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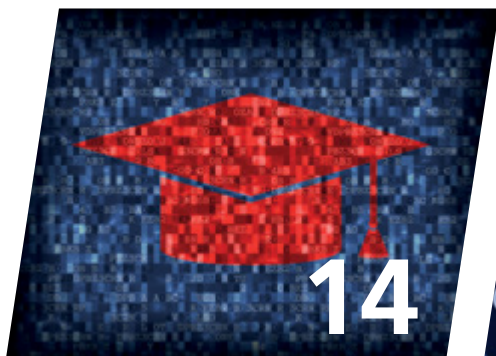
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Legal IT: educating the next generation of lawyers



The internet of money



Special delivery



Is the Surface Pro an iPad killer?



Sam Mardon is a London-based photographer and film maker. This photograph was taken at Glasgow Central Station.

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From the editor

Welcome to issue 7 of Legal IT Today where we address some of the burning issues in the general, technology and legal IT news and we offer additional food for thought in the form of responses to articles in previous issues.

We look at developments that are changing the way people do business: artificial intelligence (AI), virtual currencies, business process re-engineering and legal technology education. The key questions are around timing: do we wait until the next game changer hits the mainstream, or do we risk early adoption of something that may never catch on?

The UK recently experienced the Scottish independence referendum. A yes vote – for Scottish independence – would have changed the UK irrevocably. Although the no lobby prevailed, albeit by a small majority, and Scotland decided to remain part of the UK, there are already political repercussions and there will be more because the decision not to devolve our constitution has made people think about it. The same principle can be applied to business decisions – doing nothing is a decision that has consequences, and these can be as far reaching as the consequences of doing something. Our cover image by London-based photographer and film maker Sam Mardon depicts the clock in Glasgow Central station.

We hear a lot about the ‘robot lawyers’ of the future. KM consultant Mark Gould, former head of knowledge at Addleshaw Goddard, responds to David Halliwell’s opinion piece about AI in issue 6. Gould is firmly of the belief that AI is not generally a good fit for legal. If you would like to respond to this or any other pieces featured here, please contact me and we will continue the debate!

Legal technology education is a potential industry game changer and I followed up my conversation with Professor Andrew Perlman of Suffolk Law School to find out what was happening on the vendor front. I caught up with Shelby Hejjas of Clio, the practice management system (PMS) used by Suffolk’s legal technology concentration and by over 150 other law schools and paralegal clinics in Clio’s Academic Access Program, which gives them free access to Clio’s software. There has been a lot of talk about lawyers’ lack of IT competence and ways of addressing this. One way of eventually eliminating the problem is to give law students basic legal IT training as part of their course. The idea is that, whatever system they end up using, they will still understand how PMSs work and some of the basic tasks they will have to do.

As ever, we highlight a cutting-edge technology and its actual and potential impact on the legal sector. As Bitcoin gains currency (sorry!) in the business world, more law firms are starting to accept it, but there are still regulatory and other

considerations. Patrick McElroy at AgileLaw identifies the Bitcoin dilemma – dealing with its complexity in order to reap its benefits – and discusses some key considerations for early adopters of digital currency.

Returning to mainstream topics concerning law firms, Ari Kaplan shares the results of his recent eDiscovery survey, and reveals a surprising division among law firms many of whom are shifting their approach in this highly competitive market where technology is continually advancing.

Readers in the UK may be familiar with DX as the secure document delivery service that works with the UK Passport Service and the US Visa service among others. eDX is the online arm of DX and provides email encryption services to regional councils and other local authorities. I interviewed Tony Pepper, founder and CEO of eDX, to cast some light on a concern affecting firms that regularly work with UK public sector clients – the ability to save secure, encrypted emails from those clients in law firms’ internal systems – and other questions around email encryption.

As Apple hedges its bets in terms of screen size trends with the iPhone 6 and Apple Watch, David Baskerville reviews the Surface Pro as another potential iPad replacement. Could it also replace the laptop?

Finally, I am pleased to announce [Legal IT Today](#)’s first media partnership with Netlaw Media’s London Law Expo 2014 on 14 October. I realise our readership is international, but if you are able to be in London, do come along. The event is free to attend. [Legal IT Today](#) will be covering the event and it would be great to meet you. Further media partnerships are planned for 2015.

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

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Let humans be humans: AI and legal practice

BY MARK GOULD



Mark Gould, former Head of Knowledge at Addleshaw Goddard responds to David Halliwell's opinion piece on artificial intelligence (AI) published in issue 6 of Legal IT Today arguing why AI may not be compatible with legal philosophy and reasoning.

David Halliwell appears to conclude that there is only limited potential for artificial intelligence (AI) in the future of the law. I agree, but for very different reasons. I am less convinced than David is about the possibility of successful legal AI at all.

The first legal expert systems were created over 30 years ago, but the use of such tools in legal work has not taken off. The systems mentioned in David Halliwell's article are almost exclusively applications of genuinely sophisticated

business computing, rather than being specific to the law. Where is the real legal artificial intelligence?

Like David, I was fascinated by legal philosophy as an undergraduate. I was particularly interested in the way that thinking about adjudication and legal analysis might be compared with theories of language and meaning. One of the original thinkers in this area was J.L. Austin, whose slim work, *How to Do Things With Words*, is still a staple in linguistics. One of

Austin's more recent proponents is John Searle, who has also taken up a position in opposition to so-called strong AI. Perhaps it is not surprising, then, that I am also unconvinced by assertions that machines will ever be capable of understanding, applying and developing the law.

The Chinese Room

There is a debate in the AI world that can be roughly summarised as a dispute between those who admit only that machines will be able to simulate

intelligence – weak AI – and those who assert that it will be possible for machines to become intelligent once the right algorithms can be determined – strong AI.

John Searle crafted the ‘Chinese Room’ parable to express his doubts about the strong AI position. It runs as follows.

Imagine that one is locked in a room, in which there is a book of rules containing instructions about how to respond to doodles written on slips of paper passed into the room from the outside through a slot. One rule, for example, might say that when the slip shows a squiggle, you should pass back a slip showing a wodget. As far as the person in the room is concerned, all of these doodles are meaningless. However, the people outside the room are Chinese and the drawings have meaning as Chinese characters. If the rules are constructed properly, each slip passed into the room as a question will produce a slip passed out with a sensible answer. Does that mean that the person in the room understands Chinese? From the outside, it would appear to be so. In reality, though, there is no understanding – just a mechanical manipulation of symbols based on a formal syntax.

Why is this relevant to AI in the law? For me, it turns on two issues – what we mean by knowledge of the law, and how we translate between human activities and legal concepts. Both of these are simply stated, but immensely complex in practice.

Law is more than rules and outcomes

In his article, David Halliwell uses the model of Dworkin’s hypothetically infallible judge, Hercules, “a judge who knew all the law there was to know, and who decided cases by matching the facts of a case before him with those features [of the law] relevant for particular legal outcomes.” This is a fair description of Dworkin’s position, but a flawed version of the reality since it skates over a couple of crucial points. The first is that the purpose of adjudication is not purely to create a specific legal outcome, but also to resolve a dispute between the parties. Dworkin is interested in the use of principle and policy in judicial decision-making, but this doesn’t always help

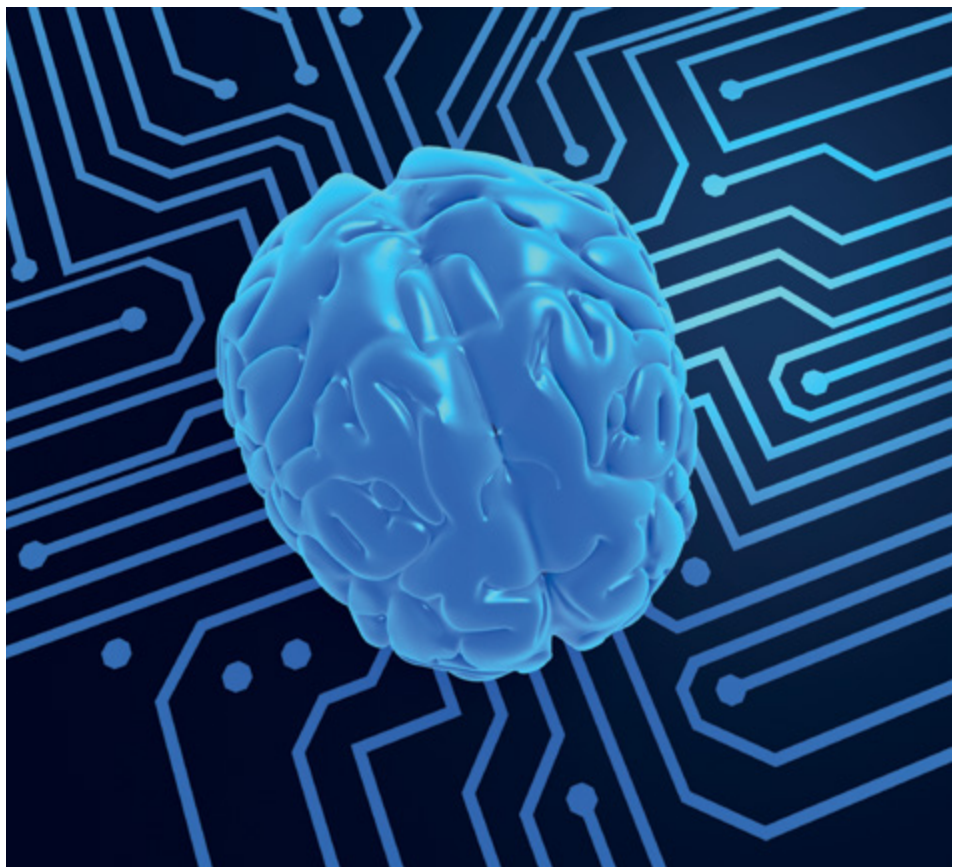
us understand what happens at a more basic, everyday, level. The second, more significant, problem of using Hercules as a model for the application of AI in the law is that not all legal work takes the form of a judicial process.

