



## KNOWLEDGE SHARING: THE NETFLIX WAY

Page 14 »

## THE 20-LANE HIGHWAY OF LAW FIRM INNOVATION

Page 26 »

## IS TECHNOLOGY MAKING THE IT DEPARTMENT REDUNDANT?

Page 20 »

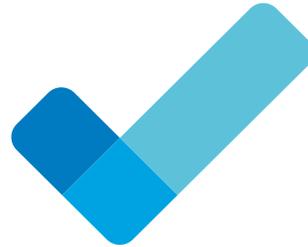


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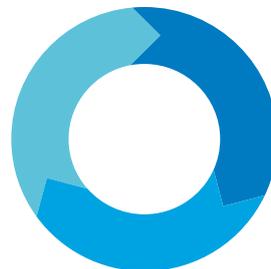
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# CONTENTS

- 5** Editor's Note
- 6** Protecting your data with DRM and DLP
- 10** What's happening at BCLP?
- 14** How Netflix can help rethink knowledge sharing in terms of client needs
- 18** What is a legal process engineer?
- 20** Is technology making the IT department redundant?
- 24** Legaltech Legend: Dan Wales
- 26** Many roads to take: the 20-lane highway of law firm innovation
- 31** The Verdict



# LEGAL IT TODAY

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# EDITOR'S NOTE



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## WELCOME TO **ISSUE 24** OF **LEGAL IT TODAY!**

I hope you are all looking forward to a well-earned break at the end of successful year.

Law firms are resistant to innovation, right? The culture of the legal profession is to maintain the status quo, right? And lawyers just want to get on with doing what they've always done without being harassed about the need for fundamental change by a bunch of wide-eyed tech evangelists, right? Right???

Wrong. Just ask Katie DeBord of Bryan Cave Leighton Paisner, whom I spoke to this month (see page 10) about the firm's legal operations venture Cantilever. She told me that within the legal profession, there are a lot of people who really 'get' the need for transformation, who get the problems and who are anxious to find the right solutions. 'They get that clients don't necessarily just want expertise any more—they want solutions to their problems,' she said.

You could also ask Jay Nogle of Greenberg Traurig, who told Jobst Elster (see page 26) that his firm has always had a strong culture of empowerment and innovation. This has enabled it to develop advanced financial dashboard capabilities, first specific to firm needs, then uniquely branded and packaged for broader law firm management use.

Or you could ask Eric Wood of Chapman and Cutler, which has just sold its Closing Room deal management application to NetDocuments (wow, says Jobst).

Or you could ask Duncan Eadie (see page 20), who says that at the recent 'Legal Geek' event in London, a showcase for the new generation of law firm technology, a quarter of the audience were lawyers. I know! At a technology show!

Maybe some of those old legal dogs are picking up some new tech tricks after all.

That just about wraps it up for 2018. We hope you've enjoyed reading Legal IT Today this year. We wish you all the best for the holiday season and look forward to hearing about more of your exploits in 2019!

**Jonathan Watson**  
Editor



# PROTECTING YOUR DATA WITH DRM AND DLP

BY BRIAN PODOLSKY

With a streamlined DRM solution and integrated DLP, businesses can be sure they are doing everything possible to protect their most sensitive information.

**B**lockchain and AI might be happening buzzwords in the industry, but when it comes to security, there are two other technologies that have been making an impact over the past several years: digital rights management (DRM) and data loss prevention (DLP). You have probably

had some experience with DRM in your everyday life, even though you may not have realized it.

Ever wonder why you couldn't simply share a song you bought on iTunes with a friend? That's DRM. The song itself is digitally signed and secured to your



Apple ID, and can only be shared from 'authorized' computers. Long gone are the days of freely downloading MP3 files that could be copied from listener to listener. The music industry needed control over its product, so it made sure content could be tied to the purchaser or specific devices/accounts using streaming services.

Another famous (or infamous) foray into DRM was made by Keurig, maker of coffee machines and single-cup coffee pods. Keurig wanted to ensure that customers could use only its proprietary K-Cup coffee pods in Keurig machines. The machine would read a special ink to ensure that the pod was Keurig-approved before allowing the coffee to brew. In a classic case of DRM gone wrong, customers reacted with anger and Keurig's share price fell. The company apologized to its customers in 2015 and issued an adaptor to disable the DRM functionality.

### **Rights management**

DRM has to be used properly. The challenge has always been to apply digital rights as seamlessly as possible to avoid the frustration that Keurig customers felt. How do you apply DRM so that it is not a headache for your employees?

In the corporate world, vendors such as Seclore have focused on applying DRM to company work products. Such solutions put a security wrapper around a document, providing information on who, what, when, where and how that file can be accessed. To apply DRM security, Seclore uses policy federation, translating the security of a content system and applying that security to the content protected by DRM.

Let's take a look at the example of a SharePoint document that is secured within SharePoint to your



finance director. If that file were to be downloaded and stored outside SharePoint, Seclore would seamlessly add the finance director's email address as a valid user with access to that file. No one else would be able to access it. In addition, when sending a DRM file through email, Seclore can automatically add the email recipient to the access control list on its way out the door.

The next challenge is how to make it easy for recipients to view content that's been protected by DRM. This is where a lot of DRM vendors falter. Many require some sort of agent or software installed on the recipient's machine. Some offer a light agent that can be installed into

the user's context without administrative privileges. However, many firms restrict what programs users can install, so these agents require assistance from a firm's IT support team. Yet more solutions allow you to view the secured content in a web interface. None of these are particularly elegant, but vendors do offer a few options to meet the security requirements of most firms.

### **Loss prevention**

DLP doesn't have as many flashy or public-facing use cases, but security-conscious firms have been implementing it for several years. DLP is used to ensure that sensitive information does not leave the confines of the internal network.

DLP solutions identify content with personally identifiable information (PII) such as birth dates, mothers' maiden names and social security numbers, and ensure that content cannot be placed onto USB sticks or sent via email. We are starting to see DLP enter the space of content management solutions.

NetDocuments recently announced NetDocuments DLP as part of its Governance module. This solution draws

*How do you apply  
DRM so that it is not  
a headache for your  
employees?*



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on data classification to identify content with PII and PHI (protected health information). In addition, DLP rules can be set at the matter level to restrict actions such as downloading, copying, attaching, and sending links. Rules can also be created to confirm location, essentially putting a geo-aware wall on where that content can be downloaded. Not only are you protecting the content, but you are protecting the user as well. This is meant to protect the naïve, unaware or distracted employee, in addition to the malicious one. It protects every action by every user, even if the user may have been given full security access to the document.

'It is more than border protection,' says NetDocuments CTO Alvin Tedjamulia. 'It is more than after-the-fact monitoring. DLP is action protection for every user, regardless of the access control list or ethical wall.'

#### **DLP versus DRM**

There are a few different ways to look at the differences between DLP and DRM solutions. DLP can be thought of as a

more proactive model. With DRM, an employee who is leaving the firm in a week can legitimately access all matter files and export them out of the firm's content system. This behavior can be audited and, if necessary, that user's access can be revoked later through the DRM solution. If the matter is protected by a DLP shield, however, the large export would not be allowed to occur in the first place.

Another difference relates to the functions a user with full access can perform. DRM allows a user to share and control overall access to the document. DLP, on the other hand, prevents actions such as emailing or forwarding when a document happens to have PII or belong to a particular matter—saving users from themselves.

#### **Why choose?**

Another option is to combine the power of DLP and DRM. Some DRM engines, for instance, can integrate with DLP solutions to protect documents with sensitive data automatically as they are shared. By itself, DLP does not add security to a file that has been marked

as sensitive. It just prevents certain actions. Combining your DLP and rights management streamlines and automates your data security program.

Tedjamulia has referred to DLP as 'the new frontier of security'. With a streamlined DRM solution and integrated DLP, businesses can be sure they are doing everything possible to protect their most sensitive information.

