

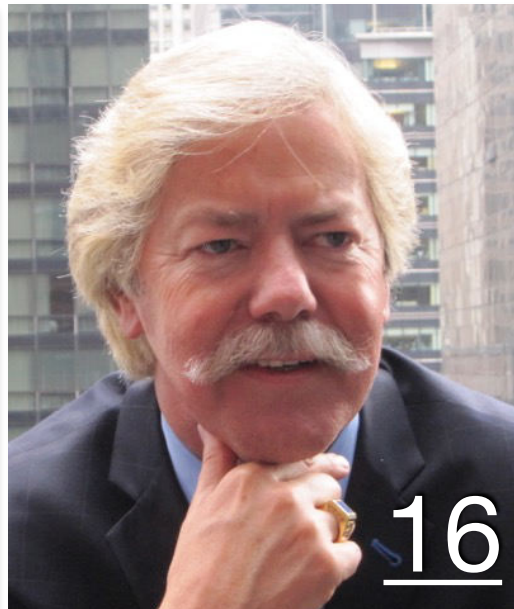
LEGAL **BUSINESS** WORLD

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THE LEGAL EDGE - NEW SERIES BY CHIARA LAMACCHIA

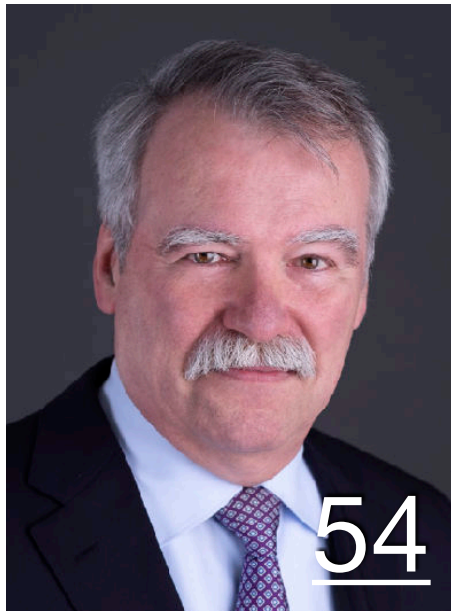
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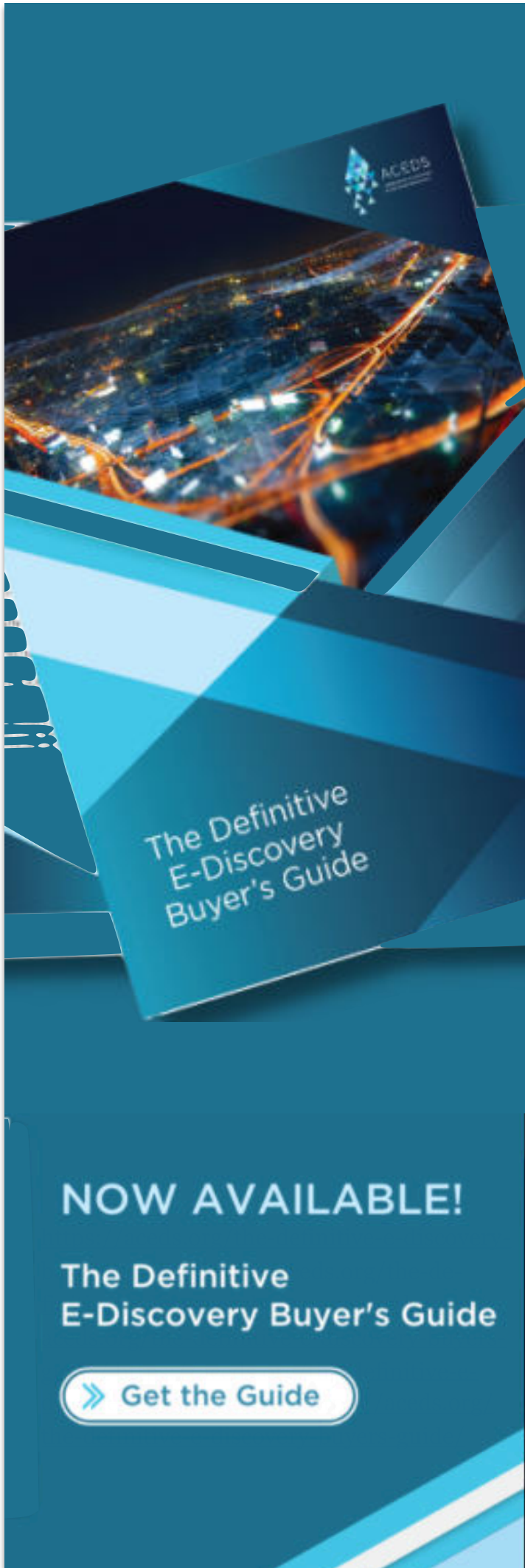
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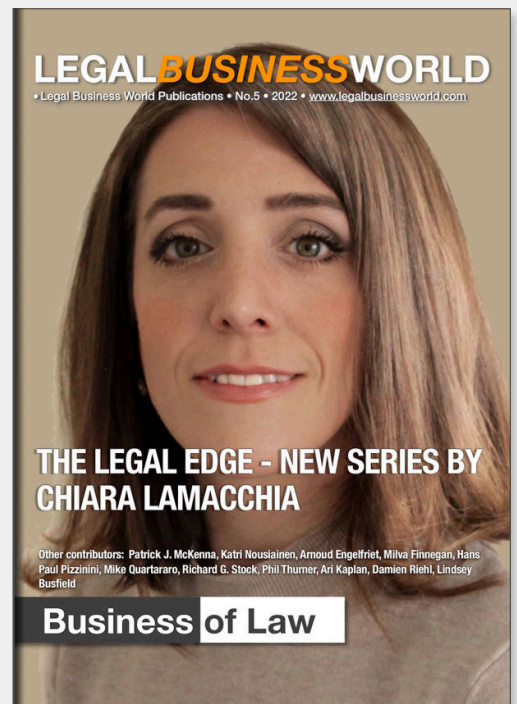
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Pexels & Unsplash



Cover photo Chiara Lamacchia

LEGAL OPERATORS

• Magazine for Legal Operations Professionals • No.1 • 2022

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Legal & PR

‘We are now crossing a zone of turbulence. Please keep your seat belts fastened’

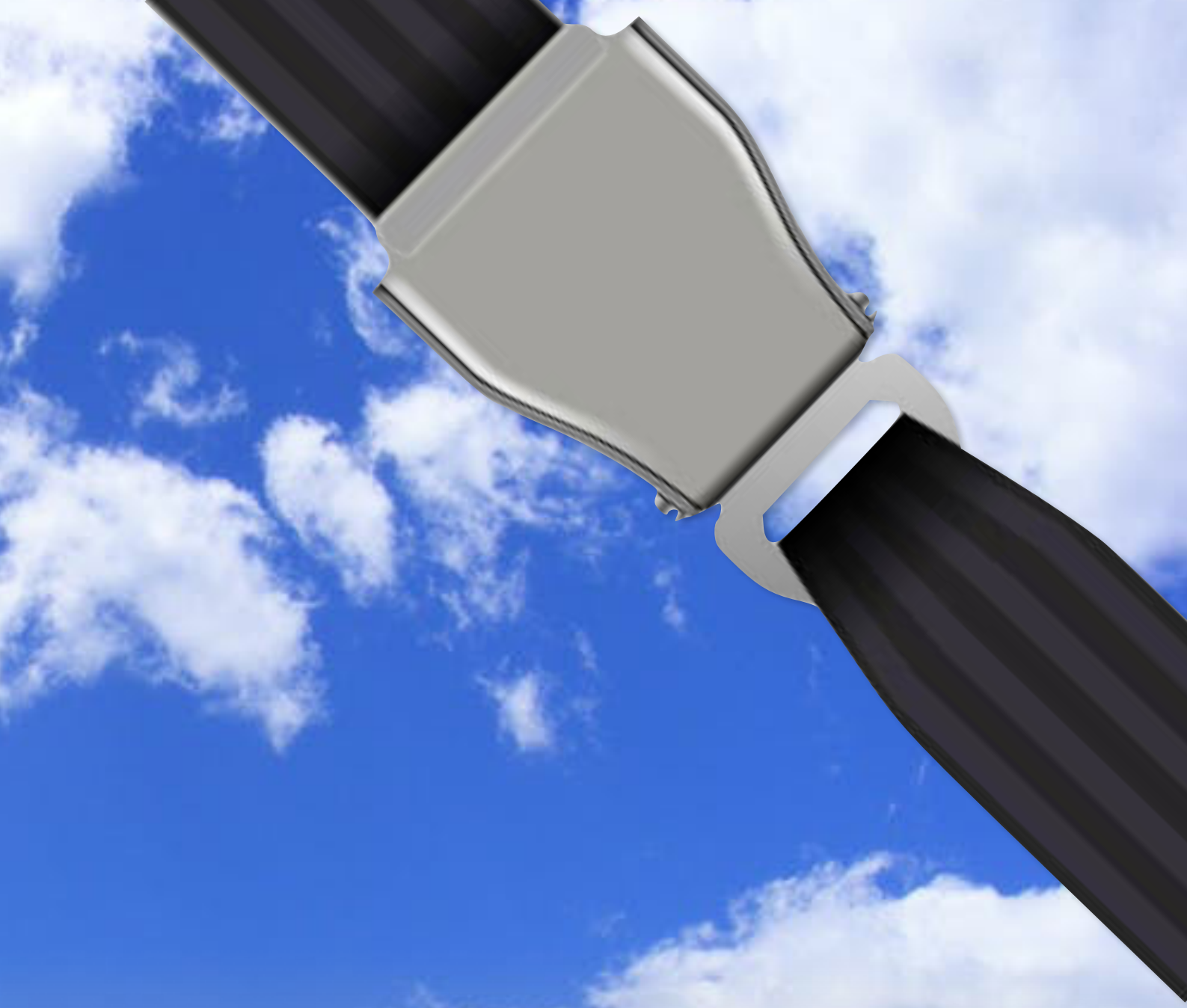
By Chiara Lamacchia, Founder at lawrketing.com and withoutconsulting.com



Much more like Will Smith's slap to Chris Rock during the 2022 night of the Oscars, you can pass your entire life building up a reputation for yourself and it can be gone in a matter of seconds.

Reputation is an intangible asset and a factor of success for any organisation – and it is one of the most exposed corporate assets during a period of crisis.

Also, nowadays, the speed at which we can communicate globally has significantly reduced the amount of time a company can take to fix



things – it is inevitable that Legal and PR might experience some distress during turbulent times.

Unquestionably, all parties should be sitting around the table to pass it through a crisis. However, Legal and PR – both masters of words – are usually in contentious relationships, and when a crisis occurs the disconnection between the two seems even sharper. I propose an in-depth look at the intersection of law and PR, starting from real cases, analysing the Legal-PR relationship and looking at the best ways to collaborate.

The overexposed reputation

In the overconnected world we live in there is no time to fix things. All boundaries and distances are lost. All brands are constantly overexposed, overconnected and over-scrutinised. In this sort of world, attention is the new scarce resource. In addition to that, as humans like drama and gossip, guess when you get all attention you wanted? Right there, as soon as you misbehave (presumably or not).

To make it even worse, we do not read anymore – we swallow extremely short headlines, without looking at the substance.

Nobody seems to care anymore. A title, an interview excerpt, an image, a comment, an interpretation, a way-too-short summary of a concept – and that is it: we are convinced of this or that in a matter of seconds.

When there is juicy news around famous brands, we witness the carnage not only of the brand but also of its individualities. This results in the media circus we all know about: excessive speculations, obsessive, continuous, relentless broadcasting about the same subject and *repeated repetitions* of the same pieces of information over and over again.

This can come to distort the legal presumption of innocence into an early presumption of guilt in the media. In some cases, it delays or prevents law enforcement; in others, it accelerates it. In all cases, it is a factor to take into account when corporate reputation is at stake.

We all can expose a brand in a matter of seconds (100 milliseconds, to be precise – one click). And when corporate reputation is so overexposed, a prompt and right response to criticism is very decisive.

Concrete case studies

Nothing can clarify the extent and weight of reputation and legal risks as cases within a real-world context. Everything should always start with observation. If we look at cases of corporate reputation, we can see first-hand the importance of the connection between Legal and PR.

Chanel denied clients with a residency in Russia to buy their products. Ferrero recalled products after dozens of salmonella cases in a

chocolate factory in Belgium. Situations like these calls for reputation damages and legal risks.

Surely, there are some issues that organisations can control, such as negligence causing industrial or transport accidents and system or product failures. It also includes active conduct like fraud, malpractice, corporate governance failure and abusive behaviours.

In some other cases, it can be out of the organisation's control, such as cyber-attacks, piracy, terrorism, natural disasters or political instability or issues arising from policies and regulations or controversies on religious or political grounds. These cases still require prompt action by the organisation.

There are so many cases involving Legal, PR and corporate reputation, that I had a hard time deciding what to include. On this matter, I would like to add a small disclaimer. Cases are mentioned in a simplified way, with the specific aim to give a sense of the significant extent and impact of events involving legal and reputation. The depth and nuances of each specific case is by far not taken into account.

Roche & the Seveso disaster (1976) – An industrial accident in which a chemical manufacturing facility in northern Italy overheated, releasing chlorine and dioxin into a residential community.

"Children started showing skin damage. (...) Residents were evacuated from their homes. People were told not to eat fruit and vegeta-

bles from the contaminated zone. Pregnant women were advised to have abortions, as the long-term effects on unborn children were not known. Today, the population is still under medical surveillance" [1].

Roche eventually paid about \$168 million in damages to cover decontamination, a disposal dump, and new housing for affected residents. On a PR level, the company is still acknowledging the disaster till now [2].

— More in the category "Catastrophic event producing loss of human life or environmental disasters": Costa Concordia's cruise ship disaster, BP's Deepwater Horizon oil spill, BP's Texas Refinery explosion, Elgin's gas leak, RBS's system failure, Union Carbide's Bhopal disaster.

Starbucks & Tax avoidance (2009) – Reuters published a report revealing how Starbucks, the famous US coffee chain, was using intricate tax arrangements to pay little or no corporation tax in the UK [3].

This resonated in the public opinion with boycotting campaigns and sit-in protests all over the UK. Starbucks publicly apologised and offered to pay £20 million more in tax over two years.

— More in the category "Tax evasion": Amazon, Apple, Google, Starbucks (again), Thames Water, Vodafone ... the list is endless.

Nike & Asian 'sweatshops' (the 1990s) – In 1996 pictures of a child in Pakistan as-

sembling Nike soccer balls were released [4]. It was soon followed by the leak of a confidential audit of a Nike factory in Vietnam, revealing a toxic sweatshop.

Nike's stock price fell in value by 50%. The company took the hard way, fully acknowledging the problem – Philip H. Knight, Nike's CEO at the time, stated:

"The Nike product has become synonymous with slave wages, forced overtime and arbitrary abuse. (...) I truly believe that the American consumer does not want to buy products made in abusive conditions." [5]

— More in the category "Forced labour, slavery, inhuman and degrading condition of working" we are literally spoiled for choice. Just to name very few: Amazon, Apple, BMW, Deliveroo, Gap, H&M, Huawei, Microsoft, Nike (again), Primark, Samsung, Sony, Victoria's Secret, Uniqlo, Volkswagen, Zara & (too) many more.

Johnson & Johnson & the Tylenol contaminated pills (1982) – 250 deaths and illnesses in various parts of the United States were being linked to contaminated capsules of Tylenol.

Johnson & Johnson chose to take a large loss, withdrawing all capsules nationwide and dispelling consumer fears. Tylenol story does not end in the '80s – many other recalls have been made till 2010, making this the "*drug marketer's worst nightmare*" [6]

— More in the category "Product liability

with product recall": Bridgestone/Firestone Inc., Coca-Cola, Ferrero, Ford, General Motors, McDonald's, Perrier, Phillip Morris, Toyota...

Facebook & Cambridge Analytica (2018)

– Facebook (now Meta) gave access to the personal data of up to 87 million Facebook users to Cambridge Analytica, a political consulting and strategic communication firm. [7]

Facebook was fined £500,000 by the UK's Information Commissioner's Office.

On top of it, Facebook changed its name to Meta (allegedly sooner than expected and allegedly to clean its reputation). A name change is not enough to fix a reputation: even after the rebranding, the public's trust in Meta dropped by 5% and its PR crisis will take the long run.

– More in the category "Unauthorised or misleadingly authorised data gathering, storing and selling to third parties": Amazon, Google, Meta (and all brands related to it), Netflix & more. These companies own an unparalleled volume of data on individuals, including our personal data and behaviour (i.e., the way we interact, use, decide, select, etc). These companies developed powerful AI and analytics to profile, trigger emotions, influence behaviours, target strengths and weaknesses. In doing so, they inevitably expose their brand to criticism and crises.

From facts to general observations

I spent time observing and studying multiple and different cases concerning a corporate cri-

sis, where reputation was affected and the legal dimension of the case was evident. I did not only focus on those cases where the company lost its legal battle.

