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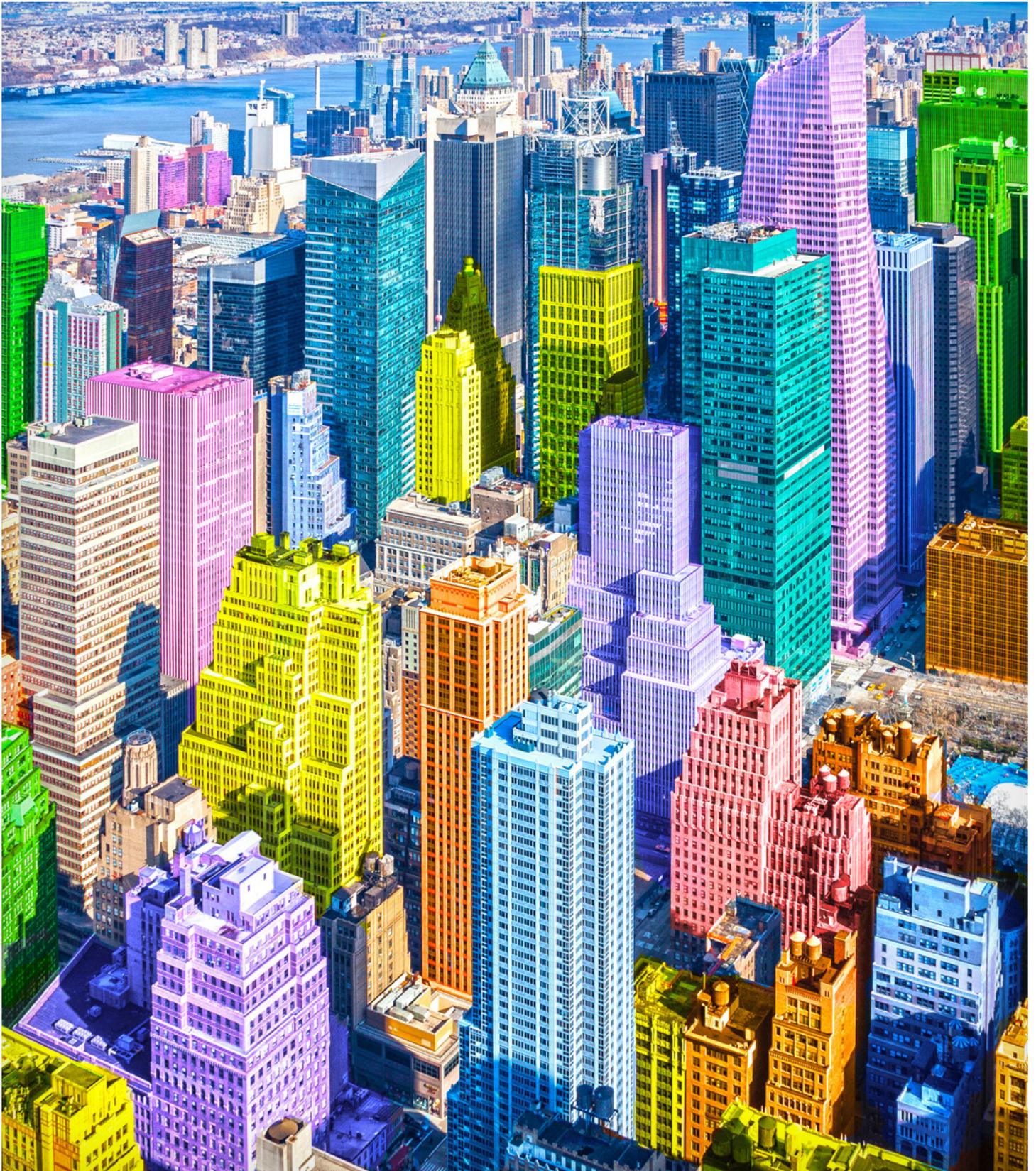
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## LEGAL I&T TODAY

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# EDITOR'S NOTE

## WELCOME TO ISSUE 30 OF LEGAL I&T TODAY!

Your editor, Jonathan Watson, is recovering from some health issues and so it is my pleasure to assist him and introduce the thirtieth issue of Legal I&T Today. If I had to pick one thread to highlight it would be organizational culture. Corporate culture often refers to the beliefs, behaviors and actions that determine how management and employees interact and how business is handled. Often it is unwritten and sometimes, not always easily defined. It is something that develops organically over time based on an amalgamation of the people hired. The culture of our organizations can aid us or present us constant challenges to advancing.

It seems only fitting in this month of June that we start and end this issue addressing culture and issues of diversity and inclusion. Christy Burke writes that now is the time for diversity, equity and inclusion (DEI). She writes, "The push for greater diversity, equity and inclusion is alive and kicking in legal tech. DEI initiatives have many benefits stretching far beyond the general consensus that it's 'the right thing to do.'" We conclude this issue by going to thought leaders around the world to discuss the exclusionary term "nonlawyer" and its impact on all of the allied professionals that work in a law firm.

Does your firm have a culture of anticipating, adjusting, evolving, iterating and improving? If so, then Chris Bull says you might have the makings of an agile law firm. While agile can be a descriptor applied to many nonlegal entities, Chris isn't giving up hope on legal writing, "In many firms there is a renewed sense of optimism about their capability for rapid and successful change in the wake of law's response to the 2020 pandemic" Learn more about the attributes of the agile law firm on page 10. Ari Kaplan contributes the results of latest E-Discovery Unfiltered report. What caught my attention was one participant's comment, "As you begin to understand spend better, whether on e-discovery or in other areas, teams can better predict and make changes based on that data; metrics are finally in a place to allow teams to create more advanced assessments." A future of greater data driven decision making is upon us.

Jimmy Vestbirk, our Legaltech legend for this issue, has a fascinating background of diverse experiences (Page 16). His advice is priceless, "I would also advise always to have an open mind to change. While technology works by facilitating these changes, it starts and ends with having the right attitude..."



Alex Smith writes about the knowledge workers' most powerful ally, artificial intelligence (AI) technologies. For those of you associating AI and Skynet, he assures us, "And we can put the doomsday prophecies to bed that automation is the end of lawyers. What we are seeing is a diversification of specialist roles in the sector." And toward that end of allies in automation, Jordan Furlong address the final bastion of lawyerdom: "How we go about educating, licensing, training, and monitoring the competence of lawyers." He feels there is not only a significant role for technology to play, but a critical one.

As Jonathan says, it is always good to hear from you. Your feedback makes each issue of Legal I&T Today better and for that we thank you. Wishing Jonathan a speedy recovery,

**Jeffrey Brandt** (he/him/his)  
Editor (for the issue)



# NOW IS THE TIME FOR DIVERSITY, EQUITY AND INCLUSION IN LEGAL TECH

BY CHRISTY BURKE

Legal tech companies may believe that their participation in diversity, equity and inclusion (DEI) doesn't matter, but it makes a difference. Even the smallest legal tech startup can advance positive actions to further the DEI transformation that is changing the industry to be stronger and more successful – right now.



In January 2021, [Paladin](#) co-founder and COO [Kristen Sunday](#) published an [article](#) recommending many reasons for legal tech to prioritize diversity. Sunday, one of five women named to [ILTA 2021 list of Influential Women in Legal Tech](#), outlined two data-driven studies she conducted analyzing the level of diversity in legal tech in 2018 and 2020. In 2018, only 13.8% of legal tech founders were women and just 26.5% were diverse including Black, Latinx, Asian, Indian or Middle Eastern. The 2020 survey data showed slight-yet-encouraging upticks in the percentage of diverse new founders. Sunday's article also heralded the debut of many exciting new legal tech companies led by women or minorities in the past 2 years. There is progress in legal tech diversity, albeit slow, but these incremental successes also highlight how far there is to go.

Diversity initiatives can increase the impact and quality of legal tech technology and services. Sunday says, "Legal tech companies and innovation departments have a responsibility to build the most impactful products possible, which innately requires a set of diverse perspectives and contributions. It shouldn't require outside pressure [from clients] for a leader to build a strong and well-rounded team that informs a better solution."