*Brian Podolsky leads the Enterprise Content Management (ECM) Practice Group in the New York office of Kraft & Kennedy. He has extensive experience implementing and supporting Microsoft Office, iManage, NetDocuments, OpenText eDOCS and Worldox document management systems, as well as third-party integrated add-ons to these systems. He also drives Kraft & Kennedy's research on the latest ECM technologies including email management, enterprise collaboration and search, and provides guidance and best practice standards to clients implementing ECM solutions.*



# WHAT'S HAPPENING AT BCLP?

BY JONATHAN WATSON



Law firm Bryan Cave Leighton Paisner (BCLP)—created by the merger of Bryan Cave and Berwin Leighton Paisner (BLP) earlier this year—has launched a combined legal operations consultancy division that will operate globally under the new name of Cantilever. Jonathan Watson asked Katie DeBord, the firm's chief innovation officer and joint leader of Cantilever, about the creation of the venture and its aims.

**H**ow did Cantilever come about? Before I became Bryan Cave's chief innovation officer in 2015, the firm had formed a couple of innovation groups. These were the practice economics group, which was the pricing group, and the client technology group. The pricing group kept being asked to come up with alternative fee arrangements for clients, and that was causing the firm to look at new ways of delivering legal services. As you know, pricing begets innovation.

The pricing group recognized that we needed some technology tools to help us manage our matters better, to manage client data better and to do more with that data to deliver more value, but didn't see anything at that time on the market that solved those problems. This is why the client technology group was formed—to develop software for legal service delivery for the firm.

Eventually they came up with a platform that was used to manage matters,

documents and data. And when we started exchanging information and generating reporting for one of our large clients using this platform, the client asked if they could have access to it. That was the earliest iteration of what we now call our legal operations work. At that point in time, I don't think the term 'legal operations' had even been used in the legal community.

**I gather the platform was mainly used in one-off projects initially?**

That's right—a client would have a need and we would build an entirely discrete software platform. When I came in, we decided to create a scalable version of the software to make it easy to implement and to produce standard offerings that we could provide inexpensively either separately from legal services or together with legal services. We've continued to build the expertise we already have with legal operations

advisory work and other consultancy work. From 2015-16, we essentially rebuilt a lot of that software and created some core product offerings, but the platform is very configurable. It's super-easy now to configure, install and implement.

**What do you find is the key thing clients want?**

The core functionality that clients keep asking for is contract lifecycle management. There are a number of big tools they can use, but they tend to be procurement-facing tools designed for the procurement department. They don't satisfy law department needs. Matter management is the other functionality we see a lot of need for. Anything where you need to capture data, report on it and track it—where there is a workflow element.

All that is handled by CrossLite, the data management and analytics tool that is the software part of Cantilever. We've been implementing that for clients since 2016, which is when Bryan Cave launched its legal operations consultancy group, BCXponent. That was essentially the predecessor of Cantilever. When Bryan Cave merged with BLP, the combined offering provided perfect synergies

*You don't have to call it innovation—you could just call it solving the client's problem*

because what BLP had really focused on was process improvement. They have a really talented process improvement team. The Cantilever offering reflects the prior Bryan Cave expertise and the prior BLP expertise, bringing together the software, the process improvement and the legal operations advisory work. And of course the lawyer, where that's appropriate.

**Combining all that after the merger must have been quite a challenge.**

There's always work to be done, it's never seamless, but I was shocked at how natural the fit was. We were very aligned in terms of how we perceived

the market, where we perceived the gaps and where we perceived the client opportunities. Not every law firm you talk to is going to understand why legal operations is important—they're not even necessarily going to know what it is—and both of the firms had already achieved independently a very sophisticated level of awareness and they had slightly different but very complementary approaches to solving these problems.

**And the key focus is to support clients' in-house legal teams?**

That's right. We think of it as the last mile problem—operationalizing legal advice, making sure that it's actually being implemented and creating a seamless way for the law department and the business units to work together. General counsel (GC) offices used to be pretty small, just one GC, but they are insourcing a lot more now and the role of the GC has changed. It's gone from risk manager to strategic business advisor. GCs are now expected to demonstrate their contribution to revenue growth and tools like a contract lifecycle management system, if implemented correctly, can help. That's why legal operations is becoming such a big deal, because people are realising that the law departments are on the chopping block just like everyone else and everyone's got to do their bit to show they are contributing to the business.

**Are lawyers who are reluctant to implement new systems much of a problem for you?**

No, it's part of the culture. There are also a lot of people who really get it, who get the problems, who are anxious to find the solutions, and they get that clients don't necessarily just want expertise any more, they want solutions to their problems.





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**Do you feel you are ahead of other law firms in this?**

Yes. I have a lot of confidence in our bench depth. We have our own software platform, and we've been doing this for a really long time. Most law firms don't have a separate software development team.

**What should we watch out for from Cantilever in the near future?**

Integrations, new functionality and new use cases. We're working right now on some additional use cases in lease management, IP, royalty management and employment agreement management.

**What do you see as your major successes so far?**

Bryan Cave and restaurant chain Red Robin were named an 'ACC Value

Champion' in 2016 for the contract management system they developed. BCLP has also been named 'Leader in Law Firm Innovation' and the 'Number 1 Most Innovative Law Firm' in the last couple of years and twice named the 'World's Most Innovative Law Firm' by ILTA.

In the 2018 Financial Times North America Innovative Lawyers Report, Cantilever's predecessor BCXponent was given a 'standout award' for its work with car rental firm Avis. The firms worked together to create a dashboard that uses data to enable the Avis in-house legal team to quantify the contribution it makes to the business.

More anecdotally, we have also had a client who said our system was obviously created by lawyers for lawyers, because it is different from the way any other technology works. 'It actually does what we need it to do and solves the legal department's problems,' the client said.

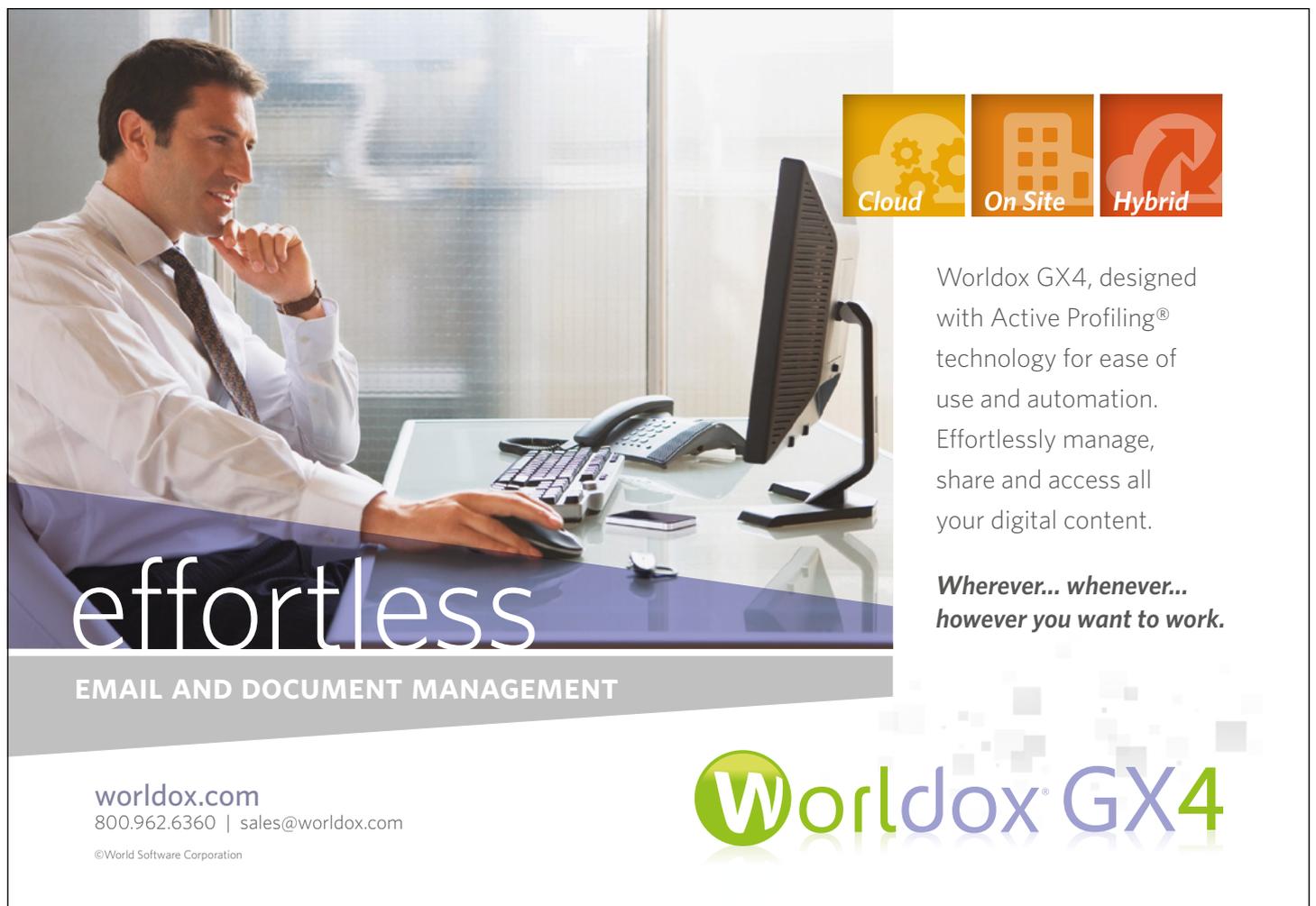
We were really pleased to hear that.

