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The coming changes in  
how lawyers practice



The Legal-Ops revolution

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# From the editor

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## Welcome to Issue 14 of Legal IT Today!

A lot has happened since our last issue, most notably *Lexpo*, the legal innovation event we organised in Amsterdam in April. Everything went well on the day; we were blessed with beautiful weather and over 250 people turned out to learn about the latest trends in legal IT.

They were not disappointed, and there was lots of positive feedback about our entertaining and insightful speakers (visit [www.lexpo.com/videos](http://www.lexpo.com/videos) if you would like to watch some of their presentations). 'It's been great to think about the future steps ahead, and get ideas about how to tackle them, rather than getting bogged down all the time in your daily work,' said one delegate. Everyone seemed to have a great Lexperience.

The event sponsors included Prospereware, the company that is the focus of our vendor profile for this issue. Unsurprisingly, in the wake of the Panama Papers revelations and other recent data breaches, security was one of the key topics of conversation when I spoke to the chief executive Keith Lipman. Like many others, he is keen for law firms to make sure they have a comprehensive information governance strategy in place, and to have the right technology to implement it.

In the current climate, clients are only going to get more demanding about security, even as they continue to apply pricing pressure. This is something law firms really have to get to grips with if they are to thrive in the future.

Security was also high on the agenda at the iManage 'ConnectLive' event I attended in May. Ian Raine was just one of many speakers who tackled the issue, and on page 28 he provides us with his take on how law firms can respond to increasingly demanding client security requirements. He notes that law firms are seen as the 'soft underbelly' of corporations and are thus a favoured target for hackers. Like Keith Lipman, Raine believes that law firms of all sizes must go beyond preventative perimeter security and put processes in place that are designed to mitigate the effect of attacks that breach that perimeter security.

Ron Friedmann is a consultant with Fireman & Company, a firm that seeks to help law firms practice law more efficiently and operate their businesses more effectively. In this issue, he argues that law firms will have to come to terms with an era of permanent austerity. Growing demand for large law firm services, from the 1980s until the economic crash of 2009, allowed firms to develop many bad habits, he says. Those habits will now have to be broken, as law firms need to reduce costs and work more efficiently.

The Corporate Legal Operations Consortium aims to help legal operations professionals and other corporate legal

industry players (such as tech providers, law firms, legal process outsourcing companies and law schools) optimize the legal service delivery models needed to support the needs of legal departments. Christy Burke has spoken to several of the leading lights at the organisation and she has provided a report for us on what they have to say. Their key message for legal IT professionals on joining the corporate legal revolution is this: if you haven't started yet, or have been dragging your heels, get going!

Roy Russell, CEO of consultancy Ascertus, tackles the debate on best-of-breed systems versus jack-of-all-trades applications. He accepts that in an industry where there is plenty of choice in technology and firms require a variety of functionality to effectively conduct business operations (case management, practice management, CRM, document management and so on), it's easy to understand why many organisations try to limit the number of systems they deploy. However, his conclusion after talking to many firms is that systems offering multiple functionality via various modules can only serve businesses up to a point. He believes that eventually, firms find they need the advanced and comprehensive functionality of best-of-breed solutions.

As well as security, one topic that is occupying the minds of many of law's leading thinkers at the moment is artificial intelligence. Many wild predictions have been made. Mary Redzic, a former solo practitioner turned in-house lawyer, introduces a dose of healthy scepticism by arguing that AI is unlikely to replace lawyers any time soon (even though ROSS has just secured a 'job' at US law firm Baker & Hostetler).

In our regular feature, 'The Verdict', three seasoned professionals give us their take on current hot topics. Our latest question for them was this: 'given the increasing segmentation and stratification of legal work (high-end, high-value market and the more commoditized low end) and the fact that not all firms can compete at the upper end, what's your best tip to a law firm trying to salvage commodities law work?' Turn to page 32 for their advice.

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 do get in touch with feedback and suggestions for topics, features, and images. It is always good to hear from you.

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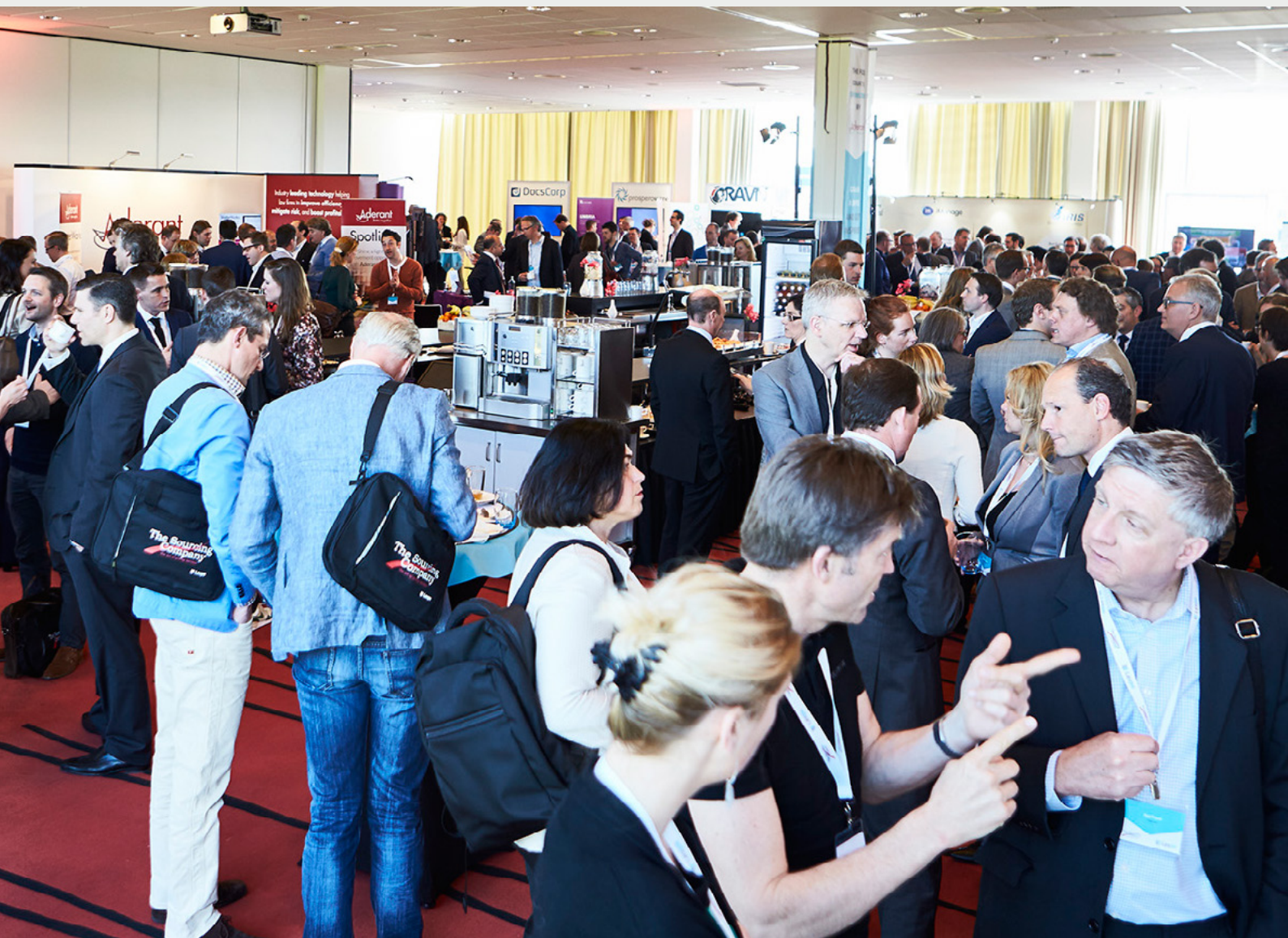
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# Are you **Lexperienced?**

