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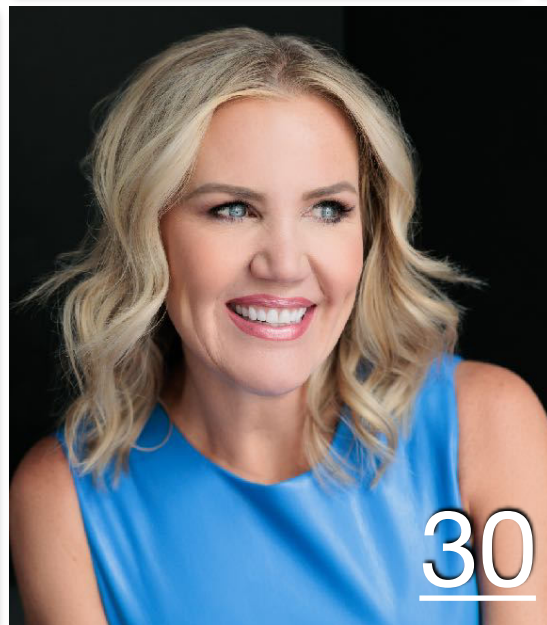
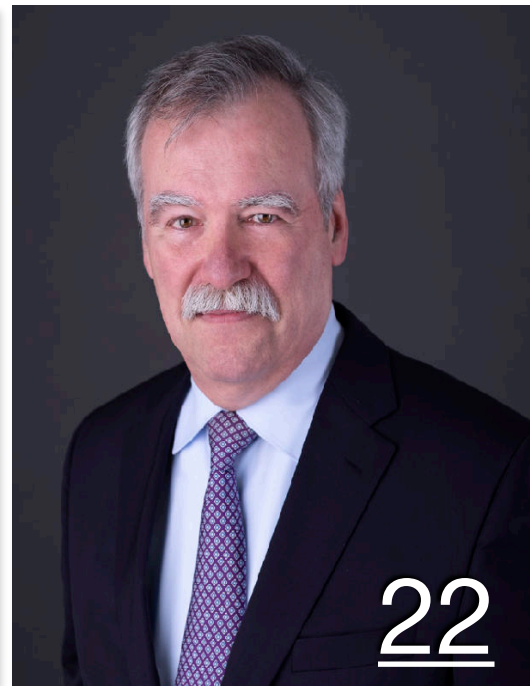
• Legal Business World Publications • No.8 • 2022 • www.legalbusinessworld.com

THE 5 MOST COMMON REASONS TOP LEGALTECH STARTUPS FAIL

By Hans Paul Pizzinini

Other contributors: Arnoud Engelfriet, Richard G. Stock, Priyanka, Molly McGrath, Alex Kelly, Steve Fretzin, Erin Kanygin, Greg Kaple. Joanna Roman and Cash Butler, Naomi Morgan-Tolworthy, Ari Kaplan and Ross Guberman

Business of Law



The 5 Most Common Reasons Top Legaltech Startups Fail. Hans Paul Pizzinini	08
Why an Excel filter is legally the same as a deep neural net. How Europe is trying to regulate the rise of AI. Arnoud Engelfriet	14
Too Little, Too Late? Richard G. Stock	22
Is Innovation Of Technology Reliable In The Legal Sector? Priyanka	26
Fix My Employee! Molly McGrath	30
How legal ops is pushing the legal department forward. Alex Kelly	36

Click on the page number in the photo to jump to the article



Forget Quiet Quitting, How about Actual Quitting for Lawyers. Steve Fretzin	40
“I would like to speak to my robot.” Australian start-up, Bumpd, explores where legal technology fits into the Access to Justice space. Erin Kanygin	44
The Value Series, An interview with Greg Kaple. Joanna Roman and Cash Butler	50
Internal Communications, are you nailing it or failing it? Naomi Morgan-Tolworthy	56
Leveraging Technology to Transform Legal Writing. Ari Kaplan speaks with Ross Guberman	60
The Hidden Elements Of Projected Professionalism	64
4 Tips for Creating a Culture of Engagement in Your Law Firm	66

Click on the page number in the photo to jump to the article



LEGAL

OPERATORS

EVENTS & WEBINARS

November 10, 2022 - 11:00 am - 12:00 pm UTC+0

Using data to gain insights into your contracting process

Contracts are a goldmine of data. They contain some of the most crucial information about how the business is doing, including the status of deals with customers and ongoing relationships with business partners. The rest of the business runs on data-driven decisions; now the legal team can and must get on board.