Most legal work is non-contentious. It can be described as the translation of the personal or commercial goals of two or more parties into some binding form. This requires the lawyer to take into account all the relevant legal rules (including those that enable action as well as those constraining it). That

‘By its nature, knowledge is emergent. It arises out of the experiences of people and their engagement with each other and with a complex environment.’
– Mark Gould

demands a rigorous commitment to improving legal knowledge, since the law develops continuously, as well as a difficult exercise in determining relevance. Among other things, relevance hinges on a full and proper understanding of the non-legal goals of the parties. Given that they are ultimately human (even faceless corporations have sufficient human characteristics for this to be true), the process of comprehension/translation/relevance/drafting/negotiation is one that other humans are best suited to undertake.

The case for legal AI fails, for me, at a variety of points. Primary considerations are the capability for knowledge expression and the process of reasoning used. At the heart of any such system, there must be some process of acquisition and expression of a legal knowledge corpus. As Richard Susskind put it in his 1987 *Modern Law Review* article, Expert Systems in Law, expert systems must be “heuristic, by which is meant they reason with the informal, judgmental, experiential and often procedural knowledge that underlies expertise in a given field (as well as with the more formal knowledge of the domain in question).” ►



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This leads to an issue that also bedevils knowledge management: how do we know what we know? The former US Secretary of Defense, Donald Rumsfeld, understood this problem, and expressed it notoriously well at a news briefing in 2002: “as we know, there are known knowns; there are things that we know that we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns, the ones we don’t know we don’t know.” Crucially, there is a fourth category: unknown knowns, the things we do not know that we know. This is clearly a problem for organisations (how do we all find out what each of us knows?), but it is also true for individuals, as David Snowden has pointed out – we always know more than we can say, and we will always say more than we can write down.

Knowledge beyond the machine

Even if it were possible to capture all the knowledge that exists on a topic at a given moment, there remains the problem of change over time.

‘Humans are invariably better than machines at abductive reasoning. As such, they will continue to be better at developing the law as new situations arise.’

– Mark Gould

This is not simply the need to create a maintenance process: capturing new knowledge as it is created. By its nature, knowledge is emergent. It arises out of the experiences of people and their engagement with each other and with a complex environment. This is why Snowden asserts that we only know what we need to know when we need to know it. The fact is that in many situations (especially crises), the knowledge required to deal with something only comes into existence at the moment the situation arises. If we



could create a computer containing all the knowledge that exists, that machine would become part of the system and would necessarily participate in the process by which new knowledge is created. (As it stands, dumber systems already create the conditions for novel human practices, as people work their way around the inevitable “computer says no” moments.) How would it assimilate that new knowledge? There will always be knowledge that is beyond the ken of the machine.

Abductive reasoning

If we can overcome the knowledge-based objections to legal AI, there remains an issue with reasoning. There are two major forms of logical reasoning, each of which can easily be translated into algorithms. Deduction applies general rules to specific cases to determine truth or falsity. Induction uses specific examples to create (falsifiable) general rules. A third form of logic, abductive reasoning was developed during the late 19th century by the American pragmatist philosopher Charles Sanders Peirce. His starting point was that no new idea could be proved deductively or inductively using past data (which is actually how most computer systems operate). The goal of abductive reasoning, unlike the other modes of thinking, is to find and test possible truths. It is a process by which apparently unconnected things can be linked in ways that make sense. Abductive reasoning lies at the heart of that elusive concept, “thinking like a lawyer.” (Roger Martin’s book, *The Design of Business*, provides a good introduction to abductive reasoning.)

Abductive reasoning depends on two things – good hunches (what possible connections might there be) and coherence (which of the posited connections most plausibly fit the system under examination). Although abductive logic programming has been

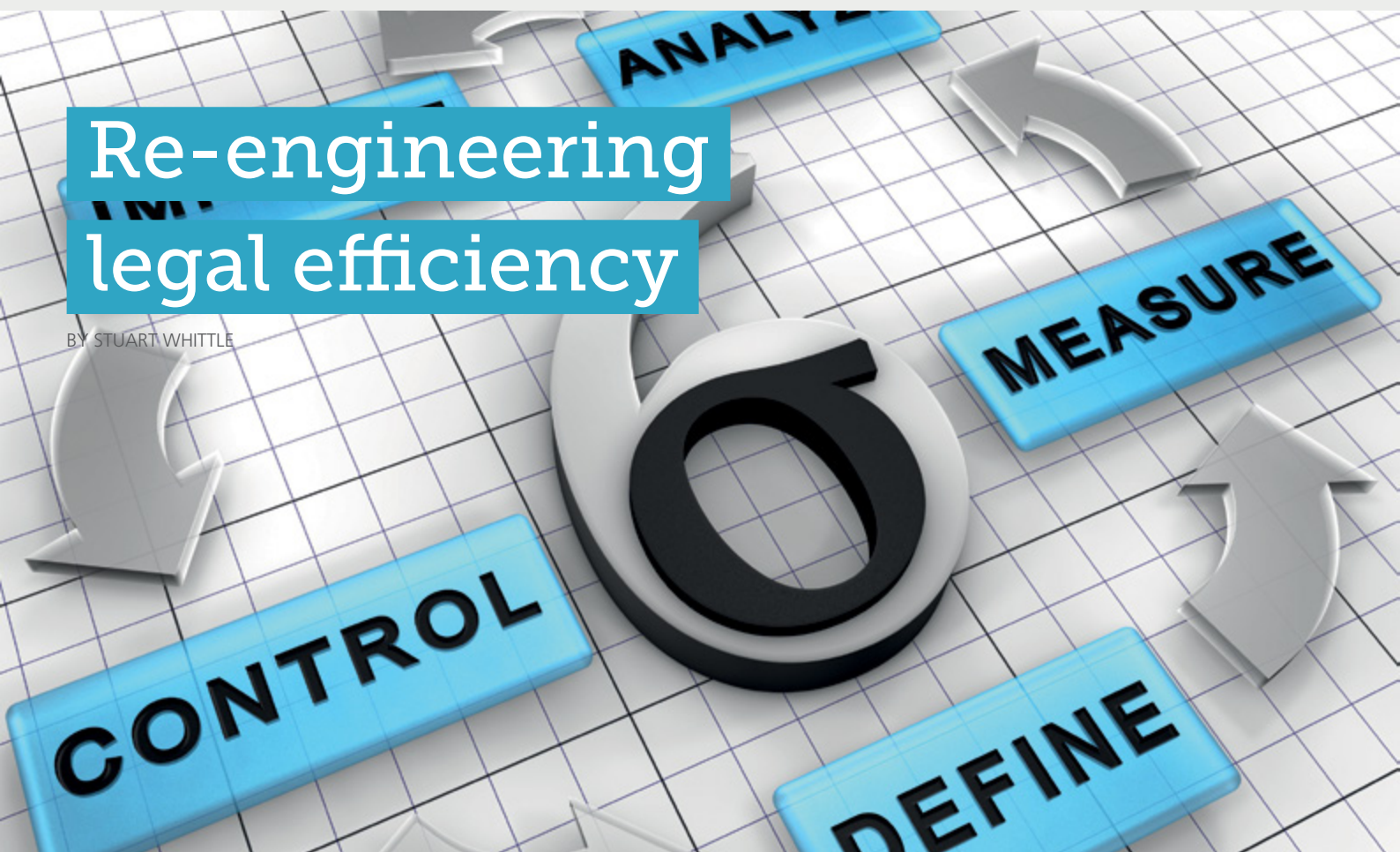
developed, its success depends entirely on openness to wild guesses (at which humans excel by comparison with machines) and confident assessment of fitness (which may be hard for a machine to assess the closer that assessment gets to human desires). Humans are invariably better than machines at abductive reasoning. As such, they will continue to be better at developing the law as new situations arise in the future. If legal AI can only tell us what we already know and has limited reasoning capability even then, what good is it?

