



Disruptive technology? It's what you do with IT

Interview: kCura's new CIO

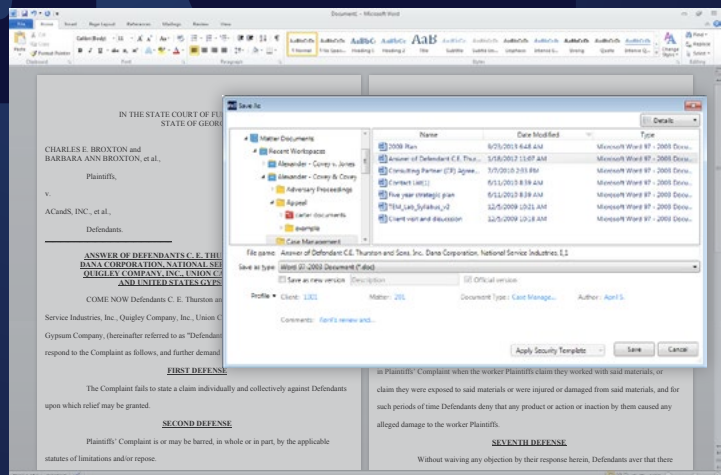
Legal IT's first interview via Google Glass

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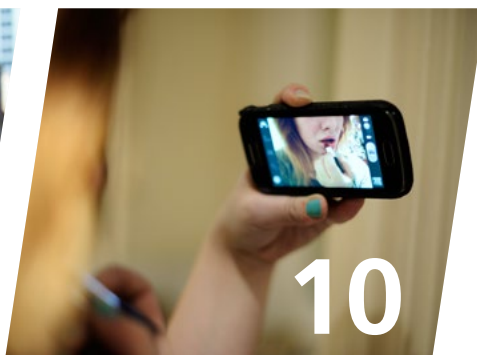
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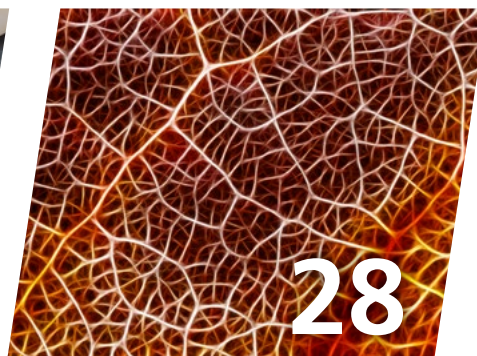
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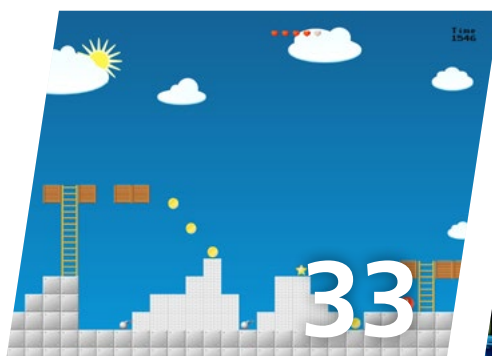
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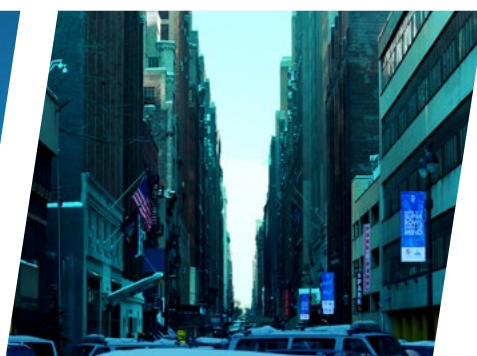
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Oscar Featherstone is a London-based video editor and photographer. This photograph was taken in New York during the Super Bowl week 2014.

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From the editor

Welcome to issue 5 of Legal IT Today! It is one year since we launched and we are going from strength to strength thanks to our contributors and advertisers, and especially our readers.

The first quarter of 2014 has seen considerable discussion in legal and legal IT publications and on social media on the theme of disruptive technology – including whether the legal industry actually needs more disruption. It seems to me, as an observer, that some elements of it have grown disruption weary, which may explain its constant and possibly futile efforts to predict its own future. Perhaps the thinking is that if developments can be anticipated they will be less disruptive.

Top UK consultant Peter Owen questions this view, using as an analogy the fact that women use their smartphones to check their make-up. Although this practice is widespread – and, admittedly, useful – smartphones are unlikely to have been designed with this in mind. We cannot predict what new uses people will find for technology, but showcasing technology within the organisation certainly helps to support and enhance user experience.

Mark Gould, head of knowledge at Addleshaw Goddard, who has contributed thoughtful insights to many of my articles, offers a different perspective: how focusing on leveraging data rather than systems and applications can foster the kind of agility to boost client involvement and transform legal practice.

Our vendor profile is Doug Caddell, CIO of popular e-discovery provider kCura. In his former role as CIO of Foley & Lardner, he was the first CIO to introduce BYOD (bring your own device) which has certainly disrupted legal IT. Doug brings an interesting perspective as a former kCura client and it was interesting to hear about his plans for the business.

This issue focuses on technology that is different and potentially disruptive in a good way. Social media is disrupting numerous sectors, not least legal IT. Although it has a serious downside in the form of cyberbullying and harassment, on the business front it can certainly be disruptive in a good way. I met Stuart Rae, social media evangelist at IBM, at ILTA INSIGHT in London. I was impressed by his presentation on social media in the enterprise and I am pleased to include his opinion piece on this topic.

I met Brian Inkster on twitter! Inksters is a pioneering law firm in the world of social media, and Brian's blog, The Time Blawg, is recognised for its forthright and interesting discussions on legal IT. Christmas in Scotland gave me the opportunity to catch up with Brian and get a tour of his stylish new offices in Glasgow. Inksters' work frequently takes its lawyers to remote parts of Scotland and Brian explains how a cloud-based IT infrastructure is supporting the firm's continued expansion.

Another potentially disruptive-in-a-good-way technology is gamification. Stephanie Kimbro, lawyer, academic and entrepreneur, explains how games related to online legal services help to educate and inform potential customers and engage with latent markets.

Wearable tech is 2014's hot topic and the South West Legal IT Forum held at Foot Anstey's offices in Bristol and chaired by IT director Duncan Eadie was the UK's first legal IT event to showcase Google Glass! Technologist and Glass Explorer Jet Basrawi of DigitasLBI enabled me to conduct the UK's first legal IT interview filmed on Glass. Jet brought along two devices – so we could film each other! A video cutting together footage from both devices will be on the Legal IT Professionals website, and we are planning a longer interview in the next few weeks. It remains to be seen when and to what extent wearable tech will disrupt legal IT, but it is already here in legal IT journalism!

[Legal IT Today](#) is privileged to showcase talented creative work. I met Musa Okwonga at Netlaw Media's White Tie Ball in London in support of Walking with the Wounded, where he performed several poems. I am delighted to include his IT-themed poem 'The Lords iPrayer' with an illustration by photographer and film maker Sam Mardon.

Our cover photography is the work of video editor and photographer Oscar Featherstone, who was in New York during the Super Bowl week, which was the same week as LegalTechNYC. The photographs of Inksters' offices in Glasgow were taken by award-winning Scottish photographer Rob McDougall.

I hope you enjoy [Legal IT Today](#). As ever, we aim to share ideas and opinions across the global legal IT community and stimulate discussion. Please don't hesitate to get in touch with feedback and suggestions for topics, features, and images. It is always good to hear from you.

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From BYOD to big data – kCura CIO Doug Caddell



Legal IT Today editor Joanna Goodman meets one of legal IT's best-known innovators, kCura's CIO Doug Caddell. As CIO of Foley & Lardner, he was a pioneer of BYOD (bring your own device), which he introduced long before it was a buzzword, giving each employee a technology reimbursement allowance. He even devised an online system for managing the programme which also gave users responsibility for maintenance and repairs. Now he brings his innovative approach to popular e-discovery vendor kCura.

Did Foley & Lardner use kCura?

Yes. Foley was an innovator with Relativity from the start. I have known kCura for ten-plus years and Relativity since it first appeared on the market. So when I considered moving to kCura it was not an unknown. I have been familiar with the company for a long time – its people, goals and objectives.

As a BYOD first mover, what prompted your own move from Big Law to the vendor side?

Yes, the BYOD move was and probably still is controversial, but there were multiple reasons for it. I was CIO at Foleys for 13 years, which is a long time, and when I left I had the opportunity to join other large firms, but one reason I stayed so long at Foley was that I had the opportunity to make IT really add value, rather than simply build infrastructure. We had built a great IT team and great IT processes and we had mapped out our goals and objectives. The team had got to a point where they were running everything themselves, and it was time for me to seek out a new challenge.

