



## ATRIUM - A CAUTIONARY TALE

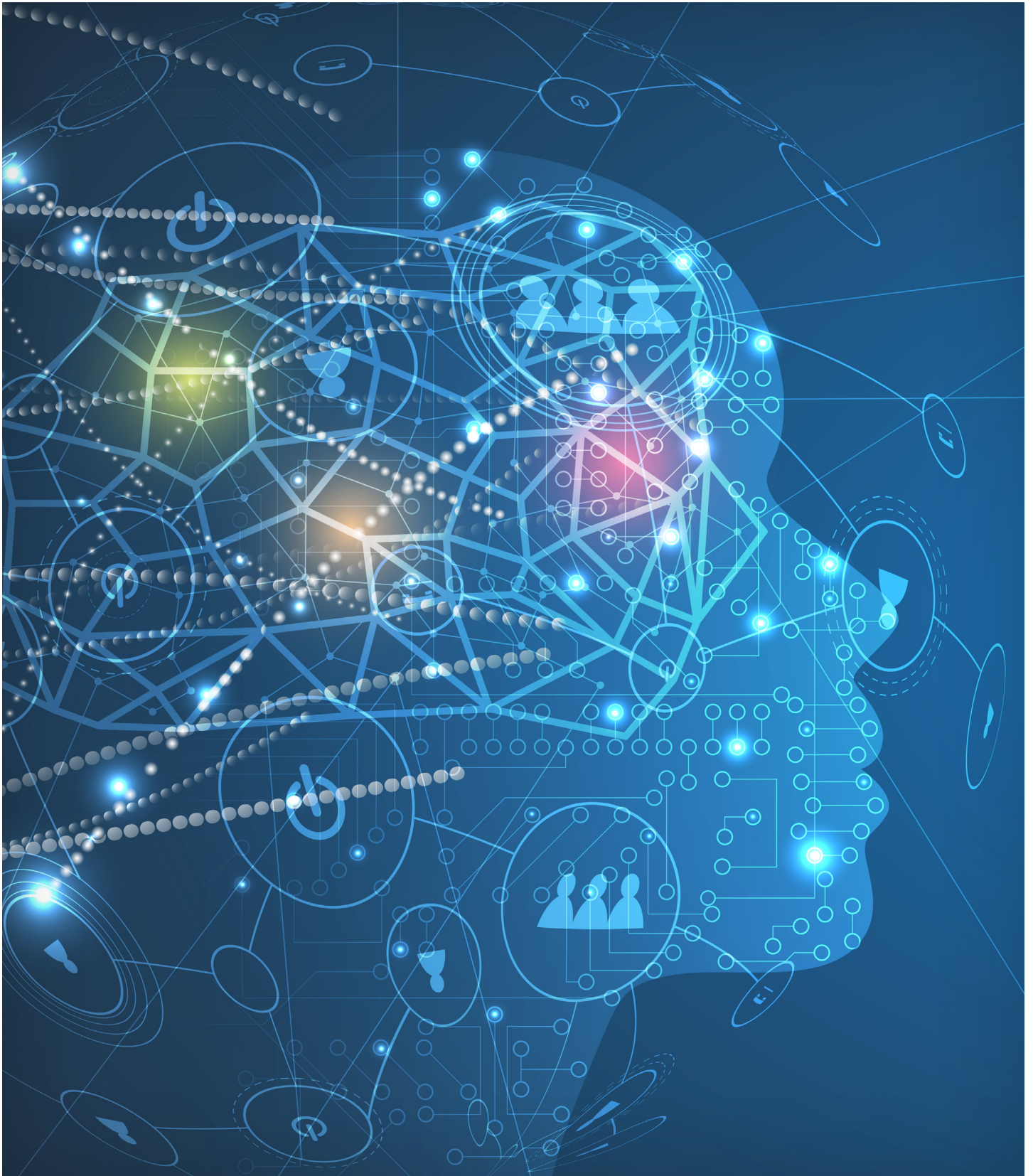
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# EDITOR'S NOTE



## WELCOME TO **ISSUE 29** OF **LEGAL I&T TODAY!**

That's right—we have a new name. We feel it better reflects the range of issues we cover. We hope you like it, and we hope you like this issue, our first for over a year!

And what a year it's been. We have all had to adapt to radically changed circumstances that have major implications for the legaltech industry. The pandemic has turbocharged technology adoption as law firms and corporate legal departments have switched to enabling remote working and exploring virtual ways of delivering services.

Ben Weinberger (page 23) thinks that the enforced move to remote working may have shown the 'naysayers' that 'being physically strapped to a desk is hardly a gauge of one's value'. This is one major change that seems likely to endure in the post-Covid world.

In addition, any remaining objections to moving to the cloud have been swept away. 'Change management has been forced on the legal ecosystem, so all related excuses of delaying cloud migrations have fallen by the wayside,' says Jobst Elster on page 12. People now say 'why not cloud' rather than 'why cloud' when looking at legaltech roadmaps.

The speed of change in legal has been unprecedented. 'With their hands forced by the Covid-19 pandemic, many law firms have accomplished in 12 months what would have normally taken years,' says David Sparkes, our 'Legal Support Legend' for this issue.

He expects the legal sector to be much less resistant to embracing new technologies from now on. And this will reinforce the move away from traditional city centre offices. 'Leadership of our businesses are grasping that every dollar spent on real estate is a dollar not spent on digitally transforming the business,' says Gillian Power on page 24.

I hope you enjoy *Legal I&T Today*. As ever, we aim to share ideas and opinions across the global legal innovation and technology community and inspire discussions. What changes have you seen in your working life in the past year? Which of them are here to stay? Do let us know. It is always good to hear from you.

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# THE BUSINESS OF LITERA

BY JOE DAVIS

Litera kicked off the new year by announcing it had added Foundation Software Group to its growing roster of high-profile acquisitions. While Litera is primarily known for its document drafting tools, the company expanded its reach by adding Workshare and Doxly to the brand in 2019, and Best Authority and Allegory Law in 2020. Foundation represents its first foray into the business side of law.





**F**oundation bills its eponymous software as firm intelligence, bringing together data from financial and HR systems, lawyer histories and client profiles to create a snapshot of a firm's experience. 'Foundation is a modern platform that is tackling a critical problem but doing it in a very elegant way,' says Barry Solomon, Foundation's executive vice president.