In this webinar we will discuss:

- What is contract intelligence and how does it help mitigate contract risk?
- The impact contract intelligence can have on managing renewals, recession risk analysis, and mergers and acquisitions.
- How to sign off on smart business with both sales and legal to ensure profitability for your organization

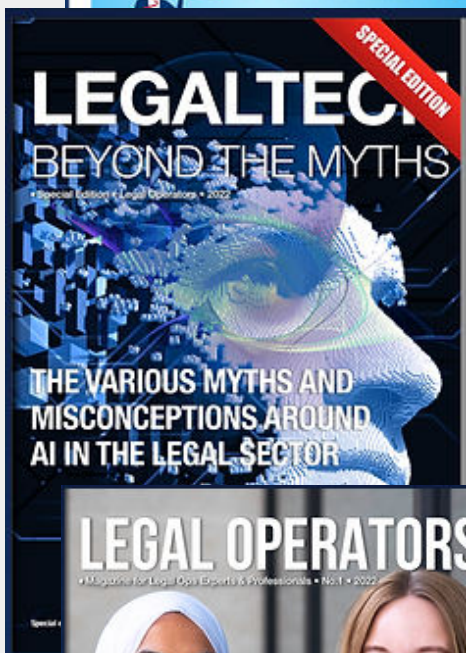
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Podcast series by Ari Kaplan, designed to offer ideas, guidance, and perspectives on how to effectively navigate a perpetually shifting professional landscape, with a unique focus on the legal industry and the technology that is driving its evolution.

Leveraging Technology to Transform Legal Writing

I spoke with [Ross Guberman](#), the founder of [Legal Writing Pro](#) and the developer of [BriefCatch](#), a legal editing software tool. We discussed how [BriefCatch](#) reflects the broad application of technology in the legal profession, whether the way legal professionals draft content has changed, and how legal drafting is evolving.

Leading Through Growth

I spoke with [Simon Taylor](#), the CEO of [HYCU](#), a multi-cloud backup and recovery SaaS business. We discussed best practices for leading through a growth phase, proven techniques for managing teams working on remote and hybrid schedules, and how the backup and data recovery sector is evolving

Recognizing the Value of Performance Management in CLM Software

I spoke with [Hiro Notaney](#), the chief marketing officer, at [Sirion Labs](#), a contract management software platform. We discussed the advantages of leveraging contract management software, how the growth in this sector reflect changes in how law firms and law departments manage their agreements, and where contract management is headed.

Legal Recruiting Trends Affecting the Lateral Market for Talent

I spoke with [Jodie Zerega](#), the founder of [Zerega Consulting](#), a recruiting firm that has placed attorneys in law firms, corporations, and non-profit organizations, and the developer of the [Attorney Jobs](#) app. We discussed current trends in legal recruiting, tips for attorneys searching for a lateral opportunity, and the direction of legal hiring.

Leveraging Technology to Manage Outside Counsel

I spoke with [Sean West](#), the co-founder of [Hence Technologies](#), an external counsel management platform. We discussed the most significant risks that corporate legal departments are facing in 2022, where corporate legal teams are driving change, and how corporate legal teams integrate data analytics into their technology portfolios.

The 5 Most Common Reasons Top Legaltech Startups Fail



By Hans Paul Pizzinini, Entrepreneur & Consultant



Legaltech startups are growing in number day after day. On the [Codex TechIndex](#), we can find almost 2,000 legaltech startups and in [Orrick Observatory](#) almost 700 legaltech startups.

A couple of years ago, it used to be a niche market, while we can now see more tech solutions approaching the legal sphere.

Three-four thousand legaltech startups worldwide sound like a significant number, but if we put it in perspective and compare it with the 26k fintech startups it is still a nascent segment.

Of course, most of them will not survive in the long run, either because they will be



acquired or because they will run out of business.

The purpose of this article is to understand some of the main reasons legaltech startups can fail. By fail I mean,

If they cannot bring their long-term vision into the market with success (i.e. product-market fit)

If they get acquired before they reach product-market fit and the acquirer shuts down their services or doesn't really use their tech.

These are some notable examples of big legaltech startups that failed in the past. The next companies are analyzed:

- [Atrium](#)

- [Ross Intelligence](#)
- [Anü](#)

What is legaltech?

According to Wikipedia, legaltech is the use of technology and software to provide legal services and support the legal industry. What I really believe is that legaltech is also expanding to supporting businesses directly i.e. without a law firm or an attorney in between.

Legaltech startups can be grouped into five main categories:

1. CLM/CMS (Contract Lifecycle Management/Contract Management Systems) that follow the contract from drafting to signature

2. Contract analysis and Contract review software
3. Comparison with Market Standard software
4. E-discovery platforms (for litigation)
5. Law firm management software i.e. billing, tasks, etc.

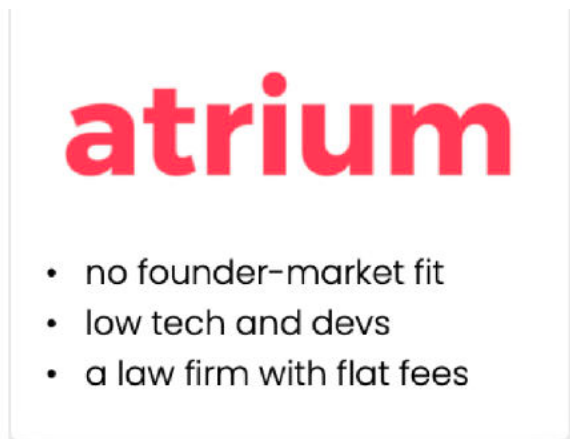
For more information about legaltech, check out these articles: [LegalTech 101: What the Buzz is All About](#) and [What to Look For When Selecting a LegalTech Software](#).