That was the first element I noticed: even in the case of a court ruling in favour of the company, the guilt on a public opinion level remains, in particular with regards to class actions, that have a catastrophic and long-lasting impact on reputation. Some other patterns were even more interesting:

- Legal sanctions have become more substantial. Similarly, reputation damages are heavier, also because the public has more access to information and is more sensitive towards health, security and rights in general.
- The dimension of a crisis and the legal issues related to a single company can affect a whole industry (e.g., big pharma, banking sector).
- The reputation of the individuals in the organisation can play a key role (negatively or positively) both in legal risk and reputation (e.g., Meta, Tesla, Amazon, Microsoft, Apple).
- There is rarely a frame to allow PR and Legal to work well together and there is a visible underestimation of the interdisciplinarity between Legal and PR, the lack of which usually maximises both reputational and legal risk.
- When the legal dimension was not taken into account early, it usually affected the crisis negatively at a later stage. Equally, when the PR dimension was not taken into account early, it affected the crisis negatively in terms of reputation.

- The PR department is not very appreciative of the preventive role of Legal, even if reputation damages are connected to the legal risk. This is aggravated by the often-inadequate perception of law and legal professionals.
- Legal is not well-equipped to cooperate with PR. In some cases, also the Chief Legal Officer's function concerning PR was underdeveloped or underused.

The root of misalignment

Legal and PR have radically different points of view of reputation.

On a PR level, reputation is built around intangible values (e.g., consistency, credibility, relationships, reliability, quality, transparency, trust) and tangible ones (e.g., CSR, investment in people, diversity, environment).

The main objective is to establish trust between the company and its audiences (customers, stakeholders, shareholders and the media). The best strategy is to tell the truth and accept the consequences.

On a Legal level, reputation is built primarily around ensuring compliance with regulations and avoidance of legal sanctions to maintain the company's *license to operate*. The main objective is to protect the company from harm (mainly financial) that can arise from any actor (customers, stakeholders, shareholders, the media, competitors, former/current employees, etc). In this sense, telling the truth and admitting wrongful done is not the best strategy.

We cannot allow ourselves to be stuck in the

dichotomy of Legal vs. PR, between the *say it all and meet in court* PR approach or *no comment and break reputation* Legal one. We could risk it and flip a coin to decide but we need a balance between preserving the brand reputation and minimising future legal backlashes.

Undoubtedly, regardless of objectives and strategies, both Legal and PR have a common goal: ensuring the short-term end of the crisis and the long-term health of the organisation.

Possible directions

How could we achieve a better relationship between the Legal & PR teams? In a nutshell, they need to learn that working together represents an opportunity, given that the legal conversation and the PR one are inevitably connected.

Tips for Lawyer

- PR professionals are not there to merely support your legal strategy: understand their concerns to come up with alternatives
- Be proactive and establish with them upfront the objectives of any communication action
- Share information with them (as legally appropriate) so that they can provide solid advice
- Understand how the media work and what motivates them to finetune your legal strategy
- **Bonus:** Remember that people like short sentences, not paragraphs!

Tips for PR professionals

- Always strive to understand what the

legal concerns are and try to come up with alternatives

- Include the legal team early in the process as lawyers need more time to evaluate all possible outcomes
- Be clear on the fact that you need Legal to highlight issues and then discuss them together
- Be sure to understand all the consequences of circumventing the legal team anyway
- **Bonus:** Build the relationship with your legal team, just as you do with journalists!

Tips for C-level

- Create the right space for collaboration and allow full integration of law and PR
- Any reputational issue should always involve both Legal and PR teams early in the process
- Develop integrated processes for reputation management and make it business-as-usual
- Educate the PR team on the role of law for reputation, and the Legal team on the reputation dynamics
- **Bonus:** Ultimately, in case of disagreement on what needs to do, it is all in the hands of management: if all parties had a real go to solve the problem together, you have all elements to make a decision!

Next?

To sum up, it is important to recognise that during a crisis, two debates are happening contextually: a Legal one to convince the judge; a PR one to influence the public opin-

ion. These two conversations are very much connected: one influences necessarily the other and vice versa. The recognition of this double dimension is the first step to a decisive path forward.

Notes

[1] “Scars of Seveso still linger” – SWI swissinfo.ch <https://www.swissinfo.ch/eng/scars-of-seveso-still-linger/2129968>

[2] Annual Report 2021 – Roche – Page 103 <https://assets.cwp.roche.com/f/126832/x/32d69fd141/ar21e.pdf>

[3] Special Report: How Starbucks avoids UK taxes – Reuters 2012 <https://www.reuters.com/article/us-britain-starbucks-tax-idUKBRE89E0EX20121015>

[4] Six Cents an Hour Sydney, H. Schanberg – Life Magazine 1996 <https://laborright.org/in-the-news/six-cents-hour-1996-life-article>

[5] Nike Pledges to End Child Labor And Apply U.S. Rules Abroad, J.H. Cushman Jr – New York Times 1998 <https://www.nytimes.com/1998/05/13/business/international-business-nike-pledges-to-end-child-labor-and-apply-us-rules-abroad.html>

[6] The Tylenol Crisis, J. Edwards – CBS News 2010 <https://www.cbsnews.com/news/the-tylenol-crisis-one-recall-is-a-misfortune-five-looks-like-carelessness/>

[7] European Parliament resolution 25 October 2018 on the use of Facebook users’ data by Cambridge Analytica and the impact on data protection (2018/2855(RSP)) (2020/C 345/10) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018IP0433&from=EN>

About the Author

Chiara Lamacchia works in legal, marketing and corporate strategy for global organisations across different sectors, after an LL.M. from Bocconi University (Milan, Italy) and an MSc in Marketing from Edinburgh Napier University (UK). Chiara is the Founder of lawrketing.com and withoutconsulting.com, promoting the adoption of ground-breaking ways of using the law for innovation and

competitive advantage. Besides, among other things, she authored and published the [book](#) "*Lawrketing – What Business Never Realised About Law*", introducing a new concept, lawrketing, combining law, business, marketing and innovation.

Connect with Chiara on [linkedin.com/in/chiaralamacchia](https://www.linkedin.com/in/chiaralamacchia)

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9 Critical Questions Regarding Industry Specialization

By Thought Leader and renowned author Patrick J. McKenna



Against the most fraught global macroeconomic backdrop in years, law firm leaders are hearing more about how some firms have accomplished incredible prosperity through strategies of being more client industry focused. Questions abound following the release of my latest book entitled [Industry Specialization](#) and what follows here are 9 specific questions and my brief responses to each, regarding how this new reality will affect current and prospective marketplace success.

1. ARE MORE FIRMS CREDITING INDUSTRY FOCUS FOR THEIR 2021 RECORD RESULTS?

Entitled “*Leaning Into On-Fire Industries*,” a recent article identified Ropes & Gray as posting double-digit increases in all key financial metrics last year, record results that Chair Julie Jones said reflect the firm’s strategic industry



Q & A

focus on private equity, asset management, technology, and health care and life sciences. What struck me was that the firm does work for 9 of the 10 largest Private Equity firms, a group who themselves have become more disciplined in focusing on their client industries.

One Wall Street Journal article identified how industry focused private-equity firms are gathering a larger share of the investor's wallet, which has become critical in a crowded PE market where differentiation is increasingly important. Funds with "clear areas of expertise" have drawn more investor capital that otherwise might have gone into traditional buyout funds, claimed a report from consulting firm Bain & Co.

The Life Sciences industry has witnessed growth in the neighborhood of 30% among biotech companies going public. And this life

sciences focus is particularly core to Cooley, a market leader, where the life sciences industry touches a third of the firm's \$1.5 billion in annual revenue, with 95% of its attorneys serving life sciences clients. "If you took the life sciences group out of the firm, it would be its own Am Law 100 firm," said Christian Plaza, vice chair of the firm's global life sciences group.

On a similar note, Goodwin Procter attributed its record setting 2021 performance to a decision it made some years previous. According to chair Rob Insolia, "we decided we could not compete by simply holding ourselves out as the smartest or best M&A or capital markets lawyers. Instead, the firm decided it wanted to be among the top four in a small number of sectors. The premise was that if you understood the industry of your client as well as the client did, you could leverage off of that." And it paid off!

In 2021, the firm handled 10% more deals than its closest competitor.

Meanwhile, AmLaw 200 firm Adams and Reese posted nearly flat revenue last year as the firm's head count and equity partnership continued to shrink. Nevertheless, the firm still exceeded its financial goals by growing RPL and PEP. HOW? At the direction of managing partner Gif Thornton, the firm "*refined its strategy on the practices we wanted to have - emphasizing leading industry practices such as construction, energy, and financial services, and jettisoning under-performers.*" It consequently met or exceeded all of its financial goals for 2021.

At the other extreme, I noted one East Coast, 70-Attorney firm, announcing a reorganization, a new managing partner and a "*rethinking of the tradition of organizing around practice groups*" to building an infrastructure focused around client industries. As a result, their website identifies ... 28 different industries!

Are you kidding me?

2. HOW MIGHT ONE SUCCESSFULLY PLAY TO WIN WITHIN AN INDUSTRY?

If there is one industry that has contributed dramatically to the 2021 fortunes and record setting profitability of some top tier AmLaw 100 firms, it would have to be the Private Equity Industry, which globally has more than \$2 trillion in capital ready to invest. At Kirkland, outside of its Chicago base, its offices are almost entirely focused on this one industry.

Others seem to be scrambling to compete, some by laterally recruiting high level talent in this area. For example, DLA Piper recently announced that it is adding a group of nearly 30 PE attorneys in a move that's part of the firm's push to entrench itself as a premier player in the middle market.

How else could one play to win in this industry?

One thing you always need to be doing is monitoring new developments and disruptions occurring in any client industry. For example, what happens when this same PE industry decides that it needs to become more industry specialized going forward? Will this open up new opportunities for competing with any firms now taking a generalist view to serving Private Equity clients?

My research indicates that SPECIALIST private-equity firms are now gathering a larger share of investor wallets in a crowded PE market where differentiation is becoming increasingly important. Funds with "*clear areas of expertise*" are drawing more investor capital than otherwise might have gone into traditional buyout funds. And what that means is that many PE firms are becoming more focused on specific industries, internally developing more industry expertise, and will be looking for advisory and LEGAL resources who also have that same expertise.

This year, two thirds of PE professionals expect MORE M&A transactions with PE involvement than in 2021, with certain industries perceived as the most attractive. I would identify the following top ten 'groupings' as

the more lucrative target markets: **#1:** Technology, media and software / **#2:** Pharma and healthcare / **#3:** Business services and logistics / **#4:** Infrastructure / **#5:** Energy and Utilities / **#6:** Consumer goods and retail / **#7:** Financial services / **#8:** Industrial goods and engineering / **#9:** Building and construction / **#10:** Chemicals.

As but one example, it's reported that One Rock Capital Partners' focus on the chemicals and industrial sectors has led to deep deal sourcing as well as relationships with bankers to those sectors and others with knowledge in the evolution of these industries to make finding and evaluating deals a smoother process.

Meanwhile, a new BTI report identified 5 tactics driving record breaking profits and growth, telling us that top legal decision makers repeatedly say that a law firm's understanding of their industry is the biggest

differentiator in the legal market today and also one of the largest drivers of premium rates.

3. CAN BILLABLE RATES BE AFFECTED BY THE KINDS OF INDUSTRY CLIENTS YOU SERVE?

In the typical corporate legal department, matters exceeding \$1 million in outside legal spend account for about 61% of the total sent to outside law firms in any given year. A new Wolters Kluwer report showed notable differences in rates paid by different clients – based on that client's INDUSTRY:

Financial Institutions	\$620 / hour
Industrials	\$566 / hour
Consumer Service	\$523 / hour
Health Care	\$519 / hour
Tech and Telecom	\$513 / hour
Consumer Goods	\$430 / hour
Insurance	\$229 / hour

The finance industry pays the highest rates for legal work...

The mean hourly rates paid by financial institutions are about 9.5% higher than the next highest-paying industry (industrials), and 170.7% higher than the lowest-paying industry (insurance).



That said, I'm always curious as to how much attention is paid to client fee sensitivity. For example, here are a FEW QUESTIONS to ponder when next contemplating fees with your clients:

- What is the business purpose of the engagement? (if the objective is to correct or remediate a problem, the client may be more price sensitive than if the desired outcome is the realization of a gain)
- Where does this engagement fall within the corporate hierarchy? (engagements that have board of directors or c-suite visibility are less price sensitivity)
- How important is it for your client to realize a successful result? (results that have small impact on a client's profitability tend to be more price sensitive)
- Who's paying the bill? (matters where the client's cost is shared by another company or insurance, or are subject to court or agency review tend to be more price sensitive)
- How difficult is it for your client to find a competing firm with the expertise to do this work? (the more SPECIALIZED the matter, the less fee sensitive)
- How well does your client know what other law firms charge for the services being sought? (clients without a point of reference tend to be less fee sensitive)
- How much importance does the client place on having a high name recognition firm and are you such a firm? (price sensitive clients tend not to care about prestige)

- Was the client the first to initiate the conversation about fees? (if the client initiates fee conversations or offers a fee agreement, it is a sure sign of high price sensitivity)

Your take away: I found these differences in rates paid between Industries quite interesting. Do you know what they are within your firm?

4. WHAT MAKES FOCUSING ON INDUSTRIES SO DIFFICULT FOR SOME LAWYERS?

Understanding your Client's Industry is the single biggest differentiator among law firms according to 5,000 interviews with top legal decision-makers, reported by the BTI Consulting Group. YET, we still have a problem. Many lawyers don't get it . . .

- Lawyers do NOT understand Industries. The Legal 500 was seeking submissions for its US Ranking of law firm practice and industry groups "to help in-house lawyers and legal teams find the right advisors." Amongst the list of Industries in which you could enter included "Environmental" and "Native American Law." Important areas to be sure, but are these really industries, especially when you cannot help but add "**Law**" to the title? Then their categorizations go on to include "Media, Technology and Telecoms" . . . all lumped together as one industry?
- Industries that mature are comprised of a number of granular levels. If you are a player in the Construction Industry, recognize it is comprised of 4 different Sub-Industries (TIER 2) like Special

Trade Contractors; and those various Sub-Industries include 51 different Segments (TIER 3); and then there are numerous Micro-Niches (TIER 4) like 3D Printed Prefab Homes. So, listing yourself as an expert in the Construction Industry without going deeper, absolutely guarantees – that prospective clients are shopping elsewhere!

- What label you attach to your industry team actually matters.

Some law firms combine Health Care and Life Sciences as if they were the same industry. They are two very different groupings. The Health Care Industry is comprised of 4 Sub-Industries (like Hospitals and Health Services) and 89 different Segments; while Life Sciences has 5 Sub-Industries (like Biotechnology and Pharmaceuticals) and 143 different Segments. And there are all kinds of TIER 4 Micro-Niches in both Industries capable of providing lawyers highly lucrative opportunities. Anyone name a firm specializing in Anti-aging and Regenerative Medicine, a multi-Billion-dollar market niche?

- Some areas of lucrative opportunity may defy simple industry categorization. The “Internet of Things” (IoT) is about connecting millions of digital objects, from trucks, refrigerators, and hydro meters to the Internet. Data gleaned from the sensors and systems applied can then be used to monitor, control or redesign business processes. There are four expanding segments: makers and installers of physical sensors; connection providers (landline, wireless, telecoms, etc.); storage and security hardware and software (server farms, the cloud)

to hold on to and encrypt all the collected data; and data analysis software. Networking titan Cisco Systems Inc. believes IoT represents a \$19-trillion (U.S.) global market and predicts that 50 billion devices will be connected to the Internet by the end of 2022.

5. IS THERE A MINDSET TO BEING A GOOD INDUSTRY FOCUSED LAWYER?

In-depth expertise in your clients' industry inherently attracts more interest in your advice and counsel, but there are some other things to keep in mind.

- It's about Providing Total Business Solutions and NOT just Solving Legal Problems. The best don't just offer advice on legal questions; they are able to connect their expertise and the counsel of their industry focused colleagues to help the client achieve a total turnkey solution. Clients expect you to know your business, but what really matters to them is how much you know theirs. You should be able to articulate specifically how your solutions can help the client achieve the success they are striving for.
- Get to Business Solutions of Value, by Digging Deep. You should be aware of problems your clients face that you can help them with and get involved EARLY in shaping solutions. This is when you can offer some of your most valuable advice. You cannot be shy or reluctant to explore with your client the tangential issues that go beyond the scope of some current legal matter. That would be like a Physician

who only treats your head-ache, but neglects to examine any contributing factors.

While you may not want to be viewed as fishing for further work, if you stop advising your client because it is not within the expressed scope of their current need, don't be surprised if they look for someone to provide more holistic counsel.