#### Full spectrum

Some companies in the legal tech ecosystem have dived right into DEI waters. [Integreon](#), a global alternative legal services provider (ALSP) has been systematically incorporating DEI into its company DNA. Integreon CEO [Bob Rowe](#) remarks, "With DEI priorities at top-of-mind, Integreon carefully considers who we hire, who we interview, and who we

promote up and down the line. This past year over 50% of women at Integreon were promoted within. Mentoring and sensitivity are incredibly important to our company culture. Our objective is to have a full spectrum of diversity representation, especially among our leadership. DEI initiatives also serve our business objectives because more and more RFPs include requirements in these areas."

According to Rowe, "The fundamental concepts behind DEI are empathy and social awareness. As a global organization operating across three continents, our leadership needs to show empathy and understanding. We need to present ourselves as we really are, being authentic and living our values." Legal software companies of all sizes are also participating in DEI. [Nehal Madhani](#), CEO of IP docketing tech company [Alt Legal](#), has focused on DEI from day one of the company. Madhani believes that diverse people often have the best ideas. Madhani says he was initially turned down for venture funding, so he built the company through angel investment and now runs it on revenue. Madhani says, "Our company was founded by two immigrants who are minorities, and that was just the beginning. Today, at Alt Legal, nearly two-thirds of our employees are women, and I'm proud that our leadership team includes women, people of color, and LGBTQ+ with an incredible set of professional and personal experiences. Our belief in the value of our diversity extends beyond the walls of Alt Legal. We provide monthly webinars, courses, and a conference which all bring DEI to the forefront. For example, our virtual conference last year had 30 speakers – two-thirds were women and one-third was minorities."

#### Culture is key

Madhani started his career as an associate at Kirkland & Ellis, a firm which was progressive about diversity. He ultimately left law practice because his passion for entrepreneurship drove him to start Alt Legal. "There's a lot of opportunity for people of color in legal tech," Madhani remarks. "Tech companies are looking at the impact you can have and don't typically have a preconceived mold."

[Caitlin \(Cat\) Moon](#) is Director of Innovation Design at [Vanderbilt Law School](#). She concurs with Madhani that the innovation side of law and non-traditional legal careers are intriguing options for diverse law students rather than the stereotypical corporate law firm. Some law schools offer classes on innovation and technology such as Vanderbilt's [Program on Law and Innovation \(PoLI\)](#). Moon says students who avail themselves of out-of-the-box educational options differentiate themselves and open up broader opportunities.

*Legal tech companies would be well-advised to participate in DEI from a business standpoint*

"Most law school graduates want to work at established corporate law firms that have on average 80% white male partners and have typically hired people who look like them," Moon explains. "The company culture at a legal tech startup is very different than at an established law firm. Tech companies provide opportunities for people of color and women, creating an atmosphere that is probably more welcoming than a traditional law firm. Also, the opportunity for law school graduates to differentiate themselves is greater in legal tech because fewer new lawyers are looking for those opportunities. In legal tech, diversity is valued and rewarded."

[ILTA](#) (International Legal Technology Association) leadership agrees that



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diversity has value, and it has taken on DEI in a big way. In 2019, ILTA established a [Diversity, Equity & Inclusion Task Force](#) (DEITF) and continued to run its [Women Who Lead](#) program. The organization aims to become a beacon for DEI on a global scale. ILTA also spearheaded a pronouns project so community members can identify themselves based on their own comfort when attending in-person or at digital events.

### Diversifying speaker slates

[Joy Heath Rush](#), CEO of ILTA, notes, “ILTA needs to lead, not just follow the trends. We make DEI a priority because ILTA is about respect. As a volunteer organization, we have unique opportunities to identify diverse people and bring them to the forefront. We can be more egalitarian and encourage people who are underrepresented to step forward. ILTA recently added ‘equity’ as a new core value. Equity takes diversity and inclusion to the next level by engaging people constructively and focusing on producing outcomes.” Rush acknowledges that ILTA benefits from diversity efforts inside member entities and looks to support those efforts by providing career-enhancing connections and educational opportunities. These contribute to the success and advancement of underrepresented groups.

Recently released by ILTA’s DEITF, [ILTA’s 2020 Diversity Equity & Inclusion Climate Survey](#) showed that diverse people found ILTA to be welcoming. The vast majority of respondents reported a high “feeling of acceptance” from ILTA regardless of their gender identity, sexual orientation and race.

## The company culture at a legal tech startup is very different than at an established law firm

[Ginevra Saylor](#) is Director, Innovation and Knowledge Programs at [Gowling WLG](#) and serves on the ILTA Board of Directors and as liaison to the ILTA DEITF. Saylor notes that ILTA and the task force have been focusing on diversifying speaker slates at ILTA events to include more women and people of color. For greater transparency, ILTA’s recent annual report included data reporting on speaker diversity.

According to Saylor, “Initially, the Task Force developed speaker guidelines to seek out new speakers from diverse racial and ethnic groups, gender and gender identification, age groups, and a mix of people from different kinds of organizations. We wanted speakers from large law firms, corporate in-house departments, and small law firms located in both rural and urban communities. We focused on ensuring that traditionally underrepresented groups appeared on more ILTA speaker rosters. Last year, we set a record for first-time speakers.”

ILTA has been co-sponsoring events with [i.WILL](#) (inspiring Women Igniting Leadership & Learning), a women’s networking organization founded by [Andrea Markstrom](#), CIO of [Taft](#). Markstrom was also named to the aforementioned [ILTA 2021 list of Influential Women in Legal Tech](#) which also included Kristen Sondag of [Paladin](#). Markstrom founded [i.WILL](#) to be committed to diversity and inclusion of women of all levels, roles, and industries.

### DEI participation critical to success

At Taft, Markstrom is proud of the culture and investment in DEI. The firm deliberately and strategically worked to expand diversity and inclusion within its leadership positions. This is evidenced by the fact that 92% of the firm’s C-level and 56% of the Executive Committee are women or team members of color. The firm also has a Gender Advancement Committee that works with its robust Diversity & Inclusion Committee. Recently, Taft was recognized as one of 2020 “Best Law Firms for Women” by [Working Mother Magazine](#).

In her work at both [i.WILL](#) and [Taft](#), Markstrom said, “I want people to feel they have a voice, regardless of role or level. We create a forum so people feel comfortable to share their perspectives. Creating an open and approachable environment, whether within a networking group or a law firm, improves performance, productivity and retention. It inspires innovation and creativity.”

[i.WILL](#) Board member [Nita Sanger](#) is Director, Digital Advisory Practice focusing on Business Transformation and Innovation at [Cherry Bekaert](#) an accounting firm focused on audit, tax and advisory services. Prior to her recent switch to the accounting field, Sanger’s deep background in legal innovation prompted her to write an article for [Authority Magazine](#) entitled “[How Diversity Can Increase a Company’s Bottom Line](#).”

Sanger explains, “DEI actually helps companies grow revenues. Diversity enables you to enter new markets as it brings in different perspectives, insights and creativity. Corporate clients are pushing their product and service providers to take action on DEI, saying they won’t buy from companies that don’t share their values. Legal tech companies would be well-advised to participate in DEI from a business standpoint.”

The push for greater diversity, equity and inclusion is alive and kicking in legal tech. DEI initiatives have many benefits stretching far beyond the general consensus that it’s “the right thing to do.” Not only can DEI programs increase employee performance, satisfaction and retention, they also bring forward more quality ideas. DEI participation makes legal tech product and service providers eligible to bid for more business, and to retain the clients they have. Companies can start with DEI anywhere from conducting unconscious bias workshops, having personal pronouns stamped into email signatures, holding open discussion town halls and surveys, or broadening its selection criteria for open jobs and more. Legal tech companies which prioritize spending time and money developing DEI initiatives will find that their efforts are rewarded on many levels, both now and into the future.

[Christy Burke](#) (pronouns: she/her/hers) is President of [Burke & Company](#), a PR and marketing firm specializing in content creation, media relations and communications consulting for legal tech clients. Connect with her on [LinkedIn](#) or [Twitter @ChristyBurkePR](#), or visit [burke-company.com](#).