BY JONATHAN WATSON

On 21 April, over 250 professionals from around the world gathered in Amsterdam for Lexpo, the legal innovation event. Jonathan Watson reports.

Chrissie Lightfoot, 'the naked lawyer', kicked things off in the first keynote speech by emphasising the rapid progress being made by technology at law firms, especially artificial intelligence (AI). Lightfoot, who stopped practicing law in 2009, said she wished she had been able to use all the amazing technology people have at their disposal today. 'I would have been a much better lawyer,' she said.

There are a lot of misconceptions around AI, she added, with many junior lawyers seeing it as an enemy rather than a friend. That perception is now evaporating, as is the mistaken belief that much of today's technology is not affordable for most firms. In an instant poll of those who attended her talk, conducted using sli.do, 85% of respondents said they were planning to use some form of cognitive computing

or AI in their law firm in the near future. However, only a third said they were doing so already.

Lightfoot's main message was: if you are not already preparing for the age of AI, then you need to start doing so, and fast. Some forecasts claim that by 2045, computing power will be a billion times the power of the human brain. Many are still unsure how this will play out – in another instant poll carried out at the end of her presentation, 70% of respondents denied that robots would eventually replace lawyers. ►



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*We can't  
do everything  
through price  
– that does not  
change behaviour.  
Changing process  
is the way to drive  
improvements  
– D. Casey Flaherty*

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The next keynote speaker was Casey Flaherty of Procertas. He said that contrary to the more extravagant claims of some of those who sell IT, technology is not magic. We are often told IT will solve all our problems, but things don't work out that way. 'IT never quite does everything we want,' he said. 'We want a self-driving car – we get a Ford Fiesta.' But that does not make it worthless. 'It's still a big improvement on using a horse.'

Evidence of the limits of technology comes in the form of the mobile device that Flaherty and his wife use to monitor his young son's diabetes. They find it fantastically useful, but it never quite lives up to expectations. His son, known as 'Pickle' (apparently no one can remember his real name any more), made several appearances in his entertaining presentation. Everyone who was there will now always think of the psychological difficulties lawyers face when dealing with new technology as 'the Pickle problem'.

One of his other key points was that law firms rely too much on discounts in their attempts to provide clients with greater value. 'That never ends,' he said. 'We can't do everything through price – that does not change behaviour. Changing process is the way to drive improvements.'

Next up was Chris Bull of KMS, who explained how law firm business models are changing. The time-honoured model – a single, co-located professional partnership – is splintering into a wide variety of new alternatives, he said. 'If you started a law firm today, would it look anything like your current firm?' he asked. Strangely, there were no cries of 'Hell yeah!' from the audience.

In the panel session that followed Bull's talk, Christ'I Dullaert of Le Tableau returned to the topic of AI by revealing that she had recently acquired a robot vacuum cleaner. In a bid to reassure lawyers who are worried about AI taking their jobs, she noted that she still had a cleaning lady who works just as much as before, but on different tasks. 'Automation changes the work,' she said. 'It doesn't make it disappear.'

Immediately after lunch we heard from Daniel Pollick, director of business transformation and CIO at DLA Piper, who focused on six key trends he thinks are changing the way people work. One of these is the growing tendency of tech firms to work with unstructured data. 'In the past, technology has often been about getting data into a structure, but that is going to fall away,' he said.

He also dealt with speculation about what happens when Moore's Law comes to an end. Pollick does not think this is really something to worry about. 'There has been a huge amount of innovation in the aviation industry, but this hasn't manifested itself as miniaturization and doubling of power and speed,' he said, noting that the Boeing 787 is actually slightly slower than its 1970s predecessor, the 707. 'In the future,

we'll be using devices that look similar to those in use today, but they will have developed in ways we didn't expect,' he said.

Richard Bejtlich, chief security strategist at FireEye, used his slot to explain what happens when a security officer visits a firm after a data breach. 'How did you get this?' is the most common reaction when someone is presented with company data that has fallen into the wrong hands, he said. It's a line often used in Hollywood movies when a character is presented with information that incriminates them. 'What would you do or say in such a meeting?' he asked. 'Who else needs to be there?'

His key lesson was that you need to find out who in your firm is responsible for dealing with intruders who have already gained access to the company. Once you have found them, ask how many bad things happened in the last year. Then ask them how much time elapsed before they noticed and how long it was until they could do something about it. The key priority for firms is that if intruders gain access, then

there should be systems in place to enable the intrusion to be dealt with quickly.

Bejtlich's presentation was followed by another panel session in which Olaf van Haperen, managing partner at Dutch law firm Kneppelhout & Korthals, made the point that it is impossible to achieve 'total security' with zero risk of a data breach. The key aim of corporate security strategies should be to fix things quickly when something goes wrong. Most of security is common sense, added Dutch ICT and investigative journalist Brenno de Winter.

Last but by no means least was Ari Kaplan, whose talk focused on how legal professionals are finding dynamic ways to thrive by re-imagining how they deliver their services, embracing technology to support that mission and collaborating across disciplines and borders.

He had a treasure trove of stories to back up his arguments, including one about a taxi driver who offered him a bottle of water at the beginning of a journey. He didn't take it, but he did ask

the driver if he offered water to every passenger. The driver said he did, for one simple reason – it meant he got a better tip at the end of the ride.

This was a very simple way of illustrating the point that law firms need to find ways of setting themselves apart from the competition. As the story shows, it does not have to be anything tremendously complicated – just something memorable that helps the customer to take a favourable view of you and your service.