Technology has a huge amount to offer the practice of law. There are things that computers can do that are way beyond the capabilities of human beings. Humans are prone to entrained patterns of thinking, which was useful earlier in our evolution when we needed to be alert for potential predators. Computers, on the other hand, can handle vast quantities of data: operating at high speed to analyse material and throw up patterns (and anomalies) that would be missed by the human brain, but can fruitfully be explored in more detail by lawyers. Repetitive tasks can also be usefully automated so that bored, risk-prone humans can be removed from key processes. The systems mentioned by David Halliwell are largely in that category – they make people’s lives easier, whether in the law or in business more generally. On the other hand, attempting to replicate the things that humans are known to do better than machines appears to me to be a pointless effort.

Mark Gould was Head of Knowledge Management at Addleshaw Goddard until May 2014. He now works independently as Mark Gould Consulting, helping firms use their knowledge more productively. He tweets @markgould13 and blogs at his consultancy website <http://mg3c.com>. ■

Re-engineering legal efficiency

BY STUART WHITTLE



Lean Six Sigma combines the philosophy of lean manufacturing with Six Sigma, and is designed to eliminate waste from the manufacturing process. Weightmans' IS and Operations Director Stuart Whittle is applying Lean Six Sigma methodologies to re-engineer the firm's legal and business processes.



My interest in process improvement began ten years ago, when I first became involved in rolling out case management and workflow software for lawyers. My initial aim was to get people working on it and then to look at improving it.

When I became head of IT, the firm was experiencing problems with onboarding new starters and the perception was that all the difficulties were down to IT. So having taken on an 'operational excellence' consultant who specialised in applying process mapping to operational issues, I called a meeting of everyone involved in the new starter process. The problem became obvious when about 20 people attended the meeting. There were clearly too many people involved! The next step was to map the process,

which identified that it was too complex. Until then nobody had thought to look at the process from end to end. Everyone involved focused on their role; they didn't see the impact of what they did on everyone else involved and on the need to work together to fix the problem.

In 2010 I took on responsibility for the operational functions within Weightmans as well as IT and the process mapping initiative lost its impetus as I got to grips with my new role. It became clear that each process mapping project needed someone to drive it by identifying the issue and to get people involved in addressing it.

I renewed my interest in process re-engineering when a particular part of our business was struggling and again,

'Lean Six Sigma is not about making huge step changes; rather it's about making lots of little changes and because of the numbers involved, small changes quickly make a big difference.'

– Stuart Whittle

the initial difficulties were blamed on IT. This time there were some genuine IT issues, but most of the frustrations were around processes that were relatively simple to fix. You can take the man out of the law, but you can't take the law out of the man, and I was looking for a more structured approach to apply to diverse problems than we had previously adopted. So I investigated Lean Six Sigma. However, I wanted to make sure it was a good fit for Weightmans as some people in legal IT had said that because it originated in manufacturing, it wouldn't work in professional services. So I completed a one-week Green Belt course followed by delivering a Green Belt project which made it clear that Lean Six Sigma had enormous potential to transform the firm.

The Lean Six Sigma philosophy

One of the main attractions of Lean Six Sigma was that if you do it well, it becomes part of the firm's philosophy: 'the way we do things around here'. The challenge, however, is that it also represents a huge cultural change, particularly for a law firm. Lean Six Sigma is a bag of tools and techniques and you need to choose the appropriate solution for whatever business activity you're engaged in.

Lean Six Sigma's methodology is defined by its manufacturing roots and there are many concepts that at first glance do not necessarily apply to professional services firms. For example, 'design of experiments' determines the relationship between multiple variables in a process in order to work out what is having the most effect on the process and its outcomes. Put simply, it is about cause and effect. When I did the introductory training I couldn't see its relevance to Weightmans, but I am now applying it to one of our processes.

'Takt time' is described as the rhythm of the factory and it is about throughput. In industrial terms, it is about determining exactly what each machine needs to do to ensure the necessary throughput to deliver what the customer wants. From Weightmans' perspective, if we view a matter as a production line of things that have to happen in a certain order and a certain way, we can then identify our rhythm: our way of picking up work types and



the optimum number of people needed to make sure that matters are concluded as quickly as possible.

Defining and delivering value

In addition to looking for more for less, clients are looking for value, and each client identifies value differently. But whatever value is from the point of the client, no client is going to ask us to take longer and charge more. Lean and Six Sigma start by defining value from the point of view of the customer. This ties in nicely with our managing partner John Schorah's vision for the firm to be truly authentic about putting the client first. Everyone says that they are client focused, but do they mean it? We need to start by defining the client's concept of value and of course value means different things to different clients.

How do we determine our clients' perspective on value? Lean Six Sigma offers a selection of interesting tools and techniques that translate generic statements into deliverables. The 'voice of the customer' is one such technique.

Lean terminology would define a lot of law firm processes as 'waste', in that they are not adding value from the client's perspective.

For example, our clients really don't ascribe any value to how we open a file. Therefore all we have to do is make the process as easy and efficient as possible, but there are also considerations like compliance (necessary non-value activities), so 'all we have to do' turns out to be more complicated than initially anticipated.

Standard operating procedures

All our process re-engineering projects are aiming to produce what is referred to in manufacturing as a standard operating procedure. For example, we have introduced a universal, firm-wide process for opening a matter. The standard operating procedure has huge benefits. It is both a reference manual and a training manual. We would not expect anyone to read it from start to finish, but they can dip into it when they need some guidance.

Standard operating procedures are also about identifying and explaining the rationale of each process, so they are the starting point for creating wizards and workflows. For example, the purpose file opening process is to get the file to the fee earner as quickly as possible with all relevant and accurate information in the case management system so that the fee earner can immediately start working on it without getting bogged down by processes and procedures – or even IT.

Changing the way we do things around here

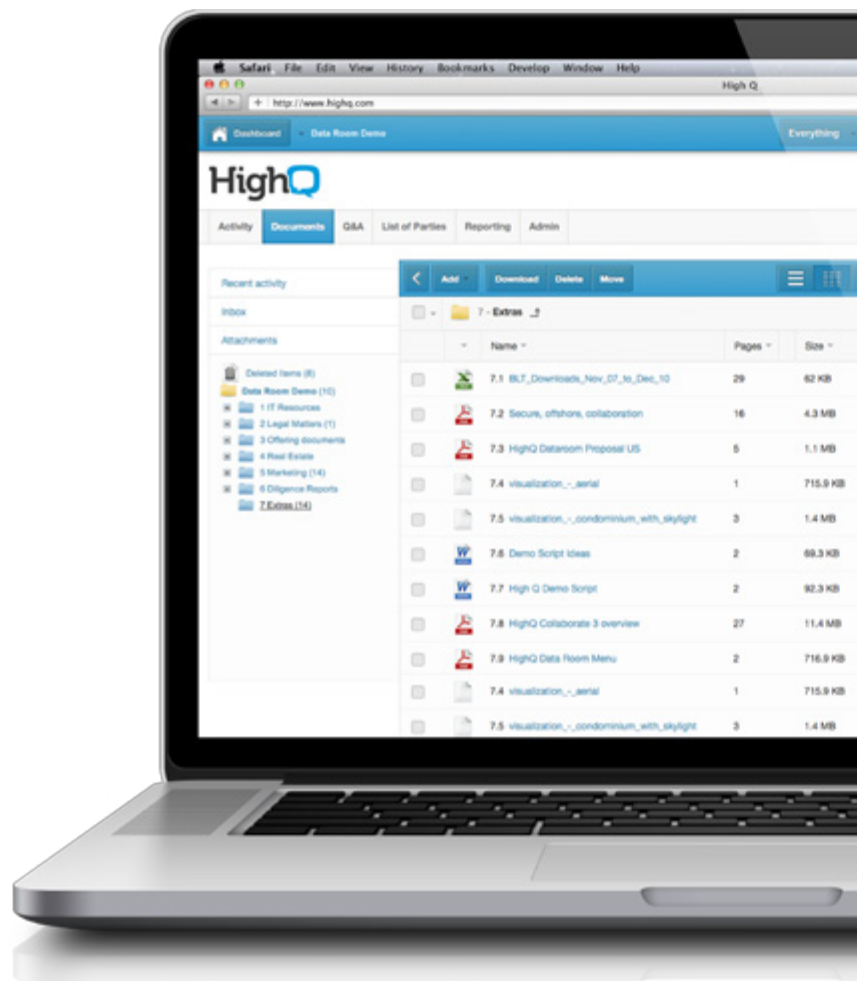
As we roll out our new file opening process, we will no doubt find some exceptions – cases that really don't fit the process. Or it may well be that during the roll out someone has a brilliant idea that nobody thought of in the first place. What will we do? If we are one tenth of the way through the roll out, we may consider making an adjustment, but if we are nine tenths of the way through the roll out, we will probably revisit the issue after the roll out. ►

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Lean Six Sigma is about continual improvement. It offers the flexibility to change and update 'the way we do things around here' in response to new ideas and new developments in the market. For example, mobile technology has changed the workplace fundamentally. If a new development changed the workplace again, we would no doubt have to reengineer our processes.