# INTRODUCING THE AGILE LAW FIRM: HOW AGILE IS YOUR FIRM?

BY CHRIS BULL



That word ‘Agile’ conjures up many different ideas. How about ‘Agile organisations’? They constantly anticipate, adjust, evolve, iterate, improve. They will respond to their clients and stakeholders with innovation, experimentation, anticipation and acceleration.

ago, that we might have expected firms to be at the other end of the agility spectrum; rigid, inflexible, immobile, slow, conservative, dogmatic, bureaucratic, hierarchical, inward-looking and siloed.

Agile itself is not a newly minted concept. Many of the ideas that have coalesced into the Agile mindset and methodology have been around for decades. The Agile Manifesto, which really put the capital ‘A’ in Agile and triggered the sweeping adoption of Agile principles in the software industry is already 20 years’ old. But Agile has kept building and attracting champions and advocates, hopping from sector to sector and working its way up

the organisational ladder from shopfloor and developer’s cubicle to boardroom. And, now, into the legal world.

As the core principles of Agile have been adapted to form a new way of running entire organisations, they have obtained a new level of freshness, currency and timeliness for the 2020s. The economic, technological and societal trends of the 21st century have amplified the core messages of the Agile movement. We live in a VUCA world; volatile, uncertain, complex and ambiguous. Crucial to the case for Agile is that it enables organisations to quickly adapt, embracing both ambiguity and constant change.

**B**oth clients and people within the organisation will describe it as organically fluid, flexible, dynamic and adaptive. It is egalitarian, diverse and inclusive.

Does that sound like your firm, or the firms you know and work with? Just how Agile are you? Many law firms are now at least aspiring to be that kind of organisation. But it was not so long

The electric jolt of COVID-19 in 2020 underlined the volatility and unpredictability of our world, setting off a chain reaction of changes in our lives and businesses that we are still processing. Agile became one of the most used words of that year, alongside another word from the Agile lexicon – ‘pivot’. Individuals and organisations had to adapt at speed to very different conditions following the outbreak of COVID-19 and, in many ways, the response demonstrated just how adaptive we have already become. More specifically, new ways of working were adopted almost instantly in response to lockdown and isolation. Those huge changes to our work locations, schedules, communications and infrastructure impacted the legal sector dramatically as well; suddenly, most of us were Agile workers. We did not, however, find ourselves all working in Agile organisations.

### The rise of the Agile Organisation

At the heart of genuine organisational agility are an interesting, apparently paradoxical, pair of fundamental values – Agile organisations are both more human and more digital than others.

Only over the last decade has Agile begun to offer a more serious and comprehensive answer to the bigger question of how successful businesses can operate in a 21st-century model, when bureaucracy doesn't work as the default operating system. The roll call of organisations that identify themselves, and are regularly cited, as Agile champions is an impressive list of the outstanding business success stories of the century. They include Netflix, Amazon, Spotify, Salesforce, Gore, Google, Patagonia, Whole Foods, Tencent, Pixar, Starbucks, Airbnb and Chinese white-goods giant Haier. These companies and many others have taken the Agile blueprint and evolved it into an entire alternative ecosystem. They operate on rapid cycles of evaluation, decision, iteration and implementation, with most of this activity taking place in self-managed teams that sit close to the client, rather than at the ‘top’ or ‘centre’.

Agile began life as an approach to software development in the 1990s. It was a response to shortcomings with the traditional highly planned and sequential

## THE 10 ATTRIBUTES OF THE AGILE LAW FIRM

**Client-centric** – place the customer/client experience at the centre of everything you do and obsessively look at every challenge, change and decision from the customer's perspective. Defining and measuring performance in terms of customer/client value.

**Constantly innovating and improving** – embed rapid cycles of client-focused design and improvement throughout the firm. Deploy agile tools like sprints, Kanban and design thinking. The entire organisation is orientated to innovate and intently focused on continuously looking to optimise quality.

**Insight-driven** – converts information into insight into business impact, rapidly responding to and anticipating changes in their customer base, market, technology and society. Faster decision making, learning, time to market, strategic pivots and reconfigurations than most organisations.

**Built around highly autonomous teams** – teams, ideally multi-disciplinary and close to the customer, are empowered to make critical business decisions rapidly and without bureaucratic interference. **Human** – everyone working in an Agile organisation is empowered and engaged, with a high sense of responsibility and agency. People, and not just partners, are treated as both adults and customers.

**Fluid and flexible (workplace and workforce)** – the people model can be flexed in response to changes and demands. The rigid and permanent elements of the model are loosened,

resulting in a highly inclusive and diverse population capable of working from anywhere, with full-time, part-time, permanent, contracted-out and flex resources.

**Organically collaborative** – skills, knowledge, ideas and expertise from anywhere across the organisation – and beyond it – are naturally pulled together in order to maximise customer value. Organisational barriers and disincentives to collaboration are dismantled. The organisation is a connected network of teams.

**Restless, radical and challenging** – do not accept received wisdom, assumptions or models developed in very different times without challenge or review. Innovate in every part of the organisation, from business model to customer service to remuneration and recognition. Think the unthinkable!

**Digital** – smart deployment of leading-edge technologies allowing the Agile organisation to meet changing customer needs, liberate its teams and people and innovate more. Client services can be delivered digitally and remotely, even though in-person service is sometimes appropriate and preferred by the client.

**United by a common purpose** – autonomous and empowered teams only work in purpose-led organisations with a strong and clearly defined ambition that enthusiastically engages its people. That ambition should be clearly stated and universally understood.

Waterfall approach, which deployed extensive documents, long planning cycles and strict control. Too many Waterfall projects proved hard to adjust or adapt and often took a long time to deliver anything. These limitations were more exposed as user and customer expectations changed more regularly and as advances in technology accelerated. Simple, intuitive, and responsive became the watchwords for great software. An

Agile methodology focused on short steps, embracing and adapting to continuous change, and small, frequent releases that emphasise customer value was the response.

The four articles in the Agile Manifesto (Agile Alliance, 2001) are founded in the world of software development but are pitched at a much more universal level than that, sowing the seeds for the



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broader application of Agile to running organisations that is the focus of this report. They are:

1. We value individuals and interactions over processes and tools.
2. We value working software over comprehensive documentation.
3. We value customer collaboration over contract negotiations.
4. We value responding to change over following a plan.

### Ten attributes of the Agile Law Firm

There is no single, undisputed and neatly wrapped definition of an Agile organisation. The relatively recent application of Agile concepts to the whole entity and the continued evolution of those concepts in new directions mean that these ideas are still in flux. In my 2021 book 'The Agile Law Firm', I have distilled these ideas into 10 Agile Attributes that differentiate the emerging 21st-century Agile management model from the declining 20th-century organisational bureaucracy and applied them to the law firm model. The 10 Agile Attributes are the starting place for any firm which wants to assess just how Agile it is today and design a roadmap towards greater agility.

Does that sound like your firm? Perhaps it does in parts. Perhaps there is an aspiration to operate that way in some areas, maybe not yet fully realised. If you are a relatively new legal services business, you might feel that your business is closer to the Agile model than your established law firm competitors. In many firms there is a renewed sense of optimism about their capability for rapid and successful change in the wake of law's response to the 2020 pandemic. Without a doubt, our industry was able to move mountains in very short timeframes as COVID-19 took hold. We learned a lot about just how far the underlying transformation of the law had already gone, something that many lawyers had not fully appreciated. We got an early peek at very different ways of transacting legal services – an uncanny live trial of what, up until March 2020, had only been a speculative future state 'vision'. Not everybody liked what they saw and certainly not every aspect was positive. Nevertheless, the unique opportunity to experience what the future working in a law firm might look like has stimulated a chain reaction of debates, decisions

## New ways of working were adopted almost instantly in response to lockdown and isolation

and investments around what comes next. This experience has created more fertile ground for the next phase of Agile transformation. How will law firms rise to the challenge?