Solomon has a history in the legal field as a practicing lawyer at Sidley Austin, a co-founder at Interface Software (the maker of InterAction, which was later acquired by LexisNexis) and as Sidley's chief marketing officer (CMO). It was during his CMO tenure that he realized that attorneys and firm staff 'needed access to information about matters you worked on, and the people who worked on the matters, and the clients for whom you did the work, and all these related parties. You needed to go to multiple places to get that information'.

He reached out to former Interface colleagues Nate Feinberg and Brett Balmer to encourage them to create software that could help to solve that problem. Solomon saw so much promise in that solution that he left Sidley to join what became Foundation.

Things moved quickly at his new company. In a few short years, Foundation's software had been embraced at leading firms and in 2020, the firm received ILTA's Business Partner Solution Provider of the Year award. This generated interest not only from potential clients but also from companies looking to acquire the hot start-up. 'Most thought that we would wait a while because we were just starting to grow,' Solomon says. 'We weren't looking to be acquired at all, but I think Litera recognized the importance of firm intelligence. They recognize this as something that is really existential to law firms.'

'Litera is a uniquely positive fit for us,' he adds. 'They share our values. They have a strategic vision that is consistent with ours, but which allows us to remain an independent business unit. They understand that small groups of people who are innovative can do great things, and they're not interested in screwing that up.' Solomon is optimistic that

being a part of a larger organization will accelerate the company's plans. 'In the past, we had to make choices and do things serially. Now we'll be able to do things in parallel. What we're looking at is: "how do we not miss a beat?"'

### **Acquisition playbook**

Litera has made a name for itself not only for its document drafting tools but also for its skill in acquiring companies. 'Our strategy is super focused,' says chief customer officer Jody Cosgrove. 'We've got a playbook. We know how to integrate companies. We've done it enough that we've got it pretty dialled in.'

Cosgrove notes that since Litera developed a reputation as a serial acquirer, 'sometimes companies will come to us. Sometimes, we'll go shopping'. In keeping with her role, her view of evaluating how potential acquisitions will fit into Litera's offerings is focused on the customer. 'It has to make sense. It has to add value and it has to fit in with our objectives. If you think about these law firms in general, we all have similar issues. Your end users are trying to serve their clients, bill time, be more profitable and maybe even, at the end of the day, get home to see their family.'

investment firm Hg brought Litera and Microsystems together under the Litera name.

'We've been focused for a few years on document drafting and the work that goes around that,' he says. 'Over the last couple of years, we've added the focus of workspaces and how lawyers interact with each other and with their clients. And now with Foundation software, we're saying let's extend where Litera starts. Let's not focus on post-matter creation, let's be engaged in pre-matter creation work, and over time, tell a story that makes it a big circle of work. You shop for work, you create the matter, you do the work, you collaborate on completing the work, and then all that goes right back into the beginning of the pipeline. Can you make this really seamless way of allowing partners, attorneys, business development, operations and finance to kind of get a better sense of what's happening with their ecosystem?'

Marwaha views the Foundation acquisition as providing more than just another product to sell. 'We really need to have a story behind the acquisitions, and I think right now our story is that we can present good data at the right

***We've got a playbook. We know how to integrate companies. We've done it enough that we've got it pretty dialled in***

*Judy Cosgrove, chief customer officer, Litera*

Foundation's ability to aggregate data and make it accessible make it a desirable addition to the Litera portfolio. 'It helps to bring everything full circle and truly provide a full service solution to our customers,' Cosgrove says. 'Foundation is a leader in the space, with outstanding retention and customer satisfaction. They were a great fit for who we are and who we want to be. And it just takes everything up a notch. We are no longer just a point solution. We truly want to be a strategic partner.'

### **Let's extend where Litera starts**

Litera CEO Avaneesh Marwaha has led the company's growth towards 'strategic partner' status since 2016. A former practicing lawyer, he also ran operations for Keno Kozie before private equity

place at the right time for our customers,' he says. 'Initially that data was just content from the DMS, but now we're saying data can be anything. We want to curate that data, with some intelligence behind it. The business of law for me gets into metrics, it gets into performance management, it gets into what's a good matter versus a bad matter. And when we talk to our customers who use all of our solutions, they're always asking us: "can you give us this data, can you find a way to bring this up or elevate this data to our forefront?" So that's the direction we're headed.'

### **Accelerate the storytelling**

'You should always have your ear to the ground to see what's out there that we're missing that can accelerate future

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organic growth,' Marwaha says. 'And Hg has been a really good partner in the sense of always questioning: "hey, you're building this, is there a way for people to buy something that can accelerate the storytelling and respond to that one customer's demand?" And so, when we have 10 customers demanding something or 20 customers demanding something and you're building it, it's going to take you a year or two to get it out, or two or three years to get it out. That's a good time for a smart investor to say: "hey, should we go look at what's available, is there a place for us to really accelerate this?" And then as a team we go out and solve that problem.'

Litera is now at a point where the company needs less of that direction from the investment group, 'because it's so innate in our business, having done this now for four years,' Marwaha says. 'From the top down, people are always thinking: "hey, there's this new product out there, should we go look at it?"'

Marwaha also says that in the past few years, the number of start-ups in the legaltech space has increased, and so has the acquisition rate. This means Litera needs to have an understanding not only of its competition and the new players in the space, but also an accurate picture of its own internal development capabilities. 'It's really about challenging the executive team to look outside the box and then reduce the ego and admit that someone may have built it better than you already,' he says. 'Why try to compete? Why not try to ask if we can work better together, whether that's through partnership or new acquisition?'

Despite Litera's consolidation efforts, internal research and development is still alive and well at the company. Marwaha's approach is to 'look at our own innovations in the R&D pipeline and ask what customers want from us today and determine how long it is going to take us to deliver. If that seems like it's a long way away, then we look at the market and ask: "are there really good, smart, innovative businesses out there that have really good customers, that already have good brand awareness?" Should we have that conversation and say: "together we can move faster because we have the customer base to take this on today?"'

'I'd say we grow as a business organically 20% on our ARR (annual recurring revenue),' Marwaha says. 'The acquisition side—we can't bet on it. You can't guarantee that you're going to find companies that are willing to sell.'

*We feel like we're the brand that's going to be one of the few that drives our industry forward*

*Avaneesh Marwaha,  
chief executive officer,  
Litera*

#### **Building on the Foundation**

While Litera executives are not able to discuss their future acquisition plans, Marwaha believes that the company will continue to grow its offerings for the practice of law. 'The one thing that I'm very clear on with our customers is that Litera's not a big fan of dabbling in something,' he says.

