and video conferencing was certainly no easy task, it is safe to say that many organisations have now overcome this challenge and are trying (as best as they can in the current climate) to look to the future.

But what role will lawyers play in the law firms of the future? And what exactly does the lawyer of the future look like?

Collaboration

Having worked in Legal IT for much of my career, I've seen and experienced law firm life through times of transition before. But the pandemic's impacts on today's economy, and the business world of tomorrow, appear to be longer-lasting than some had first anticipated.

With this, it seems, at least for the foreseeable future, that our teams will be partially dispersed. Even beyond the effects of Covid-19, the allure of 'work from anywhere' flexibility has caught the eye of many law firms I speak to as part of my role at Tiger Eye. So, not just an aptitude for teamwork, but a passion for collaboration is needed for the future lawyer to overcome both physical



and mental boundaries of co-working remotely. What's more, as the structure of law firms continues to evolve, lawyers will need to collaborate with a broader range of colleagues, as they welcome those in new roles like Legal Innovators, Customer Experience Managers, and more to their teams. With the ever-expanding firm, it will be vital that the future lawyer is able to build connections with colleagues, whoever and wherever they may be.

It will also be key for the future legal practitioner to collaborate effectively with those outside their business. As customers demand more and more from their services, lawyers will need to effectively listen, explain, and demystify the practice of law for their clients, in order to truly connect with them amidst an increasingly competitive market.

Market Awareness

A commitment to improving legal business processes will become a more definitive part of the lawyer's role, as the success of the law firm is seen as more of a shared responsibility than the role of the individual.

As firms adapt, lawyers will need to broaden their industry awareness, away from solely keeping up with case law and regulation changes. They will need to actively work to better understand the areas of business

they're in, recognizing opportunities – and threats – to their practice. By keeping up to date with industry magazines, joining online forums and continuing to attend conferences to learn from peers (and the competition), the lawyer of the future will have the commercial awareness needed to step up to the plate and play a more strategic role in their organisation.

However, as well as looking outside of the firm, future lawyers will also need to come armed with an understanding of strong client relationship management, and all that comes with this. Therefore, “Emotional Intelligence” may need to be added to the future lawyer's skillset, as it will power the empathy needed to understand client motivations – and respond to market needs.

In light of this, lawyers will need to become familiar with the efficiency technology solutions out there that can enable them to fit all this into their (already busy) schedules. We've already seen firms such as Clifford Chance announce 2021 Tech Curriculums, as they look to extend their lawyers' understanding of technology and its impact on client matters. By making the most of available tools to minimise time spent on low-margin actions, the lawyer of the future will find time to better understand their clients – and strengthen customer loyalty.

Yet, whilst much has been made of recent efforts to bring aspects of Artificial Intelligence into the legal services market, this is still at its early stages, as law firms – traditionally risk averse – have generally been hesitant to innovate and adopt new technologies. What's more, it is difficult to convince firms who are already highly profitable to change their ways, and with this, the A.I. revolution is much more distant than media buzz would have it. However, peer competition, market forces and a fear of missing out will drive A.I. adoption in the not-so-distant future – and soon, digital native lawyers will expect such innovative technologies as standard. But before this change of perception, priority and understanding can take place, law firms will have to give digital lawyers and A.I. enthusiasts a seat at the table, to cut through the mounting A.I. jargon and drive transformation from within.

Adaptability

Whilst the pandemic might have finally kick-started digital transformation, the impact of such changes is likely to snowball in the years to come. As the law firm of the future becomes more responsive to the economic environment surrounding it, the future lawyer will need to be ready to change with their firm.

With this comes the need for self-sufficiency and initiative. With this comes the need for resilience, and the ability to work under pressure. These are skills the lawyer of 2020 has already utilised to battle the challenges of pandemic working, and they are skills which will become increasingly essential to legal practitioners as they navigate the changes ahead.

In short, any future lawyer needs to be open to the ever-expanding nature of their role. As the skillset of the lawyer grows to include those of market analysts, design thinkers and legal technologists, a growth mindset and (dare I say it) an appetite for innovation will be essential, so that future opportunities do not pass them – and their firms - by.