*Chris Bull ([chris@edge-international.com](mailto:chris@edge-international.com)) is a management consultant, retained advisor, business thinker and speaker focused on the transforming legal services sector. He is the author of 'The Agile Law Firm', published May 2021. Throughout his career he has been one of the leading pioneers of alternative business models and transformation in the sector. His roles include COO and Chief Executive at mould-breaking law firm Osborne Clarke and COO for Europe & the Americas at alternative legal service provider Integreon. Chris has worked at all four of the Big 4 accounting firms and has advised on a series of high-profile Alternative Business Structure launches in the UK for clients including KPMG and LegalZoom. Way back in the early 2000s he was introducing open plan agile offices, central transformation teams, process redesign practices and Shared Service Centres into the law firm model, years before most UK or US law firms considered them.*

*His legal consulting career began in 2011 and he has advised multiple law firms and professional service organisations in the UK, North America and Asia as part of Edge International's strategy consulting team.*

*Chris has become one of the busiest speakers and chairs at legal business and innovation events. He is a judge for many legal sector awards, including British Legal Technology Awards and Modern Law Awards. He chairs the Legal COO Network and co-chairs the Bristol+BathLegalTech collaborative organisation, helping to steer what a 2021 independent report cited as a leading global legaltech cluster. His previous publications include 'The Legal Process Improvement Toolkit' and 'Law Firms in the Digital Age'.*

Find out more and learn how to build the Agile Law Firm here: <https://www.globelawandbusiness.com/special-reports/the-agile-law-firm>



# KEY CORPORATE LEGAL TRENDS AND DEVELOPMENTS FROM THE 2021 E-DISCOVERY UNFILTERED REPORT

BY ARI KAPLAN

For the past seven years, I have personally conducted almost 200 interviews with corporate legal and law firm professionals for the annual E-Discovery Unfiltered report.

**A**ri Kaplan Advisors just released the results of the 2021 edition based on conversations with nine in-house lawyers, 10 in-house legal professionals, and eight law firm partners between February 16, 2021 and March 12, 2021. All of the participants develop and implement e-discovery processes. 89% select e-discovery tools and vendors, and 85% manage e-discovery software and service providers.

Subhead: The study  
Of the 19 respondents from corporations, five are in life sciences, three are in energy and utilities, three are in banking and financial services, three are in manufacturing, two are in insurance, one is in technology, one is in telecommunications, and one is in transportation. 79% work for companies with revenues that exceed \$10 billion and 100% have over 10,000 employees. All eight of the law firm partners work for large law firms and serve as primary e-discovery counsel.

In addition to asking for impressions of 27 vendors, including Ankura Consulting, Aon/Stroz Friedberg, Casepoint, Cobra Legal Solutions, Consilio, Disco, Epiq, Ernst & Young, Everlaw, Exterro, FTI Technology, H5, HaystackID, iCONNECT, Integreon, Ipro, Legility, Lighthouse, Logikcull, Nuix, ProSearch, Relativity, RelativityOne, Reveal, Ricoh, UnitedLex, and Zapproved, I also captured views about the trends that are driving e-discovery forward in 2021.

Data management is a particularly dominant concern for law department leaders as the participating in-house lawyers and legal professionals emphasized that navigating today's complex data landscape was among their biggest challenges.

### *Comprehensively Applying Artificial Intelligence is a Shared Goal*

As data volumes increase and evolve, finding ways to supplement human analysis continues to be a critical



objective. 76% of the in-house participants advised that continuous active learning is important in their document review workflow, though many acknowledge that the application of artificial intelligence is still in the early stages. "We don't even know what the hot AI applications will be in three years," said one in-house lawyer. "I see people trying to figure out other ways to use AI beyond technology-assisted review," remarked a peer.

### *Legal Teams Are Bringing E-Discovery In-House Again*

While conducting this research over the past seven years, the interest in bringing discovery in-house has varied

depending on the respondents and the litigation climate. This year, 65% reported selecting their outside providers and 29% do so in combination with their outside counsel. In addition, 76% now perform some tasks internally for which they previously used an outside provider. “Companies are bringing a lot more e-discovery in-house and will be tightening budgets and contracts given the economy,” said one in-house leader. “Corporations are considering ways to bring more e-discovery capabilities in-house and do more with their existing solutions,” added another.

### **Cost Containment is a Valued Aim**

Given the increasing expense of discovery, cost is a critical factor in decision-making. 94% indicated that it influences the decision of which e-discovery platform to use. That said, law departments are likely to continue to gain more clarity into how they allocate funds for e-discovery. “As you begin to understand spend better, whether on e-discovery or in other areas, teams can better predict and make changes based on that data; metrics are finally in a place to allow teams to create more advanced assessments,” said an in-house lawyer. Another explained that greater transparency will help plan for the future. “When you have to invest so much money at the front end, it overshadows the efficiencies it would bring downstream.”

### **Redefining Data Management is Important**

There were a variety of suggestions and recommendations related to harnessing the power of their information. “You are starting to hear more about companies leveraging their own data and publicly available data to make decisions and plan,” noted an in-house lawyer. In fact, “Legal teams are considering ways to reuse data for different matters to build consistency and efficiency in maintaining coding decisions,” commented a colleague.

## **Companies are bringing a lot more e-discovery in-house and will be tightening budgets and contracts**

### **Moving Forward**

In addition to interpreting data, many organizations are instituting ways to centralize it for ease of reference and to drive greater value from it. “There is a big push toward having more insight and real-time visualization for review,” noted an in-house discovery leader. “People also want slick dashboards that are high-level enough for senior leaders to understand and use to predict litigation,” echoed another.

### **The Cloud Will Become Even More Common**

63% expect to transition to a cloud-based review platform. In fact, “Everyone was afraid of the cloud and now everyone loves it so there is a trend toward moving to the cloud,” said an in-house lawyer. “New cloud-based review tools, for example, are empowering in-house teams to gain more visibility into their process and that has had a tremendous impact on what they insource versus outsource,” added a peer.

### **Discovery Will Increase**

As post-pandemic litigation volumes rise, 53% of the corporate respondents anticipate an increase in e-discovery related to social media and 65% predict an increase in e-discovery related to data from virtual meetings, such as Teams, Zoom, and Webex, in 2021. “We are moving past traditional data sources

and how we handle new sources is open territory,” said an in-house professional.

### **Legal Teams are Elevating Discovery**

The use of e-discovery tools is also likely to expand. In fact, 82% are engaged in discovery beyond regulatory matters or litigation and 94% use e-discovery software for internal investigations. “Investing in new tools and processes is critical,” said an in-house professional. In addition to tools, teams will need to identify the records that require technology to support them. For that reason, “Data mapping will become more important and maintaining those maps will be a higher priority in 2021,” advised an in-house professional.

### **The Future of Remote Review is Unclear**

Surprisingly, the future of remote review is not as clear as one would expect. Despite a number of positive impressions about the option, 71% indicated uncertainty about whether their organizations will permanently allow remote document review. “We absolutely rejected remote review prior to the pandemic [because] we had extensive security and privacy restrictions in place, but when we had no choice, we accepted it and have come to accept that it is fine based on our revised agreements,” noted an in-house lawyer. “The biggest issue is how service providers will manage document review and control access in a work-from-home environment with safeguards,” added an in-house professional.

Corporate leaders have an array of litigation considerations to address in 2021 and the E-Discovery Unfiltered report is designed to share guidance from peers to empower decision-making and drive the profession forward. If you have questions or would like a series of infographics summarizing the research, please contact [Ari@AriKaplanAdvisors.com](mailto:Ari@AriKaplanAdvisors.com).

*Ari Kaplan is an independent legal industry advisor and serves as the principal of Ari Kaplan Advisors. He is the host of the ‘Reinventing Professionals’ podcast and the ‘Virtual Lunch’ on Zoom. Learn more about his work at [www.AriKaplanAdvisors.com](http://www.AriKaplanAdvisors.com).*





# USE TECHNOLOGY TO MAKE A POSITIVE IMPACT AND REFRAIN FROM BEING CLOSED TO CHANGE!

Our Legaltech Legend for this issue is Jimmy Vestbirk, founder of Legal Geek and sister brand Conference Geek. Jimmy has owned and operated a portfolio of online dating sites, run and sold a touch screen software development company, invested in storage and holiday lets and a music festival catering business. Now he is a big name in the legaltech and legal innovation industry.