Weightmans is growing and Lean Six Sigma is helping us become more flexible and react quickly to market developments. A lot of that is about understanding processes. To paraphrase Steve Deming (of the Deming cycle fame) if you can't write down your process you don't know what you're doing. In law firms 'process' as a term is commonly associated with work like debt recovery, but in reality it is simply a way of describing how you work.

Processes and profitability

The Lean Six Sigma Green Belt involved a course, an exam and a project that delivered business benefit. My project was to look at Weightmans' file opening process. Our previous file opening process had 15 or 20 steps and was taking too long in terms of time and effort. Having mapped the process and identified the logjams, we changed very little in our case management system but reduced the number of steps to three. We made one minor change to the case management system and overall halved the time it took to get the file to the fee earner and reduced by about 20% the amount of work involved in opening a file. Weightmans opens over 50,000 files a year. So there is a huge multiplying effect that enables small changes to have a significant impact to the firm and to the quality of the service we deliver to clients. Lean Six Sigma is not about making huge step changes; rather it's about making lots of little changes and because of the numbers involved, small changes quickly make a big difference. It is a win-win situation: if we deal with matters faster, our clients are happier and we earn more money.

In May 2013, Weightmans established a new business line to deal with fast-track personal injury claims. This represented an opportunity to introduce Lean Six Sigma to a wider audience. I trained 15 people – the

'Standard processes produce an agile workforce, making it easier to move people between teams to help us manage peaks and troughs in work.'

– Stuart Whittle

partners responsible for setting up the business line and a multidisciplinary group from the operational support functions. This group has been working on projects aimed at making the new business line more efficient and effective by establishing consistent processes and practices. Process improvement also boosts confidence, as people immediately know how to approach each task.

Standard processes produce an agile workforce, making it easier to move people between teams to help us manage peaks and troughs in work. Creating standard processes for routine functions helps us to shift people around in response to demand as they don't have to work out how another department team opens a file, for example.

Legal process re-engineering

The next step is to look at our legal practices and create processes to deliver advice more efficiently. If Lean Six Sigma became 'the way we do business around here', we could still encounter issues caused by external stakeholders and suppliers. Where that is the case, we may look to take a similar approach to Toyota and work with our supplier and partner organisations to improve the overall process.

Another area we would like to work on is to collaborate with clients on improving the overall end-to-end processes. Although we are concentrating on improving internal processes initially, the end-to-end process of a matter includes what happens at the client before we are instructed, during the instruction and after the matter is concluded.

We undertake a lot of repeat, high-volume work such as processing claims for insurance companies who want cases concluded quickly and cost-effectively. Can we do anything to work with our regular clients to make the overall processes more seamless and quicker and easier for everyone involved?

Our current business process re-engineering projects will underpin the implementation of 3E and Mattersphere. It is the re-engineering of the processes that will give us the return on our investment rather than the systems themselves.

The Lean Six Sigma training has recently been extended to 45 people. The majority work in operational support although there are some partners and fee earners. I have also led a number of four-hour sessions with case handlers, introducing them to Lean Six Sigma concepts and the language so they can help support the trained Green Belts.

One of the biggest challenges to date has been maintaining momentum of the Lean Six Sigma projects – where our Green Belts have day jobs too, the day job can tend to take precedence. We have addressed this by putting a number of people full time on the various projects, including two partners. Another challenge for us is data collection. Process mapping generally involves identifying how long it takes to complete each task and the waiting time between one task and the next, but our current systems don't automatically collect that information. So there is usually a four-to-six week window where we have to collect sufficient data about the process. Although this can slow down our projects, it is necessary to collect the data to define and measure the process and determine where the problems and log jams are – for example the unnecessary movement of paper and people – and find ways to address them and most importantly to measure and quantify the improvements we are making. You can't easily speed up process reengineering, but you can use it to speed up everything else.

Stuart Whittle is IS and Operations Director at Weightmans LLP. He is based in Liverpool in the UK. ■

Legal IT: educating the next generation of lawyers

BY JOANNA GOODMAN



Clio's Academic Access Program (CAAP) provides over 150 law schools, pro bono legal clinics and paralegal programmes with free software and training on Clio's cloud-based practice management system (PMS). Legal IT Today editor Joanna Goodman caught up with Clio's Shelby Hejjas.

Legal technology education remains an industry focal point, as corporate and public sector clients increasingly include technology requirements in legal services procurement. Law firms are addressing this problem, which was highlighted by Kia Motors America corporate counsel Casey Flaherty's technology competency audit, by boosting IT training for lawyers; forward thinking law schools are looking to eradicate it permanently by ensuring the next generation of graduates are not just tech-savvy, but comfortable with legal IT.

In issue 6, I interviewed Professor Andrew Perlman at Suffolk Law School in Boston, one of the first US law schools to introduce a legal technology concentration, whereby law students are offered the opportunity to learn about legal technology in parallel with their legal studies. However, students have to choose the legal technology concentration to receive this training. Another way of introducing lawyers to legal IT before they even qualify is to offer practical experience and training in popular systems and applications as part of their legal studies.

Legal IT vendors are increasingly realising the benefits of familiarising students with their products and several make special arrangements for academic institutions. Clio is a pioneer of this approach, with the Clio Academic Access Program (CAAP) making its cloud-based practice management system (PMS) available free of charge. Shelby Hejjas is responsible for managing CAAP.

What were the drivers and inspiration for CAAP?

When Clio launched CAAP in fall 2010, we were looking for a way to give back to the community. Clinics that offer pro bono or low bono legal services and cannot afford a PMS as that would take up their entire budget. We also wanted to make experiential learning accessible to students – especially students who are interested in going into practice on their own once they have completed their schooling.

We estimate that 40% to 50% of students who use Clio go into a practice

with a cloud-based PMS within three years of graduation. Of course they do not all choose Clio, but most PMSs include similar features and functionality.



'Students work through actual cases using Clio as their practice management tool. Law are gradually recognising that getting to know these tools are an important part of their students' education.'
– Shelby Hejjas

How do law schools use Clio and how does this help to familiarise students with real-world legal practice?

Law school legal clinics operate like small law firms so students use Clio in the same way as practising attorneys do. Clio is also used in classes on computer applications, law office technology and litigation. Some schools use Clio as a course management tool. Each student creates an individual Clio account when they start their

law degree and uses it throughout the three-year course. As well as managing the practical elements of the course, they also use it to manage their academic work, storing course documents and tracking their studies.

The set up depends on the way the school is using the PMS. Sometimes students have individual accounts and sometimes several users share the same account – they can add or remove users.

The advantage of a shared account is that it will have more cases and more data, so students can practice conflict checking and so on. We also provide demo data matters and contact information that schools can use to populate their systems.

Another element of legal IT education is familiarising students with cloud-based products. Using Clio makes them comfortable with storing documents and data in the cloud. They also learn to ensure they have the right level of security – whether they choose Clio or another provider, they will know what to look out for. This is included in the training we provide to students. For example, they should know where and how their data is stored. Cloud benefits the law schools as it provides flexibility and scalability to manage fluctuations in student numbers.

We see some innovative initiatives in the law schools we work with. One school has about 300 students working in Clio. The cohort is divided into 40 law firms each with a supervising attorney and a small group of students. ►





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They are then presented with a case. For example, if it is a divorce case, half the group will represent the husband and the other half will represent the wife. Students work through actual cases using Clio as their practice management tool. Law schools are gradually recognising that getting to know these tools are an important part of their students' education.

Given that Clio prides itself on its intuitive user interface, can you tell me something about the training you provide?

Not only do we give law schools product for free, but we also provide comprehensive training and support, and we customise this to the way each school chooses to use Clio. Clio prides itself on its intuitive user interface, but every system requires some user training, especially if there are extensive features. However, a big reason why legal clinics move to Clio is that the system is easy to pick up –this is necessary as students join the legal clinic

'CAAP is also about brand awareness, as introducing students to the Clio brand gives Clio an opportunity to shine – both as a product and as the company that supported their education.'

– Shelby Hejjas

for just four months, so they need to get up and running straight away. We provide schools with training resources for the faculty and its students as well as direct training. This, combined with the intuitive nature of our product means that it takes less than a week for students to be comfortable using Clio.

We customise the training programme for each school. Some schools prefer to deliver the training themselves, while others require a lot of hand holding. In a basic sense we provide handbooks and live webinars for the faculty and handbooks and recorded webinars for students. Some schools do live webinars for their students every semester while others use the same recorded videos for each cohort. Students can log into their accounts and familiarise themselves with the system in their own time. Our support lines are also open to our academic customers, so they can call our support team. It is comprehensive training. Basically we treat our academic customers in exactly the same way as any of our other customers. This includes customising our training to include live webinars on specific topics that may be more important to a certain instructor or school. It is up to them to decide whether they would like us to cover specific topics or whether they are happy with our general webinar. ▶

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Do you have competition in the academic space from other cloud vendors?