**What do you make of the legal IT sector as a whole?**

I see the space as very collaborative and very invested in finding new and better ways to do things. I don't consider anyone a vendor, just a partner. It's made up of a really fun, smart group of people who over the years have become friends. There are also more women involved than ever before, which is something I am pleased about.

**What do you see as the key trend in legaltech?**

It's all about data—figuring out ways to get all the client's data into a readable, structured format. Through Cantilever, we are looking to create opportunities to use that data to solve client problems.



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# HOW NETFLIX CAN HELP RETHINK KNOWLEDGE SHARING IN TERMS OF CLIENT NEEDS

BY NICKY LEIJTENS



In today's increasingly digital world, law firms should look at platform giants such as Netflix when deciding how to share knowledge with clients. Rethinking knowledge sharing in terms of convenience, instant delivery and value for money could turn lawyers' collective wisdom into a reliable source of hit series.

**T**he release by Netflix of whole seasons of programmes such as *Breaking Bad*, *Orange is the New Black* and *Stranger Things* means many of the service's 130 million subscribers have become all too familiar with the feeling of being torn between hitting the 'continue watching' button one more time and getting enough sleep.

By offering us an endless, on-demand stream of content we love, Netflix has turned us into binge watchers. According to the company's research, most of its viewers can watch up to six episodes in one sitting<sup>1</sup>. That is five hours of watching a single show. Have you ever heard of a client spending that much time reading a law firm's blogs, newsletters or website?

## Winning the hearts and minds of clients

Although legal stuff is usually not nearly as exciting as watching Claire Underwood take over the White House, the goal is not that different. When law firms share knowledge with clients, they too want their clients' undivided attention and loyalty in order to win more business. By sharing content, they too want to be the go-to-place—albeit for knowledge rather than award-winning drama.

The engagement rate, however, could not be more different. On average, the proportion of clients who will open a law firm's newsletter is 19.6 per cent, while the widespread 'read more' links will only reach 6.73 per cent<sup>2</sup>. If Netflix operated like this, they would go bankrupt. If its execs found that 80 per cent of viewers were skipping their content, alarm bells would start ringing loudly and instantly, because that would mean one thing: they are clearly not delivering what their customers want. And they take their customers very seriously.

It's not just Netflix. It's what all top brands do—think Apple, Amazon, Google, McDonalds, Disney, Coca-Cola—to keep up with this accelerating and even revolutionary world. They are obsessed by one question: how do we win the hearts and minds of our customers? If law firms want to reach their clients and add value by sharing knowledge, they should do the same. The answer to that all-important question lies in adjusting to the requirements of today's world by designing an experience that cannot go unnoticed.



### Relevance = speed + simplicity + personalization

Clients are facing more challenges than ever. Globalisation, technology and the internet are all making their job more difficult. The speed of doing business and the amount of competition, regulation and supervision: it has all increased. Clients need to move faster and more cheaply. That means that they need convenience, instant delivery and value for money, especially if the service being delivered is knowledge. Information overload is the plague of today's world. Focusing on what matters most has become a constant struggle, as there is simply too much information and too little time to filter. That makes relevant knowledge the new gold. It requires

speed, simplicity and putting data insights to use.

Speed is now more important than perfection, because risk will not wait. Simplicity is also more important than perfection. Plain language and visual content reach our brain faster than lengthy pieces of legalese. Complex information is too time-consuming, as is information that is too general. Clients need to focus on what matters most to them—personalized information, instead of one size fits all. The key is knowing what your client needs. That makes data the secret to getting a client's attention. It is also the secret of Netflix's success.

### The power of personalization

Even in its early stages, Netflix execs knew they had one primary problem to solve: to transform selection so that consumers can find a steady stream of entertainment they love<sup>3</sup>. They realized that is what would make them stand out, compared to regular TV and other internet-based services such as YouTube.

That is why Netflix is obsessed with personalization and relentless about data and viewer patterns. Knowing what we like to watch, how we like to watch and for how long gives them the key to our hearts

*Just like other top brands, law firms should be obsessed by one thing: winning the hearts and minds of their clients*

<sup>1</sup> [media.netflix.com/en/press-releases/netflix-declares-binge-watching-is-the-new-normal-migration-1](https://media.netflix.com/en/press-releases/netflix-declares-binge-watching-is-the-new-normal-migration-1)

<sup>2</sup> [knowledgebase.constantcontact.com/articles/knowledgebase/5409-average-industry-rates?lang=en\\_US](https://knowledgebase.constantcontact.com/articles/knowledgebase/5409-average-industry-rates?lang=en_US)

<sup>3</sup> [hbr.org/2018/07/to-see-the-future-of-competition-look-at-netflix](https://hbr.org/2018/07/to-see-the-future-of-competition-look-at-netflix)



and minds. Every bit of data they collect is put to use and applied both to the creation and the distribution of content.

The choice of actors, the length of episodes, the release of seasons instead of weekly episodes, the images you see on your personalized home screen: everything is based upon your preferences<sup>4</sup>. Algorithms will even go as far as hiding content you will not like, resulting in even greater customer satisfaction and loyalty<sup>5</sup>.

This data-driven approach stands in stark contrast to the way many law firms share knowledge. The send time, the frequency, the content, the length: too often it appears to be interlocked with the busy schedule and the level of perfectionism of the author. Legal blogs

and newsletters all too often focus on what the author has to say rather than what the clients are interested in. The one size fits all approach still reigns supreme, mainly using low-interaction tools such as newsletters and corporate websites. These are the small things that add up to an average open rate of 19.6 per cent. It's not client-centric, so it doesn't inspire engagement.

#### **Thinking as a designer: jobs to be done and wider needs**

Especially with the progress of AI and the growing number of tech tools, it is time to rethink knowledge sharing in terms of client needs. Not just their legal needs, but their wider needs in today's rapidly changing world. Platform thinking, instead of a dead end, after hitting the send button. And of course, being

relentless about data and analytics, and applying insights both to the process of creating content and to the process of distributing content.

Design thinking tools such as persona mapping can help to develop further that vital in-depth understanding of target clients in order to optimize the customer experience. By mapping out their goals, their interests and their so-called jobs to be done, you learn more about what knowledge is relevant to them, when they need it and how they will absorb it best.

As for the format, tone of voice and style, law firms should think like a designer. Use attractive design, infographics, podcasts, bite-sized videos: anything that will make content more absorbable, engaging and maybe even fun! The new 'Crafty Counsel' platform for in-house counsel is a great—and still pretty rare—example of this.

The essence here is client-centred thinking. Just like other top brands, law firms should be obsessed by one thing: winning the hearts and minds of their clients. And just like Netflix, they should take a close look at client needs and how to offer clients convenience, instant delivery and value for money. If not, law firms' clients might prefer sleep over hearing more from their law firm. Wouldn't it be great if they hit the 'continue watching' button instead?