#### How and when did you get involved in the legal tech sector?

Back in 2015, I ran an online dating business and once that wound up, I had to deal with lawyers—and I actually found it very difficult to find one. It was a pretty stressful experience; I was spending a lot of money, and I was keen to look for something new to do— I felt technology could make the process that I'd experienced better.

I started to delve into consumer Legal Tech and businesses that provided legal support, and I came across exciting ones. I began to research it, and it was there I became especially interested in how technology could help improve the legal industry.

#### What has surprised you most about our industry?

What's surprised me most is how many industry competitors

are open to collaboration. I have seen this a lot at the Barclays Eagle Lab Incubator which has brought together a number of firms. We've found that firms are happy to come together, have discussions and that's something I didn't expect coming out of the gate into legal. The openness to conversations was definitely a welcome surprise.

#### **What advice would give to a legal tech newbie?**

At Legal Geek, our community is very supportive. So, if you're new to legal tech, I'd say not to be put off from asking for advice—especially if the buzzwords throw you off.

I would also advise always to have an open mind to change. While technology works by facilitating these changes, it starts and ends with having the right attitude—and as a newbie, this is something you'll want to adopt pretty quickly. To put it simply: use technology to make a positive impact and refrain from being closed to change!

#### **When have you been most satisfied in your life and why?**

In 2019, I completed an Ironman Triathlon and the benefits that came with training and achieving it was unmeasurable. In this industry, I find that it can be very easy to become unhealthy; you

*What's surprised me most is how many industry competitors are open to collaboration*

put countless hours into your business, and from there, you can fall down a rabbit hole where your health begins to suffer.

This was something I could feel myself going towards, so I think the most satisfied I've ever been was when I pulled myself out of that. I signed up to do an Ironman, began to train, and flew to Austria to complete it—and I became passionate about open-water swimming and the power it can have for our mental wellbeing. It's now an area that sits at the core of our new business focus (more to be announced soon!).

#### **What do you consider to be your best achievement in your professional life, and why?**

When Legal Geek was in its early days, we ran an online courts Hackathon where legal professionals from all attended—including Richard Susskind, five High Court judges and the Lord Chief Justice of England and Wales.

A huge highlight for us was watching the Lord Chief Justice high five people at our event. It was a trigger point because it felt like we were watching the barriers of the legal profession break down. It was such a proud moment to see one of the most senior people in the industry wearing a Legal Geek t-shirt and engaging with attendees in that way.

#### **Is there anything (non-legal tech) you would like to learn more about, and why?**

I come from a farming background, and I've always been interested in food productions and agriculture. Many of

my family and friends are still in agriculture, so I have that connection—I love the authenticity of selling my own grown food at farmers markets, and it's something I really miss.

I'd love to learn about how I could use my experience to help support some of the similar issues in agriculture—like mental health, isolation and overcoming resistance to change. I'd love to apply my tech background with my true background in farming for positive change.

#### **Tell us two facts and one lie about yourself, in random order.**

- I am a world record holder for participating in the largest fuel efficiency lecture
- I am half Danish
- I am a qualified lawyer

#### **How do you spend your time when you are not working?**

Over the past year, it's been quite challenging to do things that aren't working, considering everything's been closed and going for a walk is a bit of a boring answer! But once life starts to return to "normal", I'm really looking forward to throwing myself back into sport—especially triathlons. It's not just for both physical and mental exercise, but it's also a part of my social fix; the camaraderie is something I've really missed, and I'm excited to get back to it!

#### **What is your favorite quote, and why?**

My favourite quote has got to be: "Perception is Reality". My background is in marketing—it's something I'm personally interested—and I find branding and the psychology behind it fascinating. While I was in the marketing world, I stumbled across this quote, and it's stuck with me.

#### **Who should be the next Legal tech Legend and why?**

Electra Japonas. She's doing some great stuff, especially around NDAs, where she's created a campaign for 'oneNDA'. I briefly shared a co-working space with Electra and it's been impressive to see her business grow, definitely a good Legal tech Legend.

#### **Where are you now?**

I'm the Founder of Legal Geek and Conference Geek—our online production company.





# WHY YOUR CLIENTS WILL THANK YOU FOR USING AN AI-POWERED DOCUMENT MANAGEMENT PLATFORM

BY ALEX SMITH

The universal business requirement to work smarter, more productively, and securely has meant the knowledge workers' most powerful ally in completing tasks – consistently, accurately and at scale – is emerging as a combination of new knowledge worker approaches to the codification and curation of information—aided by Artificial Intelligence (AI) technologies.



**K**nowledge work is undertaken by people whose jobs involve handling and curating information. They apply theoretical and analytical knowledge to this information, in concert with technologically advanced intelligent systems, to develop outcomes in the form of solutions, products, and services.

As a result, this collaborative partnership has shifted the naive conversation from 'Robots taking over the world and destroying gainful employment' to demonstrating a return on investment and a clear competitive advantage in delivering measurable business outcomes. Delivering upon business outcomes is what you do; it is what your clients will ask for, less likely they will ask if you have an AI-powered document management platform.

#### **What is AI in the legal profession?**

AI is not a stand-alone element; it must work in tandem with your document management system to have a platform and repository for knowledge where AI can be applied. The range of applications that AI can leverage upon your document management system might include:

- Best practice deal search to surface similar transactions based on closing book analysis and extracted knowledge.
- Expert search to mine the interactions between users and knowledge and identify hidden expertise.
- Clause search to surface best practice clauses automatically based on the type of agreement being drafted.
- Contract intelligence to extract key contract terms and obligations from common document types to facilitate tracking and follow up.

And we can put the doomsday prophecies to bed that automation is the end of lawyers. What we are seeing is a diversification of specialist roles in the sector. Lawyers are taking a different route to deliver great outcomes, and new supporting business and knowledge function roles are emerging where lawyers build collaborative teams around them. An in-house data scientist – by way of one example – will not look out of place like it might have done 5+ years ago. This is evidence that there is more interesting work to deliver, diverse career paths to be forged and new ways beyond compensation to aid the retention of

talent that is inherent with the knowledge work opportunity.

Bringing AI into a law firm isn't about reducing headcount or replacing workers with 'bots' and automation. It is about shifting how certain types of work get done in a scalable way that unlocks growth. The knowledge worker retains control; AI is a trusted partner and a helping hand, not a complete replacement. Were lawyers laid off as a result of Word Perfect? Or did accountants have less work to do per day when Excel became their preferred tool? Shift happens, for better, not worse.

#### **What are the benefits of AI to the law firm?**

AI enables law firms to automate less complex tasks. This allows lawyers to bring their skills to bear on the more complex tasks requiring analysis of the prepared knowledge work and subsequent client interaction. The more complex and greater the volume of complex work a lawyer undertakes, the greater the fees a firm can command.

And the opportunity to grow through artificial intelligence automation does not stop with the alleviation of the mundane.

Take closing deals, legal transaction management activity as an example. We all know it can take a great deal of time to get a great deal done. 'Ctrl + F' is manual discovery at its most cumbersome – it is open to human error, a lapse in judgement, a misreading of the context, an extra 0 here, an incorrect currency symbol there. Machine learning can simplify your legal transaction process and enable scale in the closing process. It is reducing deal complexity, closing with confidence and all thanks to a little automation going a long way to save your teams working through the night.

The role of AI in identifying new patterns, opportunities, risks, or missed steps can be the key to opening up discussions with clients about additional (billable) work. When AI-crunched datasets and contracts identify potential risks or gaps, it has done so because it has an objective, consistent and rigorous process applied at speed and scale. It lacks the human characteristics of fatigue, emotion, or the fallibility of overlooking a key detail. What lawyer wouldn't want to benefit from the machine advantage of linking the terms of one document with which you are familiar with those of another you have never seen to get to an excellent result for you and your client?