- **Share Your Thinking.**

Lawyers are taught how to devise the best remedy to the legal problem, but don't always see the value of sharing the thought process that goes into formulating a proposed course of action. Yet the evidence is clear that a trusted business advisor is valued for their thinking, not just their answers. What does an industry focused mindset entail? It starts with a deep curiosity that leads to a habit of continuous learning. To complement your strong analytical skills, you recognize the need to appropriately frame the problems or opportunities you're trying to provide counsel on, in a broader context than the limits of your expertise. You are driven to determine not simply what needs to be done from just a legal perspective, but what ultimately needs to be accomplished — with your success defined not by how well you performed, but by the outcomes you help the client achieve.

- **Give your Clients What They “NEED.”**

Some mistake client service as giving clients what they want. That's the order-taker mindset. Trusted industry focused advisers are more concerned with giving clients what they need. Sometimes, this may involve some persuasion — but persuasion based on deep industry knowledge. You don't help

the client achieve success without being willing to push back at times and argue for a better way. It's hard for clients to learn to trust your point of view if you shrink back from it whenever the client is thinking otherwise.

6. HOW DOES ONE DEAL WITH PARTNERS WHO DO NOT WANT TO PLAY ON INDUSTRY TEAMS?

I received the following question from a firm leader: *“When one attempts to organize their firm into a few chosen Industry Teams, how do you handle partners who do not want to work in industry teams or feel neglected because their personal practice doesn't seem to fit?”*

The merit of having an industry focus is that it forces firms to concentrate attention on a few selected industries — preferably those in which you have a position of recognized strength. This means that lawyers in other practices can feel left out. How you deal with those partners may determine the success of your commitment to industries.

The initial reaction from any partner who doesn't feel included is often to withdraw from communication, boycott selective meetings, or even delay performing certain activities. They are attempting to gain credibility for their position by demanding management's attention. As crass as it may sound, your best approach is to treat them as you would a pouting child. Continue to invite them to participate in firm activities, but don't offer sympathy. It is important to CONSTANTLY communicate and DEMONSTRATE how the success

of any industry group will benefit everyone – in terms of additional referral work and overall profitability.

At some point you can probably expect some partners to attack the basic logic of focusing on industries. Any assumptions made in the creation of your reorganization, any statistics or financial information may all be challenged. In the extreme, the credibility of those on your Management or Executive Committee may be brought into question. Arguing toe-to-toe rarely works. Your best approach is to express confidence and offer partners the opportunity to review any of the factual information used. It is also very powerful to share real commentary (questionnaire or video interview feedback) from your firm's ACTUAL clients, citing the importance of their lawyers having an industry focus.

In some extreme circumstances, practice groups aggrieved by the focus on industry teams may attempt to become obstructive by failing to cooperate and share information, disregarding basic procedures and scheduling conflicting meetings, events and activities. Fortunately, such obstructionism is so extreme that it does not occur very often. When it does, it is usually short-lived. This is because it is so obviously counterproductive for the firm that it fails to gain attention or sympathy for the position of those involved.

In the best of all circumstances, it won't take long before visible client-sharing occurs between the industry team receiving strategic attention and any practice that is not. This is, of course, what your reorganization was envisioned to create.

In fairness, I should note that there are firms in which none of these disruptive behaviors occur and everyone realizes that driving the firm to focus on client industries is in everyone's best interests.

7. HOW SHOULD ONE GO ABOUT INVESTING IN SOME NEW EMERGING PRACTICE?

Developing some new micro-niche industry practice requires a different mindset and a unique skillset. Here are 10 questions to consider:

1. Is the client NEED real?
It is not uncommon to get excited about some potential new opportunity without really knowing what is involved. Take the Agri-Business Industry where there are 50+ companies in the high-growth Vertical Farming micro-niche. A good test is to create three hypothetical engagements – describe what critical business PROBLEM you would solve, which lawyers might be involved and how much you might charge. If your answer doesn't make sense to you, it probably won't make sense to some prospect either.
2. Do you have EXISTING expertise and experience or would you have to build capability?
Your new opportunity should largely involve adapting existing knowledge and skills to a slightly different application. The test is, if you won an engagement today, could you deliver or would you need to acquire additional, perhaps lateral expertise?

3. Is this a service that clients will BUY?
You serve the Insurance Industry and have developed some experience with Cyber Liability Insurance (300+ Businesses in \$4 Billion market). Test your intentions with a basic client question: “*We’re building a capability in ____; would that be of value to you?*”

4. Can you protect a FIRST-MOVER position?
Are there sufficient barriers to entry, making it difficult for other firms to jump on-board after you have pioneered the emerging practice?

5. Is your TIMING right?
Your new service offering can be appealing but the market may not be ready. 120-lawyer Ellenoff Grossman became a leader in the micro-niche known as SPACs but it took a number of years before they gained traction.

6. What is the LIFE expectancy of this emerging opportunity?
Is this a practice that has a shelf life (3D Printing) or is it related to a specific event (remember Y2K) or could it just be a passing fad (NFTs)?

7. Is the market SUBSTANTIAL enough?
Can you secure enough volume to make it legitimate? Will this niche grow into something substantial that can be accessed, or will it always represent a small opportunity?

8. Can you successfully MARKET the offering?

Your new offering will need to quickly acquire visibility, credibility and a loyal client base.

9. Will the firm SUPPORT your effort?
A new offering to create a game-changing micro-niche will need leadership support as it may need to share resources and competencies with existing practices.

10. Are you prepared to JETTISON the niche if it doesn’t work?
Firms creating an emerging practice should set benchmarks for success within a reasonable period – which means being able to decisively double down on successful niches and jettison those that don’t take root.

8. IS THERE ANY ADVANTAGE TO WORKING WITH INDUSTRY ASSOCIATIONS?

The typical industry team meeting agenda that I see is obsessed with marketing topics to the point where I often hear that “*our practice groups are substantive focused while our industry groups are marketing focused.*” And if you believe that, you are destined to be up Schitt’s Creek without a paddle!

Meanwhile, I have learned from observing the actions of the very best rainmakers that their most fertile ground for nurturing strategic relationships and building their practice within any given industry is through active trade association membership. That assertion should be obvious to anyone interested in developing a go-to presence within a given industry, but I rarely see evidence of action. In fact, when I inquire as to which industry or trade associations the

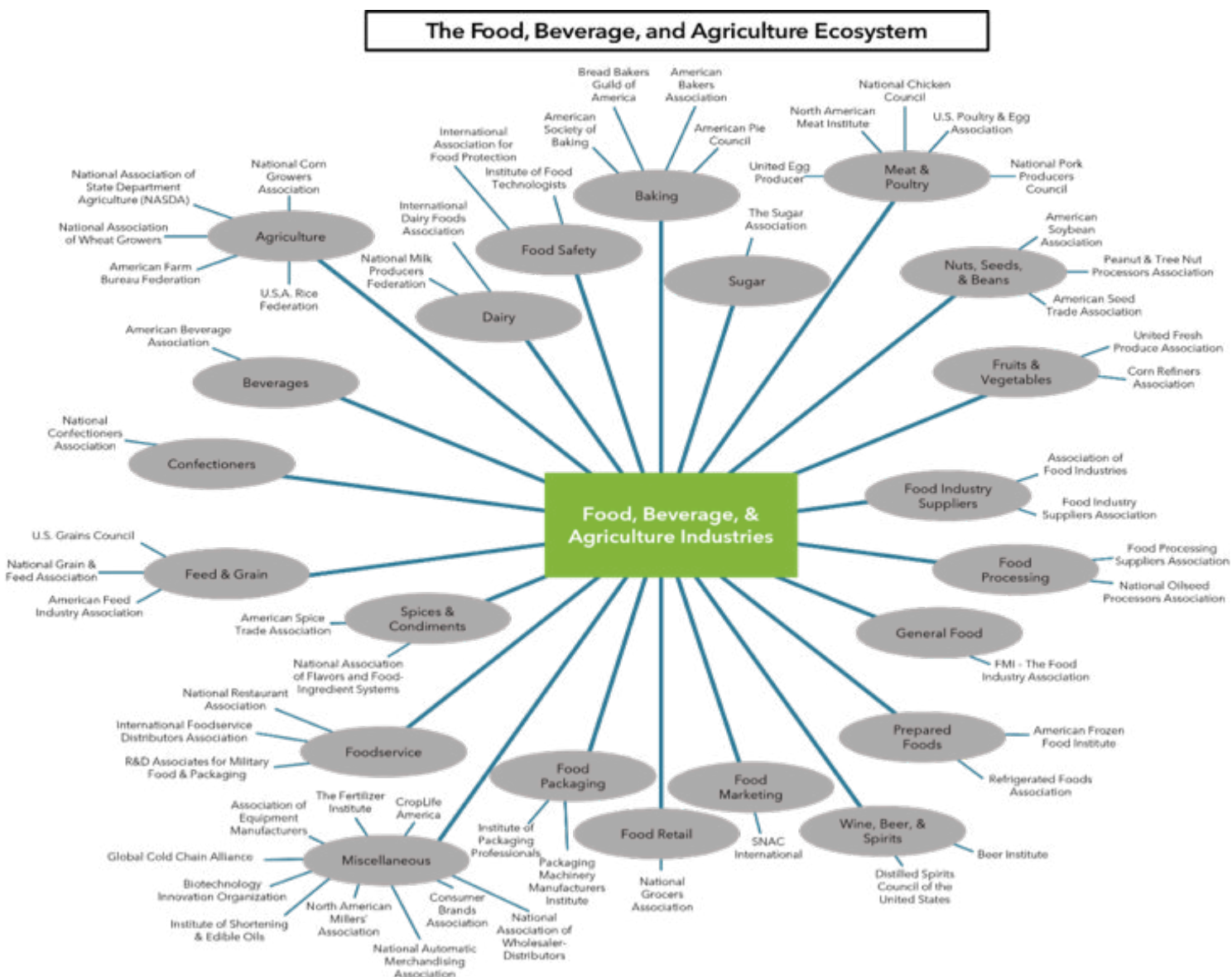
members of the group are active within, I will rarely elicit more than one association name and that association is usually the prized possession by one of the most senior partners in the group – “so it’s taken.”

This assumes that any given industry will only have one association representing industry participants. But as I outlined in one of the Chapters in my book on how industries splinter into numerous sub-industries “GET GRANULAR”, we forget there may indeed be a larger number of sub-industry groupings. The attached Ag and

Food Industry illustration is one example showing 22 sub-industries comprising over 57 various trade groups.

Benefits of being active in an Industry Organization:

- can enhance your professional reputation as evidenced by your investment of time and energy in being actively involved;
- offers opportunities to work with other members on projects that increase your profile and exposure;



- provides a sounding board for identifying and exploring common problems that you can help with;
- assists you to understand the internal dynamics and language of the industry, and develop your skills through participating in industry-specific educational sessions; keeps you in touch with emerging trends – how the industry is growing and changing.

Some Specific Actions to Consider:

- Identify a common problem, from the latest regulatory hurdle to disruptive consumer expectations, concerning companies.
- Author and provide interested industry group members with a prescriptive White Paper or Case Study to position yourself as a thought leader on the specific issue. (The association may well have a listserv or email directory of members that are part of a particular group or share an interest in this chosen topic.)
- Inquire of the association whether they would host, and also participate and contribute content to, a Webinar for their member firms to detail action plans and answer member's questions to help address this issue.
- Compile a target list of members with a particular area of interest as your best prospects. Explore offering an in-house presentation for this group at one of their face-to-face C-suite meetings or perhaps via webinar (or both).
- Consider engaging in a joint marketing venture with one of the associations other (non-competing) professional service member firms that also has an interest in serving this particular industry.

9. YOU CLAIM TO HAVE INDUSTRY PRACTICES; BUT WHO ARE YOU KIDDING?

I see law firms list “Industry” but when you examine their website particulars there is little there of much substance. They list what legal services they may provide to the broader industry, but they do NOT identify any specific sub-industry client groupings where they have expertise. Here are 10 examples of growing Billion Dollar niches worth identifying:

- **TECHNOLOGY – Digital Forensic Services. (\$2 Billion)**
Companies recover, analyze, investigate digital data found in encrypted and erased files; often to help solve cybercrimes.
- **MANUFACTURING – 3D Printing & Prototyping. (\$2 Billion+)**
Automatic construction of physical objects using additive manufacturing technology.
- **INSURANCE – Cyber Liability Insurance. (\$3 Billion)**
Companies protect business/working professionals lost income/liabilities related to business interruptions, network security, internet liability, electronic communications, intangible assets and online content liability.
- **LIFE SCIENCES – DNA & DNA Forensic Laboratories. (\$3 Billion)**
Provides DNA paternity testing, DNA forensic services, veterinary DNA testing, ancestry tracking and services related to human genetics.
- **RETAIL – Cannabis Equipment & Accessory Stores. (\$3 Billion)**
Operators in this niche sell cannabis-related equipment and smoking accessories; but do not include cannabis sales.

- **SOFTWARE – Speech & Voice Recognition. (\$4 Billion)**
Speech recognition signifies the ability of a machine to understand/carry out spoken commands by interpreting articulated words.
- **INDUSTRIAL SERVICES – Hazardous Waste Collection. (\$4 Billion)**
Includes hazardous waste collection services; radioactive waste collection/hauling services; hazardous waste transfer stations.
- **FINANCE – High Frequency Trading. (\$6 Billion)**
Financial securities trading firms/individual broker-dealers using high-speed market data/sophisticated analytics to identify temporal supply/demand trading opportunities.
- **UTILITIES – Solar Power Generating Facilities. (\$11 Billion)**
Operators own/operate solar-power-generating facilities in the form of either photovoltaic panels or solar thermal power stations.
- **HEALTHCARE – Ambulatory Surgical Centers. (\$30 Billion)**
Operators provide emergency services, including setting broken bones, treating lacerations, tending to patients who have suffered injuries due to accidents/trauma.

Each of these lucrative niche opportunities involves hundreds of potential clients and millions in revenues. So see if you can find one competitor in your market footprint that claims to be serving any of these sub-industry clients?

More on Industry Specialization, download/read online the book *Industry Specialization, Making Competitors Irrelevant* ([see page 35](#))

About the Author

Patrick is an internationally recognized author, lecturer, strategist and seasoned advisor to the leaders of premier law firms; having had the honor of working with at least one of the largest firms in over a dozen different countries.

He is the author/co-author of 11 books most notably his international business best seller, *First Among Equals* (co-authored with David Maister), currently in its sixth printing and translated into nine languages. His two newest e-books, [The Art of Leadership Succession](#) and [Strategy Innovation: Getting to The Future First](#) (Legal Business World Publishing) were released in 2019.

He proudly serves as a non-executive director (NED) or advisory board member with a variety of professional service firms and incorporated companies. His aim is to instigate innovation, provide independent strategic insight drawn from his years of experience, and support effective governance.

His three decades of experience led to his being the subject of a Harvard Law School Case Study entitled: "Innovations in Legal Consulting" and he is the recipient of an honorary fellowship from Leaders Excellence of Harvard Square. Leadership Series

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Legal Design and Ethics Commercial Contracts twist of Law and Econ

An interview with Katri Nousiainen, Lawyer, Professional in Legal Education, Research Fellow at Harvard Law School (CLP)



Katri, as an introduction maybe you can tell us something about yourself and your profession. About the things you do on day-by-day basis in the legal sector, and so on.

I am a Lawyer and Professional in Legal Education. Currently I hold a Resident Research Fellow position in the Harvard Law School at the Center on the Legal Profession (CLP).

In addition to my work at the Center, I am also affiliated with the University of Cambridge Law (the UK). Before joining the Harvard Law School, I was affiliated with the University of Berkeley Law, Center for Law and Technology (BCLT) and with the Aix-Marseille School of Economics.

A photograph of a building facade with a large red banner that says "HLS" and "SCHOOL" below it. The building has large windows and columns. The text "cs in s with a nomics" is overlaid on a dark red background on the left side of the image.

cs in s with a nomics

You are currently conducting pioneering work on impact in Legal Design and Ethics in Commercial Contract with a twist of Law and Economics. Could you possibly elaborate a bit more on this research project?

Sure! I am conducting empirical research on Legal Design and Ethics in Commercial Contracts from the perspective of Law and Economics. My current work intends to scientifically measure the impact and value of legal design, and to find, for example, metrics to assess efficiency and quality in contracting practice. I am especially interested in employing technology within law, economics, and legal design.

My current work comprises three sub-works. First, I have created a solid General Theory of Legal Design; second, I have introduced a New Quality Metrics for the legal profession, and then, finally I have applied the General Theory of Legal Design and the presented New Quality Metrics to an empirical case study to measure the impact and value of Legal Design in Commercial Contracting.

The empirical study has demonstrated and approved the claim that the legal profession could greatly benefit from the Legal Design approach in bringing comprehensibility for contracting practice. This approach will increase efficiency, and provide for greater quality in legal practice. The empirical study

found that legal designed commercial contracts were more comprehensible than traditional legalese contracts - even to lawyers and sophisticated parties. Almost 2/3 of the participants preferred the Legal Designed contract over the traditional legalese contract! The preliminary results of the study further revealed that around 70 % of the participants were not able to comprehend the traditional written legal terms and found them ambiguous, and even nearly 90% of the participants pointed out that there is further room for improvement within clarity of the terms.