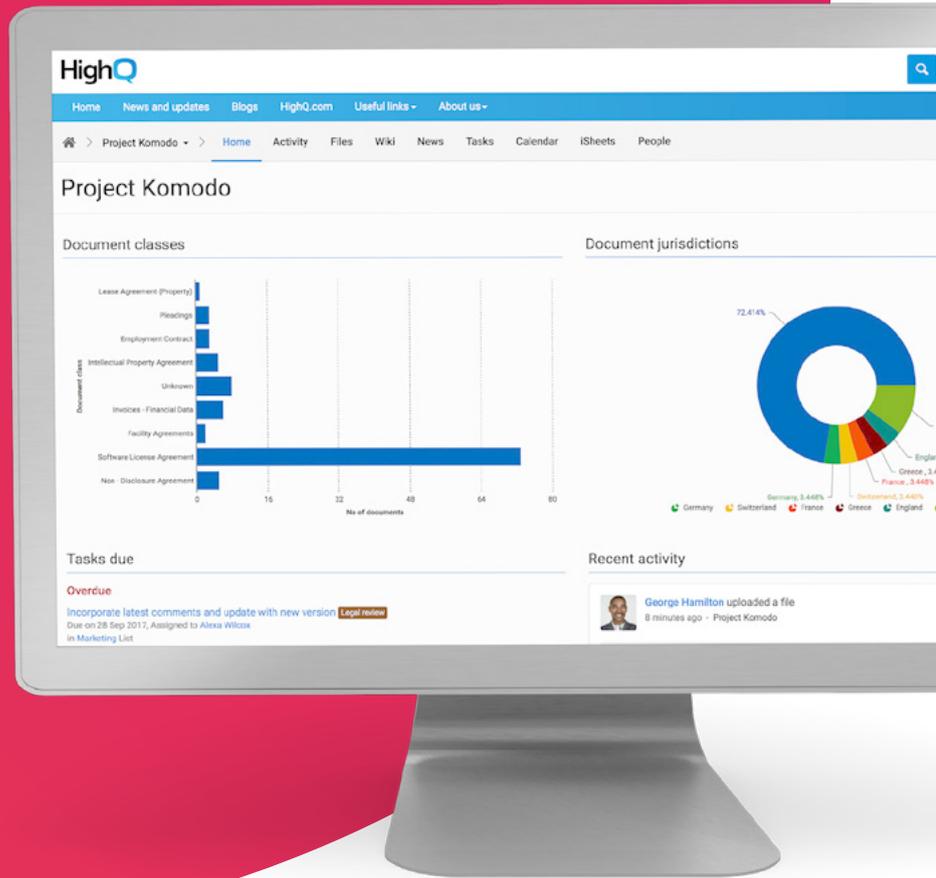
*Nicky Leijtens is an innovation professional and board advisor on innovation and service design. In her view, there is one truth: every product, every service and every technology is only as good as its user experience. For her, a law firm is only future-proof if client centricity is at the core of everything it does. Throughout her work, she uses emerging trends to drive innovation. Nicky currently heads the development and execution of NautaDutilh's client experience strategy and is a member of the firm's Innovation Council.*

<sup>4</sup> [medium.com/netflix-techblog/artwork-personalization-c589f074ad76](https://medium.com/netflix-techblog/artwork-personalization-c589f074ad76)

<sup>5</sup> [www.economist.com/briefing/2018/06/30/netflix-is-moving-television-beyond-time-slots-and-national-markets](https://www.economist.com/briefing/2018/06/30/netflix-is-moving-television-beyond-time-slots-and-national-markets)

<sup>6</sup> The job to be done is a framework that helps with understanding what a client or customer seeks to accomplish. It relates to their purpose, context and motivations.

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# WHAT IS A LEGAL PROCESS ENGINEER?

BY JOE DAVIS



In the first of a series of articles examining new job titles in legal, we explain the role of a legal process engineer.

**L**eigh Snider often has to explain what she does as a legal process engineer, so she has now perfected her answer. 'I examine processes and technology—especially related to AI—to drive client value proactively by connecting the business of law to the art of the possible,' she says. Snider is a part of the innovation team called IncuBaker at BakerHostetler, a US-based law firm.

The IncuBaker team grew out of a realization that the pace of change in legal technology was increasing. The firm's practice services team found itself to be fielding more and more questions about emerging technologies and new vendors from attorneys and clients, so a business analyst was asked to focus on monitoring the legal innovation space. Later on, a data scientist and a dedicated

researcher were added to explore the tolerance for change and to conduct a deep examination of the underlying business imperatives in the face of disruptive technology. 'Last year,' Snider says, 'my role, legal process engineer, was added to lead the conversation across the firm—and in some cases with clients—on AI in legal operations.'

The creation of this team has allowed the firm to take on a more proactive role with respect to its understanding of technology and the way it communicates that understanding. 'We're paying attention to what's happening in the emerging technology landscape to the point where we've identified almost 300 emerging technology companies at various levels of maturity and we're tracking what's happening with their funding, partnerships and adoption,' she says. 'We are creating prototypes, collecting data and mapping the risks or benefits of process options. It's the kind of information we need to be able to respond to enquiries from our attorneys as well as clients.'

Snider describes IncuBaker's work with the firm's clients as 'organically client facing,' meaning that the team does not proactively market its services. Rather, it is through the internal work with BakerHostetler's attorneys that the team gets drawn into conversations with external clients. Since joining the

firm earlier this year, there have been several instances in which 'I was directly communicating with the client trying to understand what they were specifically looking to do in a legal operations space and helping to set them on the right course to navigate the legal technology landscape. If you think about a business that has had some change in leadership or an acquisition, they might have diverse systems and be looking to figure out what is the best future process and asking "where do I look for that?" and "how can these new technologies help?" Those are the kind of conversations we are having.'

### *We are creating prototypes, collecting data and mapping the risks or benefits of process options*

She cites her work with a variety of contract analytics platforms as a good example of the type of understanding she brings to the table. That involved 'studying the differences between systems, understanding the potential applications of these solutions for our attorneys, and trying to be as specific and measured as possible so that we can

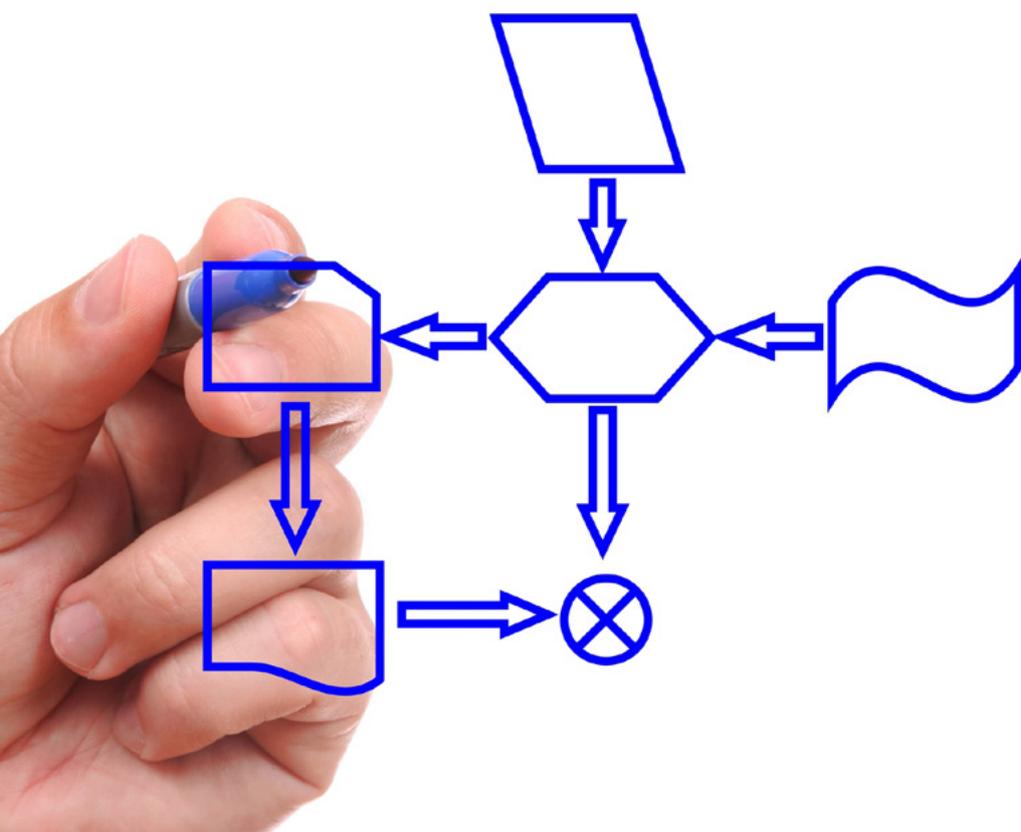
clearly define the outcomes for ourselves and our clients.'