When I realised that it was time to leave Foley, I did some inward searching and thought about what I was good at and what I wanted to do next. I concluded that I am a builder. I like building great technology that zings and technology teams that make things happen. kCura is a fast

growing company. In 2009 it had about 40 people. Today we have over 360 people and in the next quarter we will have close to 400. A fast growing company requires a solid technology and business infrastructure so that it doesn't start sagging. Although kCura is in good shape, what works today at 400 people will also need to work in future when we have 700 people.

How do you feel about the role of big data analysis in transforming the litigation process and the development of big data technology potentially challenging the e-discovery sector?

Our biggest cases involve about 105 million documents, so we are certainly dealing in big data. Big data impacts everything we do and although we've been working with it in litigation for years, we now need to apply it to the rest of the industry. Big data has become a general business issue, and we need to apply the tools that were pioneered in e-discovery to corporate big data use. E-discovery is specifically about litigation data, but the big challenge for businesses is to get a handle on their data before it gets to litigation, recognise what data is important, and identify how to stratify and maintain different data collections. This feeds the e-discovery process, but it can also feed the corporate environment's day-to-day business needs.

Turning to litigation, and more specifically e-discovery, do you agree that the emphasis has turned to early case assessment?

We are seeing and hearing from our clients, especially in corporate areas, there is a high level of interest in data collection and early case assessment, which is increasingly being brought in house because of concerns about cost. Businesses need to be sure of getting value out of farming out certain tasks to external providers.

'We are bringing e-discovery out of the back office and into the business end of litigation'

– Doug Caddell

What are you focusing on at the moment? I saw your iPad app at ILTA.

My charter is to build great platforms that our developers can use to build great products and to provide our customer service teams with good support tools. We continue to transform the e-discovery market. The iPad app is our binders product which gets the case information directly into the hands of senior partners on the trial team. We are bringing e-discovery out of the back office and into the business end of litigation.

What from your experience at Foley are you bringing to kCura to enhance the business?

As CIO I come to kCura with a strong background and understanding of what companies and law firms need to be successful on a continuing basis. I am still a CIO in legal, it is just a different part of the industry.

Is there anything that you have changed or are looking to change in the light of your practical experience as a kCura client?

I'm looking at improving our capabilities to build and deliver good product, reducing our times to release and getting products to market faster. We are known for engaging with our client community, with whom we work extensively and we get a lot of feedback. ►



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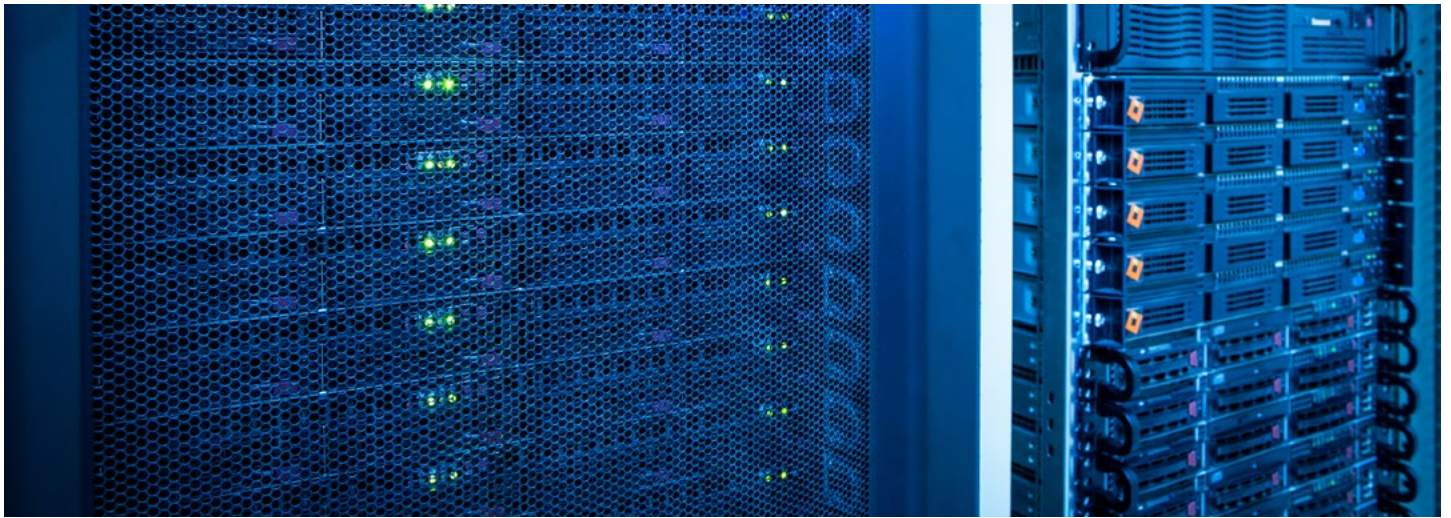


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A lot of our innovation comes from our customers and having the systems and processes in place to implement innovative thoughts and ideas. This is something I can help facilitate.

What's your biggest triumph so far?

It is still early on, but we are embedding IT people in our developer and customer service teams to really understand what they do so that we can improve our internal systems. This leads directly to improving our time to release and time to market.

What is your biggest challenge going forward?

To help kCura advance Relativity so that it provides full coverage of all elements across the Electronic Discovery Reference Model (EDRM).

Do you see vendors leading the way in e-discovery? Where do you think it is going?

The e-discovery vendor market continues to consolidate. kCura has evolved into a market leader. Relativity has always been extraordinarily different and has made significant differences to e-discovery and we'll be looking to do similar things in the future. Big data is more important in the context of litigation and e-discovery. It also raises risk and governance concerns.

Do you think that companies are concerned by spiralling litigation costs and are looking at big data analytics as an alternative to e-discovery tools? How do you feel about that?

I don't see e-discovery going away. Analysis is a critical part of e-discovery.

'Businesses are less tied to devices and corporate data centres. The question is will we all end up in one big cloud for both applications and device? The walls are quickly disappearing and ... we need to think about how we define and establish information governance and control and what we have.'

– Doug Caddell

It's about understanding early case assessment, data collection and inventory systems. General counsels are looking more closely at that as they are aware that the costs of litigation can build up very quickly.

As someone with an interesting perspective on legal IT having recently moved from an influential law firm to an innovative supplier, where do you think legal IT is going in 2014?

Information management and security is increasingly important, but from a larger perspective than firewalls and BYOD management. However, I feel that BYOD is a symptom of the bigger challenge: how will firms in the future cope with an information-intense environment. People are the key part of that environment. Businesses are less tied to devices and corporate data centres. The question is will we all end up in one big cloud for both applications and device? The walls are quickly disappearing and we will have to work out how to deal with that as

we fast forward the next five years. As businesses move away from devices and on-premise applications, we will need to think about how we define and establish information governance and control and what we have.

From a personal perspective, I have been in the legal industry for a long time. It is my home and I have a lot of friends and contacts all around the world, and it's great to have the opportunity to add value to it from a slightly different perspective.

Doug Caddell is CIO at kCura where he helps develop and implement technology to support all departments, from software engineering to sales and marketing. Prior to kCura, Doug served as chief information officer of Foley & Lardner LLP. According to his profile on kCura's website his previous experience includes roles as a letter carrier for the US Post Office and a weather forecaster in the Navy! ■

Showcasing IT can bring unexpected benefits!

BY PETER OWEN



Photography by Sam Mardon



Millions of dollars in the technical R&D, slick design and marketing and what is the smart phone used for? A make-up mirror! Yes, walk the carriages of any morning commuter train and you'll see image conscious travellers using a million-dollar makeup mirror! Do we really know what our IT systems are used for? Leading consultant Peter Owen explains why showcasing IT can bring unexpected benefits.

Unintentional use is not a new phenomenon. Back in the 80's I was producing management reports for oil and gas field financial inventory accounting systems. (Yep! A rather boring start to my IT career!) The request was for a full month inventory report and a summary. The full report was hundreds of pages and the summary just a few. Years later, when visiting the customer at their office I spotted a huge sideboard made up of green stipe paper (youngsters, ask your IT person elders what that is!). "What's that?" I asked. "No idea," replied the accountant, "Some useless full inventory report that we get every month and never use, and

we finally found a use for it – to make a rather nice unique sideboard!" I had spent weeks writing code to produce waste paper to build a sideboard!

It's not just in IT that this happens. For example, Nivea cream came from a development originally intended for the medical field which created an emulsion that revolutionised the make-up industry –make-up that is now routinely applied with the aid of a device originally intended to be a phone!

It got me thinking. What are the unintended uses of our IT systems and what are the unintentional

consequences of our IT solutions in a commercial environment?

I am sure Tim Berners-Lee did not envisage the world wide web being utilised to boost the porn industry, to move gambling on-line or indeed to open up organisations to espionage and attack. All these can be considered unintentional consequences of the introduction of a technology and there will always be clever people able to exploit technology in positive and negative ways. The question is how, in the relatively controllable environments of the companies and firms we work for and with, can

we exploit the phenomenon of unintended consequences?