In the panel session after Kaplan's presentation, TGO Consulting's principal partner Jaap Bosman said the best way to persuade law firms to change was to convince them that not changing would cause them to lose clients. However, Max Hübner, director of corporate legal and tax at pension fund manager PGGM, urged law firms not to listen to clients if they wanted to bring about real, lasting change. 'All clients want is the same high level of service for less money,' he said. 'If you want real innovation, it's better to listen to other people.' ■



# The **coming changes** in how lawyers practice

BY RON FRIEDMANN



In this century, we have seen dramatic changes in the legal market. We have moved from a period of plenty to one of seeming scarcity. Many commentators suggest that the legal market has been, is being, or will be disrupted. I have a different point of view: if the 2007-10 economic crisis did not 'disrupt' the legal market, I am not sure what would.

Anyone claiming disruption must look at how lawyers practice. When I do

We now operate in an era of permanent austerity. Law firms will need to reduce costs and work more efficiently if they are to thrive.

this, I see incremental and, in my view, minor changes. Probably the biggest changes in the last three decades were the advent of PCs and then the Internet – both over 20 years old. These tools, while hugely important, have not fundamentally changed the mechanics of the practice of law.

I expect the future will reflect a continuation of the trends we can see clearly today. I present here my take on where firms need to head if they want to succeed, starting with what should motivate change.

## **Law firms face continuing pressure to change**

Clients increasingly push law firms to deliver better value. They are also taking steps to reduce costs, including bringing more work in-house, using alternative service providers such as managed document review companies and legal process outsourcers, and shifting work to smaller firms and boutiques from large firms. We also see signs that technology will replace some lawyer work. These trends translate to flat demand and tremendous price pressure. To prosper, firms must adjust how they

practice and how they run their businesses.

### **Legal project management (LPM), pricing and profitability**

Clients no longer allow law firms to 'do whatever it takes' or to 'leave no stone unturned'. Today, clients make risk-adjusted decisions about how vigorously to pursue legal matters. Law firms must be in tune with these client expectations.

For each matter, partners must have clear discussions about its scope before beginning work. They must then set

budgets or fixed fees and, once work is underway, monitor performance against budgets. Budgeting and delivering within budgets or fixed fees are necessary new skills – whether matters are priced hourly or according to alternative fee arrangements.

These pressures will lead to other related changes. Across matters, firm management must consider profitability by matter, practice, client and partner. To meet this need and support individual matters, firms now deploy software and staff to support pricing, budgeting and project management.

We will see continued growth in the number of pricing and legal project management professionals. As more partners understand the new mandate to manage costs and profits, they will use software to help. A new class of pricing and legal project management software is now displacing older systems that only accountants loved.

As lawyers and firms deploy more professionals and better software, they will learn what drives profitability. That will lead to changes in how lawyers work, specifically in staffing and use of technology...

### **Lawyer staffing**

Delivering value while maintaining profits requires some combination of more leverage and using lower cost lawyers. Some firms will leverage up. A handful of top end firms can maintain and increase profitability by driving the traditional partner and associate model harder, building the base of the pyramid bigger.

Yet that model will not work for many firms. Instead, many will need to de-leverage, at least with traditional associates. They will need to hire staff attorneys – non-partner track lawyers – at lower compensation than associates. To compete more effectively with alternative service providers, some firms will place cadres of lower paid lawyers in their low cost service centers (such as Kansas City, Dayton and Tampa).

### **Lawyers will use more technology**

Technology will also help firms deliver more value by automating routine tasks, even in high-stake matters. I predict this reluctantly because tech uptake has been so slow to date. For example, document assembly is little used today even though it has been available since the 1980s.

But relentless economic pressure is likely to force change. Moreover, many new tools do not require the upfront investment that document assembly does. Examples of new, efficiency-enhancing technologies include predictive coding for eDiscovery, due diligence enhancers and deal management packages.

Some observers suggest that machine learning systems such as IBM Watson can replace large numbers of lawyers. Even if that is technically possible – and I have my doubts in a five-year horizon – the cultural and business model changes mean adoption will take much longer.

And lest we lose sight of the basics, we may see the rise of mandatory lawyer training on basic office productivity tools. A fixed fee world places a premium on using tools efficiently. Recent audits of associate tech skills have shown very poor results. Smart firms will fix that. ►

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*Law firms must be  
in tune with client  
expectations*

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### Firms will take knowledge management seriously

Both clients and lawyers have long worried about re-inventing the wheel. Knowledge management (KM) offers a variety of ways for lawyers to capture and more effectively re-use prior work product. It also helps them quickly locate their colleagues with relevant expertise. It turns out that experience location generally offers more value than documents. A short conversation with an experienced lawyer yields both relevant documents and context for them.

Once a firm reaches a size that means lawyers cannot walk around a single office and talk to all potentially relevant colleagues, it needs a structured approach to KM. Fortunately, firms can choose from a variety of approaches and technologies to create a KM program.

### Firms will continue reducing overhead

The pressure for value and focus on profit create continued pressure to control if not reduce overheads. Support staff and rent have long been two of the big costs (after associate pay).

The ratio of lawyers to secretaries has, over the last few years, moved from 2:1 to 4:1 and higher. Many firms are also cutting the number of square feet per lawyer as they renew leases. Some firms now make all lawyer offices the same size – and smaller than in the past.

In the next five to ten years, we can expect to see a shift from simple cuts to a rationalization of support and space. Firms will centralize as many functions as possible. With centralization, firms can outsource support or move it to

lower cost locations, at least for staff who do not need regular, in-person lawyer interaction.

Growing demand for large law firm services, from the 1980s until the economic crash of 2009, allowed firms to develop many bad habits. We now operate in an era of permanent austerity. That means these habits must be broken. To thrive, law firms will need to reduce costs and work more efficiently.

*Ron Friedmann is a consultant with Fireman & Company, which specializes in assisting law firms practice law more efficiently and operate their businesses more effectively. ■*



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# What's happening at Prosperoware?

BY JONATHAN WATSON

Prosperoware hit us with a double whammy in May when it released new versions both of Umbria and Milan InfoGov. Jonathan Watson spoke to the company's president and co-founder Keith Lipman about the road ahead.

## What's driving change in the market at the moment?

On the information governance side, the last few months have been chock-full of 'oh my god' issues at a business level. First we heard how hackers had targeted half of the AmLaw 100. And then we had the Panama Papers, which highlighted a problem for firms that have traditionally focused on building strong 'castle walls' against external threats. They were still 'soft on the inside', as everyone in the firm still had access to almost all the data.

In this case, the leak was huge – about 2.6 terabytes of data. At some point, someone probably plugged in a hard drive inside that firm and downloaded that data. There's definitely something different about this crisis. This was a law firm, and now other law firms are finding their names in the Panama Papers.

Clients noticed and are now demanding changes. They want firms to compartmentalize their data – to limit who can access their matters. Their message to law firms is this: 'We want



you to secure our data to just those people who work on our matters.' Implementing such a lockdown for large numbers of clients without having a purpose-built solution such as Milan InfoGov can be a monumental, if not impossible, challenge.