When the company enters a market, it looks to be a leader in that segment as quickly as possible. 'A good example is transaction management,' he says. 'Within 45 days of acquiring Doxly in August 2019, we became the leader in that category in a place we weren't playing in prior to that. Litigation is a space we've

just invested in as of Q3 of 2020. That's another area where a lot of opportunities exist in R&D innovation and acquisition. And in the document world there are still great ideas coming up. I would say all of our threads are available for our own innovation but, again to accelerate for the market, we don't like dabbling in stuff, we really want to be seen as a brand that takes a thoughtful approach to become a leader in the category. So, if you ever see us broaden our story, you should quickly have confidence that we're going to really dive in and have a clear vision and view of that space.'

Marwaha is keenly aware that 2020 was a challenging year for many of Litera's clients. 'I think we got lucky,' he says. 'We didn't stall last year, we kept growing, we kept investing in our business. I think when customers come back and look at us this year, they'll see a brand new Litera that's done a lot in the last nine months. We feel like we're the brand that's going to be one of the few that drives our industry forward.'

*Joe Davis is the manager of knowledge management solutions for Davis Wright Tremaine. He has spent over 20 years in legal technology at law firms, in the corporate legal space, and at legaltech start-ups. He is a frequent speaker and author on a variety of legaltech topics, including artificial intelligence and enterprise content management. Prior to his IT career, Joe was a teacher, an entrepreneur and a DJ in a flea market. Follow him on Twitter at @josephpdavis or email him at joe@josephpdavis.com*



# ATRIUM—A CAUTIONARY TALE

BY MITCH KOWALSKI



The global legal technology and innovation community thought it had heard the last of Justin Kan after the spectacular failure of his so-called ‘hybrid legal software and law firm start-up,’ Atrium, in March 2020. We were wrong.

Atrium was first announced to the world in 2017 and promptly raised \$10.5 million in seed funding. The buzz in Silicon Valley and among many in the global legal technology and innovation community at the time was that if anyone could disrupt legal, it was Justin Kan. Kan was best known for having made an obscene amount of money by creating Twitch, a platform that enables people to watch other people play video games.

Expectations reached fever pitch in autumn 2018 when Atrium raised the absurd sum of \$65 million in Series A funding from venture capital firm Andreessen Horowitz. Atrium was awash with money and one could hear Silicon Valley ‘bros’ chest bumping from all parts of the globe. No new law firm had ever been given that amount of money to reinvent legal service delivery.

Eighteen short months later, Atrium came to a crashing halt, throwing over 100 people out of work despite still having unused funds at its disposal. These funds were given back to investors. It seems that despite the hype, when it came to weaving a delicate tapestry of people, processes and technology to create something that would actually make the world a better place, Kan proved to

be out of his depth. Mark Cohen, Brian Inkster and others have already written detailed accounts of Kan’s dalliance with legal services. Check out their work for more information.

Covid-19 quickly erased the Atrium debacle from the headlines, but Kan would not go quietly into the Silicon Valley night. In January 2021, he published an odd set of ‘learnings’ from the Atrium debacle. If readers were looking for profound wisdom, they were disappointed. Many of the ‘learnings’ were so simplistic and obvious, they reminded me of advice for a young sidewalk lemonade vendor such as ‘don’t sell on a rainy day,’ ‘on hot days, lemonade must be kept out of the sun and in a cooler’ and ‘don’t sell lemonade using people, they’re hard to manage’.

Criticizing Kan for high school level business epiphanies is like shooting fish in a barrel; interesting for about 20 seconds. His learnings do, however, shed light on Silicon Valley’s strange participation medal culture. As long as an entrepreneur has ‘tried,’ that in itself is deemed worthy of commendation and adoration no matter how bad the failure, and no matter how horrendous the carnage left behind. ‘Hey, at least he’s out there trying, dude,’ more than one of Kan’s sycophants told me.

Perhaps Kan did try to understand all the elements of the legal industry—its past, its costs, its pricing and its customers—in the same way that Brian Liu and Brian Lee did when they created and

bootstrapped the now wildly successful (and not too dissimilar to Atrium) legal-industry-disrupting entity known as LegalZoom. However, when Kan advises his sycophants to ‘only work on things where you have intrinsic motivation. If you don’t, you’ll lose motivation when times are hard or your own goals change,’ it suggests that he was never really that interested in Atrium.

If Atrium is a cautionary tale, what should the global legal technology/innovation community take from it beyond the simplistic and banal tweets of its founder?

Here are some things to consider:

- i.** Silicon Valley’s ability to transform legal services is illusory.
- ii.** Silicon Valley exaggerates its heroes and its own importance;
- iii.** Silicon Valley knows next to nothing about the legal industry—disrupting it requires a deep, thoughtful consideration of all the elements that go into service delivery;
- iv.** Silicon Valley expects a quick return on its money—legal disruption is a slow burn to success;
- v.** Silicon Valley gets bored really fast—legal disruption can be boring; and
- vi.** It’s easier for Silicon Valley to make fast money solving problems that don’t matter but are cool—legal services matter and they’re not cool.

All this means legal technology and innovation entrepreneurs should feel no FOMO (fear of missing out) by building outside Silicon Valley.



## A better law firm for startups

2. Fully understand everything about the element of the legal industry that you're disrupting. What are the pain points? What didn't work in the past? What almost worked? Why didn't those things work? To do otherwise is lazy and courting failure—even if you have \$75.5 million to play with. Elon Musk knew nothing about space travel before he started SpaceX. He learned as much as he could about the industry before asking others to take part as employees and investors.
3. If your legal start-up needs \$75.5 million to turn a profit, then you're doing it wrong. Stay hungry. Receiving a wildly excessive and inappropriate amount of money was probably the death knell for Atrium:
  - i. it likely removed much of the urgency to gain market share, develop a viable business model and truly understand the industry it was trying to disrupt;
  - ii. it allowed Atrium to focus (wrongly) on the extremely niche market of legal services for start-ups in Silicon Valley. With less funding, Atrium would have been forced to step outside the Silicon Valley bubble and serve a much larger market;
  - iii. it enabled the firm to create an unnecessarily huge organization (over 100 people);
  - iv. it allowed Atrium to ignore the fact that virtual law firms had functioned perfectly well for years—and to spend money on unnecessary, expensive office premises; and

- v. it allowed Atrium to make the extraordinarily misguided decision to build its own technology, when there was suitable technology already in the marketplace. With less funding, Atrium would have been forced to use existing technology and build APIs.