First, we must assume as providers of IT systems that we do not always know how our business can benefit from a technology and that we don't always know best. That's not easy for some IT folks! It is the combination of inventing or bringing technology to users and encouraging users to think laterally about how it may benefit their business areas and processes. Firms routinely fail to present technology and showcase it to users unless the IT team has already clearly defined its purpose. Often, this failure to showcase falls down to risk and cost.

While there is nothing wrong with knowing where a technology can benefit a business area (and indeed that is what good IT directors and business analysts should be doing), there is also a place for showing different types of technology solutions to end users in a controlled and productive environment and asking them to think whether it could be applied to good effect to support their work. Some trendies might call this crowd sourcing, but for me it's just an NLP (neuro-linguistic programming) presupposition that the IT team does not always know the best use of technology.

There are only a few law firms that showcase technology to their business users, and more often than not this

is the domain of larger firms with bigger pockets, but finding a way of doing this may generate ideas that traditional business analysis and account management methods alone may not.

Showcasing IT vs. The Gadget Show

Many IT managers fear that the showcasing of IT solutions to business users will generate demand for gadgets or nice-to-haves and detract from the real business at hand.

To some degree, showcasing can certainly introduce time loss and cash risks in these areas if not managed properly. First, business participants must understand that any technology considered must deliver real return on investment and will be compared with other mainstream projects— it is not a fast-track lane to get things through! They must also understand that they are attending to benefit the firm and not to get their own personal techno-fix, so selecting the right participants is critical.

Showcasing IT also requires a governance process around how ideas are taken, nurtured and developed (but also governed and properly assessed) in order to ensure that only technology with proven returns gets through to the investment phase.

Finally, there must be a willingness to experiment, to take some managed risks and to treat showcasing IT as serious R&D.

'The question is how, in the relatively controllable environments of the companies and firms we work for and with, can we exploit the phenomenon of unintended consequences?'
— Peter Owen

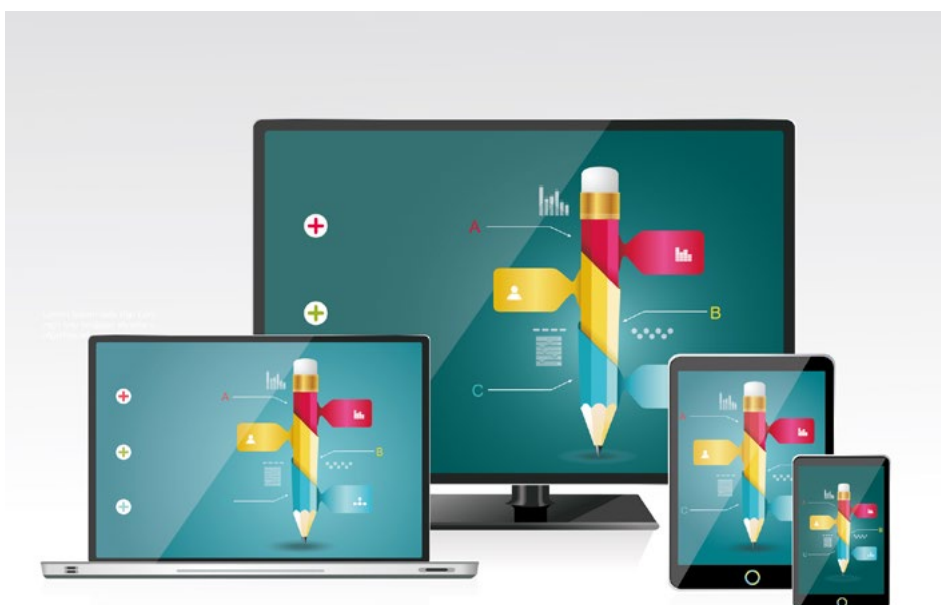
So does this mean it's all about new stuff?

No of course not! It's just one element of successful management of IT.

In Lights-On, our Wide Gamut IT Reviews (which are root-and-branch reviews of a firm's IT involving lots of end-user interviewing) consistently show that technology already in place is not being used to its full potential or indeed is being used inappropriately.

We often hear in the same office on the same day partners slate IT systems for not doing "X" and in the next interview another partner sings the praise of the same system for doing "X" very well. When we talk to IT, they are working on version 2 of "X" unaware that one third of their customers knows "X" exists, another third knows of it but can't use it and just one third are making use of it and deriving the intended benefit.

We also see people using work-arounds, either to overcome failings in technology or failings in end-user training. Examples are using email folders as file shares, use of insecure public file sharing sites or emailing files to personal email addresses to work on them at home. These are undesirable uses of technology from a corporate viewpoint, but they come from a genuine need for the end user to get work done often in a pressured environment with real client demands to satisfy; it is not devilment or people being awkward. ►





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The key element here is lack of intimacy between IT and its customer leading to a lack of understanding by IT of what the business unit really does (and therefore what they need) and a lack of understanding by the customer as to what is available. This is where an appropriate level of ITIL service catalogue can help lawyers know what is available and good account management by IT can allow them to explore how it can benefit them and ensure they are well trained. Sadly we see very little of this implemented well, particularly in those firms outside of the top tier.

Showcasing technology

A tendency in IT teams is to focus on general IT solutions like the OS, PCs, Office or SQL, when the real benefits are to be had developing line-of-business solutions to improve the bottom line. This can be assisted by showcasing technology that may really ignite the firm or a department as well as getting to know the customer better and really helping them get the most out of what they already have.

It is not easy to attain a consistently high level of IT performance, and this seems to be a particular challenge for small firms. Small firms' IT departments have greater opportunity to get to know their internal customers, but they lack resources and the seniority within IT to manage it well. Larger firms have the

'Showcasing technology and involving users in finding its best use requires control and governance to ensure that it bears valuable fruit. It is about having the strength to balance the new and the old – to introduce new technology but not at the expense of failing to get a return on existing investments.'

– Peter Owen

skilled, senior players but scale presents challenges in terms of IT management.

Despite the challenges, knowing your customer and being known by your customer is key. To do this you have to know your IT, but also you need to gain the respect of the business – as a business person or team, and not as techies. You will only get that by knowing your customer, what they do and how they really use the IT you provide.

IT Departments need to invest time in understanding how the technology they roll out is really used and to ensure that people know what is available and are trained to use it. Elements of ITIL and good account management and ensuring IT training is closely linked to the service desk can play a key role in success. Showcasing technology and involving users in finding its best use requires

control and governance to ensure that it bears valuable fruit. It is about having the strength to balance the new and the old – to introduce new technology but not at the expense of failing to get a return on existing investments.

Of course that is not all there is to IT. It's far more complicated, but these issues are common threads throughout most law firms we have encountered that are unhappy with the management of IT or the returns on their IT investments.

Peter Owen is the Managing Director of Lights-On Consulting Limited, an independent IT and management consultancy focused primarily on the legal sector. He is a founder member, Director and Secretary of Litig Limited, a not-for-profit legal think tank. His former roles include IT Director at Eversheds.
www.lights-on-consulting.com ■

Art of Glass – a UK first for legal IT



Legal IT Today editor Joanna Goodman attended the South West Legal IT Forum where she filmed the UK's first legal IT interview via Google Glass!



The South West Legal IT Forum is a community of CIOs and IT directors from firms in the south west of England. It is chaired by Duncan Eadie, IT director at Foot

Anstey, a firm with several offices across the region. Each meeting is hosted by a different firm and regular meetings take place at various regional locations. The discussion topics for each meeting are decided by an online voting system accessed via the group's website. These discussions are complemented by technology demonstrations and vendor and consultant presentations.

The recent meeting at Foot Anstey's Bristol offices was the UK's first ever legal IT event to include a demonstration of

Google Glass. Jet Basrawi, technologist at DigitasLBI and Glass Explorer brought along two devices. While he used one to make his presentation, the other was passed around the room for us to try on and examine.

Jet's presentation was practical and hands-on. He is a programmer and game designer – and a wearable tech evangelist. He is also part of an innovation group looking at wearable technology, so he spoke from his ongoing day-to-day experience as a Glass Explorer.

Jet didn't envisage Glass taking off in the consumer market in the short term at its current \$1,500 price tag. For SWLIT attendees, who were all legal IT professionals, and therefore not representative of the general consumer market, price is indeed the main barrier – when Duncan asked who would buy

it for £300, every hand in the room shot up. We looked at how it was made and had a run through of its main features.

Jet has found numerous uses for Glass, including communicating with his family – his wife is also a Glass Explorer. Most of its unique features are location-based – such as finding directions and instant translation. He demonstrated the translation feature, translating a Spanish sign into English by capturing an image and using Google translate. With an inbuilt 5-megapixel camera with 720p video capture, Glass is particularly good for sport and leisure pursuits, in the same way as using a GoPro or other wearable camera, but it is lighter and less intrusive. There are alternative wearable cameras designed specifically for sports photography, but the fact that Glass is fully synced with Google's cloud storage allows instant sharing of images and footage.