In addition to this, for the last 3-4 years, the Federal Trade Commission (FTC) in the US has been tracking and suing companies who have had data breaches on behalf of the public. For example, the FTC held a medical transcription company that outsourced transcription services to third parties liable for the data breaches of those third parties.

This means that if a law firm suffers a data breach, the client may get sued for it. This is part of the reason why lots of clients are issuing outside counsel guidelines, often including indemnification provisions. Law firms would have to pay the client back, contractually, if something goes wrong. They are being treated like any other vendor.

#### **How are clients applying pricing pressure?**

In the old world, law firms sent each client their bill and that was the end of the story. They are now moving to a world where clients are applying pricing pressure and lawyers' margins are being greatly reduced. This means they need to operate in a more efficient way. Clients

are no longer paying for work they did not agree to. If lawyers just randomly decide to do x, y and z because they think it's a good idea, without talking to the client, then that's out of scope work and the client can refuse to pay.

We're basically in the middle of two fundamental shifts going on in the industry. Number one, on the business side, is the application of pricing pressure. Number two is that we really need to move to a compartmentalized, need-to-know data structure and provide technology that enables both.

#### **You've also talked about moving from a revenue culture to a profit culture. Why do firms need to do this?**

It's about being able to install a Business Intelligence (BI) product that enables firms to have visibility into their data – through dashboards – that integrates business process and workflow. Rather than writing everything themselves, firms can buy software that immediately offers value. It's software that includes the input from lots of firms, so it offers the additional benefit of other people's best thinking.

Clearly there have to be tweaks based on the culture of the firm. For example, many firms with developed profitability models have different views on how they want to do costing. Some might want to use only the direct cost or the salary cost, some want to use the fully loaded cost, while others want to include all the overheads. None of that necessarily changes the user experience – it just changes the numbers the firm can see. The firm can then decide who gets to see them. Is it only partners, partners and senior associates, or partners and associates?

We can also shine a light on a firm's data practices. Usually the accounting department is just focused on using the accounting system to get the bills out, and on the data practices they need to get those bills out. But now, they have to look at how the data is structured. I've heard about one firm whose customer reports depended on a custom field in their practice management system, and when somebody changed the meaning of that custom field, it broke all their reports. ►



# Business Intake



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### What should we expect from Prosperoware for the rest of 2016?

We've just released version 3.0 of Umbria. This includes Umbria Arrangements, a new contract management module that incorporates outside counsel guidelines. We've found that a huge problem across the industry is a lack of understanding of the deals, at a structural level, that firms make with their clients, and an inability to track them.

A firm's practice management software, for example, may not support the idea that in M&A matters, the rule for the client is pay on close. The firm will create bills and send monthly invoices so the client can see what's happening, but that does not mean the revenue shown is collectible. We're trying to help firms with revenue management so they can understand themselves much better fiscally. That's something they really need to do in a world where their margins have been reduced.

We've also introduced Experience Management. The challenge for the legal industry is that generally, it is up to human beings to tell us what each matter is about. But the most powerful data we can have is metadata around what matters are about. So we're

*A huge problem across the industry is a lack of understanding of the deals, at a structural level, that firms make with their clients*

working with the idea that we can correlate more data relating to each matter, because that can be useful in multiple ways.

### How can firms use that data?

It can improve the client relationship by providing better insight into the work that's been done. It might show us, for example, that there have been

a high number of lawsuits based on discrimination, which suggests the client might need to do more training. It enables firms to talk to their clients and provide better advice at a holistic level.

At the same time, it enables better business development, because it can show the firm the industries in which it has the most meaningful experience. Knowledge management is also improved – if the firm is looking for a sample agreement on acquiring an oil well, for example, it can search for clients in the oil industry and locate those types of transactions.

Ultimately, we provide business intelligence plus. The 'plus' is the extent of the BI and integrated workflow – the ability to collect more data and to take additional action, so that firms can find an old matter, model it, and then come up with a new price or a new budget. Or they can analyze a set of matters together and understand them. Umbria can also track outside counsel guidelines and, using machine learning / AI, detect violations or identify someone doing out of scope work. It can then issue a warning, such as telling you that the client hasn't agreed to pay, to avoid write-downs later. That protects the firm and protects profitability. ■

## In-House Counsel

# Where In-House Legal Teams Are Investing Their E-Discovery Budgets in 2016

## In-House Legal Personnel





# Law firm **IT professionals** **can jump** right into the legal operations **revolution**

BY CHRISTY BURKE

IT professionals at law firms need to pursue new technologies actively so they can provide the best possible solutions for clients, says Christy Burke

**T**he corporate legal operations revolution is here to stay. Corporate law departments are increasingly being run like all other business units within a company. Led by operations gurus who are often also lawyers, legal departments are now responsible for staying within budgets with full profit and loss accountability. They are expected to align themselves with the corporation's strategic priorities, trim inefficiencies and maximize return on investment.

'There is no more "veil" for the legal department – no more special treatment or open checkbook,' says Doug Luftman, general counsel and chief innovation officer at Lecorpio and previously chief IP counsel at NetApp. 'Legal operations groups are forming to manage corporate legal work in a much more methodical, analytical way. Companies are developing ways to manage third-party services with greater efficiency and this includes outside counsel firms.'



This revolution has given rise to organizations like CLOC (Corporate Legal Operations Consortium), founded by Connie Brenton, chief of staff and director of legal operations at NetApp. She sees the corporate operations movement as a golden opportunity for law firms to jump on board, providing useful information and tailored solutions to accommodate corporate clients.

Brenton notes that more can be done to bridge the gap between what corporate clients want and what law firms are capable of providing. 'Corporate legal and law firm efficiency goals have not yet aligned – that's part of laying the foundation,' she says. 'If we understand each other's differences and requirements and processes, we can co-develop solutions, together.'

For example, artificial intelligence (AI) presents a great opportunity that both inside and outside counsel could discuss and possibly leverage, Brenton adds. 'Also, instead of spending time generating newsletters that are often deleted, law firms could spend time meeting the needs of in-house departments by providing information such as real-time analytics, and dashboards or implementing technology that can be shared between both, such as electronic signature and workflow technologies.'

Corporate legal is definitely putting pressure on law firms to employ data analytics, says CLOC member Mary Shen O'Carroll, who is head of legal operations at Google. 'Law firms have the big data – they have years of billing records so they already know what things cost,' she says. 'However, law firms are more reactive than proactive so they need to take the initiative by harvesting this data. Firms can improve their knowledge management systems and leverage work that was done for other clients rather than reinventing work done previously. Law firms must be willing to make their own internal data available to benefit their clients.'