Snider believes that the legal process engineer role will continue to become more critical. 'If you think about an explosion of hundreds of possible solutions that all do slightly different things, ultimately someone has to know which one to implement and why. That's going to become increasingly difficult. Meanwhile, in the business community there are companies pushing the envelope of what is possible, and the more we see innovation from major companies that are the clients of a large firm, the more pressure it's going to create for the legal market to be savvy with innovation as well.'

With a law degree and a background in consulting, Snider believes a combination of skills are required to be a successful legal process engineer. 'To really be able to dig into what is important about the change, why you're doing it at all, and what you're trying to solve, is critical. Typically, you develop those skills through change management or leadership training, like a Six Sigma program. Leadership savvy is more critical to my role than a JD [Juris doctor law degree], although the JD is an obvious plus, because of the ability to assess risks and impact across the business.'

In fact, she believes even technology skills are not as critical to the legal process engineer role as the ability to understand 'the organizational and cultural impact that is inherent in changing a business process by introducing emerging technology that the end user may not trust. Managing the human-machine trust gap requires the kind of soft skills more frequently found in people leaders than technologists.'

*Joe Davis has spent 18 years in legal IT, and is a member of ILTA's Program Planning Council. A frequent speaker and author on artificial intelligence and enterprise content management, Joe has led applications teams at several law firms and is currently consulting with a large corporate legal department. Prior to his IT career, Joe was a teacher, an entrepreneur, and a DJ in a flea market. Contact him at [joe@josephpdavis.com](mailto:joe@josephpdavis.com).*





# IS TECHNOLOGY MAKING THE IT DEPARTMENT REDUNDANT?

BY DUNCAN EADIE



It's not enough for the IT department to drive the transformation of a business—it also needs to transform itself.

**W**e are used to change within IT. Indeed, as technologists we take pride in being the instigators of change in an organisation, and become frustrated when we meet resistance. 'I'm too busy for that,' 'Why do we have to change?' and 'We're fine as we are' are phrases we often hear. But are these same change-

resistant comments now emanating from the IT function itself?

Over the last 20 years, the law firm IT team has successfully implemented key enterprise systems in firms which are reliable and performant. Younger readers might be surprised to hear that we haven't always had the reliability that

***IT in a law firm will have to—wait for it—do all the things that we have been telling users to do for the last two decades. Yes, move with the times!***

we enjoy and take for granted today. Organisations have moved on and see reliability as the norm. They are now looking for a new responsive dynamic from their technology.

In 2007, Apple released the iPhone. Many people saw it as a new generation of smartphone. But once connected to the App Store, it became more than just another phone. It turned into an education for users in how they could receive their technology, and this changed their expectations forever. They could search for an app easily and download it quickly. It was cheap, too. Then came the iPad, offering the same experience. All of this without needing a degree in IT.

Almost immediately, the IT team, with its business justifications, complex interactions and long, drawn-out approach felt outdated. This was 'shadow IT,' as users found their own solutions that (somewhat ironically) technology had given them. iPhone, iPad, iNnovation.

Like most things in technology, the concept of 'shadow IT' wasn't new. Think of the early 1980s, when 'data processing' was a division of the accounts department and anyone needing computing power had to complete exhaustive justifications as to why they needed to utilise limited and expensive resources. Then came the microcomputer. This meant users no longer had to compete for a slice of the accounts IT budget—they simply went out and used their own budget to buy their own low-cost computer. So began the likes of Apple and VisiCalc, the IBM PC and dBase. This was the first generation of shadow

IT, with new technology enabling people to bypass the established, centralised controlled approach.

Until recently in industry, and still more recently in law firms, users had to come to IT for all their computing resources. The IT director was the master of the technology universe who tightly controlled the purse and resource strings. But now users are getting their own technology budgets, and with software as a service, even that budget is often a small operational cost easily catered for locally. Gartner predicts that the CXO (Chief eXperience Officer—you'll need one of those soon if you haven't got one already) will have a larger technology budget than the CIO within five years.

As for IT training—seriously? IT is needed to install the software, right? Well, not usually. Not any more. As we go increasingly to the cloud, the have-it-now-cheaply-and-quickly with little IT interaction is becoming the norm. As you know.

In a world where everything is wanted 'right here, right now,' is the IT department the driver for change or the inhibitor? Is technology going to make the IT department redundant? Clients need faster change, as does the business responding to this need. Young lawyers also want to work for faster and more responsive firms. If they don't, then in the future they will work for technology companies on legal AI instead. Change is coming from all angles and with every law firm having an 'innovation' directive, this will only accelerate. About time too.

What is to be done? We are now at a crossroads and can see the future. IT in a law firm will have to—wait for it—do all the things that we have been telling users to do for the last two decades. Yes, move with the times!

IT could reduce itself into an ever less relevant and specialist team proudly looking after the security, performance and reliability of a shrinking number of traditional enterprise apps. Alternatively, it could adopt a new model, using the skills of good user interaction, good



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communication, excellent planning, great analysis skills and of course an expertise in technology honed over the last 20 years. Yes, the business solutions team.

Why do so many firms have innovation directors, change leaders and other roles that used to belong to the world of IT leadership? Is this a reaction to frustration with an IT function buried in legacy systems and approaches? If IT isn't going to do it, then someone else will. If you have any doubts about this, you should have been at the recent 'Legal Geek' event in London, the showcase for the new generation of law firm technology (yes, legacy software suppliers—you have to stay on your toes too). A quarter of the audience were lawyers. At a technology show!

The most important concept for IT to come to terms with is that technology is no longer the exclusive preserve of the IT team. They need to question the new value of the IT team's service offering.

In 2014 Gartner coined a phrase for a new model that they claim has since been adopted by 75 per cent of organisations (outside of legal): bi-modal IT. This is a term rarely if ever mentioned in the world of legal IT. It seeks to reflect a mixture of the best of the past with the

advantages of the future. It includes the best elements of the traditional model which it calls 'mode 1'. Through tight justification, well planned implementations (using waterfall of course), strong governance and well-thought-out technology implementations, delivered over months rather than weeks, 'mode 1' produces stability through an emphasis on safety and accuracy.

It also promotes a faster, riskier and adaptive model (using agile of course), 'mode 2', to be more reactive to what users want. In this mode, the ultimate outcome is less certain but engagement is higher and results arrive in weeks rather than months. These two 'modes' are not mutually exclusive but suit a modern technology team seeking to meet a range of needs, Gartner says.

The IT team of the near future is likely to change its shape as the current focus on infrastructure (probably about 20 per cent of your team's headcount) evolves into a focus on working deeply with users and truly understanding their business as the adoption of cloud computing makes further progress. These change analysts will embed themselves with their customers, making IT easier to work with ('people buy from people'). Identification of 'mode 1' (traditional) systems or

services can orientate some of the team to these, with the structure changing to accommodate the faster-paced services demanded by users and satisfied by the 'mode 2' approach. Over time, IT value will move more towards 'mode 2'.

The approach makes sense. And if other industries are so far ahead of legal, can we simply adopt their experience? According to research firm IDC, by 2019 about 80 per cent of CIOs who focus on bi-modal IT 'will accumulate a crippling technical debt resulting in spiralling complexity, costs, and lost credibility'. As anyone adopting a change agenda will tell you, and those of you with 20 years or more IT experience already know, the message is: proceed with caution.