Glass Explorers in the US are already facing some hostility. The Glass webpage includes a code of conduct which includes asking Explorers not to be a 'Glasshole'! As the technology recedes into conventional-looking glasses, which is already happening, and potentially contact lenses, it will become less discernable. There are privacy concerns in terms of photography and videography permissions, although as Jet mentioned, these are the same privacy issues involved in using a smartphone to record images and video, and similarly nobody but the wearer can see whether the device is switched on, as was demonstrated by the dismissal of a recent US case involving someone wearing Glass while driving.

When asked about Glass in the enterprise, Jet was less specific although he did reference innovations in the healthcare sector and apparently it is already being trialled in some US hospitals where it is particularly useful for training, offering a surgeon's point of view while operating, for example. There are clear uses involving the ability to transmit information from the scene of an emergency to experts in other locations – the New York Police Department is apparently considering it for law enforcement officers. Virgin Atlantic is testing wearable technology, including Glass, to determine whether it can improve customer service. No doubt the instant translation feature would be useful.

We discussed how smartphone functionality has transformed media reporting, allowing people to generate media that becomes part of news

Glass in the enterprise could include location based search, translation for business travel and even face recognition at closed corporate functions and conferences, where it would facilitate networking by helping delegates identify each other.

broadcasting. In the enterprise Glass handles instant messaging, email and video communication. Glass does not have phone functionality, but you can link the headset with your phone or make video calls via Google Hangouts. However, this is smartphone functionality using a different device. There is a slight difficulty with conference calls as the Glass camera is facing forward and attached to your face, so face time would involve using a mirror!

The SWLITF discussion identified some useful features for Glass in the enterprise: location based search functionality, translation for business travel and even face recognition at closed corporate functions and conferences, where it would facilitate networking by helping delegates identify each other. However, none of these were specific to law firms and we would certainly welcome your suggestions!

The timing of SWLITF's demonstration – and this review – is fortuitous. On Thursday 20th March, Google Glass published on its Google+ page a post busting 'The Top 10 Google Glass Myths'. These range from Myth 1 – Glass is the ultimate distraction from the real world to Myth 10 – Glass

marks the end of privacy. In between, it explains that Glass is not always on or always recording (Myth 2), nor does it have facial recognition (and other dodgy things) (Myth 5), that it is not banned everywhere (Myth 9) and interestingly that it does not cover your eye (Myth 6).

I discovered the truth about Myth 6 when after the presentation I got to borrow one of Jet's devices to do a brief interview with us both filming on Glass. Filming video on Glass is very easy to learn, but you also have to keep relatively still and the footage is like that of a handheld camera. The positioning of the lens is above your eye, rather than in front of it. An extract of the video including footage from both devices will be published on Legal IT Professionals and South West Legal IT Forum websites as well as on YouTube. We are planning to make another, longer video in the next few weeks.

Legal IT Today would like to thank South West Legal IT Forum chair Duncan Eadie and his colleagues at Foot Anstey, and forum members and presenters – and Jet Basrawi for helping me make the UK's first legal IT interview filmed on Google Glass! ■



Can technology change legal practice?

BY MARK GOULD

To date, the main achievement of legal technology has been to allow lawyers to operate at a larger scale or greater speed. But is faster better? Mark Gould, Head of Knowledge Management at Addleshaw Goddard LLP suggests a data-centric approach to technology can shift the focus back to the client.



When documents had to be filed in steel cabinets, office space imposed a natural limit on what could be stored. Now we have virtual filing cabinets in our document management systems that appear to be almost limitless. When every word in a contract had to appear on paper (whether in quill pen or typescript), the author was constantly aware of the document's size. Now that everything is created on a screen, the scale of a contract isn't apparent until it is printed out (in the interests of the environment, of course, this may not happen until the last minute). And of course email allows lawyers and clients to exchange files so quickly that there is almost no time for reflection.

Lawyers naturally worry about all the things that might go wrong, so it feels good to be free to write a contract that can be big enough to cover all the possibilities and to be confident that documents will arrive intact at their destination in good time. Should we praise technology for making that possible? I am not sure that we should. Bigger and faster is not necessarily better.

Technology has provided lawyers with a lever to increase their power to do more of what they have always done. There are few examples of technologies that fundamentally change legal practice. A recent blog by Neota Logic identified six

key technologies, ranging from online research tools to expert systems, via communication tools and document automation. Impressive though those tools are, they don't fundamentally change the nature of lawyering. More significantly, they are or will become universal – therefore no firm will gain a lasting competitive advantage by adopting them.

Technology has shifted power away from clients

Clients still bring legal, personal and commercial problems to lawyers for them to diagnose and resolve. Within that sketchy process, technology appears to have shifted power away

from clients especially when the output of legal work depends on tools that lawyers control.

Document production and management is a perfect example of this. When contracts, wills, conveyances and deeds were drafted by hand, quill on vellum, clients needed lawyers because they had the requisite expertise. Over the centuries, legal mystique has dissolved. In its place, lawyers have taken advantage of technology to retain control of the documentary process.



‘Legal technology has allowed firms to create really tight integration between data, word-processing tools, document management systems, and communication tools. This tight integration excludes and infantilises clients, no matter how sophisticated they are.’

– Mark Gould

But lawyering is not primarily about document creation. (Or it shouldn’t be.) Legal documents only exist because they serve a purpose – to crystallise a relationship or to dissolve one, to confirm the sale or purchase of something, or to confirm rights and duties. Those relationships, transactions or rights belong to clients, not lawyers. Can technology help lawyers get back to thinking about those purposes first? I think so, and that clients might also see some benefit.

At the moment, the way lawyers use technology allows them to command the creation development, presentation

and storage of any documents that are needed by clients. Imagine a normal commercial transaction – say an advertising agency wants to appoint an IT business to run its desktop and network infrastructure. One firm creates a first draft IT services agreement, based on what it understands from its client about the nature of the intended commercial relationship. It will then be passed to the other side and then the firms start the tennis match of draft, redraft, meeting following meeting, commercial discussions alongside legal debates, until a final version emerges ready for the exhausted clients to sign. For the lawyers, the job is done. But the advertising agency and the IT business are just at the start of their relationship. Sometimes, sadly, the experience of starting a relationship this way, refereed by lawyers, is such an unhappy one that it cannot be sustained as long as originally intended. At the very least, the traditional approach is hard work for all concerned. It can also distract people with irrelevancies such as house style and formatting – none of which affect the underlying relationship.

Clients are usually shut out of this process. Law firms will dictate the format and style of the document. The different versions created on the way to a final engrossment will rest for years in the firm’s document management system, unavailable to clients. During the process, some clauses and schedules will be more important to one party or the other, but both firms will prefer to deal with the document as a whole. This should be a collaborative effort, with lawyers and clients taking

responsibility for different aspects of the agreement. However, legal technology has allowed firms to create really tight integration between data (in the form of precedents and successive drafts), word-processing tools (digital dictation and Word), document management systems, and communication tools. This tight integration excludes and infantilises clients, no matter how sophisticated they are.

This tight integration serves firms well. It allows them to manage their risk and regulatory compliance really effectively. It also permits efficient work allocation within the firm – to document production specialists, paralegals, proof-readers, for example. The client might see a financial benefit from this, but that is a short-term boon compared to the potentially rocky foundation for the relationship that the document is supposed to support.

Collaborative document creation

What could happen if we were to break this up? There are many ways in which this could happen. Clients could take control of the initial document. This is the model adopted by Shake (<http://shakelaw.com>), which gives access to basic legal documents via an app, which also provides the capability for the agreements to be signed and stored for later consultation. This couldn’t serve directly as the basis for an IT services contract, but it is a scalable model.

Alternatively, lawyers could deconstruct the documents into their constituent parts, and give them to the right people for review and agreement. Sophisticated clients might bring ▶

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‘With a little imagination on the part of lawyers and technologists, it is possible that the second machine age will allow clients to reassert their interest and involvement in the outcome of legal work.’ – Mark Gould

their own preferred clauses (as some financial institutions already do). The process of creating the document from those components would be genuinely collaborative (and might even take place in a shared location, such as a wiki, rather than locked away in email and document management systems). If each component were to be treated as a discrete piece of data, it could be secured as necessary – the parts being worked on by clients would be protected from lawyers, and vice versa. People would focus on the things that humans should do – relationship-building and sense-making. Technology would be used where it excels – spotting inconsistencies, analysing content, checking for errors.

Towards data centrality

A system built around data, rather than applications and databases, would relieve law firms from the worry of securing monolithic systems from intrusion. Locking systems down is becoming increasingly hard in the face of lawyer demands for more diverse technologies (including mobile and personal devices) and client need for better visibility of artefacts that are actually theirs. The model here might be social tools (which also use technology to enhance relationships) that offer access via APIs or RSS so that information can be seen and connections made without everyone having to use the same software and operating system.