With more hunger and less funding, Atrium may have had a better chance of survival.

4. Stay purposeful. Simon Sinek tells the story of how the underfunded but passionate and purpose-driven Wright brothers succeeded in making the first manned flight, while the extremely well-funded Samuel Langley was unable to do so. Langley, Sinek says, was motivated to create manned flight because of the fame and fortune that the discovery would give him. The Wright brothers were more concerned with what they were trying to solve. They believed flight would change the world. Any fame or riches they received would be a by-product of that success, not its primary purpose.

Reading between the lines, it's difficult to believe that Justin Kan viewed Atrium as a way to change the world. Atrium's purpose was simply to make money. Making money is not purposeful.

All the venture capital funding in the world will not make up for a lack of purpose and passion. If you're joining a legaltech start-up, look for a purposeful, passionate leader. Being rich and famous

is not the same as being purposeful and passionate. If he or she is just there for a financial score, run far away.

5. Shun participation medals and never celebrate 'trying'. Investors and employees don't care if you tried to make it work. You're there to make it work. Good entrepreneurs have a 'failure is not an option' mentality. They spend a great deal of time creating a well-thought-out vision. Then they do whatever it takes to make that vision succeed.
6. Any failure impacts the entire legal technology and innovation sector. We're still a nascent community and there is little room for error as we blaze new trails. We already face fierce scrutiny from lawyers and investors. This means we need to be skeptical and less-than-adoring whenever dilettantes who are not 'intrinsically' motivated enter our turf. They suck up all the oxygen, press and money. And when they inevitably and spectacularly fail, they simply drive their Ferraris back to their mansions to count their mega millions while the rest of us sift through the carnage. That failure taints the entire legaltech industry in the eyes of investors, customers and future entrepreneurs. Be very aware that what you do has an impact beyond you and your team. You carry the future of the entire community with you.

In a nutshell, whatever legal technology or innovation venture you're embarking upon, do thorough research, be thoughtful, be hungry, be purposeful and be passionate.

*Mitchell Kowalski is the Gowling WLG Visiting Professor in Legal Innovation at the University of Calgary Law School and a strategic advisor to in-house legal departments and law firms on the redesign of legal service delivery. He is a Fastcase 50 Global Legal Innovator and the author of the critically acclaimed books 'The Great Legal Reformation: Notes from the Field' and 'Avoiding Extinction: Reimagining Legal Services for the 21st Century'. Follow him on Twitter @mekowalski or email him at mekowalski@kowalski.ca*

**All the venture capital funding in the world will not make up for a lack of purpose and passion**

# THINKING OUT CLOUD—HAS LEGAL REACHED THE POINT OF NO CLOUD RETURN?

BY JOBST ELSTER







**W**e are always talking about great equalizers. They can be events, circumstances, inventions and sometimes catastrophes that shake everything up, often causing destruction and anarchy but also creating opportunities and forcing a better tomorrow. Enter our new remote realities and a cloud infrastructure as the lifeline of 'business as usual'.

Cloud-based platforms, including knowledge management solutions, document management systems, experience management hubs, and increasingly marketing technology (martech) and business development technologies, provide crucial benefits that make it easier for legal teams to establish a consistent and updated account of their 'stuff' and collaborate uninhibited. A 'single source of truth,' if you will, that can be accessed at any time, and from anywhere, eliminating the need for content storage and sharing in disparate places and spaces, is now the expectation.

The 'single source' concept is no longer a 'nice to have' but a bare minimum compliance and governance requirement. Native cloud technology solutions that offer advanced security to keep everything protected, that enable user access controls and prevent malicious actions, are becoming the default. Security-as-a-service is not just a clever marketing term, but a core security posture committed to by leading legal technology cloud platforms.

Today, law firms and corporate legal departments, no matter how highly regulated and sensitive the data they keep, are seeking out cloud solutions

Legal has come a long way with cloud adoption, accelerated in an extremely short timeframe. Have we reached the point of no return? What's trending? What's ending? And what does a 'why not cloud vs why cloud' reality look like?

because of built-in security and encryption advantages. At last, we can say 'why not cloud' as opposed to 'why cloud' when looking at legal technology roadmaps.

ILTA's 2020 Technology Survey found that 60% of all respondents were already utilizing cloud-based email security, followed by payroll (58%), email (50%), eDiscovery (41%) and document management (37%). This is a far cry from survey results less than a decade ago that indicated less than 30% of ILTA member law firms even had a cloud strategy. Today, over 95% of ILTA firms are leveraging some sort of cloud technology.

#### **With great power comes great responsibility**

According to InformationWeek's recent list of '10 IT Trends to Watch in 2021,' the role of enterprise CIOs has expanded, virtually overnight. When organizations including law firms suddenly adopted remote work models, CIOs came under a lot of pressure to support new ways of working. Thanks to the cloud, many succeeded, setting themselves up for expanded roles within their companies.

### *The initial cloud conversation has always been easy*

*Alvin Tedjamulia, CTO and co-founder, NetDocuments*

According to Gartner, by 2024, 25% of traditional large-enterprise CIOs will be held accountable for digital business operational results, effectively becoming 'COO by proxy'. We are already seeing firms' and law departments' digital transformation projects accelerating, with more headlines to be made in short order.

The concept of 'permanent' remotes, enabled and accelerated by the current pandemic, is music to the ears of cloud and edge computing enthusiasts. IDC predicts that 60% of enterprises will invest heavily in digitizing the employee experience in 2021, permanently transforming the relationship between employers and employees. According to IDC, in two years' time, 75% of G2000 companies will have committed to providing technical parity to a workforce that is hybrid by design rather than by circumstance. This enables working together, separately and in real time. It's something that can only be achieved via the cloud and cloud-to-cloud system integrations.

#### **Legal cloud realities**

When considering the cloud 'in legal' or really any notable innovation embraced by lawyers, I always think first of Dennis Kennedy. An award-winning legaltech columnist, legaltech and innovation advisor, adjunct law professor, infotech lawyer, professional speaker, author and podcaster, Kennedy has been sharing his excitement about the cloud for lawyers for decades.

Kennedy agrees that the cloud is finally here to stay. 'While there is still a lack of solid understanding of the cloud on the part of lawyers, the "cloud or no cloud" debate has been over since March 2020,' he says. 'The move to the cloud gives firms benefits in collaboration and in creating a platform for great, modern client service. Strategic movement to cloud tools is not an area in which you want to watch competitors pass you by.'