Even though the conducted empirical study has been a pilot and a single experiment in a particular industry, the results are still greatly promising and support the learning from other fields of science and their best practices being applied within law. We can imply from these novel results that certainly more comprehensibility is needed in the contracting practice and that the legal design approach can bring systemic impact in society in decreasing information and knowledge asymmetry. Moreover, through this empirical study the legal design approach has now been demonstrated to be a useful scientific tool and method in searching for a solution to improve legal quality. In addition, this study has more far-reaching implications for contracting generally, and particularly for industries in transition. The work demonstrates that there is a pressing call for a better legal quality and that the Legal Design approach could be the key! Through the current work on legal design, I have learned that the approach is also well-suited to be employed within emerging and new technologies. For example, this could be pivotal in the current rise of new quantum technologies such as quantum computers.

(See, General Theory of Legal Design in Law and Economics Framework of Commercial Contracting can be downloaded [here](#))

You're also active in the educational field. What activities do you do?

Besides conducting research, I greatly enjoy giving expert lectures and training on various practice areas of Commercial Law, Legal Design, and Law & Technology. I also educate via speaking and organizing workshops at conferences and seminars across the US, Europe and LATAM.

Courses and teaching topics that have lately gained growing interest are often within the intersection of law and technology. For instance, my recent course on Legal Design and Ethics in Commercial Contracting in Law and Economics Framework was very well received by the audience and it was awarded as one of the highest quality courses in academic year (2021/2022) - but also it received the highest rating for recommending the course for one's peers. For me this implies that there is definitely room and need for further courses to be taught at law schools that comprise an interdisciplinary approach, ideally within the intersection of law and technology, incorporating innovation, economic analysis of law, and legal design.

Moreover, my next course on Quantum to Law, has brought a lot of interest from legal professionals. They wish to better understand new technologies, and especially the second quantum revolution, and what kind of implications and applications it will have on the legal profession and the legal field in general. The course approaches quantum technology through law, economics, sustainability and

society lenses. There will shortly also be published academic articles, several book chapters, first released in September, and podcasts on this subject, with my colleague **Dr. Joonas Keski-Rahkonen, a postdoctoral researcher in the Department of Physics at Harvard University**, where we carefully discuss some of the commercial applications and implications of quantum to law. Moreover, we have introduced a Quantum roadmap- Law, Economics, Sustainability, and Society - LESS is more! The Quantum Roadmap will guide legal professionals through its 5 principles, to achieve a more sustainable approach within emerging technologies.

What's overall your opinion on the current process in the Legal sector when you think about development, planning, and implementation of (innovative) Legal Design? Do you see differences between Asian, American, and European firms in their daily operation and how they develop, plan and implement (innovative) Legal Design strategies?

To succeed as a legal professional, it is no longer enough just to know the law - rather the competitive advantage of firms/professionals lies nowadays within human-centricity, by which I mean, that we should legally design our professional services in a way that they bring measurable added value to the end-user, and that the clients sees that their needs are being recognized and answered. Legal design approach can be the key to improve the quality of current practice. Thus, I see that all the lawyers should get familiar with this new innovative way of approaching law and legal practice.

In my view, Finland has shown to be one of the most proactive countries within the Legal Design approach. For instance, we have law firms that have fully based their strategic approach on legal design. Furthermore, legal design is also recognized to be at the level of science. For instance, Hanken School of Economics, (Helsinki) has taken cutting-edge standing and teaches Legal Design on a Master Level course. The course has shown to be a great success among students and it has also been awarded for its high quality. University of Helsinki has followed Hanken's successful path and they have also started offering a course this Spring on Legal Design.

As regards the Middle-Europe, for instance, in France, we can also see a movement towards more innovation by design in the legal and public sector. In France, even the judges at the court are nowadays taught to understand the legal design approach and its benefits in judicial proceedings. One of my favorite Legal Design operators in France is Amurabi, which does legal design projects for the public and private sector. The Legal Design field is expanding in Middle-Europe, and we can surely read of many success stories in applying Legal Design.

What comes to North-America, we have here great ongoing projects and courses running on Legal Design. Stanford Legal Design Lab, where the approach originated, is probably one of the most well known for running empirical field studies around legal design. The Lab is headed by famous legal designer, Margaret Hagan, who is also the founding mother of this innovative approach to law. Another Lab, here in North-America, is also worth mentioning, namely the NuLawLab in Boston that regularly

works around design and innovation. They are actually shortly publishing an interesting book on Legal Design and Dignity that surely will gain a lot of interest.

The practices that have taken place on Legal Design, are mostly built on the design thinking approach and various design methods. Often practices vary between operators, but I would not say that the difference in practice would lie within countries, but rather within individual practitioners of legal design. The field is still a bit dispersed - and eventually, information is widespread. These are also the reasons I came up with the General Theory of Legal Design and the empirical study Measuring the Impact and Value of Legal Design to bring more common theoretical standing, shared empirical understanding, and to bring the Legal Design approach on the stage of science.

I believe that collaboration is the key here. In my experience, the practitioners in the Legal Design field collaborate intensively and thus, the methods and learned best practices merge and improve further through time. I have had, for instance, the pleasure and luck to learn from legal design colleagues in Finland, France, Sweden, the USA, Canada, Columbia, German, Australia, and Italy, - just to name a few countries! The wide list of countries, and several continents, demonstrate that this is not just a momentary movement, but that Legal Design should be seen as a real academic field of science that is anticipated to transite how we see and practice law. Join the party!

Many lawyers, general counsel, and corporate counsel talk about the importance of the business of law and it looks

like they easily adopt words like Brand Management, Consultative Selling, Legal Tech, A.I., workflow software, etc. not knowing what it really stands for. Do you also experience this lack of knowledge and how do you cope with the difference in knowledge levels?

I do recognize this phenomenon! For instance, too much legal software is being sold without understanding the end user and their needs. Concepts, challenges, and needs are often not clear for the sellers of the services and then, unfortunately, the clients get disappointed when they feel that technology did not solve their challenge. Frankly, technology does not solve all the challenges that we have. However, it can be beneficial and bring advantages if we know exactly what we are trying to solve or improve. Here as well, the Legal Design approach can come handy as it is based on the idea of human-centered design in solving and improving services, processes, and products. The approach fosters transparency, and I firmly believe that good communication is also the key here to diminish information and knowledge asymmetry between different parties.

Do you think that Law Schools understand the need to change the traditional curriculum or at least give more attention to the business of law?

Technological, innovative and interdisciplinary skills are something that, in my view, have become gradually more important in working life. Technological tools and innovative approaches are steadily entering into the legal field. We have seen new professions emerging inside the legal profession, many of which consist of employing technology and

applying innovative approaches such as legal design. You may find people, for instance, working in new positions on legal operations, being legal designers, or selling legal tech to law firms. There is no doubt that the Legal Profession is in transition and we should prepare lawyers for this change. I highly recommend current and future lawyers to have interdisciplinary studies on subjects such as, design thinking, law and economics, legal design, cognitive sciences and law & tech in their professional tool box helping them to adjust and foster the transition of the legal field!

Business schools are important here too, since more interdisciplinary understanding is needed between fields and professions. It would be beneficial for lawyers to understand numbers and especially financial sheets to be able understand the big picture and work for their clients best interests. Last but not the least, we need to also further bridge between business of law and academia to answer the needs and demands of working life in transition.

As Law Schools are the breeding ground for lawyers, how far- in your opinion - can we solve the problem of change acceptance by changing the curriculum?

The curriculum changes may take time but the change is inevitable. The legal profession is transitioning, and we need to be able to provide the best tools for the current and future lawyers to serve their clients best interest with the best possible tools available. Law schools have the responsibility to offer students an opportunity to learn about these tools and how to employ them. We have quite a good understanding, for instance, of how through the legal design approach we can improve the quali-

ty in the legal field. Now we just need to support the change and collaborate for the future of law and legal profession!

There is a lot of discussion ongoing about disruption in the legal market: a big bang against incremental change. Some say the legal market is on the verge of a disruptive force that will have a huge effect on the market. Then again, others say the change will be an incremental process and the market will evolve naturally. What are your thoughts on this?

I trust the path dependency process. Markets will work on themselves, and we should not interfere too much. I see competition as a good thing, as often a lack of it can form even further disruptions. It's been said that innovation is the key to success in entrepreneurship, and that everyone wishing to make profits needs to innovate in order to be successful. I believe that innovation is often the welcomed prerequisite for change. Sometimes, surprisingly, a change can be more welcome than we could have initially thought of. I believe that natural evolving of the market can bring good outcomes. Again, the legal design approach can support and foster successful change in the legal market.

What advice can you offer to young legal professionals or aspiring legal entrepreneurs about starting a company and working for a legal startup?

Trust yourself! Get familiar with the Legal Design approach and make it at the core of your business strategy. It will help you to understand your prospective end-users, find maybe

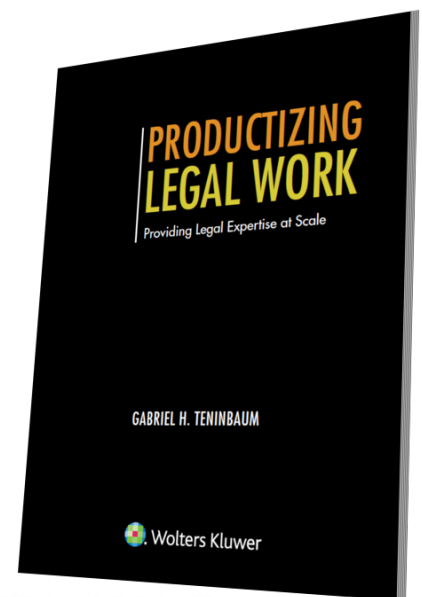
even new prospective business segments, gain competitive advantage and reduce transaction costs. Further, employing an implemented legal design approach will signal to the market that you are a transparent operator and worthwhile to contract with!

Reading the General Theory of Legal Design will get you started and can help you assess

and monitor important metrics. Learn from the interdisciplinary best practices and make them work for the benefit and advance of your prospective business. As the legal profession is in transition, I would advise to have legal design in your company's core strategy from the very beginning.

"You don't want to be late for this party!"

For millions, creating an estate plan no longer involves a high-priced attorney. Instead, they can log into LegalZoom and get the job done for a fraction of the cost. The same goes for filing a tax return: no need for a CPA, TurboTax can do it for you! At the heart of these tools (productized services) is a technique for converting work that has traditionally been done by a professional for a limited number of clients to work that can be shared, licensed or sold to a much wider audience (usually through the use of online or specialized software technologies). People create productized services in order to help more people and create new revenue streams. Consumers, in turn, get access to valuable services at lower cost. While creating productized services was once challenging and expensive, a new generation of facilitating tools enable any enterprising person - including law students and lawyers - to productize services with greater ease than ever before. This book unpacks the concept and impact of productizing services and provides a step-by-step introduction to the process of productizing legal work.



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Legal tech: Beyond the myths #6

How will AI transform the nature of legal work?

By Arnoud Engelfriet, co-founder of the legal tech company JuriBlox, and creator of its AI contract review tool Lynn Legal.



Legal tech is coming, with Artificial Intelligence on board. The promise I quoted in the first article, and it is still very much relevant today. Computers aren't intelligent, rolling in a big shiny tool will not change the way lawyers work but you'll get far with a clear playbook and handy rules. In the final article in this series we'll wrap the mythbusting up.

Robots as lawyers

Let's get one thing straight: if you're a lawyer robots will not take your job – unless your job was so tedious that a robot could do it. Robots calculate & automate, they cannot do (not now, and not in the future) the real stuff that lawyers do. Robots can help though: they can scan for patterns, identify clauses or phrases of



interest and take programmed action based on what they encounter.

This is as true for classical programmed systems (if you see X, take action Y) as it is for artificial intelligence. Even though AI is promised to think creatively, in actual fact AI is just very, very good at pattern recognition, text analysis and conversational text generation. That's not to say it's bad or useless. On the contrary, an AI analysis can very much speed up legal work and identify issues or help with problems that humans may miss or need hours of hard work for.

The actual issue however is not so much how good an AI can work, but how systems using

AI (or more generally: legal tech) can improve and transform the working of law firms and legal departments. This is much harder than programming AI – this is business transformation. As business consultant Peter Drucker famously said, “Culture eats strategy for breakfast”. Expecting a shiny AI tool to transform the company is a pipe dream merely because it works very well. The challenge is to understand the workflow that the company uses.

Digital signatures

An early adoption example in the legal tech world is the digital signature tool. Putting an electronic signature where a 'wet' one was previously required is a good example of the

few really good ones: simple, clear and with a very precise advantage. You can almost calculate the business benefit of this. There is no downside, apart from the costs of the tooling. But training is nil, you can see what happens and that it is legal is also obvious.

For further steps, from contract generators to the use of chatbots for intakes or wizards who write advice letters, it is often not that simple. And the reason behind that is actually simple: it is not clear how you earn money by working with such tools. And that is again mainly because organizations are set up to deliver their services in a certain way, and new technology entails a different way of working.

The partner structure has often been mentioned at law firms as the reason why legal tech would not be there: the partners would earn less from billable hours, because those tools are faster and therefore fewer hours are worked. I don't think it's that simple. The argument is an exponent of the underlying reason: fearing less customer returns is an economic objection. Whether that literally means that your timesheets are getting shorter or that the customer wants to pay less at all or something else, it matters less.

The general problem is of course a very tough one to tackle. Especially because it is rarely explicitly put on the table: sorry, we are not going to do this tool because it costs us a lot and we see few returns. Especially with legal tech, because “we have to do something with it” and then the tool is rolled out with a lot of fanfare (or rather: a special team or a champion) after which we are allowed to see some interest and after that the use dies a slow death. Just because it doesn't feel useful enough.

So there must be an external incentive to bring about that change. In the legal sector, these are often the customers: large companies that do not accept an hour/invoice but want a fixed fee per job or per year, or even simply require that tooling is used. The only problem is that if the majority of the offices are not yet at that level, it is difficult for such a customer to get her way. There is, of course, a tipping point at some point, but when that will be reached remains to be seen.

Only: you are left with the point that a legal service provider is quite good at his job, and has also set up the workflow to work as well as possible in that way. Whichever way you look at it, introducing legal tech comes down to changing business operations, and there must be a clear economic reason for this. Why would you start working in a new way now, especially now?

Start small and end big

Change does not have to be strategic, does not have to be huge and does not have to be all at once. Change comes when the culture is open to it. This is often the case with small things. A slightly more convenient tool to check references. A service that not only looks up case law but immediately puts it as a reference in your Word document (and checks whether there was an appeal against the case found). A button in Word that completes and signs a draft letter. An Outlook plugin that says “Look out, the attached NDA is unacceptable.”

If you want more, you really have to work with the culture in the office. Why do people not want to extract documents from a tool, but continue to work with their own templates?

That could be because they don't trust the tool, or because they find the learning curve too steep. Or – very silly, but it happens regularly – because they can't log in (anymore) and then noticed that no one spoke to them about it. Or worse – but this happens regularly too – because their direct managers do not enforce using the tool, or even disparage its quality or importance to the business.

And addressing that is ultimately also a cultural thing. Because if you want to change as the leadership of such an organization, you must have a culture of leadership. Bringing people along and motivating them. And if there's no other option, make it mandatory. But then you have to fully support the choice yourself and take for granted that things will (temporarily) be less.

The trend towards commodification

Earlier I wrote about what is called commodification. Traditionally, legal advisors provided complete customization, just like the tailor of the past who delivered perfect customization for each customer with a roll of fabric. Smart offices standardize the process and provide customization based on standard clauses or quickly adaptable model contracts. They have semi-finished trousers and jackets in the closet and they trim the fabric for the customer. Standardization can be pushed further and further, and the inevitable end point is the product: a completely standard piece of service, at a fixed price and available in almost identical form from multiple providers. For a legal service provider, productization can feel threatening, and for good reason. A standard product will yield less money per item than the custom-made service of the past, and moreover entail risks such as an in-

complete or inadequate service with all the associated complaints. However, there are several ways to deal with this threat. The first way is to use the product as lead generation. The product is then actually the first half, the intake of the actual service. A slightly more far-reaching approach is to clearly separate product sales from customized services. And yes, there will of course always be a need for pure customization in the market. But make no mistake: that market is getting smaller and smaller, because more and more customers are discovering that a standard product is actually good too. Just like many people prefer to buy their suit as ready-to-wear, with at most limited adjustments, such as taking in trouser legs, than going to a tailor. The tailor will certainly continue to exist, but increasingly become a niche. The large market share – and therefore the large turnover – will move to those ready-to-wear sellers.

It's about the standard work

Of course, the legal profession started out as a specialty, and the legal knowledge today is specialized and quite unique. So it is not surprising that when you read about changes in the profession, you think about how your specialism can be safeguarded in the event of such changes. But I keep saying it: it's not about the specialized work, it's about the standard work. Although lawyers and lawyers often see themselves as suppliers of unique customization, a whole mountain of work is standard.