Up until now, technology has allowed lawyers to work harder, better, faster, stronger. It hasn't really given them the opportunity to think different. With a little imagination on the part of lawyers and technologists, it is possible that the second machine age (so named by Erik Brynjolfsson and Andrew McAfee in their recent book of that title) will allow clients to reassert their interest and involvement in the outcome of legal work.

Mark Gould has been Head of Knowledge Management at Addleshaw Goddard LLP since 2006. He works closely with the firm's lawyers to identify ways of improving the delivery of legal services for clients, and liaises with his IT colleagues on internal and client-facing systems. He is also responsible for managing the firm's team of Professional Support Lawyers, who provide front-line knowledge support across the major practice areas.

Mark can be found on Twitter as @markgould13 and blogs less frequently than he should at <http://blog.tarn.org>

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Musa Okwonga is a poet, sportswriter, broadcaster, musician, PR consultant and commentator on current affairs. He studied law at Oxford University and then trained as a solicitor in the City before leaving the legal profession to pursue a career as a poet. He is the author of two books on football, *Will You Manage?* and *A Cultured Left Foot*, which was nominated for the 2008 William Hill Sports Book of the Year Award. You can find out more about his work at www.okwonga.com

Musa performed this poem, *The Lord's iPrayer*, at Netlaw Media's White Tie Winter Ball 2013, in aid of Walking with the Wounded.

The Lord's iPrayer

*We pray to our smartphones,
Bending necks towards our tech:
"Our Father,
Who art in Windows Seven,
Hallowed be Thy Name.
Forgive us our drunken text messages
As we forgive those exes
Who send drunken text messages against us.
Lead us not into offline conversation
But deliver us from hanging out with people.
Let us only chat through apps,
And speak not in tongues but tweets;
For thine is the kingdom,
The rapidly decreasing battery power,
And the glory:
Forever and ever,
iMen."*



ILLUSTRATION BY SAM MARDON

Clicks and bricks: legal IT the Inksters' way

BY BRIAN INKSTER

Photography by Rob McDougall

Brian Inkster explains how a cloud-based IT infrastructure supports Inksters' business model, which includes working in remote areas of Scotland, and the firm's continued expansion. Apart from its strong legal practice across Scotland, Inksters is well known for pioneering the use of social media by law firms, and for its popular Inksters Christmas Hats. The images, by well-known Scottish photographer Rob McDougall, depict Inksters' superb new offices in the heart of Glasgow.



When I set up Inksters in Glasgow in 1999, technology was an important part of the business plan. At day one I invested a

significant sum in a sophisticated CRM, cash accounting and time recording system from Denovo Business Intelligence. That set me in good stead as a sole practitioner with one member of staff to build the business using solid technology. Fifteen years later and several upgrades of the software we are now using the same suite of software with a CMS added to the mix and, by 2011, all in the cloud. Alongside and linked to this we

use Microsoft Office 365 which is, of course, also cloud based. Thus we have no servers within any of our offices. PCs have no software on them being used simply to access our systems in a RISE data centre via Windows Remote Desktop. We now have 13 users of the system and will be adding several more over the next few months.

Prior to the move to the RISE data centre we could still access our systems from outwith the office using a VPN. However, often that was sluggish and prone to disconnection. Not so when a dedicated data centre takes over. This fact has enabled us, since moving to the cloud, to open three satellite offices in Inverness, Wick and Portree. All those are in remote parts of Scotland but with good internet connections. Solicitors in those offices have instant access to our systems

no different from the solicitors sitting in Glasgow. Inksters deal with work throughout Scotland and in particular the Highlands and Islands. Solicitors from the firm are often in Shetland, where I was born and brought up and from where we derive a great deal of business. The cloud means we can work efficiently and effectively whilst there or indeed anywhere. Working from home or whilst abroad is a breeze. It does virtually mean that you have your office with you wherever you are providing you have an internet connection.

Legal process engineer

We have developed the CMS to systematise certain processes within the firm. However, there is no doubt that we could be doing much more to do so with all our processes in order to maximise the use of the software and

create efficiencies throughout Inksters. Many law firms have state-of-the art IT systems within their organisations but I am certain that the majority are not using them anywhere near to their full potential. One of the difficulties within any legal practice is for the solicitors to find the time and inclination to carry out this exercise whilst still getting through their day to day work. My answer to this is to employ a legal process engineer – one of the new breeds of lawyer Richard Susskind predicted in *Tomorrow's Lawyers*. Richard Susskind calls this role the 'legal knowledge engineer' but had in mind, I think, a role broader than developing processes within a CMS. Inksters' legal process engineer starts work with us shortly and this development will see us systematising all of our processes and in turn assisting efficiency, business growth and profitability.

Our computer systems can be accessed and work via any operating system on any device. I have always taken the view that as it is a Windows-based system you are as well to use Window- based devices for access to avoid any compatibility issues. I use a Windows phone and a Microsoft Surface when on the move. Indeed much of this article has been typed on my Surface whilst travelling on a train. It was, however, finished on a PC from home connected to our cloud-based systems. I see tablets as more use for consuming than producing. The Surface with its detachable keyboard is a good notebook substitute when on the move but no real replacement for a PC with large screen when sitting at a desk. Solicitors at Inksters have a mix of their own Android, Apple and Windows devices all of which can equally access our cloud. BYOD is actively encouraged and supported. Using devices to access the cloud is, after all, just a window via the internet into our Windows based system.

Digital dictation at Inksters is also cloud based. Many years ago (too long ago to remember when) Inksters were the first law firm in Scotland to adopt the Oyez Speech cloud based digital dictation system. Once upon a time I remember dictating work whilst in Shetland on a micro tape recorder and posting the tapes to Glasgow to be typed up in advance of my return to the office. Now, and indeed for some



Photography by Rob McDougall

'Clicks with bricks is the Inksters business model and one that gives our lawyers, even if they are working virtually, greater support than might otherwise have been the case. The technology we have employed is undoubtedly leading to growth.'
– Brian Inkster

time, work can be dictated anywhere and picked up by typists in Glasgow (they too though could be anywhere) instantaneously via the Internet. This means that back office typing support can be provided with ease to our satellite offices outwith Glasgow.

The move by Inksters to a new Glasgow HQ in November 2013 included the installation of a VOIP phone system via Exsel IT and Communications. This has turned our satellite offices into internal

extensions. Now all calls are routed via the Glasgow HQ and transferred from there seamlessly and as necessary to wherever the solicitor may be situated. I had looked into the possibility of using Microsoft Lync for this purpose. But the solutions available at the time were more suited for larger organisations and had a price tag to match. They also involved a server within your office, something I was keen to step away from with our move to the cloud. However, within a matter of months I was hearing of the appearance of cloud based affordable Lync solutions for the smaller organisation. So something Inksters may look at again in the future.

Clicks with bricks

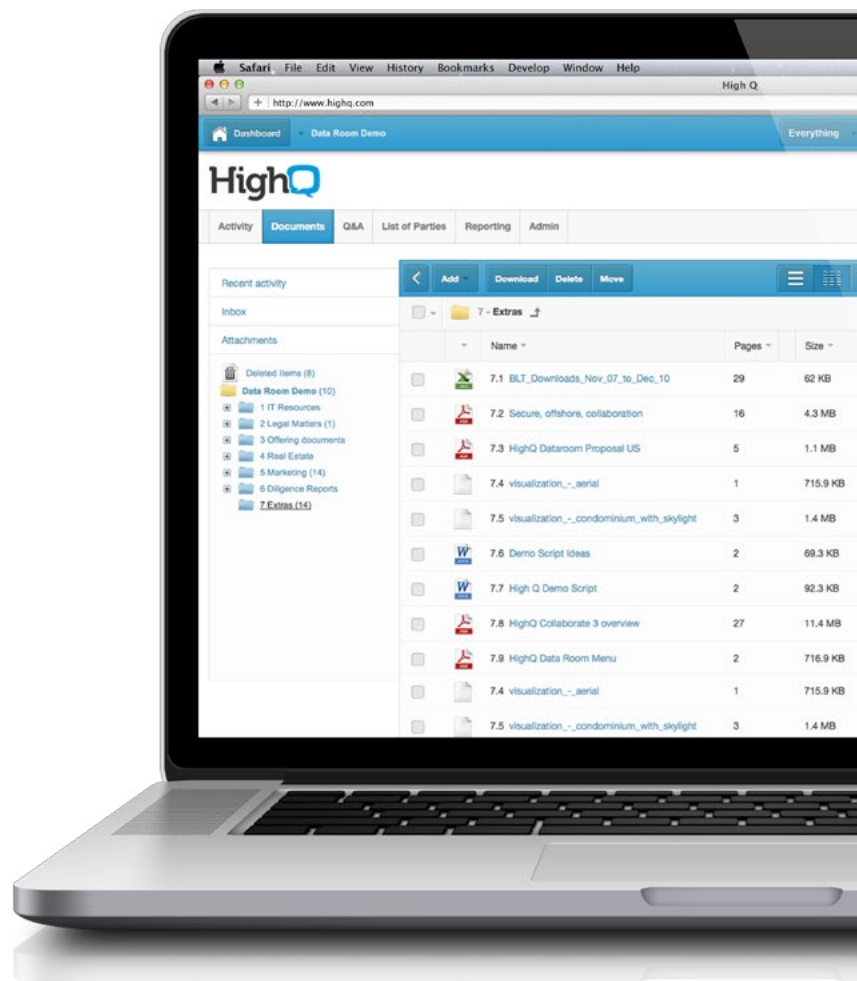
Thus with our computer systems, dictation and phones all operating over the Internet we are very much a cloud-based legal practice in the fullest of senses. However, we are not what you often hear referred to as a virtual law practice because we do have bricks and mortar added into the mix. The true virtual law firm cuts out the offices with lawyers working from home without the benefit of any physical back bone. Meetings with clients may take place at coffee shops or the like hence the so called 'Starbucks Lawyer'. I take the view that there is still a place for a legal office and indeed have invested heavily in a new Glasgow HQ that gives Inksters three times the floor space it had previously and room to expand its physical operations. Clicks with bricks is the Inksters business model and one that gives our lawyers, even if they are ►