Put simply: lawyers have always signed up for a life of learning, and this will always continue.

David Bullock is the Director of Client Services at Tiger Eye.

The Future Business Lawyer - A Humble Provider of Services

By Linn Hallberg

Working at a law firm is more fun and different than I could ever have imagined. Law school teaches us that the law is everything. But I have learnt that the opposite is true. Many times, the law is an enabler to achieve something. In some instances, the law is an obstacle or something that creates bumps in the otherwise straight road to developing the next cool thing. But “the law” never stands alone and is never separated from other fields or issues.

As a lawyer, you provide legal services. A service is, by definition, work that someone does, or time that someone spends working for an organisation with the skills that they have to offer. Simply put, you provide services for the benefit of something or someone and it is never about you. In my experience, from the moment you start law school, you are told how special you are and how special the law is. You are taught legalese and that whoever knows the most Latin phrases wins.

In reality, you are not special. In reality, you are merely a service function to a business, there to enable a purchase or to solve a problem to achieve the business's goals. Rarely is the business's goal is to have a perfectly written contract or the longest memorandum filled with legal expressions. Their goals are to conduct their operations in the best possible way and, in doing so, to keep risks to a minimum. As a lawyer, helping the business achieve those goals is the service that you are hired to provide.

To provide the best service possible, you first need to understand the client's goals and business. What do they do? How is the organisation structured? What is their business model? In my first year, my most googled words were not words related to law. In most instances, once I understood the task, I knew how to find the “correct” legal answer (if one existed). Law school is good at teaching you that. What I lacked was a knowledge of basic corporate language essential to understanding the client, the client's questions and legal implications to certain situations. I learnt that understanding business in general is vital to providing good services.

Once you understand business in general, you need to understand how the organisation can benefit from the legal skills that you are providing as a service. The key to doing that is communication — it is essential to understanding the issue at hand, and effectively presenting your answer to the problem you have been tasked to solve.

But, no one communicates better than lawyers, one might argue. Our training, for the most part, revolves around writing, reading, and speaking.. However, these things alone do not equal good communication. Communication is about having good interpersonal skills. The ability to listen, ask questions and connect with other people.

Not long ago, I attended a networking event where a primary theme of conversation revolved around lawyer-client communication issues. In many lawyers' experience, people did not want to discuss business issues with lawyers. Some even talked about “lawyer hate” that made it impossible to collaborate to solve problems within their organisation.

My conclusion is that this aversion to talking to lawyers, sometimes occurs because the stereotypical lawyer continues to believe that the law is everything; and persist in their belief that lawyers are very special creatures. They try to reinforce this idea by speaking and writing in a complicated manner. For everyone else – except us lawyers of course – that is not what reality looks like.

I posit, then, that lawyers should, instead, humbly acknowledge that the law is not what matters to everyone else and recognise that the business itself is central. We must be curious about other people's skills and knowledge because surely this is the route to better communication. Besides, curiosity and an ability to learn from others will only make you smarter and a better lawyer.

Being a lawyer is a special thing in one sense. We have a protected title and certain privileges according to law. But just as good writing is not equivalent to good communication, having a protected title and certain privileges does not make us special in any sense other than that lawyers themselves should have respect for those privileges and the benefits that come with the title. Therefore, to all the future lawyers like myself, take a class in business studies, embrace your curiosity and stay humble to ensure the organisation you serve will benefit from your legal skills.

Linn Hallberg



How to become a future proof Circular Lawyer

By Dr. Nadine Lilienthal and Laura Moerschburger

The Circular lawyer is a lawyer who deals with an ever changing legal market by developing a unique skillset. Those abilities are called "future skills". With expanding technology, a growing complexity of information and regulation and last but not least Covid-19 we enter into an era of rapid change. This is a transformational time for all professions, including lawyers.

Circular Lawyers have to adjust to new legal roles quickly. Future skills make that possible especially with a view to evolving societal and technological conditions. This likely leads to them constantly reshaping their occupational role.