CAAP does not have direct competition because we give our products to law schools for free. Our competitors offer their products for academic use, but at a discounted price. We are also differentiated by the training and support we provide. We have an entire support team dedicated to our academic customers. We have made a big investment in the academic community in this way; it would be an equally big decision for any of our competitors to do the same.

How does CAAP help graduates? What are the business benefits for Clio?

If graduates join a firm that uses Clio, they can hit the ground running as they are already competent and comfortable with the system. We have had feedback from law schools saying that students are responding to advertisements for legal jobs that require knowledge of Clio, so it is improving their career prospects. It is also a reflection of Clio's presence in the market.

As Clio is a cloud-based subscription model, it enables graduates to enter the market as sole practitioners with manageable infrastructure investments. This brings direct business benefits to Clio as law graduates setting out as sole practitioners or starting a new firm are likely to choose the PMS that they are familiar with. CAAP is also about brand awareness, as introducing students to the Clio brand gives Clio an opportunity to shine – both as a product and as the company that supported their education.

Although CAAP represents a big investment for Clio, its ROI is growing exponentially as CAAP graduates gain experience and influence across the sector – in private practice, corporate legal departments, legal process outsourcing and legal technology providers.

Having launched Clio in Europe in 2013, are there plans to extend CAAP?

International expansion is a key focus and we are definitely looking to expand our academic programme – and our

course management programme – into the UK where a few universities are using Clio in their legal clinics. When we launched CAAP in the North American market, the legal clinics were the first to pick up Clio as it is a perfect fit for them and also offers significant cost savings. We've started to see the same pattern of early adoption in the UK market by the law school legal clinics that provide pro bono services. As our product became more well-known in the North American market, more law school professors started to take an interest in using it. We expect the same to happen internationally whereby as our product becomes more well-known in the market, it gradually moves into the law schools too.

Shelby Hejjas is the Manager of Business Development and Partnerships, and responsible for managing Clio's Academic Access Program (CAAP). Since 2011, the CAAP team has partnered with over 150 law schools and paralegal programs worldwide to offer Clio to students, faculty and administrators at no charge. Shelby can be reached at shelby.hejjas@goclio.com ■

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The largest event of its kind

Produced by Netlaw Media, The London Law Expo 2014 is Europe's largest conference and exhibition for senior management from the legal profession. Located in the heart of London, the purpose of the London Law Expo is to assist law firms and legal businesses to increase profitability whilst maximising overall performance.

With keynote presentations from business entrepreneur James Caan, legal strategist Prof. Stephen Mayson, the Attorney General of England & Wales, the Justice Secretary of Hong Kong, Baroness Deech QC and legal technology guru Peter Owen, the London Law Expo 2014 is an event not to be missed.

Upon entry to the Old Billingsgate, attendees will be given full access to a wide array of key presentations, knowledge sessions, panel discussions and live debates by over 50 legal and commercial leaders.

Covering an impressive 2,600 sq metres of floor space, the London Law Expo will deliver three presentation stages and exhibitions by 65 leading suppliers to the legal sector.

The event is free* for anyone who is a full time representative of a law firm, barristers' chambers, or corporate legal department and for any attendee which requires CPD, the London Law Expo will offer attendees free CPD points.

Netlaw Media: Track record

Netlaw Media have a reputation for producing some of Europe's finest and highest attended law events and exhibitions.

With a record of selling out every major law event since 2009, the London Law Expo 2014 is predicted to post another major sold out event for Netlaw Media.

In recent years, Netlaw Media have presented many leading law events including the Strategic Leadership Forum, Key Strategies for Law Firms, the British Legal Technology Forum and the LawTech Futures series of events which during April 2014 was attended by 97 per cent of the top 100 UK law firms.

Event Overview

EVENT TITLE: London Law Expo 2014

DATE: 14th October 2014

REGISTRATION: 08:30 - 09:20

EVENT PROGRAM: 09:30 - 17:00

VENUE: The Old Billingsgate, London

FLOOR AREA: 2,600 sq metres

STAGES: 3

KEYNOTE SPEAKERS: 3

SPEAKERS & PANELISTS: 50

EXHIBITORS: 65

EVENT BAGS: Yes

COST OF ENTRY: Free*

FREE CPD: Yes

EXPECTED ATTENDEES: 3,000

Expert speakers

With presentations led by some of the most respected names within the legal and commercial worlds, the 'London Law Expo 2014' will present a wide array of sector focused information. Presentations & Discussions will cover topics including:

- Law Firm & Departmental Management
- Operations & Practice Management
- Legal Technology Software & Solutions
- Business Growth and Performance Strategies
- Sales, Marketing & Business Development
- Finance, Investments & Profitability
- Human Resources, Recruitment & Talent Management
- Risk, Compliance & New Regulations
- Project Pricing, Scoping & Evaluation
- Mergers, Acquisitions & Cultural Intelligence
- Knowledge Management, e-Disclosure and much more



LONDON LAW EXPO 2014-KEY SPEAKERS & PANNELLISTS

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Chief Executive,
Hamilton Bradshaw



PROF. STEPHEN MAYSON

Honorary Professor of Law,
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RT HON JEREMY WRIGHT QC MP

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DR CONNISON CHOU LOCKE

Assistant Professor,
London School of Economics



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The internet of money

BY PATRICK MCELROY



Bitcoin is increasingly accepted by businesses globally, and law firms are gradually coming around to the idea too. Patrick McElroy of AgileLaw makes the case for accepting digital currency – and outlines some of its potential pitfalls.

Bitcoin is a digital currency that has been gaining in popularity and acceptance for the past two and half years. It is new, disruptive and, to some, downright scary. As a Bitcoin enthusiast I follow its regulatory and legal environment. I am active in the online Bitcoin community and participate in my local Bitcoin community, which mostly consists of futurists, libertarians, web developers, and computer programmers.

In our minds Bitcoin will, at worst, be another payment form option with its icon next to PayPal, MasterCard, and Visa when you do your online shopping; and at best, a dominant global currency. Bitcoin is not going away; or at least the technology within it is here to stay.

While the layperson will describe Bitcoin as a digital currency, its evangelists think of it as a new technology with its ability to be used as a currency just one of its many applications. Rather than calling it 'the money of the internet' the evangelist may describe it 'the internet of money'.

Trustless interactions

When I describe Bitcoin as a new technology, I am referring to the blockchain, which is the ledger that tracks the bitcoins in every public address. The blockchain is a breakthrough technology that allows a permanent, public record to be distributed among all computers running Bitcoin software. When a

bitcoin is sent from one wallet address to another, the transaction is recorded on the blockchain with a time stamp. Everyone in the Bitcoin network sees and confirms that transaction. This function could be used for any piece of data that one wants to have permanently recorded and maintained by a large network with no single point of possible failure.

The blockchain enables 'trustless interactions'. More specifically, one does not need to trust people but can rely on the math inside the coding. This is a major innovation as any interaction which requires a trusted third party can now be accomplished using blockchain technology.

How would Bitcoin benefit law firms? The number one benefit that Bitcoin offers law firms is reduced transaction fees. Almost all businesses that accept Bitcoin offer a discount for those who use it to buy their products and services. Most credit cards charge about 3% plus a fixed fee for each transaction, not including international fees. Among the top ten US banks, bank wire transfers fees average \$26.40 for outgoing domestic and \$47.50 for outgoing foreign transfers. Checks can bounce and, in the age of electronic transfers, are often more of a hassle than a convenience. These traditional payment methods often take several business days to officially go through and are subject to banking business hours and holidays. Bitcoin is open 24/7/365 and transactions are about as fast as sending an email. For these reasons businesses, including law firms, will gain the most benefit from reduced transaction costs. If a firm is not paying 3% to a payment processor like MasterCard or Visa they can reduce their prices to clients by that amount to undercut competitors who do not use Bitcoin. Bitcoin payment processors like Coinbase and BitPay make it easy for businesses to accept Bitcoin.

There are people who prefer to use Bitcoin over other methods of payment and there are even those who live completely on Bitcoin, using online tools and the active Bitcoin community to track identify and track businesses that accept it. The huge revenue increases that result when companies like Overstock.com and Dell start accepting Bitcoin are widely publicized.

A corollary and perhaps temporary benefit is that accepting Bitcoin gives your firm a free boost in advertising because local media usually run stories on new businesses accepting Bitcoin. Bitcoin is still a new technology so there is still some media coverage when a new company starts accepting it.