*Duncan Eadie is Director of IT at Charles Russell Speechlys, which works with clients in the UK and throughout the world. Our lawyers are based in 11 locations across the UK, Europe, Asia and the Middle East and through each of these locations clients are able to access the full range of the firm's skills and expertise. We have a broad range of skills and experience across the full spectrum of business and personal needs.*



# LEGAL CAN BE SEXY!

Our Legaltech Legend for this issue is Dan Wales, global manager and founder of DW Reporting. The firm is now part of BigHand, where Dan is the strategic accounts director.

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

At the young and tender age of 16, fresh from completing my GCSEs, I joined my first law firm as an accounting assistant, based in Westminster, London. I had aspirations of becoming an accountant, but I was completely oblivious to the intricacies of legal and how law firms function. Fast forward five years or so, and the frustrations of having limited access to data, completing banking reconciliations and investigating system imbalances led me to pick up the 'SQL for Dummies' book. I was also granted a 'read access only' account for our firm's practice management system—the firm that would later be part of Mayer Brown. I had caught the bug, and I moved to Hogan Lovells, where I had an awesome mentor in the finance systems department. The rest, as they say, is history.

## What has surprised you most about our industry?

Its willingness. Law firms and vendors alike will support a vision, provide advice (often for free) and are not afraid to back a newcomer. The industry, while very incestuous, has a great network—it is that network and supporting audience

that has enabled many people and firms to thrive and be successful. The vendor ecosystem was a surprise initially. While competitive, like any other, it is also collaborative, and this in turn supports evolution. I often talk to our competitors and share stories. It's a network that allows us to share, make improvements and develop our solutions to serve the market better. A win/win for all.

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

Building on in-house experiences has been crucial to my success—understanding the challenges in legal from both an end-user and technical perspective—and then not being afraid to challenge why law firms continue to do things as they did five, 10 or 15 years ago. My first bit of advice would be to master your trade and then do not be afraid to chase the dream. The second bit of advice I'd give is that legal can be sexy! Many technologists ignore our sector, but we've got a lot to give. We're constantly evolving and can compete with innovation in other sectors, such as financial services. The opportunity for change is immense.

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

On a personal level, it's been when spending time with my wife and children, Isabella (11), and Olivia (8). Nothing beats sharing special moments and keeping a reality check on life. Professionally, it's been scaling DW Reporting to the point of being acquired by BigHand and being able to contribute to their growth story.

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

This article is about 'legends' and I don't think I am one of those, yet! However, business intelligence (BI) in legal finance used to be a source of pain, globally. Stories of poor or failed implementations, minimal return on investment (due to expensive solutions) and a lack of trust in the numbers—all of these were pain points that led to the belief that BI was a 'nice-to-have'. It was deemed acceptable to have teams of accountants living in Excel and manually creating report after report.

This attitude is far removed from the many successes being experienced today. I consider DW Reporting to be one of the first movers in the market, proving the art of the possible and making a huge contribution to this shift. It has helped to transform BI into what I feel has now become a mainstream 'must-have' requirement. User perception has changed, the market has changed, technology has changed and I am proud to have played a major part in that journey.

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

I was fascinated by carpentry from a young age, as I watched my father make cool things in his home workshop. One day I would love to become skilled in this profession. It includes elements of mathematics and design, so it seems a natural step for a data geek—albeit with some physical 'steady-hand' interaction, he says!

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

- I can communicate fluently in British Sign Language
- I can code
- I can fly a helicopter



*I'm proud to have helped transform BI into what I feel has now become a mainstream 'must-have' requirement*

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

I enjoy socialising with my family and friends, participating in many sports and watching Arsenal. Starting up, growing and managing your own business (as I'm sure many will understand) involves tremendous effort, sacrifice and commitment—often at the expense of immediate family. Enabling a work-life balance is something that I've only just been able to achieve, with the support of BigHand, and I now have more downtime. That's not to say we are not still incredibly busy. Whichever way you look at it, if you are passionate about your job and business, work is never far from your mind.

**What is your favourite quote, and why?**

I could select a number of quotes which are all relevant to my professional journey so far. However, the one that is on my home office wall is from Winston Churchill: 'Success is not final, failure is not fatal: it is the courage to continue that counts.'

It is the courage to continue that counts, and the drive to continue to seek to learn from our mistakes and improve on our successes. I've often seen many fall at the failure stage and simply take the easy option of giving up. These experiences should drive us forward, while remaining mentally strong.

**What question should we ask our next Legaltech Legend?**

Where do you see yourself in 10 years' time?

**Where do you see an untapped opportunity in legaltech?**

*[This is the question from our previous Legaltech Legend, Jack Newton]*

Although not necessarily untapped, a major opportunity in legaltech is to continue using data, both structured and unstructured. Using data not only to drive operational excellence, but to improve business processes and client relationships, and to provide insights almost instantly to enable real-time effective decisions—both in the practice of law and the business of law.

The opportunity that we focused on when DW Reporting launched six years ago is still very relevant today. However, it has grown rapidly beyond just financial data—and at BigHand we are very excited by that. Consumers receive informative data in all walks of life, and that should not change just because you work in a law firm.

# MANY ROADS TO TAKE: THE 20-LANE HIGHWAY OF LAW FIRM INNOVATION

BY JOBST ELSTER



## Many law firms are launching legal operations consultancies designed to streamline operations and offer business and technology innovation to improve their services.

In a recent article for Legaltech News, ALM reporter Frank Ready examined several law firms who ‘recently began moonlighting as software developers to help make day-to-day operations run more efficiently, provide better service to clients or just to keep the lights from going out’. While I agree that the recent surge of entrepreneurial law firms is more than just a fad, we can turn back the clock nearly two decades and point to similar law firm developments.

This article touches on the varying flavors of law firm entrepreneurship that together represent a highway with many lanes and speeds all travelling together to reach their individual innovation destination. We are seeing mostly global law firms launching legal operations consultancies designed to streamline operations and offer up business and technology innovation to better serve the firm’s clients.

Legal technology innovation is being incubated by the likes of Allen & Overy (Fuse), Dentons (Nextlaw Labs), Littler (CaseSmart) and Reed Smith (GravityStack), all of whom are focusing on bringing together lawyers, technologists and clients to collaborate on new tech. Law firms of varying sizes and complexities are developing technology to improve internal processes and reduce time spent on non-billable and administrative tasks. And lastly, law firms like Greenberg Traurig and Chapman and Cutler have developed technology to address productivity, efficiency and management reporting challenges internally before re-packaging and selling their innovations to other law firms—and in the case of Chapman, to a technology company.

### **Making financials sizzle: from month-end close to dynamic dashboards... in 2000**

Jay Nogle is the Chief Information Officer for Greenberg Traurig (GT). He and his staff are responsible for providing all technology solutions, including security programs and procedures, remote access, email, eDiscovery support, litigation support, imaging, graphics, automation, emerging technology, extranets and

practice specific technology to the firm’s 38 global offices and 1900 attorneys. During his 24 years at the firm, Nogle has ‘been there, done that’ when it comes to evaluating, designing, teaching, using and innovating with technology.

GT has always demonstrated its tech savvy with an open mind to innovation. ‘From its inception, GT has had a strong culture of empowerment and innovation,’ Nogle says. ‘If an “expert” said something couldn’t be done, we looked for ways to accomplish what we and our clients needed.’

This willingness to consistently push the technology innovation envelope is what led to the development of GT’s advanced financial dashboard capabilities, first specific to firm needs, then uniquely branded and packaged for broader law firm management use. You might think OK, dashboards are nothing new... but they sure were back in 2000 when the idea for GT’s LawDrill product came about.

According to Nogle, the firm recognized the need to go beyond static reports and offer up a new and improved way to supply firm partners with financial KPIs and essential metrics. ‘At the time, financial dashboards just weren’t available for law firms—and certainly not in a way that was directly accessible by the typical practice partner,’ he says. ‘We wanted and needed a system that could display matter, client and billing information to our partners, specifically on the work that they were doing, in real time. The only other alternative was static reports, which were out of date as soon as they were printed. We needed a way



to easily access the up-to-the-minute version of the data.’