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*The longer law firms wait to get started, the further behind they will be.*

*The takeaway for law firms is... start!*

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Jeff Franke, chief of staff to general counsel and director of global legal operations at Yahoo, also a CLOC member, recommends that law firm IT professionals assertively pursue new technologies, some of which are still in their nascent stages, so they can provide diverse solutions to clients.

'Law firm CIOs need to reach out and develop strong ties to COOs and CLOC members,' he says. 'Most of the legal verticals are ripe for combined solutions, including intellectual property, employment and litigation. Promising technologies like contract management are still green, poised for further development. There is a huge opportunity to leverage dashboards and be on similar platforms to share data. However, law firms are not leading with offering a dashboard and they haven't taken time to enter their own data to populate the dashboard with information. Wherever there is inefficiency, there is a huge opportunity

for corporate legal departments and law firms to innovate – together.'

The corporate legal operations phenomenon has had a direct effect on outside counsel law firms, motivating them to build efficiency and collaborate with clients to solve problems. The stakes are high because firms that won't cooperate and actively participate in the process may find their clients seeking counsel elsewhere.

In response to client requests, law firms must leverage software more effectively and collaborate with their clients to implement creative billing and technology solutions. The law firm IT professional is 'front and center' in fielding and solving these client-related issues. Perhaps once thought of as 'part of the overhead' or 'support staff', the legal IT professional is now crucial to the livelihood and future of the law firm. Law firm technology professionals can use this newfound power to break new ground and boldly pursue the exciting, rewarding careers that inspired them to choose the IT profession in the first place.

Matt Kesner, CIO of Fenwick & West and a former practicing attorney, has seen great change during his 16-year tenure at the firm. He explains that many of the firm's clients have formalized their commitment to efficiency and process.

'People/process/technology – you need to combine all three to get good results,' he says. 'Inside counsel is striving to show its value to the corporation. In turn, our firm strives to provide proof of our value through analytics, diverse pricing options and the ability to move faster. The pace of change is increasing and there are constantly new tools and technologies becoming available. Law firms need to be open to this evolution and jump right in. Our work with clients on these projects is collaborative and harmonious. In fact, it allows our firm's IT professionals to exercise their core competencies, namely talking to clients and internal stakeholders about what problems exist and devising creative IT solutions.'

Justin Hectus, director of information at Keesal, Young & Logan, shares this enthusiasm about the burgeoning opportunities for law firm IT to shine. 'The rise of corporate legal operations has been a great gift, providing us ►





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with clear direction from the most important source imaginable: our clients,' he says. 'Client requests for new technology and efficiency help us set priorities and give greater credibility to tech-related projects. Law firms are starting to look to their IT leaders for direction. Non-lawyers now have a seat at the table with added clout, engaging in an honest dialogue about how technology tools and streamlined processes can benefit the firm and its clients.'

Law firm IT professionals may be concerned that the corporate legal operations demands will lead to a lot of extra work for them. While this may be true, in the long run the law firm – and its employees – win.

'Efficiency gains are a win-win,' says Brenton. 'Law firms leveraging new technology will be able to compete better. More efficient work models will attract more clients. True, technology takes a while to install and become

stable. However, the longer law firms wait to get started, the further behind they will be. The takeaway for law firms is... start! Those who are late to the party will be very late indeed, and perhaps out of luck. This could happen more quickly than people think – we are at the tipping point right now.'

As a law firm IT leader, Hectus echoes Brenton's call to action for law firm IT professionals to engage in the legal operations movement now, even if they are feeling overwhelmed. It's understandable to become mired in fear or denials mode when faced with many new concepts at once. He advises CIOs to accomplish what they can and jettison what's no longer valuable. 'Don't rush in blindly – rather, engage in dialogue with your clients to see where the market is gaining traction so you can make a smart play,' he says. 'The goal is not insurmountable – get a foothold and focus on getting in sync with your corporate clients.'

The message is clear for legal IT professionals when it comes to joining the corporate legal revolution. If you haven't started yet, or have been dragging your heels, get going! If you have already started engaging with clients regarding legal operations and technology innovation, keep going. Jump right in – an exciting, dynamic world awaits you, inviting you to make your mark and spearhead innovative progress at your firm!

*Christy Burke is president and founder of Burke & Company, a New York-based consulting firm. She is a prolific writer, having published columns in Legal IT Today, Legal IT Professionals, Law.com, Legal Tech, the ABA's Law Practice Today, Intellectual Property Today, Attorney at Work, Peer to Peer and Marketing the Law Firm. For more information, visit [www.burke-company.com](http://www.burke-company.com) or follow Christy on Twitter: @ChristyBurkePR. ■*



# ‘Best-of-breed’ trumps ‘jack-of- all-trades’

BY ROY RUSSELL

Business transformation is one of the biggest buzzes in the legal market – but is it a goal attainable by only large law? How can small and medium law firms transform their practices to get the benefits of this approach?

A good place to start business transformation is a review of the IT systems and applications currently in use. Without the need for a crystal ball, I can predict that conversations with staff and clients will quickly highlight frustrations over the way they interact and communicate – which in a law firm relates to documents and emails.

Make improvements here, and firms will secure quick and highly rewarding wins by way of both staff and customer satisfaction. The business will become more productive and efficient.

Choice of technology has always been abundant in the legal sector given the variety of functionality that law firms require to conduct their business – practice management, CRM, case and matter management, document management and so on. Against this backdrop, it's no surprise that small to medium sized law firms desperately try to limit the number of systems they deploy. This has given rise to a longstanding debate on the efficacy of best-of-breed systems versus jack-of-all-trades applications in the legal sector.



While initially the jack-of-all-trades solutions appear adequate, and address limitations of budget and IT resource, there comes a time when systems offering multiple functionality via multiple modules are simply unable to serve the business effectively. Although the core module, usually the practice management component, may still be suitable, the secondary but still important elements can start to show weaknesses.

Eventually, firms find they need the advanced and comprehensive functionality of best-of-breed software solutions to help them transform and differentiate their business. Adopting better systems can also help them attract the best talent and compete more cost effectively in a highly competitive market.

For instance, firms commonly use the document management modules within their practice management systems for records and information management. However, often the functionality offered by these modules isn't sufficient. Some systems have little or no integration with email; several place restrictions on the number of documents that can be saved to a single folder; and many provide little or no search functionality.

In today's smart, hi-tech world, very few of the jack-of all-trades applications provide any true mobile solutions that allow lawyers to use devices such as smartphones, tablets and iPads meaningfully when working remotely or on the move. The fact is that these multi-purpose systems aren't designed to be functionally rich in every area. They are light touch applications that do a 'bit of everything'.