The only problem is that we lawyers can indicate much better than others why that standard work should also be delivered fully customized.

After all, our services are looking for risks and problems, underlining their seriousness and proposing a solution that must be followed on pain of high fines and other legal calamities. (Few people can say that a mistake in their work can lead to criminal proceedings against management.) And that is often followed, partly because the specialism is shrouded in a certain mystique and the consequences sound very serious.

The above is not necessarily untrue. It is true that incorrect advice about an agreement with a competitor can have that consequence. Or that a mistake in an NDA can lead to years of litigation with millions of claims. But those are the exceptions, not everyday practice. It is about “can I sign this because I want to drink coffee with that supplier”. The advice must be proportionate to this. A standard case requires a standard answer. The particular risks should be capped or captured if their probability becomes high enough.

More important to me is the realization that if you as a lawyer don't do this, others will. Take the drafting of general terms and conditions. Protecting an entrepreneur with clear rules for his trade is typically something you use a lawyer for. What risks does the entrepreneur run and how do we cover them? Yet the product "general conditions" is something that can be obtained from so many sources, from handy bookkeepers to many online services where you can obtain them with or without a questionnaire for free, cheap or expensive. There are indeed still lawyers who can ask 12,000 euros for a set of terms & conditions, but that is not the bulk of the work.

As a lawyer, I think you can go two ways. Either you say, I am really a specialist and you should have me if your situation is not that standard, or, on the contrary, I can provide that standard work just fine and I pass on the difficult cases. I think the natural tendency is to immediately choose the first, but realize that this only attracts a limited target group (and therefore the amount of work).

On the other hand, whoever enters the standard work immediately encounters the Chamber of Commerce, handy bookkeeper and online services. Because they can do the standard trick too, and are smarter in bringing in standard customers at a lower price. And yes, he comes again with his Susskind: commodification in the legal world has already come a long way. For many products even to free.

Yet that also offers opportunities, especially for lawyers who can do more than that accountant but do not want to be the super specialist right away. Making yourself distinctive on top of commodity products is the best way to grow in such a market. So: what is your added value on top of such a generator? What does the customer want an accountant not to be able to do?

And no, the answer is of course not "perfect customization with all risks fully negotiated and put away". For me, this is exactly the sweet spot to use legal tech: it provides the standard work that is the start of your customization. To stay close to myself, thanks to NDA Lynn, my clients review their NDAs in five minutes, then pay me to get substantive answers to the crazy questions. As a result, I spend all day doing crazy stuff in NDAs and I like that.

That is how the lawyer of the future must re-define himself: where is my added value on top of the technology, on top of the commodity. I wish you good luck with that!

About the Author

Arnoud Engelfriet is co-founder of the legal

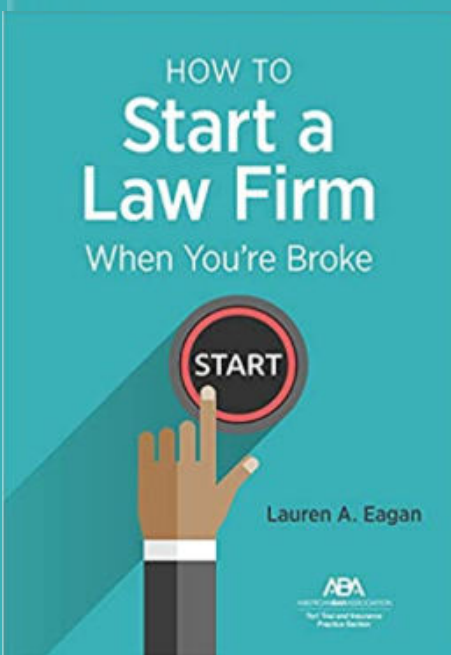
tech company [JuriBlox](#), and creator of its AI contract review tool [Lynn Legal](#). Arnoud has been working as an IT lawyer since 1993. After a career at Royal Philips as IP counsel, he became partner at [ICTRecht Legal Services](#), which has grown from a two-man firm in 2008 to a 80+ person legal consultancy firm.



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Can Legaltech Become A Threat To Lawyers And Their Profession?

3 Pros and 3 Cons of Legaltech

By Hans Paul Pizzinini, Entrepreneur & Consultant

Right Different views on the future of law. 86% of lawyers view legal technology as an imminent threat to client business.

The integration of technology into the practice of law is bound to have an impact on the legal profession, and opinions on the outcome of this impact are divided.

Some lawyers fear that the profession could be “taken over” by automation and technology, with human lawyers being completely replaced. Others see their role as expanding: technology can perform routine tasks, freeing up legal professionals to focus on more creative work. But what does this mean for those who want to become lawyers? Will it be

possible for them to find a place in this new world?

While some legal scholars talk about how automation will “destroy” the need for lawyers, others view tech as a tool that will augment lawyers' abilities rather than replace them.

Data show that lots of money are spent on legal documents and that there are several inefficiencies involved in this process.

In San Francisco, the average hourly rate for a contracts lawyer is **\$455**. A week's worth of work and that's over \$18,000 of funding gone. Yet, this is a task that has to be done. Especially for young companies looking to quickly



stepch

expand their incoming business, they will need to contract out certain tasks.

Legatech has a positive impact on Law

The main goal of legaltech is to increase efficiency and reduce costs. As such, AI will not replace lawyers but only help them do their jobs better by providing useful insights from large amounts of data in a short amount of time. Their clients will be happier too as they potentially receive a better and faster service.

According to the International Association for Contract & Commercial Management ([IACCM](#)), the average cost to businesses of processing and reviewing a basic everyday contract has risen to \$6,900. This is a conspicuous amount and AI

has been depicted as one of the tools to help reduce this cost.

More than just speed

AI is able to improve not only the speed but also the accuracy of some legal tasks. [A study](#) conducted by Lawgeex found that human lawyers have an 85% success rate in spotting legal issues - whereas an algorithm was around 94% accurate in predicting their outcomes.

This debunks a myth; that humans are better and more accurate than machines, but this is not always the case.

AI also helps lawyers keep their clients happy by creating *easy-to-use interfaces* that are

accessible to those who are not tech-savvy. Imagine uploading a contract and getting a summary that can easily be shared with your clients. Less time spent on document review and preparation, more time spent on providing value to your clients and creating deep **relationships**.

Technology helps attorneys reduce their costs

In addition, technology helps attorneys **access and process data** faster which in turn **reduces their costs** and allows them to focus more on providing quality service to their clients.

For example, as a legal professional, I may need to filter through hundreds of contracts and spot those that match specific criteria e.g. Confidentiality and terms of payment, IP assignment clause, or a change of control. Searching and opening one document at a time may not be the most effective solution: legaltech tools allow them to access the needed contracts in seconds instead of hours. This can be done by inputting specific searching criteria and keywords in a legaltech tool: usually, it looks like a search engine bar e.g. Google with the possibility to add more filters to run an advanced search.

Better case law decision making

Finally, AI enables **better decision making** through **analytics** as it provides more information about **legal cases** for both sides than any human could possibly know.

For example, we can find some information and insights never before available about judges, attorneys or expert witnesses, parties, and the subjects of the cases themselves, culled from

millions of pages of litigation information. But while Legaltech can help with case law language analytics and verdict and settlement analysis it is not yet a reliable solution to substitute humans in deciding the outcome of a case.

A group of researchers used machine learning to train a model on a dataset drawn from more than 28,000 case outcomes and more than 240,000 individual justices' votes from the US Supreme Court decisions.

The model predicted the votes of individual justices with 71.9% accuracy and the outcome of the decisions with 70.2% accuracy. While these results seem promising, there is still a good way to go before "crossing the chasm" into automated legal case decision making.

Human experiences, rationality and creativity are essential to the legal world. Nonetheless, it is not enough for legal professionals to have a brilliant idea about an argument or strategy if they cannot back it up with data. The ability to **recognise patterns** in raw data and quickly **identify outliers** can help lawyers make better decisions. For example, being able to distinguish between a potentially winning and a losing case can be useful for deciding whether or not to pursue litigation.

For now, the partnership between humans and machines can produce truly better work as long as humans remain the ones who handle all reasoning while machines simply provide support by analysing large datasets.

Another example of how big datasets are used in the legal space is e-discovery technology. E-discovery has been around for a while and it

is now becoming increasingly sophisticated. For example, e-discovery software can be used to analyze and sort through huge numbers of documents in a short space of time - far quicker than lawyers can. This is because the software can identify keywords and basic patterns. Furthermore, the latest technology uses machine learning and artificial intelligence to help find more complex patterns that have previously eluded humans.

Other emerging legal technologies involve automated risk analysis platforms, contract life-cycle management and contract drafting platforms among others.

3 Pros and 3 Cons of legaltech

Legaltech brings change and as such, every organizational change has its pros and cons.

Pros

1. Increase in **efficiency** and costs reduction - lawyers can provide a **faster** service and devote more time in building **deep relationships** with their clients
2. Improved **accuracy** - lawyers can access and process data faster, can recognise patterns in raw data and quickly **identify outliers**
3. **Better decision making** through analytics as it provides more information about **legal cases**

Cons

1. Changing habits and learning require some **time and effort**
2. Not all legaltech solutions work 100% so some time may be required to **vet and choose the right platforms**
3. If you like paper (and its smell :)

The evolving role of lawyers in the era of legal technology

Instead of fearing the progress of technology in their profession, maybe it's time for lawyers to evolve with it. After all, the threat is not that technology will replace lawyers, but that it will take over certain tasks and leave lawyers to do the more interesting and profitable work. I believe that lawyers augmented by technology will be able to bill more, not less because they will be able to provide additional high-value services e.g. strategy and negotiation support, legaltech solutions integration to their clients' processes. In short, this is a good thing - they can do more with less! And probably create more sources of revenue by offering new types of services.

About the Author

Hans Paul Pizzinini is an entrepreneur and consultant who has been writing and speaking about legal technology and innovation for several years. He writes for Startup blogs, curates from 0 to 1 Newsletter and is the co-founder of the weekly podcast Rethinking Legal Ops.

Paul is also CEO of www.speedlegal.io, a successful AI powered contract management platform.

Hans Paul graduated from Bocconi University in Economics and Management of Innovation and Technology. He previously appeared in Forbes, GQ, Vogue and Vanity Fair.

An Update on International and Cross-Border Discovery

By Mike Quartararo, President of the Association of Certified E-Discovery Specialists (ACEDS)



Parties in the US are allowed broad and liberal discovery of electronically stored information (ESI) relevant and proportional to the claims and defenses in a legal action. When a US-based litigant seeks ESI stored in other countries, however, it raises thorny legal and practical issues. An ACEDS webinar on this topic entitled “Now What? *Cross-Border and International Discovery Post-Schrems II*” highlights some of the issues facing practitioners in this area. A link to the recorded webinar can be found [here](#).



EU Courts Invalidate Privacy Shield

For several years now, practitioners relied on the Privacy Shield to effectively transfer ESI across borders. The Privacy Shield consisted of agreements between the US, the EU and Switzerland to permit cross-border data transfers.

The agreements were administered by the US Federal Trade Commission and required that those using the Privacy Shield adhere to seven

primary data protection principles and sixteen self-certification principles. The agreements opened communication channels between US and EU data protection authorities, and they provide for binding arbitration to resolve any disputes.

In 2020, this all changed as the Court of Justice of the European Union (CJEU) invalidated the Privacy Shield, and then about a month later the Swiss data protection authorities did

the same. The CJEU ruled in *Data Protection Commissioner v. Facebook Ireland and Maximilian Schrems* (“Schrems II”) that the Privacy Shield did not adequately protect the privacy citizens in the EU.

To keep things in context, outside of the US, the idea that someone can file a lawsuit and demand large volumes of ESI, including sensitive business, government, or personal information, is truly a “foreign” concept and is viewed cautiously, if not with outright alarm.

Data Still Needs to Move Across Borders

But the fact remains that ESI will still need to be moved across borders. If a request for ESI includes information that is located outside of the US, and it is determined that information is within the possession, custody, or control of the party receiving the document demand, that party must determine how that data may be transferred to the US.

Practitioners in the US and Europe need to be aware of and take into consideration the differing laws, legal rights, and obligations in other jurisdictions that are rooted in local cultural and political views.

Data Protection Laws and Regulations

Around the globe, laws and regulations restrict cross-border data transfers and limit the ability of parties to access information for use in US litigation. Many jurisdictions have data protection laws and regulations designed to protect against the unlawful use of individual’s personal information, including the transfer of information to other jurisdictions that lack adequate data protections.

The European Union General Data Protection Regulation (“GDPR”) is the most well-known data protection law. Many other countries have enacted (or are in the process of rolling out) data protection laws as well. The intent of these laws is to ensure that information that identifies a natural person is used only for authorized or lawful purposes.

Under the GDPR, there are limitations on collecting, processing, reviewing, and producing ESI that contains personal data. In the absence of a lawful basis for processing the ESI, or another specifically recognized legal reason, processing of such data is a violation of the law.

Data minimization is also a component of most data protection laws. This means that ongoing processing and retention of personal data should be limited to only what is reasonably necessary and established at the time of collection. Personal data should then be promptly destroyed; it should not be indefinitely preserved or retained.

How to Overcome Restrictions on Cross-border Data Transfers

There are several ways to overcome data privacy restrictions and enable cross-border transfers. It is important to note, however, that there are significant complexities to this area of law and practice, and experienced, qualified legal counsel should be consulted when faced with cross-border data transfers for the first time.

1. Removing Personal Data from Data Sets

First, if ESI does not contain personal data, it is generally outside the scope of data protection laws. In other words, if the ESI sought

contains no personal data, either because none existed or the personal data has been removed, there is no legal restriction under a data protection laws like the GDPR preventing transfer of that ESI. However, other superseding limitations on the transfer of that ESI may apply, including blocking statutes, state secrets laws.

Personal information can be removed from ESI in a few ways. The first is an agreement between the parties to strip all personal data of foreign data subjects from any information that will be transferred. This can occur, for example, with data sets where any personal data is discretely separated, such as in structured data, and the fields containing personal data are simply not exported. However, too often personal data is integrated into the document set such that excising it would require altering the documents, which could raise issues of authentication and subsequently impact admissibility.

The second option for removing personal data is to perform anonymization or deidentification on the data set to permanently hide all personal data of protected data subjects. This can be accomplished using redaction technology, but it can be expensive and would need to be performed prior to transferring the data.

2. Consent of the Data Subject

Some jurisdictions permit transfers of personal data based solely on consent of the individual. It is important to check with local counsel or data protection authorities for advice on a particular country. Individuals may consent to the processing of their personal data, but obtaining consent is no simple matter, and as such is a least preferred basis for processing.

To be effective, consent must be given freely, voluntarily, and knowingly; it cannot be coerced, even mildly, by an employer. Evidence of consent must be clear, and importantly, consent, once given, may be revoked. Where obtaining consent is not feasible, the party from whom documents are requested must at least disclose to affected persons that their personal information will be processed and possibly disclosed and offer such persons the opportunity to object.

3. Binding Corporate Rules

Under the GDPR there is a safeguard known as Binding Corporate Rules (BCR) that allows the cross-border transfer of ESI to countries that lack adequate data protections. Binding Corporate Rules are data protection policies that companies may use to transfer personal data outside the EU within an organization. Such rules must include all general data protection principles and enforceable rights to ensure appropriate safeguards for data transfers.

Approved BCR policies are used in day-to-day business for large international companies that need to regularly transfer personal data between offices around the world. They are complex instruments that require specific drafting and approval by data protection authorities. They should not be considered for use in one-off situations, such as a specific litigation, but rather as a long-term solution to ongoing cross-border data transfer needs.

4. Standard Contractual Clauses

Another way to transfer of ESI containing personal data, and perhaps the most common, is known as Standard Contractual Clauses (SCC). These are form contractual documents issued

by the European Commission to be completed by the contracting parties. One form contract is for the transfer of data from one data controller to another data controller outside of the EU, while the second contract form is between a data controller and a data processor outside of the EU. This second contract is used for the transfer of documents containing personal data for discovery in another country. The form contains four parts and is completed by the data controller/exporter and the recipient of the data. Much of the forms cannot be changed and the parties are essentially agreeing to protect the data.

Once the SCC is filled in, signed, and completed by the data controller and the receiving country's data processor, the personal data can be transferred, subject to the terms of the SCC. Unlike Binding Corporate Rules, SCC's are good for one-off data transfers, although they can be used for continuing data transfers if and as specified.

5. Transfers Through the Hague Convention

Finally, many countries are parties to an international agreement called the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, commonly referred to as the "Hague Convention." It is a process, originating in the 1960s, that is used in legal matters for service of judicial process from one contracting country to another without diplomatic or consular channels. The Hague Convention is not specifically related to discovery in litigation, but rather for the service of process or a subpoena

and related documents in a legal matter.