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working virtually, greater support than might otherwise have been the case. The technology we have employed is undoubtedly leading to growth. I do not believe we would have the satellite offices we now do or the expanded HQ in Glasgow had it not been for the investment made in cloud-based technology. It is also enabling us to add experienced self-employed consultants with their own client bases to the Inksters stable. We can provide them with the IT and back office support they need to serve their clients and let them concentrate on the law involved.

Responsive and social

Websites, blogs and social media do not seem to get much mention in legal IT circles these days. Perhaps they are seen by some as the preserve of marketers. But there is clearly an IT element involved and I see them as an important part of Inksters' bricks and clicks philosophy. We have several websites and blogs and more Twitter accounts than staff.

The world wide web remains an important communication platform and a route often used by clients to find lawyers. Our latest websites were developed in 2008 by Innovation Digital replacing the one we had operated since the firm's inception in 1999. We have since then added niche legal blogs to the mix. They are all content rich and search engine friendly. The pre 2008 website was neither of those. The result is that we now do get new clients on a regular basis via our websites and blogs. However, the websites are starting to show their age from an IT point of view and could do with a revamp especially to make them responsive so that they display well on mobile devices. Consumption of information via mobile devices has of course increased dramatically over the past few years with there now being more mobile devices on the planet than toothbrushes. It is therefore fairly essential for law firms to be using responsive design. That is next on the Inksters' IT development list. We have, however, had for some time a specific

'BYOD is actively encouraged and supported. Using devices to access the cloud is, after all, just a window via the internet into our Windows-based system.'

– Brian Inkster

mobile website for Inksters' Estate Agency business (solicitors in Scotland are commonly Estate Agents as well). Inksters use location based technology linked to SMS codes on For Sale Boards to assist easy access to property information. We also use QR codes for the same purpose in advertisements.

Inksters have been using social media for over five years now with an emphasis on Twitter but with LinkedIn, Google Plus, YouTube and Pinterest all playing a part. Facebook we have so far managed to sidestep. Managing multiple social media accounts also requires IT support. Social media use by lawyers is another huge topic and one that may be best left for a fuller article by me in a future edition of Legal IT Today. (Editor's note: I will be taking Brian Inkster up on this offer!)

In the meantime I hope that this insight into the legal IT employed within a small law firm gives some food for thought as to what can be achieved by law firms of any size to extend their reach, increase efficiency and grow business.

Brian Inkster is the founder of Inksters. Brian concentrates on property related work and has a special interest in crofting law and the law of servitudes (easements). He has an active interest in technology, social media and Web 2.0 in relation to running a law firm. Brian tutors at the University of Glasgow and blogs on the Past, Present and Future Practice of Law at The Time Blawg www.thetimeblawg.com

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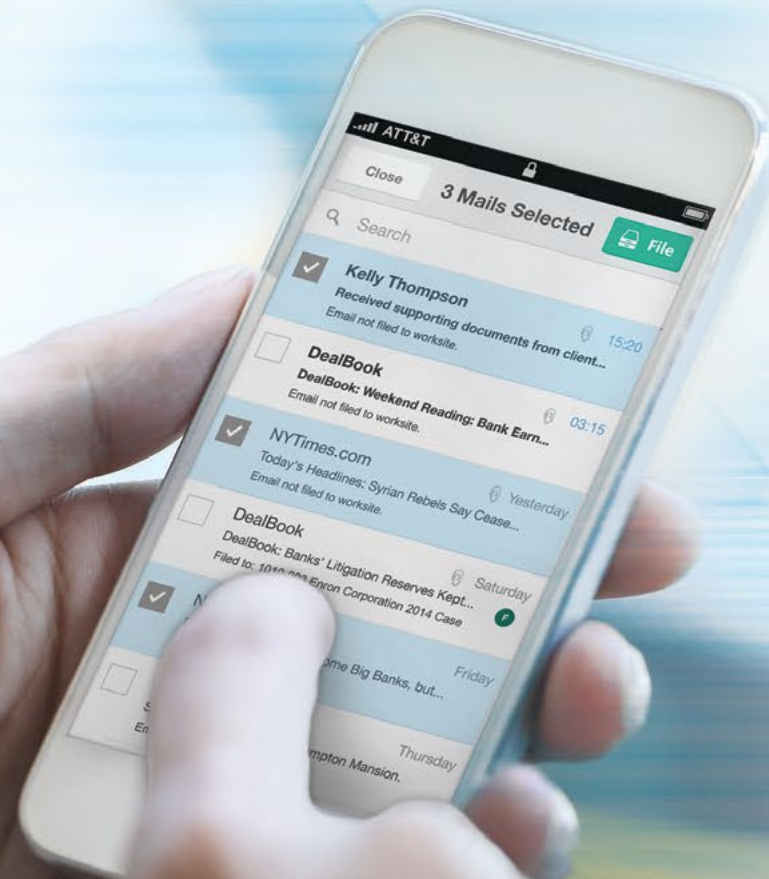
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Social collaboration challenges

BY STUART MCRAE



Social and other collaborative technology platforms are changing business models across almost all industry sectors. Stuart McRae, social business evangelist with IBM, highlights the challenges and opportunities that these transformational technologies are bringing to legal services.

My favourite quote on the topic of change is from Roy Amara of the Institute for the Future: 'We tend to overestimate the effect of a technology in the short run and underestimate the effect in the long run' It explains why change so often takes us by surprise: when the latest fad doesn't immediately have the consequences predicted, we naturally assume that nothing is going happen. The truth is that it is often a question of timing.

During the 20th century, information technology transformed business, first in the back office during the mainframe era, then the front office with the PC and the internet. The digital era disrupted whole industries, like newspapers, music distribution and book publishing and changed the way business is done, forever.

But it didn't then stop there. Spreadsheets, browsers and email may have improved personal productivity, but now the social web is changing the way teams, business units and organisations operate by better leveraging their people to create a smarter workforce. Social computing, mobile devices, analytics and cloud services are coming together inside and outside of organisations to change business models and the way people work and play.

These new technologies will transform the life of the knowledge worker. In the modern era, information is abundant and knowledge is at everyone's fingertips. Organisations don't just want staff to know things; they want them to do things faster, better and more effectively, to create value, to improve processes and to innovate.

But technological innovation won't just stop where we are today. IBM built Watson – a game-playing computer that beat the champions of champions in the US TV game show Jeopardy! – to demonstrate emerging capabilities in cognitive computing.

These capabilities can mine unstructured data in order to answer questions posed in natural language, with a quantified level of confidence. It is no accident that this technology followed the social media revolution as it uses the vast amount of Wikipedia pages, blog posts, status updates, news articles and other online media available to obtain its understanding of the world.

Threats and opportunities

So what are the threats, opportunities

and challenges of these new technologies for legal services?

The threats should be obvious. How much of a legal professional's time is spent analysing unstructured data (documents) to answer questions with a quantified level of confidence? Evidence from using cognitive computing to help doctors with patient diagnosis shows that it can help experts to make decisions by processing the vast amount of information they would not have time to read. But if questions can then be answered automatically, with a quantified level of confidence that allows a client to assess risk, there may be potential for disruptive approaches to providing legal advice to emerge.

Legal services firms have the opportunity to adopt new collaborative capabilities to differentiate themselves by using social collaboration to help their staff deliver faster, better and lower cost advice to their clients. Achieving this will mean changing culture and processes.

In this sort of social business, existing knowledge needs to be captured and shared so it can be reused across the organisation, reducing costs, speeding up work and improving outcomes. To do this, organisations need to move to an open, collaborative culture where all existing knowledge is discoverable (whether it is content in a document or expertise residing in someone's head).