Furthermore, if it takes lawyers extra time and mouse clicks to save a document or an email into a system, they are unlikely to undertake the operation. This hinders the establishment of a complete electronic

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## *Best-of-breed solutions provide growing firms with a steadier footing to achieve their strategic business objectives and compete in a level playing field*

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matter file, which is the foundation of a digital/business transformation initiative. The consequence of not having a best-of-breed, intuitive and user-friendly system can be that documents get stored elsewhere – for example, on users' local C: drives or somewhere on the network where individuals have their own unique hierarchal folder structure using their own naming conventions. This can have significant and possibly very costly implications for firm-wide security, risk mitigation and compliance, not to mention contradicting the requirement of a single, central, collaborative working environment in which knowledge can be shared and re-used for posterity.

Without a relevant email and document management system in place, users will undoubtedly devise their own individual mechanisms to save and reference records. Different filing systems, naming conventions and forms of version control create work for individuals, but offer very little reusable knowledge or value to the firm. Important information is locked away on users' local hard disks or buried deep within disparate and illogical hierarchal filing structures across multiple network file shares.

The email system then becomes the accidental collaboration tool, but isn't fit for that purpose. This exacerbates data loss and integrity and security issues. Studies show that knowledge workers can spend 15-35% of their time searching for information. The rewards for making this process efficient can be substantial.

In fact, these 'handyman' style applications are undeniably holding back business transformation in many law firms. They are almost as bad as having no system at all. This is especially true in small to medium sized organisations, who mistakenly believe that best-of-breed systems are out of reach due to the cost of purchase, ownership and maintenance. This leads them to assume that rudimentary, all-inclusive applications are their only resort.

The reality is the contrary. Law firms can and should work with their software providers to remove these typical obstacles for growing firms. For example, document management best-of-breed solutions may be difficult to deploy on-premise for some firms, but they are immensely affordable via a privately hosted model. This addresses firms' archetypal security, cost of ownership and lack of IT resource concerns, making the ►





this repository is, the more valuable it will be to fee earners, helping them save precious minutes, if not hours, across the course of a day for billable work.

It's worth noting that data migration doesn't simply entail transferring files, but also moving the 'contextual' information around those documents (known as metadata), including associated emails, matters, contact details of various parties involved on the case and financial information. There's definitely an art to identifying what precious information can be mined from the location of the documents, the naming conventions used and the references that the existing systems make to those documents.

The best 'tools of the trade' are no longer a privilege of the larger law firms with deep pockets and substantial resources. Technology has evolved to become truly mainstream and accessible to all sizes of organisations as well as individuals. Consequently, clients today don't just expect their law firm to be IT savvy – they demand it.

Take external collaboration for instance. Many clients, including private individuals and/or the largest of corporates, expect the ability to exchange matter-related information quickly and securely via simple-to-use tools. As best-of-breed email and document management systems are now affordable, there's no reason why a small to medium sized firm can't enhance its client satisfaction by providing the same customer-facing technology solutions that the large firms offer.

It's a myth that jack-of-all-trades applications offer sufficient functionality to growing firms. There's a business rationale for adopting best-of-breed solutions: they provide growing firms with a steadier footing to achieve their strategic business objectives and compete on a level playing field. Truly viable options exist and the opportunity is there for the taking.

*Roy Russell has over 30 years' experience in consulting, implementing and supporting software technologies in European and North American legal markets. In 2000 he founded Ascertus, a UK-based specialist in document lifecycle technology consulting and software solutions. ■*

solution an operational expenditure rather than a capital one.

Firms can also encourage technology suppliers to devise alternative pricing and licensing models to help lower the cost of technology ownership. Today, usage-based, on-demand licensing options are growing and in many industries, they are beginning to replace the traditional perpetual and subscription models. There's no reason why the same approach cannot be adopted in the legal sector.

For firms embarking on this route, it's advisable to work with a systems

integrator to ensure successful migration of data from the existing system or network file share to the new solution. Also, the importance of a comprehensive data migration strategy should never be underestimated. It should be regarded as a key sub-project within the implementation of a new system. It must also be supported with the right level of investment.

The objective should be to have every matter-related document and email filed and managed within the new document management system as quickly as possible. The more complete

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# The **role of governance** in cyber security

BY IAN RAINE



Law firms are particularly attractive targets for cyber criminals. They need to rethink how they protect client data.

In the legal industry, reputation is everything. Clients want to believe you are the best at what you do and that they can trust you during their most vulnerable times. So what if someone were to ask you as a legal professional: 'What is the biggest threat to the public reputation of your firm and your clients today?'

How would you answer them? Would it be your firm's win-loss record, the growing competitiveness of the industry or something similar? While these are natural first responses, the reality is that the biggest threat facing the legal industry today is cyber security.

All it takes is one click on your favorite news site or one glance at the TV to confirm that this is the case. From the Panama Papers to the 'Oleras' BigLaw breaches, the news is full of stories relating to cyber security attacks on legal and other professional services firms – and the trend is showing no sign of slowing down. As an industry, we must take action to get ahead of these criminals. Law firms of all sizes must go beyond preventative perimeter security and put processes in place that are designed to mitigate the effect of attacks that breach the perimeter security.

Even if having a conversation about these processes is not prompted by a breach of your own system, it stands to reason that with the prevalence of hacks, clients will soon be demanding to see how you govern their information and how you are prepared to mitigate risk. It will be up to individual law firms to demonstrate this preparedness before risking losing business. In order to arm yourself against potential hackers, it is important first to understand the frequency with which law firms are being attacked, how they are attacked, and why they are being targeted in the first place.

According to the American Bar Association, 25% of law firms with 100 attorneys or more have experienced a security breach of some type or another. When not controlling for size, other reports estimate this figure to be as much as 97% of firms. Of these attacks, 25% were the result of malicious activity

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## *As cyber criminals become more sophisticated, governance will be key to preventing breaches*

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within the company and 80% were a result of stolen credentials from a phishing attack.

Phishing, by far the most popular choice for hackers looking to gain inside access to firm information, comes in many forms. There is the traditional method, which involves casting a wide net to thousands of email addresses without targeting anyone in particular. Then there is spear phishing, where attackers research their targets using the wealth of information on the web and send highly targeted and custom emails to a small number of individuals in a single firm or a single department of a firm. M&A firms are common targets here. And finally there is whaling, which refers to the spear phishing of high-level executives who are likely to have access to the most valuable information.

Phishing threats are significant and must be taken into account when reviewing current security measures across the organization.

Why are law firms taking the brunt of the cyber security blow when it is not their own data but their clients' data being hunted? The answer is twofold. First, a single firm can serve as the access point to the data of hundreds of clients. Second, standards of security at law firms are often not as stringent as those of many of their high-profile clients. You may have heard law firms described as the 'soft underbelly' of corporations, and it is often true. Law firms – especially smaller and midsize ones – simply do not have the same level of security.