### **WHEN YOU UTILISE AN AI-POWERED DOCUMENT MANAGEMENT PLATFORM, YOU GAIN THE FOLLOWING BENEFITS:**

- Be more efficient and lean in removing monotonous, low-value activities and enable legal teams to focus on driving business outcomes.
- Connect teams and share knowledge; bridge the need to uncover and share knowledge from experts by reusing best practices.
- Collaborate and utilise the institutional muscle memory and collective knowledge across multi-location offices and global firms.
- Leverage the Cloud to deliver security, reliability, and performance while reducing cost and complexity and increasing business agility.
- By extracting, identifying, and connecting information from unstructured data and documents, you can gain new insights and automate routine cognitive tasks.
- Curation of highly relevant information at the right time, all in good time.
- Drive higher quality transactions by leveraging the existing information in your DMS to improve the quality of transactional advice.

Increasing client engagement by regularly reporting on trends, emerging patterns, and precedents in the industry and within your clients' data – thanks to AI's deeper analytics and knowledge graph capabilities – is a great way to flex your institutional knowledge and deep understanding of the client and their complexities. This builds excellent trust capital, extending the relationship, making retention easier and the need for seeking new business – with its more intensive requirements – a less pressing priority.

Of course, making your job easier offers considerable personal and firm upside. It is where your return on investment is derived; it might also be that your use of an AI-powered platform enables you to re-evaluate your work-life balance with less time spent organising data. The late-night archive sessions of yesteryear may well be considered a rite of passage, but they are no longer always necessary. Your platform will find that document you recall using one time in seconds; it may also serendipitously surface a few others that help strengthen the case too.

### **What are the benefits of AI to the clients of the law firm?**

Your clients view you as an expert in their business because you are an expert in your own. You are their most trusted partner because you are on top of the knowledge that matters – theirs – and have a deep understanding of their context, ensuring their business can run smoothly.

The client need only see the outputs and know that they are well-served by the best. That AI was the reason they have come to this position sets you apart from those lost in the information overwhelm and running off a multitude of systems, segregated software solutions, and old ways of working.

### **What your modern document management system should provide you and your clients**

iManage, like other legal technology companies, are adapting the AI toolkit to the specifics of legal and regulatory needs. We leverage a combination of data scientists, knowledge engineers, legal data to create both packaged

models and training tools to leverage AI on legal problems.

At the core of our focus, we have concentrated on developing a unified knowledge work platform. Our artificial intelligence-powered platform enables every team member to transform the information in business content and communications into high-value knowledge.

Our SaaS platform facilitates law firms to scale quickly and efficiently, which includes both our industry-leading Security, Risk, and Governance products, as well as transformational iManage Artificial Intelligence capabilities. All combine to deliver powerful benefits to both the law firm and their clients.

Suppose your modern document management system is an amalgamation of legacy systems with downtime deployments just to upgrade a feature or function and hardware that has outgrown its stability and utility at an ever-increasing business cost. In that case, it makes the lightness-of-touch



## AI TOOLKIT FOR LAWYERS

The modern lawyer toolkit is loaded with AI-utilising tools to help them achieve an outcome or get work done. Of course, it might be that you don't even realise you are benefitting from the range of AI, be that intelligent search, knowledge graphs or machine learning, but you certainly appreciate the outcomes it helps you to achieve. They have in common a requirement for you – the human – to put something in upfront.

*Not every Artificial Intelligence tool hides in the plain sight of a .ai domain extension, but here are a few that might help you along the way.*

**Buffer:** For those in the legal profession seeking to tap into the collective knowledge of the social media crowd, Buffer will “automagically” share your social media updates at the optimum time.

**Copy.ai:** Looking for a starting point for your next think piece, website copy or need to find another way to say the same thing again? Copy.ai, that.

**Grammarly:** Correct all grammatical errors and enhance your writing – whatever the audience. Suggested rewrites and gamification all utilise AI.

**Otter.ai:** A transcription service that integrates with Zoom. Rapidly convert conversations into copy with great accuracy.

**Quillbot:** This paraphrasing tool provides succinct summaries and suggested revisions to leave you with the tightest copy.

**Scoop.It:** Research and publish curated content with this tool to empower private or public networks.

**Spotify:** ‘Lawyer study playlist 2’ is a classic, and Spotify will gladly surface more soundalike content to power you through.



that AI affords much harder—resulting in fewer business growth opportunity conversations with your clients. If you are already convinced of the benefits of artificial intelligence’s interoperability within a cloud platform, don’t let the old machines stand in the way of your indomitable march to progress.

### **AI in the legal profession: Think outcomes, not tech.**

Many organisations are capturing

knowledge, but they are not putting it to work consistently. Consequently, they are missing out on the competitive edge that knowledge could provide in collaboration with AI.

AI in legal knowledge work is not just about doing the mundane much faster; it is the outcomes that provide measurable client benefits. Your clients may not always ask if you have an AI-powered document management

platform, but they will undoubtedly thank you for doing so when you deliver great business outcomes.

Make AI-derived outcomes your platform for bigger, better business opportunities for your firm. That is when you will know your firm is truly making knowledge work.

*Alex Smith is the Global AI Product Lead at iManage. Alex is a pro-active Senior Product Manager with significant experience in product and content development, early stage & innovative digital product concepts, and leading customer discovery projects at both market and product levels. He’s dedicated to product management approaches aimed at developing product capabilities and experiences and has led projects within law firms to build user-centric capabilities, adoption of new concepts and ways of working.*

*Prior to joining iManage, he was an Innovation Manager at Reed Smith LLP where he coordinated innovation initiatives and culture through an Innovation Hub programme to encourage, communicate, connect and manage a pipeline across the firm’s global network. He also spent 17 years developing law firms’ business models in technology, leading projects on developing search and AI capabilities at LexisNexis.*

# HOW TECHNOLOGY CAN HELP REVOLUTIONIZE LEGAL EDUCATION AND LAWYER DEVELOPMENT

BY JORDAN FURLONG

The legal profession, to its credit, has made significant progress throughout this century improving law firm business practices, lawyer-client relationships, and of course, the use of technology. There is still far to go on all these fronts, but the growth in these and other areas is real and should be recognized and applauded.



**B**ut there is one area of professional life that has remained almost entirely unchanged for decades and that needs innovation even more: the lawyer formation system. How we go about educating, licensing, training, and monitoring the competence of lawyers desperately needs a complete overhaul.

There are better ways to develop lawyers. We have good ideas and promising models to guide innovation in this area. And technology can play a critical role in getting us there.

### The Problems

What's so wrong with how we develop lawyers? After all, there are several million of them in the world today, creating documents and billing hours and doing all the things we expect lawyers to do. Law school applications appear to be rising in the wake of the pandemic. The system seems to be working just fine. Why change it?

Because the system isn't working fine at all. Law degrees and bar admission courses drain several years and significant sums of money at the start of a legal career while providing virtually no preparation to succeed in that career. Licensing bodies certify lawyers prematurely and without sufficient skills to serve clients, run firms, or manage their own businesses and personal well-being. Law licenses are effectively permanent and unconditional, creating no obligation for lawyers to demonstrate their continuing fitness to practise.

The results of these and many other flaws in the lawyer formation system? New lawyers experience whiplash when they enter practice, often deeply in debt, to find working environments disconnected to their expectations and pressures unlike any they've been prepared for. Unready to practise law and lacking support for ongoing skill development, many sink into despondency, depression, and addiction, often leaving the profession altogether.

Most of those lawyers who somehow make it through these first critical years receive little guidance and less oversight to help ensure their baseline competence or improve their proficiency, ensuring that many lawyers' core attributes never



*Law school is an inadequate launching point for a legal career and CLE is somewhere between a superstition and a scam*

progress beyond what they possessed when first called to the bar. Clients receive mediocre service; the public interest is not adequately protected; and lawyers themselves internalize and institutionalize the trauma of their introduction to practice as “the only way you can learn.”

### The Solutions

We can do better than this.