As an example of the benefits of social business, consider a merger situation. Studies suggest that 70-90% of mergers fail to deliver all of the promised benefits and in legal services it has often proven difficult to realise expected synergies and efficiencies because groups, teams and individuals continue to operate independently.

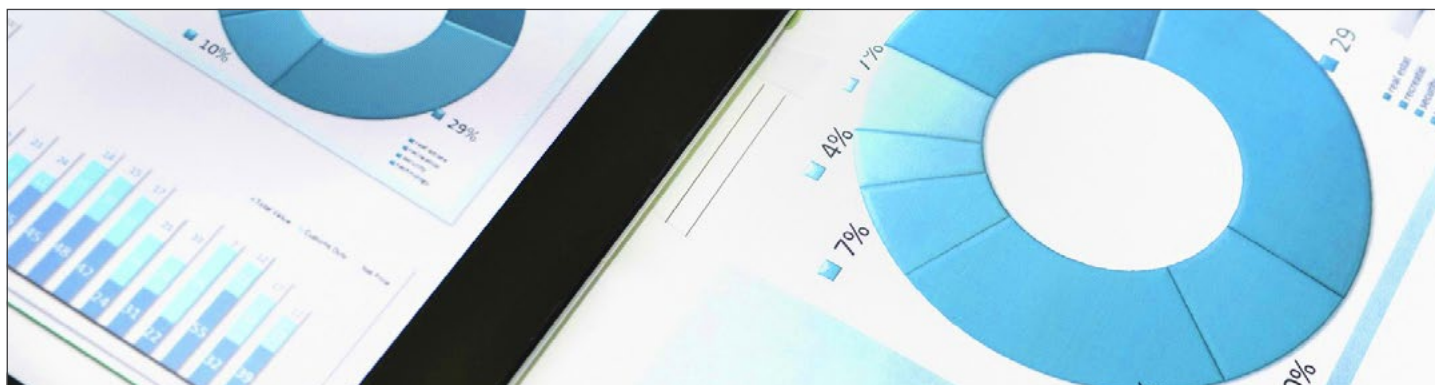
At IBM, we have learnt that the key to successfully integrating businesses is to facilitate the building of strong relationships between staff, to align goals, culture and best practices, promote collaboration and access to

'Social media lets us manage content in a much more flexible manner, avoiding the need to lock away entire documents because of one sentence within them'

– Stuart McRae

expertise, eliminate duplication and bring the strengths of both workforces to bear on a common purpose. The result is a more competitive, agile organisation that delivers better results.

Social collaboration enables the workforce to become more specialised with deep skills (protect itself from commoditisation and automation). ►



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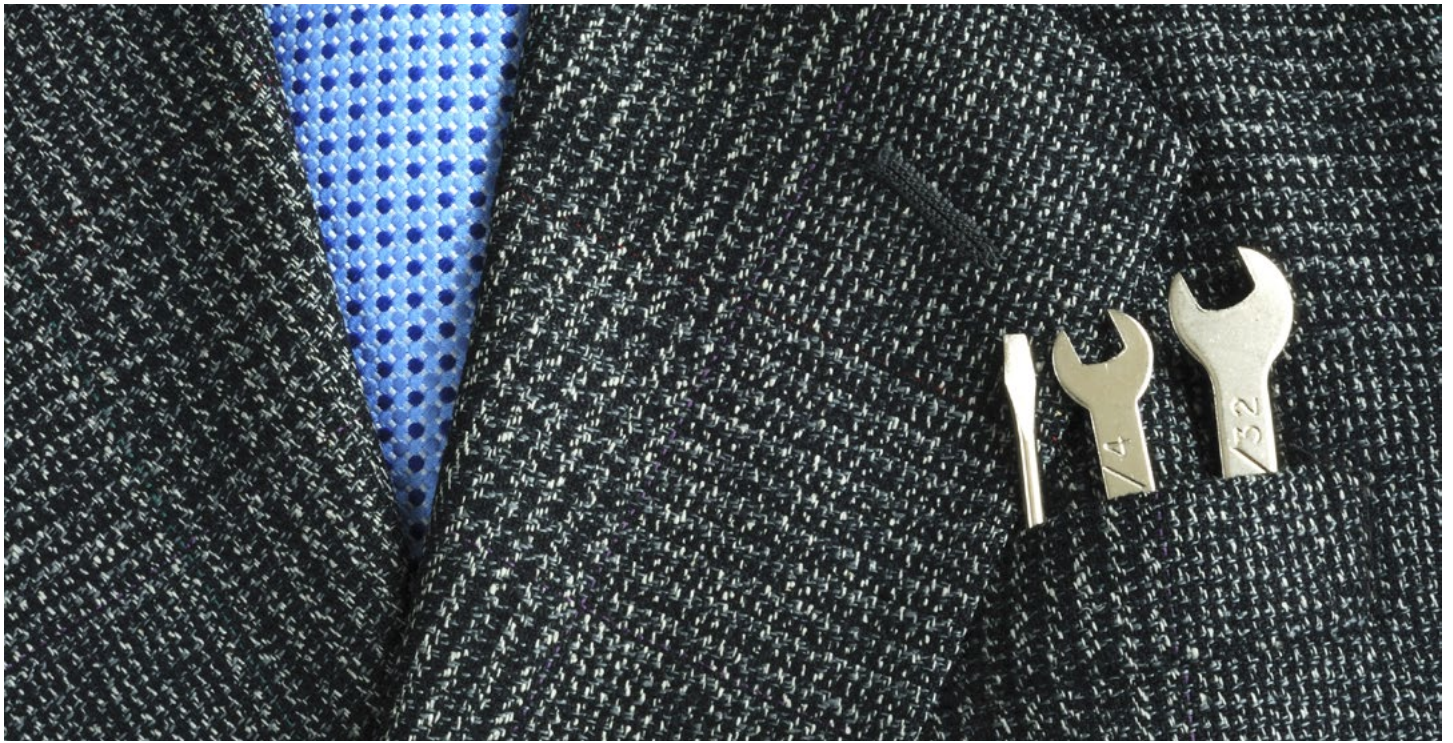
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It allows organisations to become more adaptive, encouraging their staff to innovate and making them better able to cope with the changes in their market.

Four challenges to change

Of course, adoption of new technologies by established businesses is often challenging and the areas firms need to consider in making this change include:

- **Culture:** creating a collaborative culture, where status comes not from what you know but what you do with the knowledge available to you, is a daunting change for many partners and employees. Creating trusted networks of colleagues that team to get things done, instead of striving to differentiate themselves, is a very different way of working. In a social business, sharing is more important than possessing: knowledge isn't power, the ability to effectively use available knowledge is.
- **Confidentiality:** while there is a clear need to keep client information confidential, a lot of the knowledge used in creating advice is not specific to the client. Of course you need access control, but social media lets us manage content in a much more flexible manner, avoiding the need to lock away entire documents because of

'The clue has been hidden in the open in many legal services firms for years: a 'partner' is not someone who works alone'
– *Stuart McRae*

one sentence within them.

- **Compliance:** whether imposed by regulation or self-imposed to manage risk, it is critical for all businesses to have a clear understanding of what its people can and can't do. These rules should be the same whether the information is shared via social media, email, a telephone call or face to face – but when this is done online the problem of monitoring compliance becomes much easier.
- **Capabilities:** social business requires new tools and capabilities beyond what many legal services firms use today. Retrofitting sharing capabilities to existing tools designed to create secure personal, team and project silos will not create the sort of

exceptional work experience needed to maximise create a smarter workforce. Organisations need to move from a document-centric view of collaboration to a people and knowledge centric view by deploying specialist social collaboration tools designed for the purpose and move content and processes to use them.

The clue has been hidden in the open in many legal services firms for years: a 'partner' is not someone who works alone, but is the hub of a set of relationships used to get work done. In the social era, organisations that create networks of expertise to support their clients will be able to deliver differentiated results, leveraging the unique capabilities of all their people to the full.

Stuart McRae is an Executive Social Business Evangelist with IBM where he helps organisations to understand how social business technologies let them more effectively achieve their business goals, improve their processes, build a smarter workforce and better serve their customers. He blogs at www.smcrae.com. For more information on social business from IBM visit www.ibm.com/social IBM's cognitive computing research is described at <http://www.research.ibm.com/cognitive-computing> ■

The engagement game

BY STEPHANIE KIMBRO



Stephanie Kimbro, lawyer, author and academic, examines the rationale for introducing gamification into online legal services to help potential customers engage with law firms – and compete effectively for low-cost business with commercial, non-lawyer online offerings.