When using the Hague Convention for the cross-border transfer of personal data that is subject to a data protection regime, considerations will still need to be made as to fulfilling legal obligations and the demands of the supervisory authority for the jurisdiction. And practitioners should note, too, that the process under the Hague Convention can be quite lengthy.

Conclusion

While the United States continues to adhere to civil procedure rules that allow for very broad discovery, it is important to understand that the rest of the world does not view discovery in the same way. Some countries view broad disclosure of information as outright suspicious and even criminal. When conducting international discovery or seeking to move ESI relevant to a matter across borders, it is critically important that the parties understand the rules of the locality in which the data resides.



About the Author

Mike Quartararo is the President of the Association of Certified E-Discovery Specialists (ACEDS), the world's leading organization providing training and certification in e-discovery to law firms, corporate legal departments and the broader legal community. He is also the author of the 2016 book Project Management in Electronic Discovery and has been successfully consulting in information governance, e-discovery, project management

and legal technology for two decades, including 10-year stints at both Skadden Arps and Stroock. A graduate of the State University of New York, he is a certified Project Management Professional (PMP) and a Certified E-Discovery Specialist (CEDS). He frequently writes and speaks on e-discovery, legal operations, project management and technology topics. Reach him via email at: mquartararo@aceds.org or on Twitter @mikequartararo.

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An Innovation Audit for the Law Department

By Richard G. Stock, M.A., FCG, CMC, Partner with Catalyst Consulting

This is the thirty-fourth in a series of articles about how corporate and government law departments can improve their performance and add measurable value to their organizations.



It is never too late to innovate. Not every legal professional enthusiastically embraces “change management” and corporate “transformation initiatives”. But “innovation” seems better aligned with the values and sub-culture of many law departments. In 2018, I wrote "[Innovation as a Performance Indicator](#)" [1] and in 2019 "[Getting Traction for Innovation in the Legal Department](#)" [2]

For ten years, the Association of Corporate Counsel has been recognizing dozens of law departments for all types of innovation with their Value Champions program. Other organizations have similar award programs. Still, like “excellence”, innovation can be elusive to define, time-consuming to isolate, and counter-intuitive in a risk-averse legal world. The practical benefits may not be readily apparent.



I believe that demonstrating the value of the law department depends on innovation. The General Counsel should be the “innovator-in-chief” of the department. Like Finance, HR and IT, law departments are enablers to get business done. Service to business units by law departments can be assessed with six factors:

1. understanding of objectives and expectations
2. responsiveness/communications
3. efficiency/process/management
4. predictable cost/budgeting skills
5. legal expertise at the correct levels
6. execution/results delivered

All of this resonates with corporate counsel and with professionals of all types. It is a good place to start thinking about innovation in the

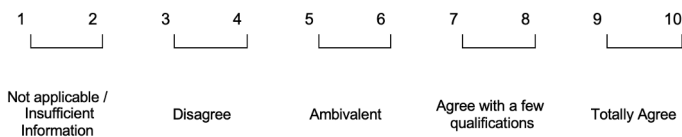
law department, but it does not quite pass the Specific, Measurable, Achievable, Results-Oriented, Time-limited test. Ehasoo & Sons (www.ahasoo.com), an Estonian consultancy focussed on innovation, conducts in-depth analyses of organizational blind spots and capabilities.

Their “audit” maps out the innovation challenges and risks that prevent an organization from achieving its full potential. Ehasoo customizes a variety of audits that can be applied at the law department level: assets and resources, communications and organizational knowledge, talent management, culture and leadership, and organization and structure.

Quite a few years ago, based on the work of E&Y’s Mary Campbell and Andrew Collins

“In Search of Innovation”, I customized 45 survey questions that can serve as predictors and indicators of innovation for law departments. Innovation neutralizes boredom. It appeals to the problem-solving and creative dimensions in professionals. The survey / audit also tests for attitude – traits which are particularly valuable in mature organizations, at mid-career, and when times are hard in the market.

The survey questions were answered using a Likert scale:



Five categories were covered. A sampling of survey questions follows, and each is answered on the scale.

Vision and Culture

- The department’s vision is clearly defined
- Bureaucracy does not constrain the department’s workings
- A learning-organization mentality is embedded throughout the department’s culture
- People are encouraged to think creatively and challenge the *status quo*

Passion

- Individuals are excited about their work and their colleagues
- Individuals are fiercely competitive yet support one another
- Individuals in the department are

constantly seeking to establish connections and relationships

- The department has a track record of sharing information, resources and processes
- The best practices are captured, evaluated, and made available to other teams

Resource Commitment

- The department recognizes the importance of human capital, leverages individuals’ skills, and works to cross-fertilize teams to increase innovation
- The department’s structures and processes are constantly improving to ensure congruence with key success factors

Measurement and Reward Systems

- The department’s leadership is tuned in to key success factors and monitors their performance

Consolidating the Survey Results

Consider the following 15 propositions to anchor innovation in the law department.

Innovation with Strategic Projects

Typically, these are business unit projects with significant impact on the company and significant involvement of inhouse counsel.

- The choice of strategic project (s) should be one that is in the corporate or business unit annual plan
- The contribution of the law department is evaluated by the business unit using exceeds/meets/does not meet

Innovation for Capacity and Speed

Projects can include efficiency targets, dealing with backlogs, and changing work intake

protocols.

- There is a detailed forecast of the annual demand for internal and external counsel for other than budget purposes
- Performance against the forecast is shared with the members of the law department and corporate leadership quarterly

Innovation for Organization and Resources

Projects can include the elimination of silos and solo practices, a paperless environment, and a reduction in administration time.

- There is a commitment to legal project management (LPM) and budgets for all matters over 50 hours
- LPM includes phases, tasks, assumptions, percentage certainty, optimal staffing, hours, and schedule
- Firms and inside counsel are proficient in LPM
- Firms and the law department have a financial incentive to achieve LPM success

Innovation with External Counsel

These projects can include extreme convergence of the law firm supply chain, performance and metrics applied to legal fees, and finding ways to have external counsel invested in the success of the company and the law department.

- There is a formal plan to eliminate

hourly-based fees within 2 years

- The law department is highly proficient in alternative fee arrangements (AFAs).
- There is a financial incentive for firms to embrace alternative fee arrangements
- There is a target to reduce external spend by 20% from projected levels over the next 2 years

Innovative Leadership

Projects can include a focus on results over process, the acquisition of business competencies by internal counsel, and ensuring that the GC is available enough to the law department to drive the innovation agenda.

- Innovation should be the primary key performance indicator of the law department
- Each lawyer should have annual objectives aligned with specific business unit objective(s)
- Each lawyer should have formal leadership training.

Innovation in the law department is the key to “staying ahead of the curve” and getting business done.

About the Author

Richard G. Stock, M.A., FCG, CMC is the Managing Partner of **Catalyst Consulting**. See www.catalystlegal.com Richard can be contacted at (416) 367-4447 or at rstock@catalystlegal.com.



Test Your E-Discovery IQ

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Recognizing the Value of Revenue Operations

By Ari Kaplan, Principal, Ari Kaplan Advisors

Ari Kaplan speaks with Phil Thurner, the founder and CEO of Nexl, the Revenue Operations cloud platform built to support the business development initiatives within law firms



Ari Kaplan

Tell us about your background and the genesis of Nexl.

Phil Thurner

I am from Austria and live in Australia. My background is in business and tech. I have been working within legal for the past 10 years and have fallen in love with the legal industry. My mission is to help the legal industry innovate so I have spent the last decade helping lawyers and law firms all around the world adopt technology and to think about it differently. Prior to founding Nexl, I was consulting with law firms and in-house legal teams. During that period, I always



wanted to create a technology platform that would have a global impact and helps law firms around the world. Given that law firms are primarily relationship driven and a firm's growth depends on those contacts, I saw a massive opportunity to transform the field. When I realized how important these relationships are to firms and how little effort they invested in managing them, I approached several firms and asked them how they manage their relationships. The technology was limited and lacked the functionality to create outcomes that drive revenue growth. As a result, every single firm leader with whom I spoke asked me to build a better CRM and Next is the result.

Ari Kaplan

What is the current state of business development within law firms?

Phil Thurner

Law firms have traditionally focused 80% of their revenue generating efforts on marketing and 20% on business development. And that portion of business development is often ad hoc and left to administrative professionals, rather than to the lawyers. Even though the partners are ultimately responsible for growth, they hire professionals to focus on marketing to build the firm's brand and generate leads. That is changing because concentrating 80%

of the spend on marketing is not actually the correct approach. Now, everyone and every law firm has a newsletter or creates some amount of content. It is very noisy out there and marketing alone is not likely to make the same difference. The industry needs to shift its approach to spend 20% on marketing and 80% on business development. The challenge is that a single team can manage all of a law firm's marketing centrally. For example, with the click of a button, you can send 2,000 emails. It is easy, but not as valuable anymore. The real focus needs to be on business development, which is harder to coordinate and scale.

Ari Kaplan

What are the challenges of converting relationships into revenue for law firms today?

Phil Thurner

The biggest challenge is that it takes time and effort. It is also a long process that does not produce immediate results. It requires consistency and focus. Firms need to help partners scale their business development and relationship-building activities. And they need to seamlessly collaborate with a high level of transparency. The obstacle is gaining complete access to their relationships and understanding how and when to follow up, as well as the context of that follow-up.

Ari Kaplan

What is Revenue Operations and how does it help firms address their business development challenges?

Phil Thurner

Revenue Operations bridge the gap from

wanting to do more to actually achieving it by operationalizing business development initiatives and revenue growth. It aligns a firm's overall go-to-market strategy with the individual engagement of its professionals with clients, colleagues, and prospects. The coordinates those efforts in a more focused and proactive manner, which facilitates collaboration between the marketing and business development teams. Revenue Operations reflect this alignment and operationalization.

Ari Kaplan

Can you share some examples of Revenue Operations growth initiatives?

Phil Thurner

Many firms are establishing sector-focused practice groups to target specific types of work. Law firms are, however, typically structured in silos so coordinating the efforts of different practices without Revenue Operations is challenging. Revenue Operations helps the partners focus on the correct go-to-market message, apply proven client engagement plans, and identify the strongest relationships that can truly make an impact. Firms that increase transparency through a digital collaboration space can earn a competitive advantage. Another example would be law firms that highlight and capitalize on market changes, such as shifts in the regulatory landscape. Being proactive, organized, and coordinated can lead to new revenue initiatives when centralized on a digital platform that reveals patterns in relationships among clients, colleagues, and prospects affected by the change at issue. By creating lists, assigning responsibilities, and

establishing targets, the growth initiatives can yield material results quickly.

Ari Kaplan

How does Nexl’s Revenue Operations Cloud align with your vision of Revenue Operations within law firms?

Phil Thurner

We are providing the data needed to help law firms execute on their business development plans by understanding the depth of their relationships. This transparency facilitates collaboration. We are also providing a collaboration platform that aligns action and creates accountability.

Ari Kaplan

How do you see Revenue Operations helping law firms evolve their growth initiatives?

Phil Thurner

Mature law firms have business plans in place, but they still struggle with execution. No one follows through and implements them. In this competitive market, we see firms producing more focused, action-oriented plans that feature targets and objectives. They are no longer simply talking about market changes and potential opportunities. Rather, they are assigning KPIs to their objectives. As a result of this progress, we see Revenue Operations further supporting law firms in the creation of go-to-market strategies and digitized business development structures.

Listen to his conversation with Phil Thurner here: [The Value of Revenue Operation](#)

About the Author

Ari Kaplan (<http://www.AriKaplanAdvisors.com>) regularly interviews leaders in the legal industry and in the broader professional services community to share perspectives, highlight transformative change, and introduce



new technology at <http://www.Reinventing-Professionals.com>.



Standardizing Legal Data to Extract Insights

By Damien Riehl, SALI leadership team + Fastcase VP, Litigation Workflow and Analytics
Content



This is a brief introduction to The SALI Alliance. SALI (which stands for Standards Advancement for the Legal Industry) is a nonprofit that provides a framework to standardize legal data to improve legal business management. SALI's Legal Matter Specification Standard (LMSS) includes 10,000+ tags that enable users to extract legal insights — both for legal substance and business. SALI's LMSS codes improve business intelligence initiatives; data-science initiatives; AI initiatives; and interoperability among clients, legal service providers, and tech and data providers.

Generating insights from data requires first having structured, tagged data across business systems. SALI provides that structure, serving three types of stakeholders. Here are some examples:

- **Buyers** (i.e., clients) frequently want to know “Which firms and service providers are the best fit for a particular legal matter?”
- **Providers** (e.g., firms) want to respond,

- “Of course, we are the best fit for you, client.”
- **Vendors** want to provide solutions that support other stakeholders.

Data Extraction → Analytic Insights



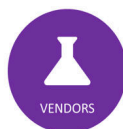
External Resource: Matter Fit (Experience)

- “Which providers have experience in **AREA_OF_LAW**?”
- “Which providers have obtained **RESULT**?”
- “Providers’ cost to draft **DOCUMENT**?”
- “Clients’ cost for **DOCUMENT**? In **JURISDICTION_X**?”
- “Risk of **LITIGATION_TYPE** in **JURISDICTION_X**?”



Analytics + Outside Counsel Response to Proposal

- “We’ve done **NUMBER** matters in **AREA_OF_LAW**.”
- “Of those, **NUMBER** were in **JURISDICTION**.”
- “We achieved **RESULT** in **NUMBER**.”
- “Competitors **also** doing **AREA_OF_LAW**?”
- “Competitors that **CLIENT** also hires?”



Applications

- Matter Mgmt.
- E-billing
- RFP
- Research
- Legal Project Mgmt.

Buyers/Clients have multiple questions as they manage their portfolio of suppliers and individual matters. In the questions below, each bolded item in point brackets is a SALI tag (field).

•Who has experience in this particular *<Area of Law>*?

[IMAGE CAPTION: Each blue item is a SALI tag.]

- Which is likely to provide this <**Result**>?
- Which have provided <**Document**> at what cost?
- How does the cost differ in <**Jurisdiction_X**>?
- In <**Jurisdiction_X**>, what is the risk of litigation for <**Claim**>?

Other key tags that buyers need include **Services, Objectives, Causes of Action**, and about 10,000+ other items. SALI counts all of these.

Providers (e.g., firms and alternative legal service providers) want to expand existing client relationships and create new ones by determining:

1. Which other law firms are providing <**Service**> in this <**Area of Law**>?
2. Which competitors does this client also hire for <**Service**>?

3. Which other <**Areas of Law**> might our client need?

The SALI tags enable firms to generate those types of analytic insights.

Vendors provide applications (e.g., analytics, billing, research, eDiscovery, legal project management) that are fueled by SALI. The standard’s 10,000 tags are the underpinning for many of the industry’s most-advanced AI and data-analytics projects. And because vendors are adopting SALI’s LMSS — as a data standard — that data is interoperable. Vendors, firms, and clients can move data amongst themselves interchangeably.

Tagging Professionals’ Work Product

As lawyers and legal professionals deliver legal services, they create documents. Unknowingly, that work product creates “hidden data exhaust” — language to be mined and tagged

Matter Metadata

Matters	Actions	Matter
	00217-Smith: GR - Representation	
	00366-Freshfields: Shoplifting	CRIM, D-CCR
	00367-Bob: Divorce	
	00368-Ashwood: Contract Matter	
	00369-Jones: Property Dispute	
	00370-Boots: Dissolution of Marriage	
	00372-John: chhj	
	00373-McPherson: McPherson vs State of Washington (Driv	

Documents

TABLE OF CONTENTS (TO BE UPDATED)		Page
Article I	THE MERGER	1
1.1	The Merger	1
1.2	Effective Time	2
1.3	Effects of the Merger	2
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1.5	Stock Options and Warrants and Awards	3
1.6	Directors and Officers	5
1.7	Exchange Agency and By-Laws of the Surviving Company	5
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2.1	Exchange Agency	6
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2.3	Delivery of Merger Consideration	6
Article III	WARRANTIES OF COMPANY	8
3.1	Corporate Organization	8
3.2	Compliance with Applicable Law	9
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3.11	Broker/Dealer and Investment Advisory Matters	14
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Article IV	WARRANTIES OF PARENT	15
4.1	Corporate Organization	15
4.2	Compliance with Applicable Law	16
4.3	Authority: No Violation	16
4.4	Consent	17
4.5	Reports: Regulatory Matters	17
4.6	Broker's Fees	18
4.7	Compliance with Applicable Law	18
4.8	Applicable Law	19
4.9	Opinion	19
4.10	Parent Information	19

Timekeeping + Legal Project Management

Smith file #	1.7	Reviewed depositions, contracts, affidavits, and other file materials in preparation for drafting Narrative Statement of Undisputed Facts
INTP-PATE		Prepared Narrative Statement of Undisputed Facts for summary judgment brief with supporting citations to the record
D-CCI	2.4	Compiled relevant legal research, cases and opinions in preparation for drafting Legal Argument and Conclusions section of summary judgment brief
		Prepared Legal Argument and Conclusions of Law section of summary judgment brief

WHO TAGS?