As a result, more corporate clients are demanding their law firms take increased security measures, often

through demanding Outside Counsel Guidelines that lay out how information will be stored and protected. Additionally, clients are exercising their right to perform security audits on their law firms to check that appropriate measures are in place.

To meet these growing expectations, many organizations are spending the majority of their security budget protecting their network against the emerging threats of the Internet. They're purchasing expensive firewalls, intrusion detection and prevention systems to help mitigate these malicious activities.

The overriding emphasis is on prevention and detection – alerting firms to when a breach has occurred, what steps to take to address the breach and how quickly those steps need to be taken. However, there is another, often overlooked, layer of security that should be part of any law firm's cyber protection; one that assumes some level of the perimeter has already failed without your knowledge. This layer is governance.

Governance includes your firm's ability to associate every piece of client data with a specific policy. If policies are comprehensive, they will dictate where information is saved, what other information is saved with it, how long it is stored in that location (physical or digital) and who has access to it.

Governance is the opposite of the world of free and open internal access that many of today's professional service firms are operating in. Governance also includes the ability to encrypt content both at rest and in motion – ensuring a rogue user with admin credentials cannot view content contained in a central document store or tap information as it's sent around the firm—as well as tracking what has happened and which documents a user has accessed through an effective audit trail.

This kind of 'pessimistic' security model may feel uncomfortable or stifling at first, but it is critical to allowing only those individuals who are members of a particular matter team to access sensitive client data. It also protects clients by making sure that if a user's credentials are compromised, a hacker's impact is limited only to what that account has access to.

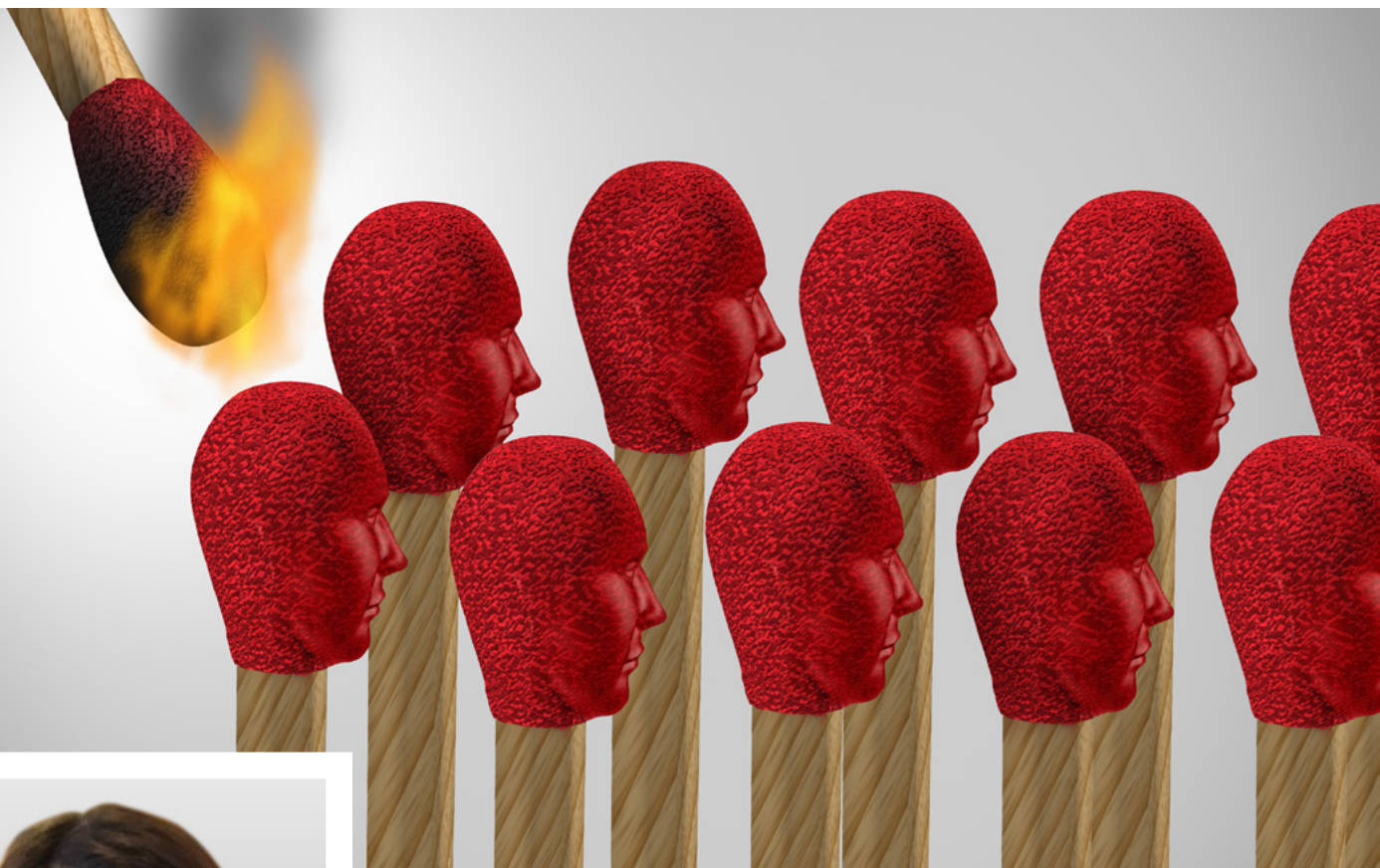
To say it another way, a hacker can't steal what they can't see. And as cyber criminals become more sophisticated, governance will be key to preventing breaches. According to a recent ILTA technology survey, the number of firms moving to a pessimistic security model has increased by 50% over the past few years. This will continue to rise, and the future of the legal industry's reputation depends on it.

*Ian Raine is director of product management at iManage.* ■



# Is **AI hope** or just **hype** for the legal industry?

BY MARY REDZIC



Lawyers should not expect too much too soon from AI, says Mary Redzic

When I read about the Google artificial intelligence project that 'read' thousands of poems and wrote one of its own, my mind started churning. What if we could do the same with case law? What if artificial intelligence could be used to read through thousands of cases and decisions, and draft our pleadings and briefs for us? The legal industry would implode!

Imagine the hours saved drafting documents, the hours that BigLaw would lose billing its clients and millions (maybe even billions) of dollars saved by clients. It's a win-win situation, isn't it? Or is it a lawyer's worst fear realized?

Artificial intelligence (AI) is not new. The term itself dates back to 1956 and was coined at a conference held at Dartmouth College in the US state of New Hampshire. But it has come a long way since then. Today it's a vast and varied field that aims to simulate human intelligence and build machines that can speak, learn and solve problems.