Issues with Bitcoin adoption

The two main concerns with Bitcoin are complexity and security. I doubt that any amount of effort on my part could get my parents, or any other IT-challenged person, to use Bitcoin in its current form. They don't understand it, don't trust it, and don't see the benefits it can bring. Frankly, it is complicated if you

While the layperson will describe Bitcoin as a digital currency, its evangelists think of it as a new technology with its ability to be used as a currency just one of its many applications. Rather than calling it 'the money of the internet' the evangelist may describe it 'the internet of money' – Patrick McElroy

try to understand the inner workings of the protocol. But just like you don't need to understand TCP/IP, HTML, or Javascript to use the internet, you don't need to know SHA256, cryptography, or blockchain to use Bitcoin. Bitcoin developers see complexity and usability as one of the biggest hurdles to widespread adoption and are working on creating user interfaces that are simpler and easier to use.

The usability issue is the reason for the security concerns around Bitcoin.

The Bitcoin protocol is very secure; however, the human element raises security concerns. All the troubles in the media with people losing bitcoins have resulted from people giving the keys to their bitcoins to a third party - usually with questionable business practices. As developers improve the user interfaces it will become easier for people to secure their bitcoins and use them for everyday transactions. This development is happening right now and attracting heavy investment from venture capitalists.

Another concern may be the legality of accepting Bitcoin as a payment method for legal services. According to the Model Rules of Professional Conduct it is perfectly ethical and appropriate to accept Bitcoin in exchange for legal services and there are already several attorneys in the US that do. Just as it is legal to accept almost anything in exchange for legal services so long as the fees for services are 'reasonable'. It then becomes a matter of meeting your local regulatory requirements.

In the US Bitcoin is classified by the IRS as property and hence is subject to capital gains taxes which makes calculating your tax obligations somewhat burdensome. In the UK the regulations are not as clear. Bitcoin is effectively considered a private currency. In both the US and the UK Bitcoin is subject to the same anti-money laundering laws that apply to other payment forms. Regardless of your location, you should seek professional ►





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‘The blockchain enables ‘trustless interactions’. More specifically, one does not need to trust people but can rely on the math inside the coding. This is a major innovation as any interaction which requires a trusted third party can now be accomplished using blockchain technology’ – Patrick McElroy

legal advice to ensure that you are meeting all local regulations and if your client is in a different jurisdiction their local regulations should also be considered. For example, Iceland has very restrictive laws for how Bitcoin can be used.

Volatility in the exchange rate between Bitcoin and USD and GBP is a significant consideration for legal offices, especially if you hold client funds in trust accounts. Thankfully the volatility issue, as well as the tax compliance issues mentioned above, are easily

addressed by using Bitcoin merchant services companies like Coinbase and BitPay. These companies will establish your Bitcoin wallets, provide you with applicable tax documents for your transactions and exchange bitcoins to your sovereign currency at the exchange rate at the time of sale. So as the merchant you will only see your local currency entering your bank account with a small processing fee. These services are provided at a much lower rate than credit card companies charge to process your transactions and they take on all the volatility risk.

Potential use for Bitcoin in law firms

While researching payment methods in the legal industry I discovered a great potential use for Bitcoin in law firm billing and trust account systems. Law firms typically require legal-specific billing programs to handle a variety of client billing arrangements, such as hourly, fixed and contingency fees. A standard practice for most law firms is collecting advanced client payments (retainers) for services. In general, US states have strict accounting rules that require attorneys to deposit unbilled/unearned client funds in trust accounts. If an attorney expects to use advanced funds quickly and the specification is in the client engagement letter, state rules may permit deposit of retainers in a regular operating accounts.

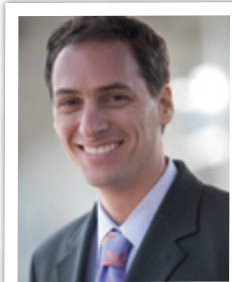
This would be a perfect use case for the ‘smart contract’ application of Bitcoin. The client and the law firm could set up a trust account from which the law firm could withdraw funds only if certain pre-agreed upon criteria were met, such as filing a case in a court or some other publicly verifiable action. As an added feature the client and the law firm would be able to see how many bitcoins were in the account at any time because the blockchain is public and both parties would know the public address where those bitcoins were. Auditing and transparency would be much easier and reliable for all parties.

Bitcoin solves a lot of problems with current payment methods. It’s cheaper, faster, more secure, and doesn’t require a trusted third party. Bitcoin is supported by a distributed network of computers confirming transactions and ensuring that a wider audience of people has access to the financial tools that many take for granted. I believe that law firms, legal IT professionals, office managers, and solo practicing attorneys should consider accepting Bitcoin as an addition to their current payment methods.

Patrick McElroy of AgileLaw helps law firms to transition to paperless depositions. He is a West Point graduate and former Army Officer with a Masters degree in Technology Commercialization from the University of Texas McCombs School of Business. He is actively involved in the online Bitcoin community, as well as his local Bitcoin community in Austin, Texas. ■

The E-Discovery watershed

BY ARI KAPLAN



US legal consultant and author Ari Kaplan shares the findings of his in-depth benchmarking survey on eDiscovery, and offers some interesting predictions.

With corporate legal teams increasingly calling for greater transparency, heightened levels of efficiency, and a more sophisticated application of technology in their matters, law firm leaders are reinventing their approach to accommodate these changing expectations. From training to client service, the approach is perpetually shifting. In preparation for a comprehensive benchmarking report underwritten by RVM Enterprises, Inc., I spent the first quarter of 2014 interviewing 30 senior attorneys at the largest law firms in the US to find out how they are navigating this new landscape.

73% of those with whom I spoke were partners and 27% were senior eDiscovery lawyers. All were members of an eDiscovery group within their firms to varying degrees.

93% of survey participants agreed that client expectations have changed with respect to practice support technology. In response, law firms are engaging in various new strategies to demonstrate their technological prowess, particularly as it relates to eDiscovery.

In fact, many are at a crossroads in their approach. There is an interesting

struggle to find equilibrium between those building internal groups with a multidisciplinary staff and others relying on a hybrid model that combines inside experience with outside support.

Both approaches must overcome the challenging impression that the technical aspects of eDiscovery are interchangeable. "Clients expect practice support technology to be cheaper and more efficient; it is becoming more commoditized," remarked one participant. That commoditization is impacting the overall

'When corporate counsel call for eDiscovery efficiency, their demands often relate to avoiding over-collection, over-preservation, and extraneous document review'
— Ari Kaplan

impression of technology at all levels of law firm operations. As it becomes more ubiquitous, it seems to be losing value. "Some clients think that practice support technology is part of the cost of doing business and not a billable event," highlighted another.

The efficiency factor

Much of the transition is driven by a renewed focus on efficiency to manage legal services, particularly given that 93% of respondents reported that clients are demanding greater efficiency. As a result, law firm leaders are focusing on providing clients with cost and status updates in an effort to showcase their savvy productivity.

When corporate counsel call for eDiscovery efficiency, their demands often relate to avoiding over-collection, over-preservation, and extraneous document review. "The brute force method of lining up documents in a database with a team of contract reviewers is on its way out; clients are demanding discovery solutions that will fit in their litigation budget," said one respondent. "Efficiency is one of the benchmarks for legal practice these days; you need to justify your time as opposed to simply billing it," added another.

The collaborative client

Those calls for efficiency are based on experience as in-house lawyers continue to take greater ownership of the law department's eDiscovery efforts, rather than leaving the key decisions to outside counsel. They are forming direct vendor relationships and dictating uniform protocols for their lawyer to follow. "Clients have moved from expecting that the firm will host data and provide support, to outsourcing with a preferred vendor directly," said one participant. They are also more financially savvy than ever before. "Clients are developing a better understanding based upon analytics about what things cost, and what they should cost; they recognize the value of institutionalizing things," added another.

That said, only a third of the respondents reported that clients are substantially influencing their legal strategy, drawing a distinction between the macro issues and micro details. "Clients care about strategy, but are less concerned with individual tactics," noted one participant, whose view is consistent with the 23% who reported that clients are exercising a moderate level of influence on the legal technology the firm should use and the 27% rating it as average. In contrast, 40% of respondents considered that their firm has substantial influence on the client's use of legal technology. "Clients follow the firm's recommendations," reported one participant.

The rise of eDiscovery counsel

Beginning in about 2007, with a spike of 25% in 2008 and another 25% over the past two years, an increasing number of law firms began creating eDiscovery-specific legal positions. 73% of respondents highlighted that their firms employ eDiscovery counsel today, though not all specifically designate their lawyers with that title and it has a varying degree of stature. At some firms, it is an equity partner level position and at others it is a senior non-partnership track role.

How firms use their eDiscovery counsel also differs. 79% of participants reported that the role is as much of an external marketing tool as an internal resource. Regardless of how firms leverage their eDiscovery counsel, 57%

of respondents have had clients ask their firms to specifically work with a lawyer possessing that experience. "It is a growing trend because clients like the firm's geeks to speak to the law department's geeks," joked one respondent.

As a result of this heightened interest in eDiscovery-speak, 100% of the respondents emphasize their familiarity with legal technology when marketing their services in live discussions, print media, and thought leadership. 100% also consult with clients on the practice support technology they are planning to use for a particular matter.