1. Vendors? (NLP + ML)
2. Providers/Firms?
3. Clients (probably not)

using SALI fields. SALI tags can be used on (1) matters, (2) documents, and (3) tasks.

- **Matter tags.** Organizations can tag their legal work at the matter level. For example, SALI has tags that can categorize a matter under:
 - **Area of Law** (e.g., Banking Law, Intellectual Property Law)
 - **Service** (e.g., Advice, Disputes, Transactional)
 - **Industry** (e.g., Health Care, Real Estate)
 - **Location** (e.g., EU, China)
 - **Forum and Venue** (e.g., N.D. Cal., NY City Court, Immigration Court)

For example, after populating a dataset with SALI tags, you can obtain insights to questions like “Show me all our patent litigation matters where we represented computer and high-tech

clients who were defendants.” The image below shows the value of tagging using SALI tags.

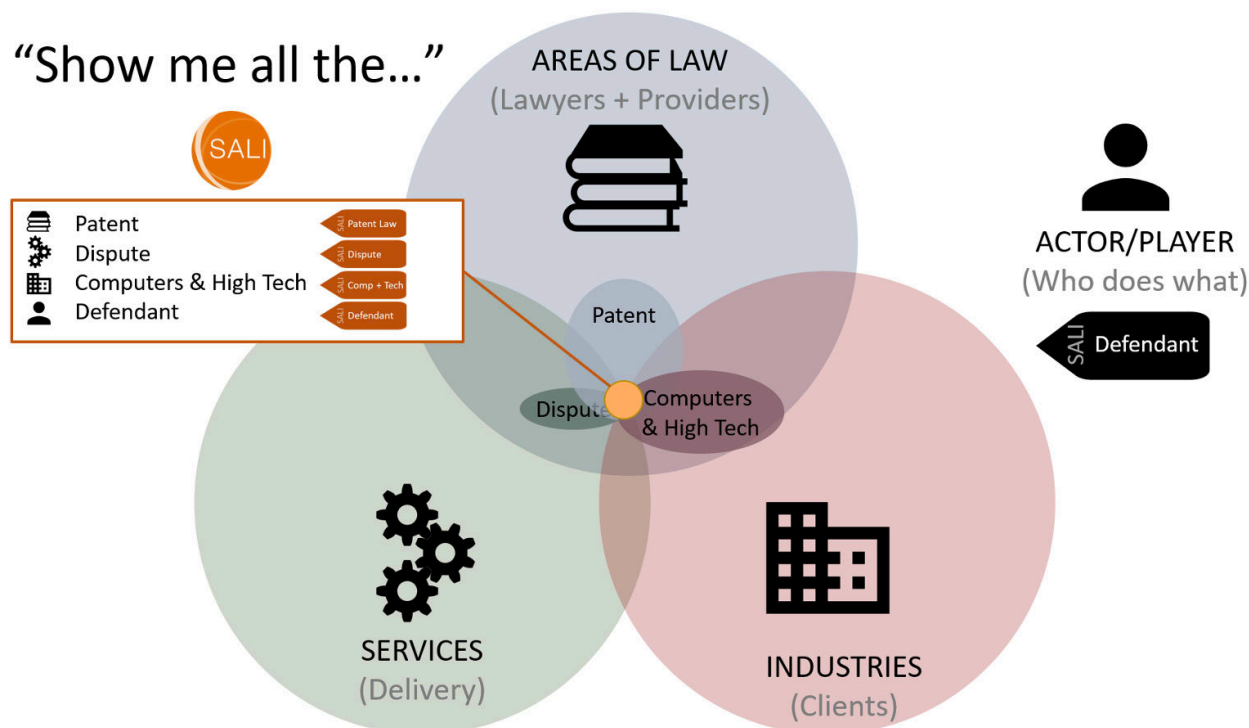
Because each of the things that I've just described is a SALI field, users can run a query on the SALI tags Patent Law (**Area of Law**) + Dispute (**Service**) + Computer & High Tech (**Industry**) + Defendant (**Actor / Player**).

Notably, SALI wisely separates **Areas of Law** from the **Service** provided:

- **Area of Law** = Patent Law
- **Service**
 - **Disputes** (e.g., patent litigation)
 - **Regulatory** (e.g., patent prosecution)
 - **Transactional** (e.g., patent licensing)
 - **Advisory** (e.g., patent advice)
 - Restructuring / Bankruptcy (e.g., patent assets)

That separation of **Area of Law** from **Service** greatly simplifies the SALI taxonomy — and

“Show me all the...”



increases its power. For SALI’s dozens of **Areas of Law**, there is no need for **Area of Law** to be bogged down by five subtypes (e.g., **Disputes, Regulatory, Transactional, Advisory, Regulatory/Bankruptcy**) for each area. Instead, permitting the “tagging” gives the same results, but in a much more simplified form. Fewer tags and more flexibility.

In addition, tagging the Service also permits users to run queries on a particular Service (e.g., Regulatory, Disputes, Transactional) across many Areas of Law (e.g., Banking Law, Patent Law, Health Law) and many different Industries (e.g., Manufacturing, Pharmaceuticals).

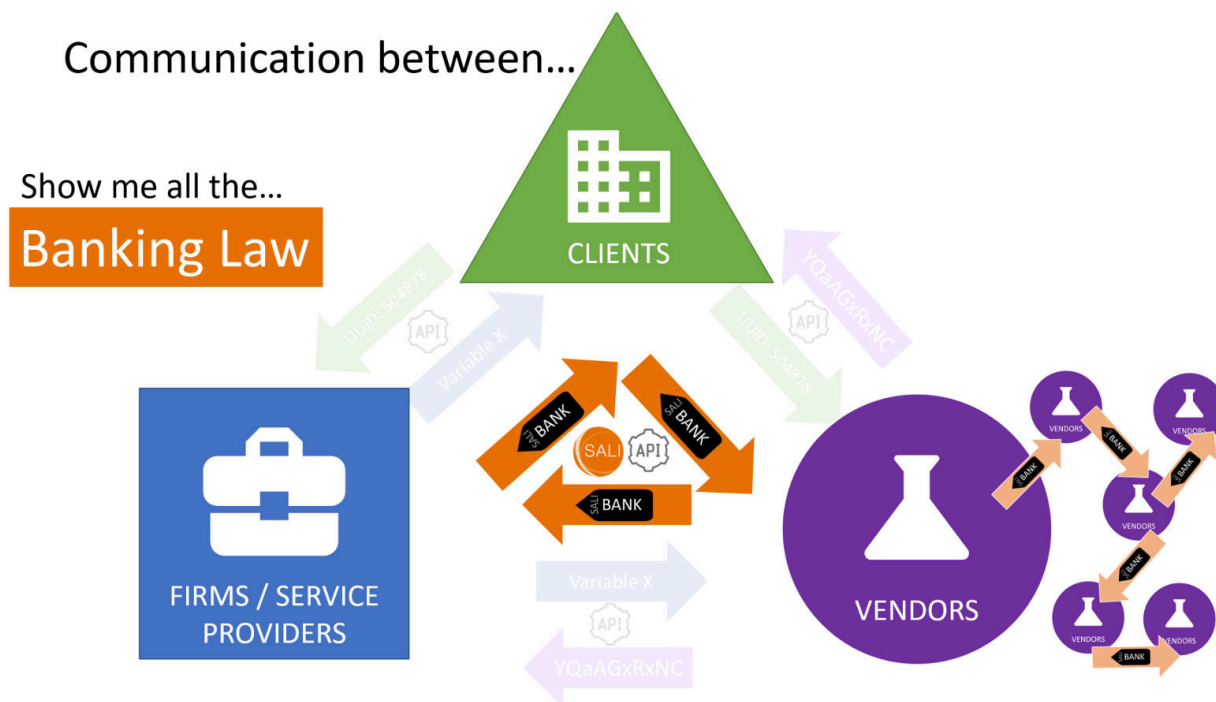
Industry Interoperability

Because SALI is a legal-data standard, which has growing adoption from the legal industry’s biggest players, it enables interoperability across the legal ecosystem. Much like the financial industry has ISO and FIBO — which

enables banks and financial institutions to move money and data across organizations — the legal industry now has SALI, which enables clients, providers, and vendors to move data across organizations.

Because more and more players use the same SALI tags, interoperability is now possible. In the past, people were counting the same item (e.g., Banking Law), but interoperability required mapping all the fields between each of the legal ecosystem’s thousands of players. That’s time-consuming and expensive.

SALI is solving that problem: As a standard, it can provide interoperability. Since everyone uses the same SALI tag for Banking Law, all of the stakeholders (e.g., firm X, client Y, vendor 1, vendor 87) can move data between each other. The SALI API working group is currently crafting the SALI API language. If you’d like to join in that work, please let us know.



Bridging Substantive Law and the Business of Law

One of SALI's biggest strengths is that it merges two aspects of legal practice:

1. **Substantive Law.** How do we win or lose? How do we get the deal done?
2. **Business of Law.** How much will it cost? What is our profit margin?

SALI tags help with both, because they are related.

- **Business of Law.** How much does a Deposition cost?
- **Substantive Law.** Well, that depends — is it a...
 - ...depo for Patent Infringement Claim?

- ...depo for Slip-and-Fall Negligence Claim?

Substantive factors affect business variables. SALI counts both. With SALI tags, one is able to determine both:

1. How do various tags affect cost?
2. And how do we use those insights to deliver services more effectively?

Browsing SALI's LMSS: WebProtégé

All 10,000 of SALI's tags are displayed in the Stanford tool WebProtégé. Using the tool, you can easily explore the SALI taxonomy/ontology by both browsing and searching:

The screenshot displays the WebProtégé interface for the DRAFT LMSS 2.1 (2022-03-21). The interface is divided into several sections:

- Class Hierarchy:** A tree view on the left showing the ontology structure. The 'Area of Law' class is selected and expanded, listing various legal domains such as Banking Law, Bankruptcy and Restructuring Law, CANADA: Municipal Law, Commercial and Trade Law, Constitutional and Civil Rights Law, Corporate Law, Criminal Law, Education Law, Energy Law, Environmental and Natural Resource Law, Finance and Lending Law, Food and Drug Law, Gaming Law, Health Law, Information Security Law, Insurance Law, Intellectual Property Law, Labor and Employment Law, Personal Injury and Tort Law, Personal and Family Law, Public and Administrative Law, Real Property Law, Securities and Financial Instruments Law, Tax and Revenue Law, Telecommunications Law, and Transportation Law.
- Class: Area of Law:** A detailed view of the selected class. It shows the IRI (http://lmss.sali.org/RSYBzf149MISKE0YtmpUmr), annotations (rdfs:label, skos:altLabel, legacyIdentifier), and a section for Parents and Relationships.
- Entity Graph:** A visualization of the class and its relationships, showing a single node labeled 'Area of Law'.

- **Browse** the various types and subtypes using the left-hand side arrows
- **Search** for specific terms, jumping directly to its location in the hierarchy

Because SALI has connected its thousands of tags through conceptual relationships, that enables technologists to more easily bring together disparate concepts. A common scenario: “A new potential client is in the **Transportation Industry** — what have we done in that area?”

Because SALI has connected the tag **Maritime Negligence** with **Maritime Law** and the **Transportation Industry**, a quick query for **Transportation Industry** can show results with all **Maritime Negligence** documents. (See image below.)

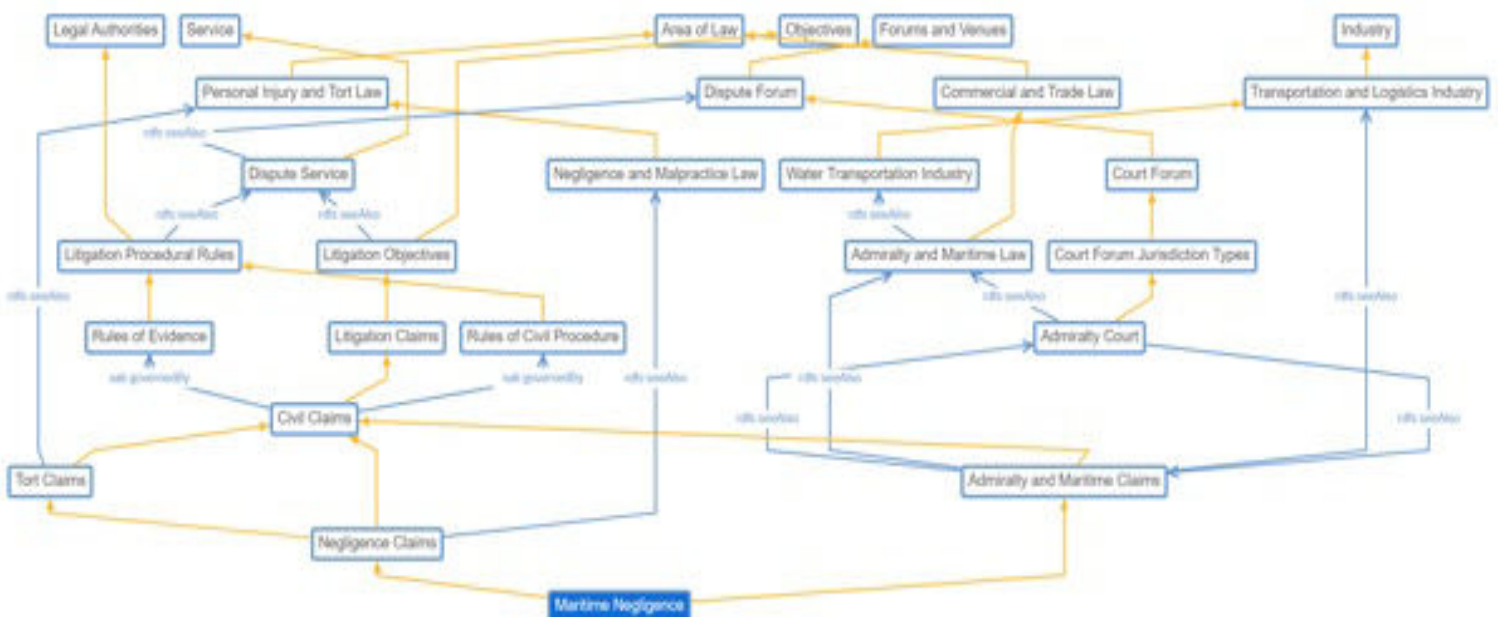
Multiple Parentage. Also important, SALI tags can have multiple parents, which reflects the world — and legal concepts — and how

they work. For example, you could ask three lawyers “What kind of claim is **Negligent Misrepresentation**?”

- Lawyer 1: “It’s a **Negligence** claim.”
- Lawyer 2: “It’s a **Misrepresentation** claim.”
- Lawyer 3. “It’s a **Defamation** claim.”
- All three are right. How do you choose?

With SALI, you don’t need to choose: It’s all three. Because that model (multiple parentage) reflects the legal reality: **Negligent Misrepresentation** is a **negligence** claim and a **defamation** claim and a **misrepresentation** claim. Search for “negligence claims” tag and you’ll get **Negligent Misrepresentation**. Same with a search for “defamation claims” tag. All roads lead to the right answer.

SALI’s 10,000 tags are filled with this kind of thoughtful complexity — which can better provide user simplicity. SALI tags reflect the legal world — both in substance and in business.



Conclusion

In a sense, SALI's 10,000 tags are the DNA of the law: Nearly everything that matters, both to legal business and to legal substance. SALI has collected 10,000+ fields/tags that matter. Our membership — and our number of tags — both keep growing. (More see next page)

About the Author

Damien Riehl is a technology lawyer with experience in software design, data science, data privacy, and cybersecurity.

After working for state and federal judges and litigating for 15 years, Damien's work at Fast-case includes parsing and extracting valuable data from 650 million legal documents, integrating AI-backed technologies to improve legal workflows and to power legal data analytics and provide substantive insights.

At SALI, Damien has greatly expanded an ontology of over 10,000 legal tags that matter, helping the legal industry's development of AI and analytics.

Help to Shape the Legal Data Standard

SALI is a not-for-profit organization comprised of legal industry professionals from legal operations, law firms and solution providers with the goal of developing open, practical industry standards for efficient and innovative legal services.