There is an online conversation around legal services. This dialogue occurs primarily between the public seeking legal assistance and companies, often non-lawyer owned, such as LegalZoom or Rocket Lawyer, that provide legal forms and other services for a fee. Often the conversation is conducted over social media platforms or within the technology tools provided by online legal service providers, such as online expert systems, question and answer sites, or public online forums. Legal professionals for the most part are missing from this online conversation unless they have joined as part of a network of lawyers collaborating with online non-lawyer legal service companies.

This lack of engagement with the public online places our profession at a disadvantage because it distances us from the public we serve. It puts the public at risk of not having access to licensed practitioners because when they type their legal need into Google, companies rather than lawyers appear at the top with fixed fees and affordable

pricing. They turn to companies providing services without lawyer review of the legal matter. Unless the average consumer knows he or she has a known legal need, most do not actively have contact with lawyers or the law. How can the legal profession increase engagement with the public online and become a greater part of this conversation around legal services?

In other industries, games are being designed as teaching tools and sources of increased engagement. Games are an ideal conduit for sharing basic legal information with the public. Games can be designed to provide education in a fun way and be shared between friends and family who may also have similar legal needs. Paired up with a rewards system that encourages the player to seek out online self-help resources and legal services, games may be used to direct consumers to the appropriate legal service provider.

Games and gamification

What is a game for legal services? Gamification is when you take a

process, such as filling out an online client intake form, or all the steps needed to handle a case as a *pro se* litigant, and add game elements to that process to motivate people to complete it or handle it in a particular way. Gamification uses game mechanics to influence behaviour in the real world. This is different from a pure game. Games are designed to provide a different experience from something that has been gamified. Because games are designed to be self-motivated, they create a concept called 'flow'. This is 'the satisfying, exhilarating feeling of creative accomplishment and heightened functioning'¹. Flow occurs most when something is done for fun, rather than for money, status, or obligation. This is why games are often more engaging than the gamification of an existing process.

When a person wins an award or completes a level in a game, the chemical dopamine released in the brain also provides reinforcing positive feelings that are tied into the flow of the experience. This creates positive

engagement and places the player in an optimal mood to learn and be empowered by any information shared in the game's design. Accordingly, using games as a delivery tool for basic legal education for the public might be a better method of engaging with them than printing out handouts or building static websites with legal resources. It may also be useful for empowering the public with preventive legal knowledge. By this, I mean giving them information about their rights that might prevent legal problems from occurring in the future. Most people seek out assistance only after they suspect they have a legal problem, but what if we could provide increased legal awareness to the public at large through the use of educational games for legal services?

There is an entire genre in the gaming industry centred on 'games for social good'². Jane McGonigal, PhD, a world famous designer of alternate reality games, defines games for social good as 'designed to improve real lives and solve real problems'³. In her *New York Times* best-selling book, 'Reality is Broken', she provides ample evidence of how games may be used to educate, motivate, guide, and assist the player – all while being an enjoyable and challenging experience.

The digital games industry was predicted to be a \$68bn industry in 2012⁴. In the US alone, digital games generated \$25bn in 2010. There are over 174 million gamers in the US, and this country currently has the largest market for games⁵. The market for games is not limited to the stereotypical teenager playing on a console. Video and computer games are a significant part of our daily culture. Here are the statistics from the 2010 Entertainment Software Association's study:

- 69% of all heads of households play computer and video games
- 40% of all gamers are women (who is also one of the largest purchasers of legal services for a family)
- 1 out of 4 gamers is over the age of 50
- The average game player is 35 years old and has been playing for 12 years (these individuals are comfortable with technology)⁶

'Most people seek out assistance only after they suspect they have a legal problem, but what if we could provide increased legal awareness to the public at large through educational games for legal services?'
– Stephanie Kimbro

There is also a large market for basic legal services. Basic legal needs, which make up the largest portion of the marketplace, are not expensive. This is the latent legal market that some estimate to be close to a \$4bn legal market. Although 50% of middle-income households in the US have at least one legal problem per year, only 20% seek legal assistance from a lawyer.

The latent market

The US Legal Services Corporation issued reports over a period of three

years entitled, 'Documenting the Justice Gap in America'. The reports analysed the legal needs studies that had been conducted in the 2000s. Surprisingly, the cost of legal services was only one small factor in why individuals did not seek out legal services. More often respondents reported they did not seek legal services because 1) they did not believe anything could be done; 2) they did not believe their issue was a legal problem; and 3) they did not know where to go for legal assistance.

Games could be used to meet the needs of this latent market by providing legal education, guidance, self-help resources, and potentially matching with appropriate legal assistance. Games related to the law thus far have been rudimentary games focused on teaching civics to school-age children or legal procedure and rules to law students. These games do not contain many elements of fun or addictiveness, the graphics and game play are not engaging, and there is little or no sharing component or connection to social media⁷. These games may provide a general education on a broad topic like constitutional law or explain the judicial process, but they do not provide a way for the users to actually solve their legal needs or connect them with a legal service provider. Simply put, they fail to successfully engage with the public online.

Games to educate and engage

In an attempt to introduce games as a way to increase engagement and access to legal services, I am working on two games related to specific areas of the law. The first game covers estate planning law. Level one focuses on the selection of a guardian for a child. The walkthrough of level one is posted on the RocketHub campaign as I attempt to raise funding to develop the rest of the game⁸. In the game, the player is a detective presented with different case files about individuals who failed to prepare estate planning for their families before their death. The player uses a time machine to time travel to different dates showing scenes in the case. Each scene is interactive with animated elements and clues for the player to discover. The clues reveal what should have been written into an estate plan to prevent the negative consequences. ►





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– Stephanie Kimbro

Through game play, the player uses the time machine and the clues to uncover the mystery and create a more positive outcome for the family.

In the process, the player learns basic estate planning concepts and connects with real-world resources that may be used to create estate planning to protect his or her family. There will be sharing components through Facebook and Twitter to allow the player to share progress and engage with their friends and family about end of life planning. ‘Rewards’ for completing the game in later versions will include free or discounted legal services pertaining to estate planning. This game will be mobile, cross-platform and free to play.

The second game is being developed for Illinois Legal Aid Online and will cover the topic of eviction. This game will put the player in the role of a landlord of several properties with the focus of making as much money as possible as different tenant issues arise. The purpose of this game is to inform people of their legal rights as tenants by playing the ‘bad guy’ landlord in an amusing game. As the player goes through the game, they will be presented with access to Illinois Legal Aid Online’s resources for tenants which could include self-help legal forms, online

video tutorial, or other useful information that could be both preventive and provide immediate assistance.

There is enormous potential to disrupt the legal services market through the use of games for legal services. Because of the psychology behind gaming that supports positive engagement, games could be used to educate the public as well as provide a way for the legal profession to jump into the larger online conversation around legal services. Games could be used to push players with rewards from gameplay from a platform like Facebook to a licensed lawyer, law firm, or one of the many online branded networks providing legal services. Not only would games increase the public’s empowerment and education about the law, it would increase their access to justice by providing them with alternative ways to be connected with legal services. From the lawyer’s perspectives, games could deliver a prospective client that is already engaged, better educated, and prepared to purchase legal services online or extend the engagement to in-person legal representation.

Stephanie Kimbro, MA, JD, is Co-Director of the Center for Law Practice Technology, Founder of Curo Legal and member of Burton Law LLC, a virtual law firm. She is the recipient of the 2009 ABA Keane Award for Excellence in eLawyering and the author of ‘Virtual Law Practice: How to Deliver Legal Services Online’ (2010), ‘Limited Scope Legal Services: Unbundling and the Self-Help Client’ (2012), Consumer Law Revolution: The Lawyers’ Guide to the Online Legal Marketplace’ (2013), and ‘Online Legal Services for the Client-Centric Law Firm’ (2013). She is a member of the American Bar Association’s Standing Committee on the Delivery of Legal Services and Fellow at Stanford Law School’s Center on the Legal Profession. Her company, Game On Law, develops games related to legal services. ■

¹ Mihaly Csikszentmihalyi, an American Psychology Professor who wrote ‘Flow: The Psychology of Optimal Experience’ which has been used to explain the rush that individuals obtain when playing games. ² See in general Games for Change at <http://www.gamesforchange.org/> ³ See McGonigal’s personal website at <http://janemcgonigal.com/meet-me/> ⁴ Reality is Broken: Why Games Make Us Better and How They Can Change the World, Jane McGonigal, Penguin Press: 2011 at 3. ⁵ Id. at 4. ⁶ See “Essential Facts about the Game Industry: 2010 Sales, Demographic and Usage Data.” Entertainment Software Association, June 16, 2010. ⁷ See for example, Do I Have a Right? Developed by Filament Games at <http://www.gamesforchange.org/play/do-i-have-a-right/> and ICED – I Can End Deportation at <http://www.gamesforchange.org/play/iced-i-can-end-deportation/> ⁸ RocketHub campaign for the Estate Quest game with walkthrough: <http://www.rockethub.com/projects/39501-game-for-legal-services-time-travel-an-estate-quest-learn-law-by-gaming>



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