- The archaic and fragmented early-years development of lawyers can be unified under a single modern development process that guides professionals along a “formation continuum,” from their first day of law school through to their first day of competent, confident, independent practice.
- A universal competence framework for 21st-century lawyers can be defined, established, and used both

for initial licensing and ongoing quality assurance, so that everyone understands what is meant by, and expected from, a “good lawyer.”

- Self-directed learning and professional development can replace relics like “minimum hours of CLE” in helping lawyers achieve not just baseline levels of licensure quality, but also maximum manifestation of their talent and potential.

That all sounds great. But it will be anything but easy. Attempts to reform the lawyer development system will be opposed both by deeply entrenched interests in academia, licensure, and regulation, as well as by equally entrenched habits and assumptions in the legal profession that “this is how we've always done it” (or in particular, “this is how I had to do it”), and therefore there is no other way it can or should be done.

We've known for a long time that law school is an inadequate launching point for a legal career and that CLE is somewhere between a superstition and a scam. The hard part has been doing anything to change all of that.

Reforming lawyer development requires unification under a single standard of competence and an overarching power to regulate. That unification can only be achieved through the efforts of the highest regulatory authority in a given jurisdiction, be that a legislative body,

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a government agency, a self-regulating professional entity, or a supreme court. Sooner or later, we will have to update and upgrade our approach to forming lawyers. The longer we wait, the more damage we will do to our societies, our clients, and ourselves.

### The Role of Technology

Today, for perhaps the first time in the profession's history, technology can be a critical if not deciding factor in the reform of lawyer development.

- The pandemic forced lawyers to rely heavily on technology in everyday practice, and many were pleasantly surprised by the ease of the transition and the effectiveness of their tools.
- Many chief judges have publicly stated that there is “no going back” to the offline-only world of justice.
- Many law firms have found the vast majority of their lawyers unwilling to return to the office full-time.

Whether we wanted it or not, whether we were ready for it or not, we are already a changed profession, technology-reliant and increasingly technology-comfortable.

Technology should now be applied to help solve the myriad problems with the lawyer development system. Here are some examples of what tech makes possible in legal education, lawyer licensing, and ongoing lawyer competence.

### Legal Education

Law school won't and probably shouldn't become an entirely online experience — there are too many valuable features of in-person socialization. But nor should it be entirely offline, as it has been up until now. The online legal education experience of the pandemic should be integrated with the in-person version and become more sophisticated and student-centred.

Professors could record their lectures and post them online for students to view before class, allowing in-person class time to be converted to discussion, collaboration, breakouts, and workshops. Guest speakers could be Zoomed in from anywhere to answer student questions or assess advocacy skills. Students could attend a class remotely and use the Chat function for their class participation.

Wider possibilities should also be considered. Law schools could offer partial degrees or certificates in an online format for working parents, retirees, or community leaders who don't want or can't afford the time and financial commitment of a full degree. “Asynchronous law diplomas” could be both a steady revenue stream for schools and a powerful way to raise public legal knowledge and problem-solving capability.

### Lawyer Licensing

Observers of the lawyer licensing process have long lamented the low level (or even complete absence) of hands-on experience with legal matters and clients required of new lawyers, as well as the inconsistent quality of many of the experiences that are offered. While, again, nothing is better than a high-quality in-person supervised training opportunity under an experienced lawyer, relatively few bar applicants are fortunate enough to receive that.

Technology can help bridge these gaps. A trainee lawyer in an urban centre could be “apprenticed” to a small-town practitioner, spending one week on location and three weeks at home doing legal work, speaking with clients, drafting documents, and generally learning the ropes of the law business. Regular video meetings between trainee and supervisor, with occasional check-ins from a regulatory official, could ensure the trainee is learning the core competencies required for licensing.

The experience of working in a law firm need not even require a real firm. The licensing process in some Canadian provinces includes several months spent working in a “simulated law firm,” where bar applicants field emails from lawyers, conference with actors playing clients, and becoming accustomed to the rhythms and requirements of practice. Simulated firm experiences could also be used to prepare trainees for real-firm exposure, accelerating their development.

### Lawyer Competence

Our entire system of ensuring continuing lawyer competence has numerous serious defects that technology can't

cure. Rather than obliging lawyers to complete a minimum number of hours of CLE programming on any topic they choose, we should be creating a robust competence framework for the legal profession and using it both to license lawyers and to help them self-assess their proficiency throughout their careers.

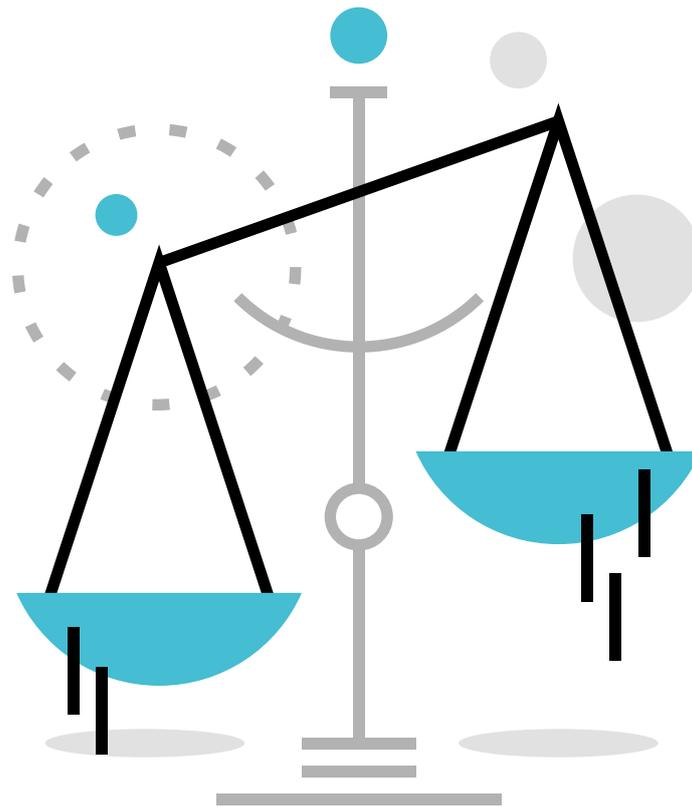
But technology can still help us make progress towards solutions. Regulators could design online quizzes along the lines of, “How proficient are you?”, in which lawyers are required to rate their own levels of confidence on the core competences of lawyering, and perhaps answer a few basic questions. Their final score could be shown to them, along with suggestions that certain areas could benefit from upgrading.

Regulators could also create online video and resource packages that guide lawyers through the most common sources of client complaints and malpractice charges, including retainer letters, time management, and client communication protocols. Lawyers could be invited (or obliged) to complete these “self-guided mini-courses” to maintain their competence in core areas of public interest.

Ultimately, what the profession needs is a complete re-envisioning and reinvention of the lawyer formation, licensing, and competence process. Reconfiguring such a well-worn path towards a legal career will be challenging, and will really come down to whether regulatory authorities are prepared to take on such a task. But if and when they do, they should be sure to make the best possible use of today's (and tomorrow's) technology to lead the way forward.

*Jordan Furlong is a legal sector analyst who's deeply invested in a better future for the legal profession and the society it serves. He has spent the past 20 years studying critical new developments and discerning emerging patterns in the legal ecosystem. He is currently focused on serving clients in the areas of lawyer formation, education, and licensing, and legal services regulation. (jordan@law21.ca)*

# THE VERDICT



## SHOULD WE **FORGET THE TERM NON-LAWYER?**

Nonlawyers ... Descriptive? Divisive? Pejorative? Cultures may vary from firm to firm, but industry-wide, the term “nonlawyer” is still going strong. In fact it seems to be enjoying a bit of resurgence of sorts in the United States as the State of Utah created its innovative regulatory sandbox peppered with the term. No other industry uses such terminology or places so much emphasis on the distinction between differing types of professionals (support, knowledge, technology, pricing and more). The modern legal team is made of a multitude of professionals. What do you think of the term “nonlawyer”? Would you like to see it replaced with something else?



### Stephanie Boyce

President

*Law Society of England and Wales*

The term ‘non-lawyer’ has resurfaced in recent years, particularly in the US. But what about its use in England and Wales?