Standards to produce better outcomes

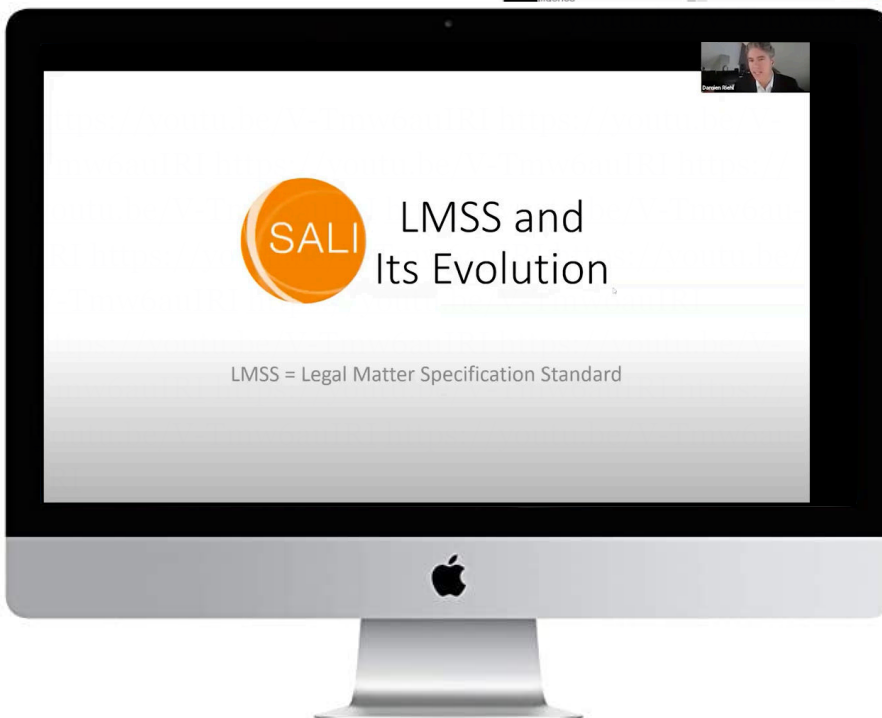
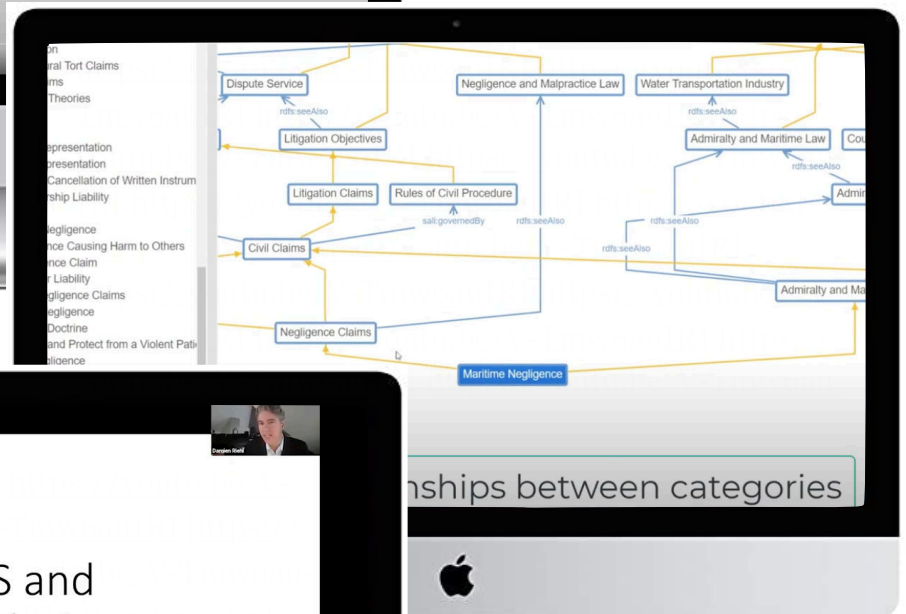
The legal industry is moving towards standardizing terminology to simplify and improve the delivery of legal services by providing greater transparency and increasing the effectiveness of budgeting and resourcing. Providing a common language for the industry serves as the catalyst for better outcomes and value.

Would you like to help shape the SALI legal-data standard? Please visit SALI.org or email info@salii.org.



APPENDIX ARTICLE 'STANDARDIZING LEGAL DATA TO EXTRACT INSIGHTS'

More from SALI: click on the screens below or go to YouTube via this link <https://www.youtube.com/channel/UC3-ynYfmlWT7gbeBBvcxF6w/videos>



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of
talent**

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All About Backlinks for Law Firms


By Lindsey Busfield PMP is Director of Operationsan at Optimize My Firm



This article is based in the transcript from the podcast ‘All About Backlinks for Law Firms’ Lindsey covers the basics to backlinks, the most important Google ranking factor for law firms. Who needs them? Who does not need them? Should you buy them?

Welcome to the personal injury marketing minute where we quickly cover the hot topics in the legal marketing world. I’m your host, Lindsey Busfield.

When I go out to the pickleball courts and start talking about SEO, I can usually feel my captive audience start to fade out about the time I mention backlinks. Their eyes glaze over and I start to sound like the teacher from Charlie Brown “wanh wanh wanh.”



But if you want your website to rank better, you need to dig deep and focus while we talk about backlinks.

What are they? How do you get them? What do they cost? And most important, do you really need them?

What is a backlink?

In essence, a backlink is a reference to your website from another website. On their website, they quote your content and link back to it. Hence backlink.

Google likes when you have backlinks because it can give your website more credibility. Just as when someone quotes you in real life, you get more street cred from Google

when someone does it online. The more backlinks you have from well-respected sites, the better.

The best ranking websites have hundreds – if not thousands of backlinks, so a handful here and there aren't going to cut it in saturated markets.

That being said, there are good and bad backlinks.

The best backlinks are going to come from the most highly-respected sites – like .edu, .gov, and other subject matter authorities. News websites are also great sources, but these are harder to get into than simply submitting a press release. We have another podcast on PR campaigns if you want to grab

some of those links. While those sources are amazing, they can be a challenge to break into without a major story or a major bankroll.

Should You Buy Backlinks?

For starters, it is officially against Google's guidelines to purchase backlinks, but personal injury attorneys need to obtain links one way or another if they want their site to rank well. In some cases, we've created relevant and interesting content which attracted links naturally.

In other cases, we've used media outlets where we can submit content that references a law firm's website.

That being said, in personal injury we've never seen a site on page 1 that isn't actively buying backlinks.

So, if you do decide to be competitive and purchase them – here's a buyer's guide: There are some other good backlink sources that cost anywhere from \$75-500 each. These sources are blogs, websites, journals, and smaller news publications. You will want to make sure these sites are legitimate and that the content you are submitting is relevant to both your legal sector and the website you are linking from.

For example, if you are a personal injury lawyer who is developing a backlink campaign around bicycle accidents, you could find a bicycle blog and submit an article about new bicycle safety initiatives that links back to your bicycle accident page.

However, there are bad backlinks out there that can be seriously problematic for your website in the long run. If you get a link from a trashy, spammy website, Google could ultimately drop you in the search results.

Here are a few red flags to look for:

- don't buy backlinks from a company that just sells backlinks. They use the dozen for a dime websites that are typically cheap networks.
- don't buy backlinks from websites that also link to casinos, locksmiths, or porn.
- don't buy backlinks from websites that are 100% sponsored content. You want to make sure they have some real content on their site.
- you want to make sure that the link you purchase is directly to your website and doesn't use a redirect.
- you want to make sure that you are buying a permanent backlink and not one that will only last 6 months.
- if this is too much effort, just give us a call and we will include backlinks in your whole SEO package – but only if you need them.

Not Everyone Needs to Buy Backlinks.

If a law firm is already getting lots of media coverage, they will get the backlinks naturally and won't need to buy them. We have worked with a few clients who have taken on major cases that were covered in the news. As such, they had incredibly powerful websites and really didn't need to buy more backlinks.

Now, that was a lot of information. If you still have questions about backlinks – or pickleball – feel free to reach out to me.

COMING SOON

**LEGAL
BUSINESS
JOBS**

**BY LEGAL BUSINESS
WORLD**

THE LEGAL ICONOCLAST EXPO IS A FIRST-OF-ITS-KIND AND AIMS TO SPARK BIG CHANGES WITHIN THE LEGAL PROFESSION.

Legal professionals from all over the world will soon be able to attend a first-of-its-kind virtual conference to suit their time zone, with two events taking place at 9 am BST on Tuesday 6th September and 9 pm BST on Wednesday 7th September 2022.

Launching its inaugural event, The Legal Iconoclasts EXPO aims to be a **catalyst for change within the legal profession.**

Bringing together key speakers from across the world, the 'Iconoclasts' aim to provoke, explain, and champion change in what they believe to be an outdated cottage industry.

Being unashamedly different from your usual Legal conference, The Legal **Iconoclasts EXPO is being held virtually - not on Zoom or Teams – via the latest virtual conferencing software REMO.** The revolutionary platform allows delegates to network, visit sponsors' rooms, attend speaking events in the main theatre to earn CPD points, and even receive virtual delegate packs.

Shaun Jardine, Founder of Big Yellow Penguin and key speaker at Legal Iconoclasts, explains: "The professional services market, in its current form, is being disrupted. There is a battle for talent, demand for agile working, and new technology-based entrants to the legal services market. Things must change. The time for the iconoclasts has arrived!"

During the four-hour event, delegates will hear from speakers from three different parts of the world in what promises to be a high-energy, thought-provoking session, covering: rainmaking and winning work, ditching the billable hour, assessing value and the benefits of value pricing, and increasing profits on the bottom line.

All four Iconoclasts (speakers) are passionate about helping law firms and lawyers become more profitable, want to improve client experience and aim to help lawyers achieve a better work-leisure harmony.

During the four-hour event, delegates will receive a brief introduction to:

- Rainmaking best practice. Winning the work.
- The advantages of ditching the billable hour and embracing value pricing.
- How value is assessed. How lawyers can capture it.
- The benefits that value pricing brings to clients, law firms and lawyers.
- Removing the artificial fee cap and increase profit on the bottom line.

Tickets cost £69 each, or £250 for corporate passes of up to six delegates, and can be purchased via the website www.bigyellowpenguin.co.uk/legal-iconoclasts-expo.

The Legal Iconoclasts Expo is kindly being sponsored by Conscious – design, websites and marketing for law firms, Thriving –

LEGAL ICONOCLASTS

carte blanche to change



business development consultancy for the professional, Katchr – intelligent law business software and financial services industry, and Altfee – legal pricing software.

Limited partnership opportunities are still available; to find out more, please visit www.bigyellowpenguin.co.uk/legal-iconoclast-expo-sponsorship.

EXPO #1 Learning Aims and Objectives:

- How lawyers win work now.
- How they can win more by rainmaking.
- How lawyers price now.
- What do customers want?
- What is value?
- Value Pricing defined.
- Common myths.
- Why change?
- New mindset.

- Objections.
- Meeting the customer.
- Questions for the customer.
- Questions for your lawyers.
- Golden rules.
- Advantages for customers, law firms and lawyers.
- Starting the journey.

Speakers:

Melbourne Australia based **John Chisholm** - John Chisholm Consulting - www.chisconsult.com

Gibraltar based **Scott Simmons** - Legal Balance Ltd - www.legalbalance.co.uk

UK based **Shaun Jardine** - Big Yellow Penguin Ltd - www.bigyellowpenguin.co.uk

Australian based **Jacqui Brown** - Director Lynn & Brown - <https://www.lynnandbrown.com.au/>



Jacqui Brown



Scott Simmons



Shaun Jardine



John Chisholm

[REGISTER](#)



Easy Ways To Increase Transparency Within Your Legal Business

[Your legal business](#) should always aim for total transparency, as it can be beneficial for both your client reputation and your working relationships with other businesses and organizations around the world. Learning how to increase transparency within your legal business doesn't have to be as difficult as you might initially expect, as there are several simple steps that you can follow to transform your brand in no time at all. So, if you're interested in discovering more, then read on.

In-Depth Bills & Invoicing

Invoices that lack detail and are too vague can trigger distrust between clients and lawyers or legal professionals. Unfortunately some clients may already have a predisposed lack of faith for the legal professionals they hire, especially

when it comes to billing and prices, and this distrust is easily increased when you hand a client a confusing bill that misses key details. Always aim to use an in-depth form of invoicing that can offer your clients clarity and consistency, as this will help to put your audience's mind at ease when they know exactly what they are paying for. Financial transparency is a key aspect of a reputable legal business.

Clear Registrations & Certifications

There are numerous different certifications and registrations that you need to take an active interest in if you want to put your clients mind at ease. Always show off your proof of your qualifications, training, affiliations and even your [LEI number](#) so that your clients

know you are a fully registered expert business that has gone through all of the necessary steps to become a trusted source of legal help. Utilize an LEI number management portal and add a page to your business website that details all of the necessary information that your clients or other businesses that you work with can access with ease.

Always Provide News & Updates

Keeping your clients in the dark surrounding any updates or news about your legal business will no doubt lead to speculation and doubt, as your audience needs to be aware of any changes or notable events or progressions that could affect or influence the service that you provide. This might mean the installation and utilization of new computer systems, the hiring of new legal professionals or even industry

advancements that your clients should be aware of like new laws and tax regulations.

One of the best ways to stay in touch with your clients is through email, so ask for permission to use your clients emails for news and updates. They will feel far more comfortable using your services when they're kept in the loop about your legal business, so don't doubt the importance of communication.

Increasing transparency within your legal business has never been so simple when you can take the time to make the most of some of the brilliant tips and ideas that have been carefully described above! Transparency is a key aspect of success for a reputable legal brand that wants to attract loyal clients, so there's no time like the present to get started.



**Bringing Transparency to
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Billboard is a content marketing section (homepage) to share information and insights on specific legal topics



Lawsuit Settlement Loans in Arizona: How Do They Work?

Road accidents and premises liability are the top two reasons people file personal injury lawsuits in Arizona. You have two-year time limitations in Arizona to file your claim for personal injury. You could receive a settlement amount for damages, lost wages, medical bills, and pain and suffering if successful.

If you've been injured in an accident and are considering a lawsuit in Arizona but are short on funds, you may be wondering about 'How to get [Arizona lawsuit funding](#)?'. It is a type of loan that can help you pay your legal costs during your ongoing case in Arizona.

This post will discuss lawsuit funding, how it works, and who is eligible for it. In addition, it will answer some common questions about the

process. If you're considering a lawsuit in Arizona, this post is for you.

What Is Lawsuit Funding?

Arizona has a 'compulsory coverage' rule. It means anyone who owns a vehicle must have liability insurance through a company authorized to do business in Arizona. The state minimums for car insurance in Arizona are \$25,000 for bodily injury liability per person, \$30,000 for bodily injury liability per accident, and \$15,000 for property damage liability per accident.

If you suffer from an injury or damage in an accident, and the other driver is at fault, their insurance in Arizona should cover your damages. However, sometimes the other driver is

either uninsured or underinsured. In these cases, you may be able to file a lawsuit against the other driver to recover damages.

Lawsuit funding, also known as litigation funding, is a type of financing that allows plaintiffs to receive cash advances on their pending lawsuits. One can use this funding to cover medical bills, living expenses, and legal fees.

Most lenders can provide lawsuit funding in Arizona through a lawsuit loan. The loan is a cash advance to the plaintiff in exchange for an agreed-upon percentage of the future settlement or verdict.

How Do Lawsuit Loans Work?

Lawsuit loans are funding that allows plaintiffs to receive money from their ongoing lawsuit before its completion. This funding is also known as pre-settlement funding.

Some factors associated can affect a plaintiff's approval status for a loan in Arizona are the severity of their injuries, the type of case, and the strength of the plaintiff's legal team.

If you are approved for a loan, you will only have to repay the amount once you win your case. Some lenders in Arizona also give the added benefit of non-recourse loans. So, if you lose your case, you will not owe the lender anything.

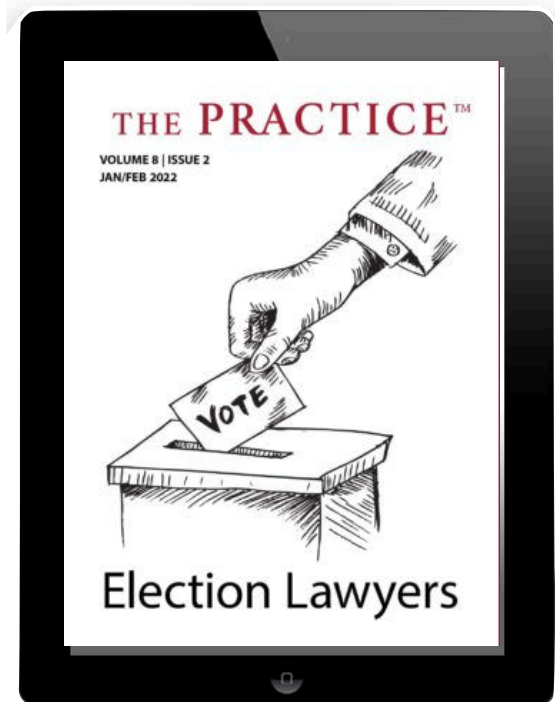
The amount of money you can receive from a loan depends on many factors, including the type of case, how severe your injuries are, and the strength of your legal team.

One must repay loans within 12 to 24 months, but some lenders in Arizona may give you up to 36 months to repay the loan.

If you are considering applying for a lawsuit loan, it is essential to do your research and understand the process. There are many different lenders in Arizona, and each has its requirements and terms. Make sure you read all the fine print before signing any paperwork.

Conclusion

Arizona lawsuit funding can be an excellent option for people struggling to pay their bills while waiting for their cases to settle in Arizona. If you think this type of funding might be right for you, talk to your attorney and see if it is an option.



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