As Kennedy says, 'strategic movement to cloud tools' is our new normal. The window for differentiating by aggressively and methodically going cloud-first is still open, but not for long. Change management has been forced on the legal ecosystem, so all related excuses of delaying cloud migrations have fallen by the wayside. Carpe diem with the cloud—now.

## Productivity, useability and compliance

Firm IT leaders must streamline the number of new systems their lawyers and staff need to adopt, and they need to secure. Cloud platforms accomplish this, helping law firm employees increase productivity without compromising compliance.

Within the last year in particular, law firms have realized the major advantage of moving to a true, single instance cloud solution which does not require migrating or upgrading from older software versions. That can translate to an IT nightmare, especially in the midst of a work-from-home (WFH) pandemic. This is where the rubber meets the remote road, knowing your cloud provides the key benefit of inheritance. As the cloud platform improves through continual releases of updates, bug fixes and so on, so does your firm's instance of the software—immediately.

## The financial services cloud adoption litmus test

There's no better 'coming of age' in the cloud story than cloud adoption in the financial services sector. Long considered the back of the line when it comes to trusting the cloud with storing and managing sensitive and highly regulated data, financial services organizations have come to fully embrace the cloud as part of broader strategic digital transformation efforts, as well as part of working with their clients and service providers.

Alvin Tedjamulia, CTO and co-founder of NetDocuments, legal's first native cloud solution and now well-established document and content services platform, has spent years forging relationships with global investment banks, making the case for the cloud.

'The initial cloud conversation has always been easy,' he says. 'Financial services business and activities such as online banking, credit card processing, stock & bond transactions, bill payments and credit monitoring are conducted mainly in the cloud, and have been for a long time, so it's squarely in the DNA.'

'The deeper, trending reason as to why financial services firms have become avid cloud adopters is because modern and mature cloud services have reached



*It's not good for law firms to be known as and referred to as the weak links*

*Dennis Kennedy, legaltech and innovation advisor*

an unparalleled level of compliance and security which cannot be duplicated elsewhere,' he adds. 'Cyber security is fundamentally crucial for regulated institutions and will always be a primary requirement. The level of sophistication and diversity of SaaS services has far surpassed on-premises or hosted applications because most technology dollar investment in the past several years has gone to the cloud.'

While just five years ago financial institutions were vocal in their opposition to cloud technologies, we are witnessing that today the reverse is true. So how, specifically, are banks, insurance companies, investment managers and

credit card companies leveraging cloud services? According to Tedjamulia, the first priority is to organize digital files in the cloud, and afterwards expand into further SaaS services for collaboration, task management, content annotation, discussions and learning from the existing document scope. 'In general, we see that cloud technology deployment is an enabler not only for the external and online client services business, but also for the internal legal, administrative, and compliance work,' he says.

## Security (breaches) made me do it

Dennis Kennedy and many other experts in and outside the legal realm are more concerned than ever about law firm cyber security practices. 'The biggest lesson firms need to learn is that they live in ecosystems in which the security failures of any member of the ecosystem can adversely impact all members,' he says. 'The strategy, planning and approaches need to be quite different from what we are used to doing. Clients, especially regulated ones, are much less willing to accept problematic security approaches from their outside firms than ever before. It's not good for law firms to be known as and referred to as the weak links.'



At the time of writing, two Am Law 20 law firms had experienced cyber hacks within the last month, both based on breaches of their external file transfer technology vendor.

### Higher clouds, loftier goals

Our new remote working/WFH realities have been a boon for technology companies focused on the sales, service, implementation, integration, migration and training side of the cloud. I have seen countless company statements sharing record 'new wins' and cloud-based sales and service records. Their hope is that the trend continues, with a focus on tightly integrating cloud technologies across the law firm, and increased cashflow leading to increased innovation and technology investment.

Jeff Alluri, principal and vice president of consulting with Minneapolis-based Element Technologies, is a prime example, having witnessed unprecedented growth in his company's book of cloud business. 'Q4 of 2020 was our strongest quarter on record for

cloud migration projects,' he says. 'Since June of 2020, we have worked over 7,500 hours migrating law firms and corporate legal departments to the cloud, and that momentum has continued into 2021. We are actively recruiting new talent to keep up with demand.'

Meanwhile, cyber security concerns increasingly lead to the cloud conversation. Element's cyber security team, for example, receive several calls per week from law firms and legal service providers because their data has been compromised, either by a ransomware attack, phishing attack or both.

'In a typical law firm, users are protected by layers of security including firewalls, antivirus and more,' Alluri says. 'With the new WFH model, IT is now forced not only to protect computers in the office but those at home as well. Having a sound cloud application platform is not only vital to keeping users working efficiently, but also to strengthening security, as these solutions have robust auditing and controls over the firm's data.'

### The forecast is sunny

It is with unbelievable optimism that I can reiterate 'yes, the cloud in legal is here to stay!' Dennis Kennedy points out the focus needed on cyber security but appreciates current progress. 'The good news is that in many cases, simply getting data into cloud services, in itself, improved the security of law firm and client data compared to the status quo. In 2021, priorities must be set, and real work needs to get done.'

*Jobst Elster is the head of content and legal market strategy at InsideLegal. He brings extensive experience in market analysis, market research, public relations, and product marketing to the legal industry. He has served as a legal market strategist for the last 21 years, advising companies entering the legal market, involved in mergers and acquisitions, and expanding operations overseas. He can be reached at [elster@insidelegal.com](mailto:elster@insidelegal.com) or via Twitter @InsideLegal*

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# MICROSOFT 365— THE LAW FIRM JOURNEY

BY NIGEL STOTT

Law firms are still using only a small fraction of the functionality of Microsoft 365.

Since Microsoft 365 (previously Office 365) was launched in 2017, law firms have gradually moved to the Microsoft Cloud, though in a variety of forms and guises.

In my experience from working with various firms, the move to Microsoft 365 hasn't necessarily been a conscious strategic decision by the firm. It tends to come about as a result of:

- A technology approach driven by their IT provider
- Subscriptions purchased to gain access to Microsoft Teams
- A technology refresh when firms' on-premise systems have become end-of-life

We therefore see a typical deployment of Microsoft 365 in a law firm resulting in the use of a small handful of applications. Firms will use Microsoft 365 to deploy the latest versions of Outlook, Word and Excel. They'll use Microsoft Teams to facilitate video calls and use Microsoft Exchange to run their email systems. File



sharing will also sometimes be facilitated through the use of Microsoft OneDrive.