After the initial rollout of the financial dashboards, Jay and his team quickly realized that the complexity of the project meant an ongoing commitment would be vital. ‘Recognizing that other firms were likely in a similar state, we thought it would make sense to go beyond GT,’ he says. ‘We realized that although law firms have similar tools, how they implement them is what distinguishes them.’

In 2002, Taladro Systems, an independent software organization developed ‘by attorneys for attorneys’ launched and the LawDrill attorney portal for managing financial information was introduced.

Today, 16+ years later, a version of the initial LawDrill product is supported and sold by a third party. GT has also continued its own LawDrill development. There was a major upgrade this year including mobility access and a new streamlined interface.

### **From financial dashboard to automating closings**

When NetDocuments CEO Josh Baxter announced the acquisition of

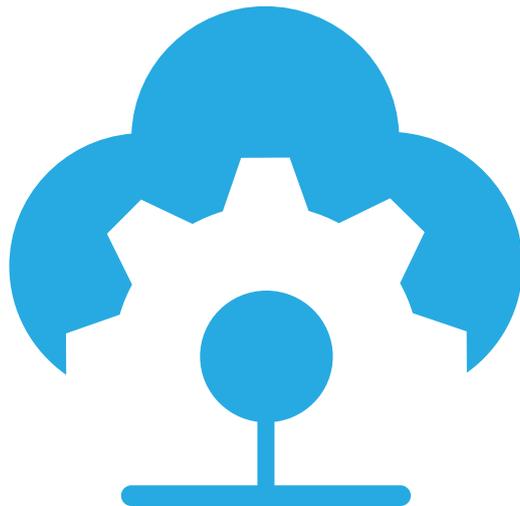
*If an ‘expert’ said something couldn’t be done, we looked for ways to accomplish what we and our clients needed*



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Chapman and Cutler's Closing Room deal management application during the company's ndElevate partner and customer event in November, many of us in the room thought 'wow, a law firm selling tech to a tech company'. Baxter made the announcement at the conclusion of an interactive 'NetDocuments partner innovations in practice' session during which Eric Wood, Practice Innovations and Technology Partner at Chapman and Cutler and the driving force behind Chapman's software prowess, demonstrated Closing Room integrated within the NetDocuments content services platform.

As it turns out, the process of creating closing sets of documents had frustrated Wood and the firm for many years. As a firm focused exclusively on financing work, Chapman and Cutler handles thousands of closings a year, previously spending \$500 to \$1,500 on production costs alone, and up to 10 billable hours in assembly per closing. Enter the Closing Room technology developed by the firm.

'Closing Room has completely transformed the way our firm manages closings,' says Wood. 'In the two years since we launched the application, our attorneys and staff have used it on over 5,000 closing sets, providing the firm

with significant efficiency gains and cost savings. We built Closing Room to work seamlessly with NetDocuments, and we're thrilled to partner with them to deliver this proven technology to the broader legal market.'

Although many firms might include innovation and a focus on better client service as part of their boilerplates, enabling innovation assumes the firm is flexible in its approach and open to letting its creative resources explore non-traditional business models and embark upon unorthodox technology efforts. The creation of Chapman's Closing Room required billable resources that in the past might not have been approved or deemed worth the effort. In this scenario, not only did the firm save upward of \$5 million annually in closing set production costs, the quicker, more productive closing process translates to client value.

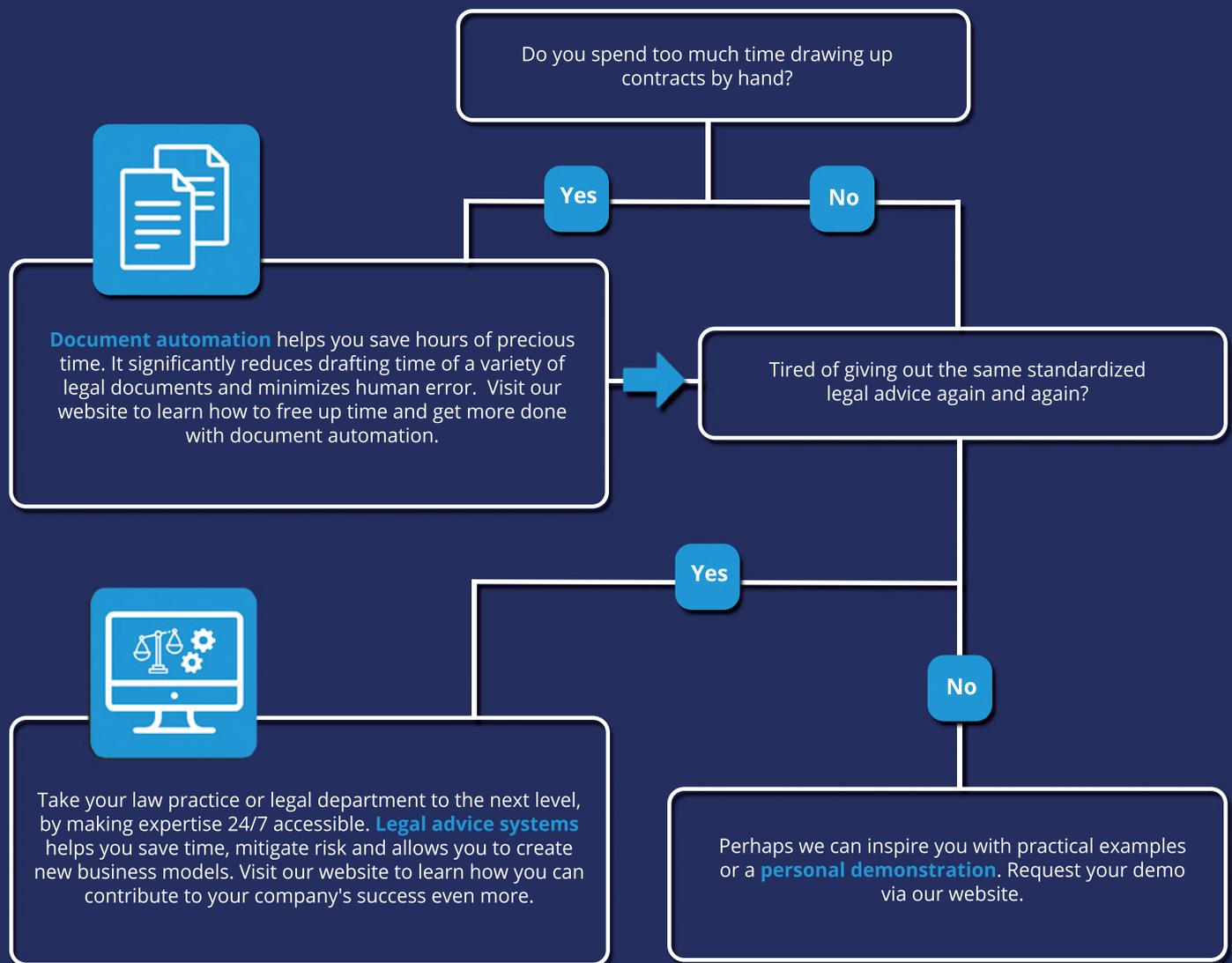
'As firms look at innovative ways to create processes and tech to better deliver legal services, often using or enhancing existing tools, this will continue as a trend,' says GT's Nogle. 'The cloud framework makes this even more attractive, given the lower barriers to accessing complex tools and the ease of distribution. However, I would caution

any firm against straying too far from its core competencies. It is one thing to develop a product that has broader application to the legal industry and consider selling it to a software company. It is an entirely different endeavor to commit to becoming a developer and seller of that software.'

So, what's ahead for law firm funded and fueled technology innovation and entrepreneurship? Will the many flavors of innovation continue to expand, or will we see a consolidation of efforts across specific firms, application areas and incubators? Only law firm client demand and competition for superior client delivery will tell.