Currently there are a number of technology giants who are paving the way for AI and machine learning, including Oracle, IBM, Cisco and consumer-based companies like Google, Apple, and Facebook. But how does it fare in the legal industry? Have there been any machines that

were built to exhibit intelligence for legal professionals?

### **AI will help us, not replace us – for now**

It seems the closest we'll come to a great tool in the next few years is ROSS, the artificially intelligent attorney that claims to be the 'future of legal research'. ROSS can understand natural language and answer questions like: 'Can a bankrupt company still conduct business?'

It's built upon IBM's Watson, a computer system capable of answering questions posed in natural language. Watson is able to mine facts and conclusions from over a billion text documents a second, instead of just relying on keywords like much existing technology.

The company behind ROSS claims it can provide highly relevant answers rather than thousands of results. It can monitor the law for changes that can positively or negatively affect your case, instead of flooding you with legal news; learn as you and other lawyers use it; and offer a simple, consistent experience across all your devices.

The problem is, we still have to feed ROSS the information, allow the system to sort through it all and return a result. We still have to go through those search results. Also, it is still humans who are writing the code, and to that extent interpreting what is relevant and what is not into the algorithm itself.

ROSS can reduce the amount of time it takes to complete a task, but this makes it an assistant to a lawyer rather than a shiny new associate at the firm. ROSS can't do all the work a lawyer can do. ROSS essentially gives you relevant search results and you have to do the rest – add them to your pleadings, interpret the results based on the facts of your case, and hope that the search results will help you win.

ROSS can't draft documents and pleadings, tell you whether the search results will help you win the case and generate a positive outcome for the client. ROSS is, therefore, a fancier version of a search tool.

I'm not trying to be a cynic, and I may be wrong. After just 10 months of learning bankruptcy law, ROSS received a job offer

from US firm Baker & Hostetler, and will continue to learn different areas of law. I guess I would just have to experience ROSS to make a fully informed judgment on its capabilities and capacity to improve the legal industry.

### **Why are we so determined to do extra work?**

Reducing billable hours and the time spent searching for relevant law and precedent is a huge step forward, but the legal industry and media have elevated this technology into something so revolutionary that it will take away every lawyer's job. That is simply not the case.

AI has been featured in several articles as the next big thing in legal tech. However, having attended the CodeX FutureLaw Conference at Stanford Law School, I feel that for the time being, AI is just hype. As it turns out, using off-the-shelf machine learning software to craft legal software that's the equivalent of AI is proving to be difficult. It requires more home interaction than previously thought, and the machine is just not learning fast enough.

But even if it is just hype and it takes us 5-10 years to develop a machine that moves lawyering to the next level, what could come from AI? What's the big deal? How can we use AI, the simulation of human thoughts and actions, to improve the legal industry?

AI can, of course, be used for good or evil. Technically, if we are representing our clients zealously, shouldn't we have an interest in improving the quality of our services, even to our own detriment? Just because we can bill 1800 hours per year to our clients does not mean that we should.

I can't understand any lawyer who hates technology. I understand the reluctance to adopt technology that makes our work obsolete, but I also can't understand why we want to do all this

extra work. What if we could avoid all the drafting, and simply handle more cases? What if we can bill more clients rather than more hours? More people would be represented and more cases would get resolved.

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## *Using off-the-shelf machine learning software to craft legal software that's the equivalent of AI is proving to be difficult*

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So what can we see in 2016 in the world of AI? According to some predictions, we can expect to see smarter robots, like self-driving cars and bionic eyes. We are likely to see faster analysis and the freeing up of time will accelerate data strategies. Lastly, we will see more companies enter the market and computers will start understanding our language rather than forcing us to speak theirs.

The same seems to be true for the legal industry. ROSS will continue learning, and we may see new companies enter the market, but the changes will be largely incremental. That doesn't mean these changes are not important, but I think it's safe to say that ROSS will not replace lawyers any time soon.

*Mary Redzic is a former solo practitioner turned in-house lawyer who is always on the lookout for innovative ways to make lawyers more efficient and effective. She blogs about legal technology at [disrupt.legal](http://disrupt.legal). ■*



Given the **increasing segmentation** and stratification of legal work (high-end, **high-value market** and the more commoditized low end) and the fact that **not all firms** can compete at the upper end, what's your **best tip for a law firm** trying to salvage commodities law work?



THE VERDICT



### John Gillies

VP of Content / KMStandards

To salvage its commodities work, a law firm needs to do several things:

1. Identify the commodity areas that you want to remain in. It probably does not make economic sense to stay in all the areas you currently occupy. This initiative will only work if you focus on the areas where you can clearly succeed.
2. Analyze all elements of each of these areas to identify the ones that can be automated. Use available tools to automate as much as possible. Eliminate human intervention unless absolutely necessary.
3. Plot the process, identifying every step, how it's performed, when, and by what or whom. Design the reports that you will get. Each element of the process needs to be tracked: metrics, metrics, metrics!
4. Consult with key clients: listen to their needs and adapt the process as needed.
5. Do dry runs and fix any problems.
6. Do a soft launch for the clients with whom you consulted. Listen to the issues they identify. Fix the problems.
7. Once launched, review your reports regularly (remember those metrics), continue to get client input, develop better reports and always strive to do it better. ■

### Tom Baldwin

Partner / Fireman & Company

Commoditized work can be extremely lucrative for firms who get two things right: process and price. Following these steps will optimize it for quality and greater profitability.

1. Visualize your process. Use process mapping to create a really clear picture of how you do the work now. The process map also serves as the blueprint for opportunities to change the staffing model, inject technology to automate certain tasks and to provide insight on how to price, manage and monitor the work going forward.
2. Streamline. Look for waste on your map. Eliminate unnecessary steps, rework loops, delays and trouble spots in your process.
3. Leverage. Use the map to identify the tasks you can push down to lower-cost resources. Ask yourself: can a paralegal do something an associate does? Can an associate do something a partner does?
4. Technology. Find solutions to automate your workflow wherever possible. Will a document assembly system reduce your drafting time? Can you use a diligence automation tool to reduce your review cycles?
5. Price it right. Now that you've optimized the work, revisit how you price it. Examine your new cost of delivery and consider offering it for a fixed fee to increase profits even further. ■



### Brian Inkster

CEO / Inksters Solicitors

If you want to compete in the commoditized legal market you need the correct processes, technology and people for the job in hand.

Key to this is legal process engineering. You must identify the process involved to complete the task and make the steps involved as efficient as possible. This will involve time and effort upfront but will reap dividends in the long term.

You must link the process with appropriate technology that helps you complete the task in less time and with less effort than would otherwise be the norm.

Case management systems should be utilized to facilitate this with data being input only once and used multiple times in various templates.

Don't use highly skilled and expensive lawyers to do the work. If you have effectively engineered the process, then secretarial staff or paralegals or junior assistants should be capable of doing the actual legwork involved. ■





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