What future skills are needed in a legal market in transition?

1. Creativity - Solving unknown and exotic problems

How do you solve a legal problem when you have no precedents? The question could involve a technology which is new to the market. The Circular Lawyer comes up with original ideas on how to find a pathway within unknown territory. Being creative means to use already existing data and turn it into a source of inspiration such as:

- Analyse not applicable but comparable pieces of law
- Use other disciplines for information or
- Take a look across borders to find further hints.

Certainly, you have even more ideas on how to find valuable input. By the way, did you know that due to psychological studies the 3 best places to get creative ideas are in bed, under the shower or in the bathroom.

2. Empathy - Building positive and lasting connections with clients

In a law firm everybody knows that you "can't rule out the human factor". The personal relationship to the

client is key to lasting success in the business. The Circular Lawyer is aware that with the rise of legal tech the ability to connect to the client gains even more importance.

What helps lawyers to create deep connections to their clients? Essential is finding your own way by being authentic rather than listening to conceptual advice such as "call your clients every second week for chatting". Coming from a natural place, this may work well but for somebody else this approach does not work at all.

Circular lawyers sense the values and needs of their clients. They can adapt to their preferences easily and modify their pitches, offers and products in a way that delights their clients.

3. Multiperspective - Seeing different angles of an issue for sustainable solutions

As a lawyer drafting a legal opinion did you ever ask yourself: "Besides the obvious legal facts, how can I actually help my client to solve this problem?"

The ability to take into account various perspectives such as "What does my client REALLY need?" is a super power of the Circular Lawyer. As we live in times of growing complexity this skill gets more important by day. The more you consider different points of view, the better your multi-faceted solution is in the end.

An easy start to gain other perspectives is by asking people for their opinion and really listening to what they have to say on the matter. Often the biggest challenge is to drop the inner conviction that you already know the "right" answer and instead being open to adopt your position in case of convincing arguments.

4. Adaptability - Remaining capable of acting in new situations

Covid-19 showed us our capability to adapt to

circumstances in a way that seemed unthinkable just days before. Likewise regulatory complexity, larger projects and digitisation foster the need for adoption and change now and in the future.

The Circular Lawyer can continuously adapt to unexpected developments. As a rather traditional profession lawyers are comparatively resistant to change.

One key here is developing a mindset (and a culture within a law firm) which embeds a sense of urgency. This means that the need to adapt and improve becomes inherent. Thus, adaptations of processes and products are carried out continuously. Circular Lawyers do not need a breakdown of the system before they think about doing things differently. This enables them as well to adapt much faster to uncertain situations in case of a crisis.

5. Resilience - Handling unknown and uncomfortable situations

Resilience helps us to take reasonable decisions based on our values even under exceptional emotional circumstances.

When something stresses you in your legal job, are you aware of it? Awareness of any stress is the first step to foster resilience and handle uncomfortable situations with more ease. Once you recognize your stress symptoms you become less prone to impulsive actions which you might regret later on.

How to raise your awareness for stress:

- Take some seconds every day to observe how your body feels.
 - Are you relaxed or is your gut clenched?
 - Which situations cause you to feel tension?
 - In which context does your breath become flat?
- Make it a habit to look at the bigger picture of a situation. When you continue this habit in stressful times it enables you to better assess the consequences of any impulsive reaction.

6. Job crafting - Designing the working environment for better results

Are you doing your job in the same manner you did it 5 or 10 years ago? With Covid-19 we were forced to change our way of working rapidly. As a Circular Lawyer you proactively look out for changes that foster your personal well-being as well as your continued success in the legal business:

- Designing your office space, so that it better suits your needs
- Looking out for market trends and become an expert in new focus areas in time
- Transforming relationships which are crucial to your job satisfaction and success

The way forward

As you can see, becoming a Circular Lawyer who is future proof is not a one-off task but a continuous path of lifelong learning. By being a lawyer in those exciting times you have all the cards to explore new opportunities and design your legal career in a unique way.

Dr. Nadine Lilienthal and Laura Moerschburger
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