Technological innovation and legal services competition, facilitated by a flexible regulatory framework, allow for new kinds of legal practices to be developed, in which non-lawyers can own and invest in legal businesses.

The Legal Services Act 2007 created a pathway for new kinds of legal practices, where solicitors can join with lawyers and non-lawyers – namely via Alternative Business Structures (ABS), which can be owned or managed by non-lawyers.

In 2021, the Legal Services Board reported there were 1,528 ABSs operating in England and Wales, with 1,066 authorised by the Solicitors Regulation Authority (SRA).

80% of ABSs are existing law firms and just under one in five are wholly owned by non-lawyers. The most common legal practice areas with ABSs are conveyancing (55%), wills, trust and probate (47%). Whereas typical non-legal services are accountancy, tax and financial services, with 54% of ABS firms providing services in these areas. The Covid-19 pandemic may stimulate further growth of ABSs, since some

financially stressed law firms may seek business investment from non-lawyers. There may be benefits to these new business structures, but we must also consider the ethical considerations. Solicitors abide by the SRA Code of Conduct, which sets out professional standards and ethical obligations for the profession.

However, non-lawyer staff working for an ABS may come from a different working culture where business standards may be set at a lower threshold. Evidently, ABSs have a place in the legal market but the Law Society believes that there should be a level playing field of regulation and client protections between ABSs and traditional law firms. ABS firms should be subject to rigorous scrutiny over the external owners’ fitness to own. They must be regulated by the same regulators as ordinary law firms. Proper arrangements must be made to secure public and consumer protection from ABS firms on par with other law firms.

I. Stephanie Boyce is president of the Law Society of England and Wales. She is the 177th person, the sixth female, and the first person of colour to hold this position.



### Dan Safran

CEO

*Unbiased Consulting*

Starting with the fact that I am a “nonlawyer” who has provided consulting services to both law firms and law departments for decades, one might think that I might be sensitive to use of this term. The reality is that I don’t even think about it. I view the term as merely a statement of fact. On top of consulting for hundreds of legal organizations, for the past 4 years, I have had the good and unusual fortune to teach a business class at a top 20 US law school. Many students and others think that I have training as a lawyer, something I am quick to refute and clarify. The clarification that I am a nonlawyer is actually quite important and goes to the heart of the nonlawyer label. We cannot forget that practicing lawyers carry certain practice, ethics and risk management responsibilities. They have specialized education, training, and legal obligations of which they must be continually aware. It is important to understand if someone working at a

law firm or law department is a lawyer, vs. one who is not, as discussions with one person who is a lawyer may hold obligations and legal opinion that are not applicable to someone who does not possess a license to practice law. Note that another standard term, that of “non-practicing” lawyer – is often widely used without negative connotation. It too, is factual and meant to inform others that the individual is not dispensing legal advice. While there have been instances of lawyers using the term “nonlawyer” with negative intent, I find this to be an uncommon exception. So, my advice? Do not read anything negative into the use of the term “nonlawyer”. I should remind the reader that I am not only a nonlawyer, but a nondoctor, a nonaccountant, a nonarchitect, a non-scientist and a nonweather person. (But, please don’t tell my wife!)



**Ginevra Saylor**

Executive Vice President  
*International Legal Technology  
Association*

Hello. I am Ginevra Saylor, a non-Olympic athlete. I am also a non-violinist, a non-stevedore, a non-numismatist...and the list could go on ad infinitum. I am a non-lawyer and a lawyer, but we'll get to that later. I am sure you will agree that the above would be a silly, pointless, and downright annoying way to introduce oneself. But, I hope it is an effective way to introduce my answer to the question of whether the term non-lawyer should be retired. By now, you have likely gleaned that I am a non-fan.

From a pure communication standpoint, I would be hard-pressed to imagine a sentence where using the term non-lawyer would be the clearest way to convey a message. For instance, if the speaker means that something will apply to everyone except the organization's lawyers, saying precisely that would make more sense. The reverse is also true: for something exclusively for the lawyer population, just say "only lawyers."

Yet, even saying lawyers may not be clear enough, depending on the circumstances.

As noted, I am a lawyer; at my firm I am a non-lawyer because I work in business services and not as a practicing lawyer. We also have lawyers working in Knowledge Management and Marketing & Business Development roles. So, for clarity, the speaker needs to indicate whether the intended group is people who bill their time, people who are a member of any Bar, people who are a member of a Bar where the law firm or law department actually practices, or something else entirely. My point is that a better and clearer way to express the thought will always exist.

Why does this matter? Beyond ambiguity, using a term like non-lawyer perpetuates a separation – an us-and-them divide that should not exist. In our work environments, we all are on one team. We all comprise a diverse and varied group of professionals with different skills, talents, experience, and backgrounds that combined contribute to our serving our clients well.

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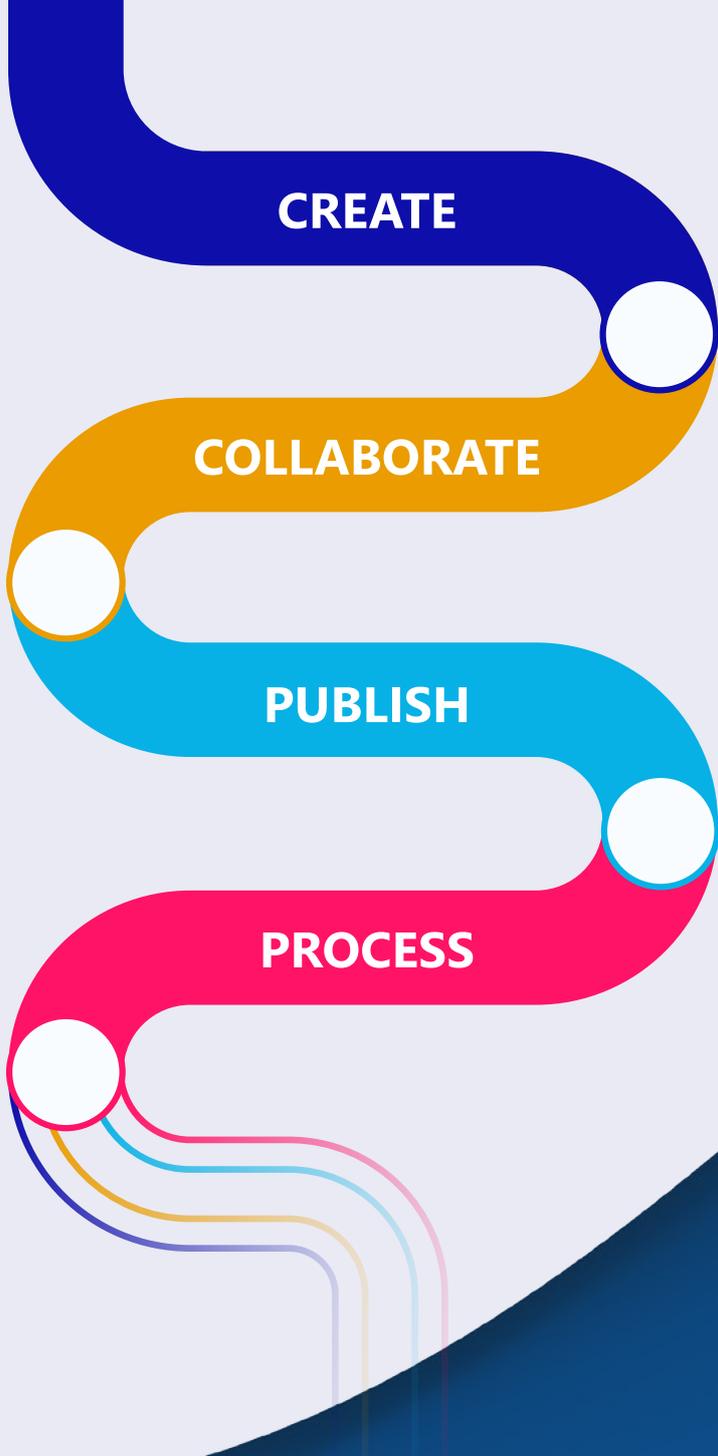
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