*Jobst Elster is InsideLegal's Head of Content and Legal Market Strategy. He has served as a legal market strategist for the last 18 years, advising companies entering the legal market, involved in mergers and acquisitions and expanding strategic operations overseas. Jobst regularly writes and speaks on legal technology, market research and leveraging market data, technology innovations and futures, legal marketing and big data. He can be reached at [elster@insidelegal.com](mailto:elster@insidelegal.com).*

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# THE VERDICT



## **WHAT ARE THE MOST IMPORTANT NON-TECHNICAL SKILLS NEEDED TO THRIVE AND ADVANCE IN AN IT MANAGEMENT ROLE IN 2019 AND BEYOND?**

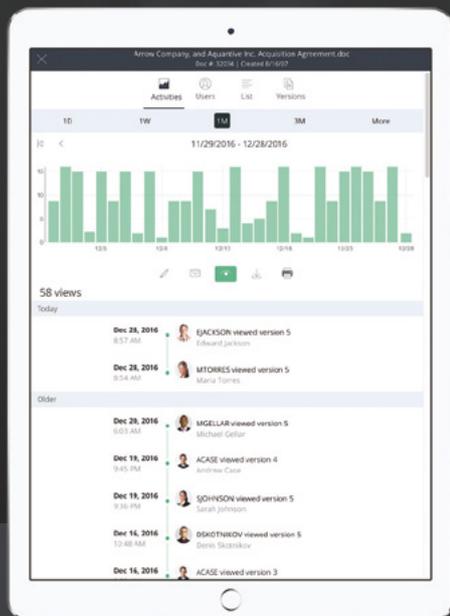
You need to do more than just know about the latest tech to enjoy a successful career managing IT.

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**Toby J. Brown**

Chief Practice Management Officer  
Perkins Coie LLP

Innovation is the latest buzzword circling the industry. It's a laudable goal, but often a hazy one. And of course technology will be at the center of that conversation. But should it be?

My advice to the IT community, especially the managers, is to focus on 'The Problem' instead of technology. By this I mean you should take the time to truly understand your customers' needs. As a pricing expert, understanding the clients' price drivers is the highest function one can perform. It sounds easy enough—just ask. But the function is more nuanced than that. For an IT-related analogy, I harken back to my knowledge management (KM) days. If I asked a lawyer what their KM needs were, the answers were not that useful. It was

better to ask questions like: What is the biggest challenge you have in meeting client legal demands? And once the gates open up, lawyers can spend hours talking about their needs.

Before you head into a partner's office to tell them about the latest and greatest tech innovations, go ask them about their pain. You will likely be surprised and find the answers more instructive as to which innovations will bring value to them. Once you truly understand their needs, then circle back with some innovative ideas on how to solve them. You will likely find willing and happy customers on the other end.



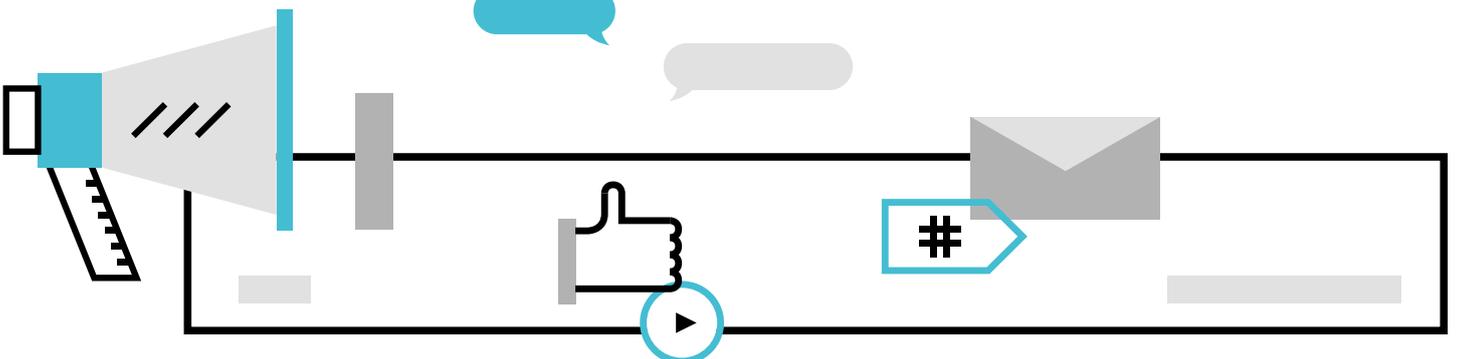
**Harris Z. Tilevitz**

Chief of Technology  
Skadden, Arps, Slate, Meagher &  
Flom LLP

The most essential skill in IT management today is the ability to transcend the human tendency to fall in love with 'shiny objects'. This skill can be cultivated by sharply focusing on the business you work for and its specific challenges, rather than on technology for technology's sake. I believe this applies in all IT spheres, not just law firms. Do you know what your immediate customers do? Do you understand the business challenges they face? Do you have the empathy to listen to your users, probing for sufficient detail to formulate a response? Of course, knowing current technology is important in devising solutions, but it is a mistake to apply it before fully comprehending what your constituents are trying to do. Too many

IT managers fall into the trap of throwing the 'latest and greatest' technology at a problem when sometimes, no technology is required.

The second essential skill is the ability to think creatively (or, in today's parlance, to innovate). Are you able to look past your existing solutions (which may only be compromises) to solve a problem using new and different ideas? Can you come up with answers that provide a solution while also introducing improved business efficiencies? Do you have the courage to propose something entirely new, while still taking the risks into consideration?





**Joy Heath Rush**

Interim CEO  
International Legal Technology  
Association

I love this question! And I would say my answer is not unique to 2019 and beyond. The skills that have served me best in my career, in no particular order, are the following:

- Public speaking and persuasive presentation. The more you advance in your organization, the more often you will be required to speak to groups—and to use that opportunity to educate and/or convince them.
- Concise communication. Similar to the above but not identical. You will be more persuasive generally if you are more concise. Concise means a confident command of the critical facts.
- Financial management and general business skills. The bigger the job, the more money you need to spend.

- Make good decisions quickly. Some decisions require lengthy deliberation. More often, though, as you move up, you are asked to make more decisions, faster. Concentrate on which facts you need and how to get them. Then conduct a ‘post-mortem’ on your own decisions. Sometimes a well-made decision will have a bad outcome and poorly-made decision will have a good one. Learn from both.
- Hire good people and stay out of their way. And make sure you are grooming at least one of them to take your place. You can’t move out of your current position if you are indispensable in it.



**Jordan Furlong**

Principal  
Law21

Managing IT in legal frequently involves managing change in a deeply reactionary environment. You need to find ways to lower lawyers’ barriers to resistance and help them to see how it’s actually in their own interests to adopt a particular technology.

Obviously, this involves change management strategies and techniques, about which others have written more extensively. But what we’re focused on here is a prerequisite to change management: developing the skill of persuasion. And a good place to start that process is in the world of sales.

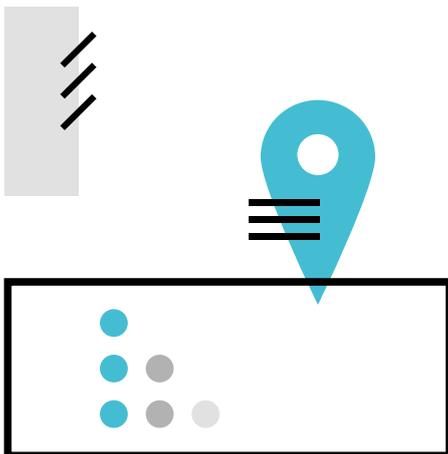
Consider one of the most resilient laws of the sales world: the ‘rule of seven touches’. A lawyer needs to personally experience your persuasion efforts seven times before she’ll start to act on your requests or advice.

To be most effective, these touches need to be personal, one-on-one and

meaningful. That means you need to leave your desk and head out there on the floor, in the halls and into people’s workspaces—not to pressure them, but to ask them about their work and to inquire into the bottlenecks and pain points in their daily work lives. And then listen, closely and actively, to their responses.

The more often and more deeply you listen to lawyers give you this information, the better you’ll be able to identify ways in which the technology you want them to use will solve an actual problem for them, save them time or reduce their aggravation. And the more you show up just to listen and learn, the less you’ll be seen as an intrusion and the more you’ll be seen as trusted resource.

Use the rule of seven touches as a way to build relationships of trust with the people whose technology needs you’re responsible for meeting.





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