'72% of respondents expect law firms to increase their current level of practice support technology in the next three years. As a result, it is likely that the legal industry will continue to adopt new tools at a rapid pace'

– Ari Kaplan

Clients Are Still in Control

Law firm lawyers are not, however, solely responsible for making technology-focused decisions. 93% of respondents reported that a combination of individuals is engaged in the practice support technology and vendor selection process. One respondent even admitted that "The firm knows a lot, but lawyers are not technologists; law firms work best when working with a good consultancy, but want the opportunity to provide perspective."

Profitability

That collaboration is valuable, but "It is a challenge to properly bill for eDiscovery services; firms need to educate merits counsel on why eDiscovery services need to be on an

invoice," said one respondent. In fact, 97% outsource some portion of their eDiscovery, with the most common aspect being processing, and 83% had received a client request to write off eDiscovery costs. "There has been a swing between what should be overhead and what a firm can charge for," said one law firm leader.

Predictions

Firms will adopt new technology more rapidly to remain competitive

72% of respondents expect law firms to increase their current level of practice support technology in the next three years. As a result, it is likely that the legal industry will continue to adopt new tools at a rapid pace, particularly as cloud-based technologies make it easier to update, change, or adjust without incurring additional costs or data loss.

Client influence on eDiscovery will grow

With 87% of respondents reporting that their clients influence what technology the firm uses for eDiscovery, it is already well settled that law department leaders are driving these critical conversations. "It is a cost-savings decision made by the client in favour of a preferred vendor," advised one participant.

The split between firms that serve as vendors and those that do not will grow

60% of the respondents advised that the firm's eDiscovery team executes the same functions as the vendors it hires, albeit to varying degrees. "There is a lot of overlap in almost every way," said one lawyer noting that the firm handles collection, hosting, processing, and review. "The firm's internal team can replace 95% of what a vendor does," echoed another. Interestingly, 17% reported that in-house processing has posed a conflict in the past, but that the firm was able to resolve it.

Ari Kaplan, author of Reinventing Professional Services (Wiley, 2011) and The Opportunity Maker (Thomson-West, 2008), is the principal of professional services consultancy Ari Kaplan Advisors. He is a popular keynote speaker at user conferences and other legal technology events. Learn more about his work at <http://www.AriKaplanAdvisors.com> and feel free to download the complete report cited in this article at: <http://litn.eu/ak> ■

Special delivery

BY JOANNA GOODMAN



In July, distribution company DX, which provides secure, tracked delivery for parcels and mail, including sensitive documents such as passports and visas, launched eDX powered by Egress Switch, the government-certified email encryption service used by central and local government services. Legal IT Today editor Joanna Goodman caught up with Tony Pepper, CEO and co-founder of Egress Software Technologies to clarify some of the issues around email encryption.

How did Egress Switch get together with DX to form eDX?

We encountered DX when we were presenting at a Government event where we realised the synergy between our offerings. The DX value proposition is around the secure delivery of important physical information such as passports. Law firms use DX for delivering important legal documents. Egress Switch delivers electronic information securely and our product is Government certified and accredited. Our core messaging around electronic communication mapped the DX values in the physical world.

Postal revenues are declining as more information is shared electronically and government departments and

commercial businesses are being encouraged to go digital. DX has a strong brand and customer base, but their customer requirements were changing. Although DX was a leader in physical information, it had no digital presence. If DX developed a digital service, a DX subscription would offer the secure delivery of both physical and electronic documents. They were looking for a partner to deliver technology that they could offer their customers and leverage their brand online. eDX powered by Egress Switch delivers the DX brand promise electronically.

Egress Switch is the encryption product of choice for businesses, government departments and local councils. With more than 100 customers in the legal

sector, we understand law firms' operations and security requirements. We were already providing encryption services to law firms when DX suggested a partnership that could further broaden our customer base.

Can you give me some background about Egress Switch?

My previous business created end-point encryption for memory sticks. When that business was sold in 2007, I turned my attention to another significant IT security issue: sharing electronic information securely. This problem still has not been solved. If you ask most law firms whether they used encryption, the answer will probably be no. Firms recognise the need to protect client data, but most security products are

not user friendly and this makes them a barrier rather than a solution.

Not all data is commercially sensitive, requiring encryption but some of it is and does. We thought that if we made encryption easy and straightforward, firms would not hesitate to encrypt where necessary.

Do existing Egress Switch customers need to do anything to access eDX encrypted emails?

No. Egress Switch is the technology platform that underpins eDX, so if you're already a customer of Egress Switch you can automatically open eDX branded emails.

In order to access encrypted emails, you need to click on a link. Some law firm IT functions are concerned about encouraging lawyers to click through. Are there other ways to access encrypted emails sent via eDX?

When you pick up an encrypted email sent via eDX you get sent a link and you click on that link to access your message. This is a link to your message, not a portal. The message is not stored elsewhere – it is actually in your inbox. We also offer a web-based viewer which allows you to access encrypted messages via any internet connection as some firms may not allow users to download software. However, if a law firm is communicating with a council who requires all email to be encrypted, rather than users having to click through and authenticate every email, it may be easier to download an Outlook add in, or a free app for iPhone, Android or Windows.

Does eDX work with email management solutions such as Mimecast?

Yes. eDX is fully integrated with Mimecast. We have a lot of mutual customers who use Mimecast for archiving, anti-virus and anti-spam and eDX for encryption. The two services work together. When the firm's Mimecast system receives an encrypted message, it is immediately routed securely to our hosted gateway to be decrypted. The decrypted message is then routed back to the Mimecast archive. The same process works for outgoing messages. If someone wants



to send an encrypted message, and they are using our Outlook plug in, they select the encrypt option before they press send. The system archives the message in clear text before sending it to our system to be encrypted before it is delivered. Switch Gateway is an encryption layer on top of the firm's existing infrastructure. Encryption is the last step before an encrypted message leaves the firm and the first step when an encrypted message is received – it is decrypted before it is routed to the Mimecast archive. Once it is in the archive – unencrypted – it can be accessed by the firm's internal systems.

'Firms recognise the need to protect client data, but most security products are not user friendly and this makes them a barrier rather than a solution.'

– Tony Pepper



Other Egress products such as Secure File Transfer, which offers the ability to send very large files such as corporate

legal documents, provide a single service for encrypted communication and secure document sharing, which is particularly useful for council correspondence which could include planning documents.

Our latest use case scenario is the Secure Workspace, a secure government-accredited online collaboration platform which includes document comparison and version control.

If local councils send encrypted emails that cannot be saved or forwarded, does this create gaps in the firm's document management system (DMS)?

Clients are looking for different experiences depending on the sensitivities of the data. The sender sets the security settings. Some customers want to retain control over it once they have sent it, so they don't want the recipient to be able to pass it on or print it locally. The sender has control over what the recipient can do with the information – whether they can access, and read the information, but not forward to a third party, for example. The sender sets the security level before sending the email. Of course there is nothing stopping parties agreeing on the level of security for particular types of correspondence.

The Switch Gateway can facilitate this. Two law firms working together can use a Switch Gateway account to decrypt and archive messages. Switch Gateway does not host or store messages. It is essentially a key ►





'eDX is like a virtual envelope: it wraps an encryption layer around each message as it is delivered.'

– Tony Pepper

management service. It encrypts and decrypts messages and allows the sender to set access permissions. But the emails reside in the recipients' inboxes. We layer on top of the existing email system the ability to encrypt and limit the ability of third parties to open and access messages. The parties to the correspondence therefore have to negotiate access arrangements. The default setting allows the recipient to access, print and share information, but the sender can change the security settings for each message.

We are in the business of giving our customers the choice of the extent to which their information is disclosed. If our customers are happy for that information to be shared openly, they will set the appropriate policy. If they are not, that is a matter between the firm and their clients.

Has Snowden and the US Patriot Act led to more businesses focusing on email security and encryption?

It is a really hot topic. As a cloud based service provider, the one question we get asked all the time is 'where's the

data?' They also ask about certification and accreditation.

It is important for our customers to know that we are a UK business, incorporated in the UK, so the US Patriot Act does not apply to us and US authorities cannot access our information. We use only UK data centres, so the data we handle never leaves the UK. In fact, the Patriot Act has got more companies wanting to work with UK rather than US businesses. Of course the UK Data Protection Act does apply to us.

It makes sense to match a firm's encryption services to its email service and eDX can be hosted or on-site. For example, if a firm uses Mimecast, the eDX hosted service is a logical choice, whereas a firm with on-premise email may prefer on-site encryption and decryption. It is important to offer customers a choice as there are genuine reasons why a particular solution is the best fit for different organisations. eDX is like a virtual envelope: it wraps an encryption layer around each message as it is delivered.

Law firms are increasingly required to use encryption services, with eDX being the de facto system for local councils around the UK and the Criminal Justice Secure eMail service (CJSM) for the courts. What is your advice to firms who are required to use multiple systems, and must also maintain comprehensive records of their interactions with and on

behalf of their clients?