What sometimes comes as a surprise to firms is the fact that these applications represent only about 20% of the toolset and functionality available to them.

There is a wealth of additional applications and capabilities available in Microsoft 365. While the Microsoft 365 subscription may dictate the available functionality to an extent, usually, for just a few pounds more per person per month, the gates can be opened to some of the most cutting-edge technology available.

I like to think of Microsoft 365 as an ecosystem offering a range of applications and tools. These aren't standalone applications. The functionality available integrates across the product set.

For example, you may create a new GDPR policy in Microsoft Word. You want to share that with the business, so you upload it to SharePoint, giving everyone the means to access it. However, you need to ensure the document is regularly reviewed through an approval process for your Lexcel accreditation. Using the Power Automate integration in SharePoint, you create a workflow that puts any updates to the document through an approvals process.

Let's take a look at some of the applications available in Microsoft 365 that may be less familiar and how they can be used in the firm.

#### **Power Automate**

Workflow tools for law firms usually come as part of case management systems. However, Power Automate in Microsoft 365 combines with artificial intelligence (AI) to automate common business processes. A really good example of this involves invoices. Some firms have a mailbox set-up for supplier invoices. Using Power Automate and AI, you can set the system up to monitor the mailbox, detect a new invoice, automatically pull key information out of that invoice and push that information into a database or other third party system.

#### **Power BI**

Power BI is another example of a powerful application in Microsoft 365 that can replace more traditional ways of working. For a number of law firms that are still using traditional reporting methods, or spreadsheets to gather and present data, Power BI provides a way of connecting to a variety of data sources. That includes Excel, Google Analytics and even the firm's Facebook page (if it has one). What Power BI then allows you to

do is present that information in a highly visual dashboard format that you can then deliver to management team and fee-earner desktops and even mobile devices without too much effort.

#### **Project Cortex**

There's been a buzz around AI in the legal sector for a few years now. However, in the small to mid-tier space, we haven't seen a huge number of practical applications. One of the reasons is accessibility. AI projects have typically been large and expensive.

That could be about to change.

Microsoft has recently been developing Project Cortex as part of Microsoft 365. This is the first real chance firms have to utilise AI without having to invest huge sums to do so.

Project Cortex is a new initiative, the concept being that Microsoft will build functionality in Microsoft 365 that applies AI to the analysis of content within the business environment.

#### **Security and compliance**

There's a huge array of tools available as part of the Microsoft 365 security and compliance set. That ranges from anti-malware and phishing scanning for emails through to email encryption, multi-factor authentication and also some very detailed reporting that sits alongside this.

One of my favourite tools in Microsoft 365 is Advanced E-Discovery. Since GDPR regulations and the UK Data Protection Act 2018, firms have been receiving an increasing number of 'subject access requests'. Now that most firms have email data stored in Microsoft 365, Advanced E-Discovery can be used to perform complex searches on email accounts but also Microsoft Teams content and OneDrive content. Data from other sources can be uploaded and searched too.

#### **What's next?**

With some knowledge of Microsoft 365's capabilities, firms will be able to start joining the dots and understanding

*With some knowledge of Microsoft 365's capabilities, firms will be able to start joining the dots and understanding how it can be used to streamline their business*

The first serious business product to come out of Project Cortex is SharePoint Syntex. SharePoint is a Microsoft product, used by some firms as an intranet and a document repository. SharePoint Syntex provides the ability to 'read' documents added to the SharePoint environment. It searches documents, such as precedents, contracts, agreements or even content that is more unstructured, to automatically apply metadata properties to them with no profiling required by a user. That means documents can be automatically categorised for ease of access and other purposes.

There is also a new form processing functionality. With a small amount of 'training,' SharePoint Syntex can be used to ingest documents and pick out key fields or values for use in other processes.

how it can be used to streamline their business. Expense forms, hot desk bookings and document approvals can all be catered for using Microsoft 365. I would always encourage firms to explore and experiment with what is available. What I've spoken about here is just the tip of the iceberg.

*Nigel Stott is a consultant at Baskerville Drummond Consulting. He has spent the past two decades in legal, heading up IT at Clarion Solicitors for 15 years before a spell with vendor Peppermint. Most recently at Hudgell Solicitors, Nigel has extensive knowledge of Office 365 from both an implementation and optimisation perspective.*





# WORK HARD AT BUILDING YOUR OWN PROFESSIONAL NETWORK

Our Legal Support Legend for this issue is David Sparkes, principal advisor/founder at Millbourn Ross and former CEO of Burlington Media Group.

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

I launched the Legal Support Network (LSN) community ([www.lsn.co.uk](http://www.lsn.co.uk)) in 2006 with the aim of aggregating useful information, although not exclusively legaltech, for finance professionals in law firms in the UK. This community quickly expanded to reach a wider operational audience that included IT, HR, marketing and risk. Many of the early partnerships were with legaltech suppliers.

Prior to setting up LSN, I was recruiting finance and systems professionals for law firms in the UK. I was a regular visitor to the Business Design Centre in Islington, North London, for the Legal IT Show.

## What has surprised you most about our industry?

I've been pleasantly surprised by the ability of many law firms and other organisations to embrace significant changes in their working practices and behaviors.

While there are pockets of genuine innovation and creativity when it comes to delivering cost efficient and profitable legal services, the legal sector is historically guilty of being slow



to adopt new technologies. With their hands forced by the Covid-19 pandemic, many law firms have accomplished in 12 months what would have normally taken years. Hopefully this will recalibrate the resistance to change, and as new leaders and technologies emerge, there will be fewer barriers and a greater appetite for change.

#### **What advice would you give to a legaltech newbie?**

Having built a community and invested so much time in networking and connections over the years, my default position is to encourage people to work hard at building their own professional network.

The legaltech community includes many bright, innovative and forward-thinking individuals. Seek out these people, learn from them, share with them and offer support. Building a network and investing in people is about long-term value, not short-term gratification. Your time and energy investment into your network will be rewarded, even if the benefits are not always immediately obvious.

*With their hands forced by the Covid-19 pandemic, many law firms have accomplished in 12 months what would have normally taken year*

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

Without doubt the most rewarding and satisfying feeling is making introductions that have positive outcomes for both parties. Over the years I've made introductions that have enabled people to secure new jobs, referred suppliers to organisations that have become clients and introduced businesses that have gone on to merge or be acquired.

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

Being the founder of Legal Support Network, which eventually became Burlington Media Group, and operating three market-leading communities, including Briefing ([www.briefing.co.uk](http://www.briefing.co.uk)) and Legal Practice Management ([www.lpmmag.co.uk](http://www.lpmmag.co.uk)).

Running a business that plays an important role in the industry by connecting people and sharing knowledge and insight is very rewarding.

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

If I could learn how to hit a golf ball consistently straight, it would make my summer walks significantly more enjoyable. Other than that, I've recently been looking at data and various

tools from scraping to visualisation. I'm amazed by what I don't know about some parts of the Microsoft suite, like Excel and PowerPoint. It's a classic case of only using 5% of a solution's capability, so I'm learning to explore capabilities and functionality more deeply in order to improve my understanding and skills.

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

- My first car was a 1967 VW Beetle
- I was once upgraded to first class on a flight from Madrid to Peru
- In 1980, I addressed a letter to 'Sylvester Stallone, Hollywood' and got a reply

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

Doing anything outdoors. During the pandemic I moved out of London and now have the opportunity to enjoy the countryside with my family and friends. You'll find me walking, running, road biking, mountain biking or golfing. When winter comes, skiing is a family favorite.

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

'Opportunity is missed by most people because it's dressed in overalls and looks like work.' – Thomas Edison

This quote always resonates with me because I'm always looking for opportunities and experience tells me that the best ones are never the easy ones. While I'm a big fan of the path of least resistance, I'm equally a fan of putting on my overalls and getting stuck in.

#### **Who should be the next Legaltech Legend and why?**

Jimmy Vestbirk, CEO of Legal Geek. Everyone should know Jimmy. He has all the qualities I referred to in my answer to your third question. I'm full of admiration for anyone who has the courage, passion and resilience to start a business. Jimmy has created a thriving community of people with a genuine interest in all things legaltech. I'm immensely jealous of the Legal Geek VW camper van and love the firm's approach to community engagement.

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

As I said, I'm always looking for new opportunities. Since exiting Burlington Media, I have launched another business.

Millbourn Ross is a specialist independent M&A advisory business for law firms and legaltech companies. We support managing partners/CEOs and strategic leadership teams by providing market insight, analysis, research, introductions and connections that are aligned to their business strategy.

You'll find me at [david@millbournross.com](mailto:david@millbournross.com) or [www.millbournross.com](http://www.millbournross.com). I'm always open to extending my network and making new connections via Zoom or Teams, in the certain knowledge that one day we will be able to meet in person.

# HOW TO **LOSE 50 MILLION** CUSTOMERS IN A WEEK

BY DUNCAN EADIE

Explaining how you look after your clients' data should be treated as an exercise in upholding your brand and values.



**E**arlier this year we saw what some described as the ‘largest digital migration in history’ as millions of users fled the popular messaging application WhatsApp. An astonishing fifty million of them left in just one week.

This haemorrhage of customers was largely fuelled by fear of how their data was going to be used. For anyone who feels that users are not concerned about what their data is being used for, this was clear evidence that they actually are. And they are prepared to vote with their feet.

We know people don’t read those terms and conditions. Do you? Lengthy legal jargon is not something to get bogged down in when you need that new app. And you always need it right now. You are not going to hesitate when happiness is just an ‘accept’ away.

Why might this be important to you? Some businesses feel that users not reading their terms and conditions can be turned to their advantage. A decade ago, the 7,500 people who signed up to GameStation on April Fools’ Day accepted that they were voluntarily surrendering ‘for now and ever more their immortal soul’ to the company. A later lawsuit legally reassigned the souls back to their originators.

But people not reading well-written and understandable T&Cs can also have the opposite effect. Users can end up being scared off. WhatsApp’s T&Cs were well written, understandable, and provided a clear picture of what the company would do with its customers’ data. But the platform’s seven-year association with its owner Facebook, the data collection company cleverly disguised as a social media platform, set alarm bells ringing and social media chattering. WhatsApp’s reputation was soon under attack.

When WhatsApp stated that users had eight weeks to agree to their new T&Cs or lose the use of their product, things went very wrong, very quickly. This polite reminder felt very threatening, especially when mixed with the shadow of the Facebook brand. The user exodus began.

WhatsApp was on the back foot. The company took out full page advertisements in newspapers across the world. It had websites with clear Q&As



### *The sad thing for WhatsApp was that the changes were minimal*

about what was happening to user data. The UK’s data regulator threatened to get involved. Celebrities added fuel to the fire, with Elon Musk tweeting ‘Use Signal’. These two words from one of the world’s most high-profile tech personalities lifted Signal (an alternative messaging platform) from 1,000th on Apple’s download list to 1st for several weeks.

WhatsApp relaxed its deadline for users to accept its new T&Cs by three months. But the damage had been done. Millions of users had left. Several competitors had had lots of free advertising and had grown their user base significantly. The sad thing for WhatsApp was that the changes were minimal, and customers had largely been using its service under more or less the same T&Cs for many years already.

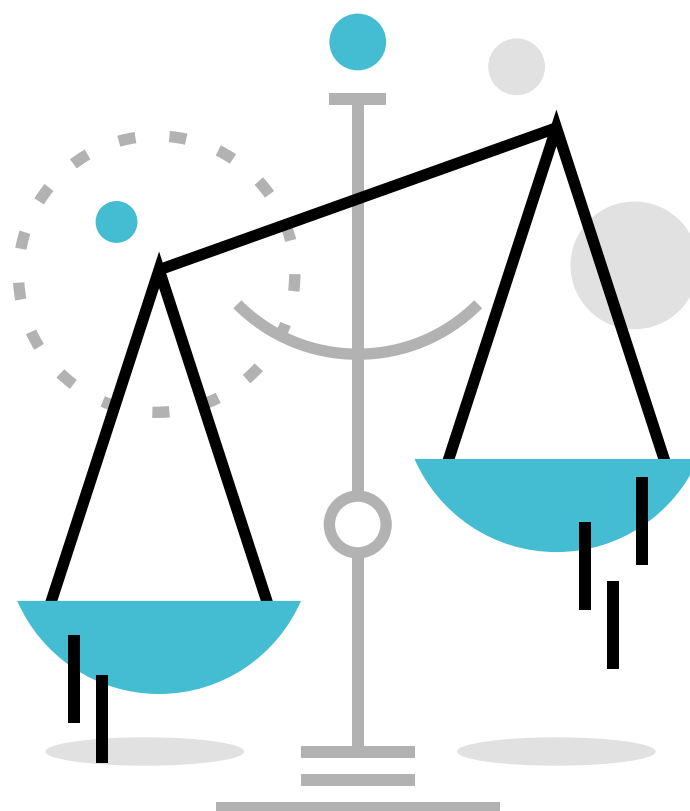
What lessons does this offer an organisation considering dabbling with a client app?