If a law firm is dealing with a local council they have to use eDX; if they handle litigation, they will also have to use CJSM. Other organisations prescribe the use of particular systems and it is especially challenging if those systems do not integrate with their internal systems. Our challenge is to make sure that eDX integrates with legal IT systems and does not disrupt other systems that the firm may be using. Clients have become more interested in how law firms manage their information and regularly include this in their criteria for choosing a firm. If a firm does not have a mechanism for secure communication, they may choose a different firm that does, or provide an appropriate system. Whatever system you choose, it has to integrate with your internal systems and if you are not proactive when it comes to encryption, it is likely that you will end up managing even more products. Another area to be proactive is in negotiating with local councils and other parties in negotiating access and the ability to save and share messages. The key is to be proactive about secure communication.

Tony Pepper co-founded Egress Software Technologies in 2007 and currently serves as its CEO. Prior to Egress, he held executive management positions at Reflex Magnetics Ltd, Pointsec Mobile Technologies and Check Point Software Technologies. A frequent technology speaker, Tony sits on industry committees including Intellect's Government Management and Defence & Security Groups. ■

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Is the Surface Pro an iPad killer?

BY DAVID BASKERVILLE



In a well-timed article, following the re-entry of Microsoft into the legal IT market, consultant David Baskerville reviews the Surface Pro tablet and discovers a genuine alternative to the ubiquitous iPad.

In 2010 the world of computing changed forever with the launch of a new consumer-orientated product which lawyers were pestering their IT departments to let them use. Most IT managers were reticent in their response and objected to being told by lay people what kit they should be purchasing.

The release of the Apple iPad catapulted enterprise IT into the mainstream. Apple's marketing was sublime. The iPad was easy to use, flexible and powerful and provided apparently endless functionality. One month after the iPad's launch 1 million devices had been sold, and this figure had grown to 15 million by March 2011 when the iPad2 was released.

At the time I don't think anyone realised what the iPad would do to

users' expectations. For years there had been talk of IT consumerisation and early smart phones had seen the start of this, but people were buying the iPad almost as a fashion accessory and expecting to use it at work. The iPad was the first consumer device which IT departments had to deal with and it would spawn the 'bring your own device' (BYOD) challenge.

The iPad phenomenon

The iPad phenomenon was particularly dramatic in law firms, where IT teams had traditionally devoted significant time and resources to trying to get people to use the solutions they had engineered. The iPad was the piece of technology that lawyers really wanted to use, but their IT function would not allow them to use it, citing issues such as security, lack of business apps and lack of connectivity to existing solutions.

Ironically, the main battle was often with more senior partners who, until this point, had mostly avoided using any form of IT. These same people were now pushing for the adoption of the iPad and feeling frustrated when they were unsuccessful.

One of the most interesting things about the iPad was lawyers' attitude to learning how to use it. The same people who would normally be reluctant to spare 30 minutes for Word or practice management system (PMS) or content management system (CMS) training were spending hours playing, learning and sharing tips. Early adopters seemed happy to undertake all sorts of weird and wonderful work-arounds in order to use their new device for straightforward tasks such as editing a Word document.

I purchased an iPad with a view to giving up using a laptop. But after a week or so I returned to the laptop as simple business-related tasks required a major effort.

The major problem for law firm IT functions was that the iPad simply did not fit into firms' network and application architecture. The basic email functionality was fine but the device did not support anti-virus, document management, PMS and CMS solutions not to mention all the bespoke interfaces which are used to get it all to hang together? IT departments simply could not understand why their partners wanted to use a device which didn't work with the solutions that they had worked so hard to get operating seamlessly in the traditional Windows environment.

The answer is painfully simple.

Its hype and popularisation via the media made the iPad a must-have status symbol for business leaders. In 2010-11 it was almost impossible to open a paper or industry magazine without reading about how the iPad would change your life. In fact, many senior business people were catching up on life – reading The Times on their iPad on the train into work! Eversheds was among the first firms to announce large -scale iPad trials.

Tablets and legal IT

In the current legal industry environment, however, the iPad is a limited tool. Most people simply use their iPad for email, reading documents or making brief meeting or attendance notes. It is useful, but it is not the ground-breaking advance initially envisaged.

Some four years after its initial release, legal software vendors have still to deliver any significant feature rich iPad-focused solutions. It seems that most apps offer limited functionality and provided just so vendors can say they have an iPad app. Whilst Microsoft has finally released an iPad version of Office, this is tied to their Office 365 platform, so it will not be useful to most law firms.

IT teams need to find a way of leveraging lawyers' desire to use kit. Whatever the disadvantages of the iPad, the genie is well and truly out of the bottle in terms of IT needing to

be interesting, easy to use and able to combine personal and business use.

In the past few years there has been an explosion of tablet devices with sales overtaking desktop PCs in 2012 and laptops in 2013. It is predicted that in 2014 tablet sales will overtake combined sales of PCs and laptops. Most of the latest devices have been based on Google's Android operating system. According to International Data Corporation's Worldwide Quarterly Media Tablet and eReader Tracker, Apple's tablet market share dropped from 87% in 2010 to 36% in 2013.

'IT teams need to find a way of leveraging lawyers' desire to use kit. Whatever the disadvantages of the iPad, the genie is well and truly out of the bottle in terms of IT needing to be interesting, easy to use and able to combine personal and business use'
– David Baskerville

Android tablets have the same connectivity and interface problems as the iPad and despite their success as mid-priced consumer devices they have not had much success in the legal marketplace. Androids are often seen as cheap entry-level tablets, underlining my belief that the desire for a tablet is often an aspirational brand purchase rather than related to device functionality.

The sleeping giant of Microsoft appears to have finally awoken and is beginning to make inroads in its attempts to catch up with the mobile market place.

Microsoft released the Surface in 2012 and the Surface 2 in 2013. The Surface 2 Mini is due for release this year and other Microsoft tablets are coming onto the market.

This is a significant development in the use of tablets within the legal industry. Although a Windows tablet offers nothing that cannot be achieved with a laptop, we have learnt from the iPad explosion that people are engaged by the device rather than what it can do.

Is the Surface Pro the iPad killer?

With the Surface Pro Microsoft has produced a real competitor to the iPad, if not the iPad killer, both in terms of its appeal as an exciting, innovative, piece of equipment and as a single device that can be used for work and play.

The Surface Pro is a true tablet but is designed to have a keyboard attached. It has a USB port so that devices such as mice, cameras, and printers can be connected. It also has a pen and the ability to convert the handwriting into text (or leave it as handwriting but still be able to search it). The handwriting-to-text functionality is remarkable, with text requiring few corrections.

The keyboard comes in a choice of vibrant colours with backlit keys and snaps into the magnetic strip on the base of the tablet. There is even a little kickstand which is especially useful when using the touch screen keyboard in a confined environment such as a commuter train.

Since the launch of the Surface Pro several other suppliers such as Asus and HP have created Windows tablets or hybrid tablet/laptops but for me the sleek design and usability of the Surface Pro make it the device which genuinely challenges the iPad.

I believe that the advantage of Windows tablets is that they can be loved by both the IT team and end users. The IT team will be comfortable with the Windows operating system and all existing solutions and interfaces will work on the devices. The end-users will enjoy the Metro interface and touch keyboard, which are more user friendly than the iPad. Although apps was the Achilles' heel of Windows devices, the number of apps in the Windows Store (Microsoft's version of the iTunes store) is growing and includes several from legal IT vendors. The seamless way in which email and files from the corporate network can be made available when the device is being used away from ▶

the office even without network connectivity is of great advantage, as is the full functionality of Office – particularly Outlook.

Windows 8 tablets enable users to operate in two different modes. The Metro interface is designed for modern touch-screen operation and apps are added in a similar way to the iTunes store. There is also a neat little function which enables you split the screen and run two applications side by side and is useful when reviewing information. The iPad does not offer this function. The traditional Windows desktop interface enables the IT team to deploy traditional legal IT tools including practice management, case management, document management, time recording and Citrix or VDI access without needing to provide a new infrastructure.

***‘The Surface Pro is the first tablet which has real business functionality and provides the flexibility that the iPad promised but failed to deliver’
– David Baskerville***

The Surface Pro can be used as a tablet or as a full desktop (there is also a docking station available) so the business case is compelling. Although it is more expensive than the comparable

iPad model, the Surface removes the need to provide a desktop or laptop.

The iPad revolution changed the way people engage with IT and pushed the boundaries of how they make use of equipment. However, it is deficient in terms of business functionality. The Surface Pro is the first tablet which has real business functionality and provides the flexibility that the iPad promised but failed to deliver.

David Baskerville is an Associate of Lights-On Consulting, advising legal and professional services firms on IT strategy, system selection and implementation and programme/project management. He also undertakes interim and virtual IT director engagements. David can be contacted on David.Baskerville@Lights-On-Consulting.com ■

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