- Write your T&Cs with the customer in mind. Make them clear, brief and understandable.
- Have several places where the T&Cs are explained—not just at the ‘accept’ (or not) juncture. You want your customer base to know what data you will be using and how.
- See this as an exercise in upholding your brand and values in the way you look after one of your clients’ most important assets—their data. It’s as important as that warm smile and handshake they get in reception.
- If your company is present on Facebook, make it clear what data is collected and why. People are very, very, suspicious of Facebook (and other large social media platforms). And every time a Facebook representative appears in front of a congressional committee, those suspicions grow.

*Duncan Eadie is a principal consultant with Professional Plus Solutions, a leading technology consultancy serving the legal community for 22 years, specialising in PMS and operating globally.*



# THE VERDICT



## DO ANY OF THE COVID CLOUDS HAVE SILVER LININGS?

Many businesses shut down. A mad scramble to switch to work from home. Travel bans. City lockdowns. Social isolation. Masks. Depression. Over 2.5 million deaths. 2020 was, to put it mildly, an extraordinary year. The start of 2021 has not been that much better. While vaccines are slowly becoming available, we now have a half a dozen variants of Covid-19. It has changed how we work and operate. But along with all the negatives, have there been any positives we can lay claim to? What 'silver linings' have you seen from all the changes and disruptions?



**Ben Weinberger**

Chief Innovation Officer  
*Juris Operandi*

Despite incredible advances in technology over the past 30 years, legal has had a cultural problem with its adoption. Too many leaders treated it as a convenience, especially as it didn't impact or prevent firms from being extremely profitable. The lackadaisical attitude toward technology enabled firms to perpetuate a legacy model with its antiquated ideas of legal practice. Lawyers and business professionals alike were expected to be seen putting in long hours at the office. The old boys' network that dominated – and continues to dominate – was self-perpetuating.

The pandemic forced lawyers to accept that remote working was possible and practical. Allowing people to work from home has helped level the playing field for those with familial responsibilities and those wanting or needing to work more flexible – and as productive – schedules. It should have demonstrated to firm leaders the possibilities of working with people in other geographies; for those who now “get it”,

they no longer need to artificially limit talent pools to those candidates who can and are willing to spend 40+ hours per week commuting to their small slice of an urban skybox.

It hasn't eliminated many other aspects of the legacy culture of legal practice, but perhaps it has proven to the naysayers that being physically strapped to a desk is hardly a gauge of one's value and it's a poor substitute for a productivity metric. More so, with so many clients now focused on Diversity & Inclusion initiatives, one can only hope that their law firms will finally take an honest approach to both recruiting and, more importantly, promoting a more diverse workforce, along with electing a more diverse leadership across their partnership ranks. Until now, based on the statistics, it's been barely lip service.



**Beau Mersereau**

Chief Legal Technology  
Solutions Officer  
*Fish & Richardson*

In my opinion, the most significant positive I've observed and experienced is the world's embrace of remote collaboration. Without technology, the world's economy would have genuinely ground to a halt. The world has realized that you can generally work anywhere when you have access to the basics and good internet access. With SpaceX's Starlink, that reality is here. We now or will soon have high-quality internet available to us anywhere in the world.

Working from home has been accepted and embraced by most organizations. Those organizations that couldn't pivot to working from home were able to create innovative new solutions to solve their problems. The productivity gains from avoiding a long commute are real and tangible. I saved 251 hours (or 7.17 workdays) not driving to and from work since we started working from home last March. And on a more personal note, the family Zoom calls have been fun.

Remote working also opens opportunities to find the right person for an open position. They no longer

need to be in a city where we have an office. If I wanted to, I could move back to Ojo Sarco, New Mexico, and live in New Mexico's mountains again, and I could have a well-paying job.

Remote collaboration tools have come of age and make it possible to collaborate without a whiteboard in a conference room. Beyond the video conferencing tools that are in widespread use, my favorite new tool is Miro for brainstorming. Miro is the virtual whiteboard I've always wanted.

Remote education has come of age, and its acceptance is generally widespread. While that isn't necessarily good for our children, I think it will be fantastic for adult continuing education opportunities. I now know it is possible to take remote classes from MIT and do well.

I'm excited about the future and our opportunities for working anywhere in the world.



**Gillian Power**

Chief Information Officer  
*Lathrop GPM LLP*

At the start of the pandemic, I said to Joy Heath Rush (CEO of ILTA) that I saw that what Covid-19 would bring would be a total re-assessment of value across all sectors. The assumptions underpinning valuation would be shaken to their core. Questions that we as legal technologists have politely asked our businesses, would now be heard.

I read just today that scientists estimate that every Covid-19 virus in the world could fit in a single soda can. Think of that, what we have been through carries literally no weight. Yet, what carries negligible mass, can yet induce profound suffering, dislocation, and seldom paralleled change. We are witnessing organic code rewriting our human world in every dimension. Like any new code, it can take time for the influence to be felt. As humans it is said that we over-estimate change in the short term and under-estimate change in the long term. This will be realized. The thought experiments into the scale of this change run deep, and you can test them, in real time.

In our niche of legal technology, the potential that many of us envisioned for a digitally transformed legal services model is unfolding at unprecedented speed. Across the industry, the cherished belief that high value legal service could only be delivered from high cost, high rise spaces in the most expensive cities in the world has been shattered. That progressing in your career meant never seeing your family. That value meant being shackled to a desk for set hours a day (and into the night) performing synchronously, work that can be done asynchronously. The silver lining in all this is that leadership of our businesses are beginning to grasp that every dollar spent on real estate is a dollar not spent on digitally transforming the business. Thus, I believe that the silver lining for us as legal technologists, is an explosion of innovation and opportunity over the next decade that will be breathtaking. Hitch your wagons folks, we are witnessing the dawning of an era in our professional lives with the thrill of one billion "Hello Worlds"!

## "A Client Portal is an extension of your business..."

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**Mark Davidson**  
Director of IT

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