The 5 Most Common Reasons Top Legaltech Startups Fail

1. No Founder-Market Fit

Building a startup is not an easy task and **legaltech** it's quite a **tough market** itself e.g. lots of sensitive data which is difficult to retrieve and access, and long sales cycles. Moreover, entrepreneurs are like missionaries - they need strong conviction in what they are doing and they need to ideally feel the pain their clients are going through.

Just being willing to solve a problem is not enough and will not help them endure in the long run.



A good example is the one of [Atrium](#), a YC startup that raised \$75.5 million in funding from investors and shut down a couple of years later.

Atrium's cofounder Justin Kan (founder of Twitch) said in a Twitter post that **he was not super excited about building tech tools for lawyers** and that was not the initial idea he started with.

Atrium became more of a modern law firm (with flat fees) rather than a tech company (they had more practising lawyers than devs). Therefore Atrium's cofounders decided to close the company and return some of the money to their investors.

2. Lawyers' Billable Hours & Conflicts of Interest

Most legal professionals are paid by the hour.

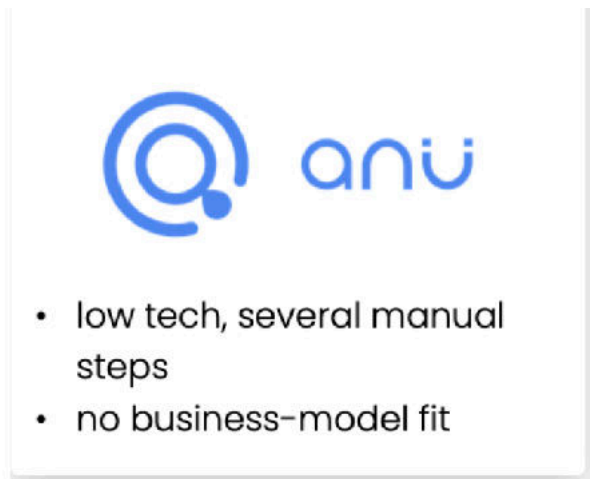
This makes it more difficult to accept a technology that saves 70-80% of your time when you are **paid for every minute of work**.

Moreover, those people who are working with contracts are paid to make them even more complicated and there's no real interest in making contracts simple - especially when those professionals are paid for the time they spend drafting and reviewing contracts.

These conflicts of interest make it more difficult for legaltech tools to be tested and accepted by legal professionals and drive very long sales cycles (12 to 18 months!).

The case of [Anü](#), a past LexLab UC Hastings accelerator startup that developed an AI-based

marketplace to help other startups find the right lawyer, decided to shut down having **struggled to find customers and develop the right business model.**



Among the reasons they didn't succeed:

1. expensive ways of acquiring clients and
2. retaining them.

3. Intellectual Property Lawsuits

Legaltech startups usually need to gather enough data to make their service useful. And the data they deal with is usually **sensitive data** e.g. contracts, and personal documentation from their clients and external sources.

Thus, Intellectual property (**IP**) **ownership and usage** of these data play a key role for any legaltech startup.

If you don't have the right to train your AI models or use the data to improve your internal processes and algorithms, you may lose your competitive advantage and if you use that data without consent you may face an IP lawsuit, sooner or later.

It is important to consider that the IP over

those sensitive documents needs to be addressed in your contracts with your clients, vendors and external data providers.

A notable example of a startup that had to close because of an IP Lawsuit is [Ross Intelligence](#).



Ross launched an AI-based legal research platform in 2014 and announced to cease operations in 2021 because of an ongoing **copyright infringement lawsuit** that Thomson Reuters brought against the company.

Litigation is very expensive, and startups don't have the deep pockets to fight against incumbent players.

4. Their Total Addressable Market Is Not Big Enough

Most of legaltech companies serve the legal industry: there are about 1.2m lawyers in the USA and about 700,000 in Europe.

Companies like [Kira](#) and [eBrevia](#) started in 2011 with the **focus on helping big law firms** streamline the M&A legal due diligence process by identifying key provisions within M&A contracts and making their data rooms searchable.

A couple of years ago, I was talking to a notable investor in San Francisco Bay Area (California) and I was telling him about an idea I had to improve M&A legal due diligence process for every lawyer. The investor, who had talked with the biggest players in the market such as Kira and eBrevia, told me that this is a **capped market**.

There is a certain amount of money you can get from each M&A transaction (as a legaltech solution) and there are < 50 big law firms dealing with big M&A transactions in the world.

Thus, the chances of creating a very big company and potentially IPO are lower.

Both Kira and eBrevia were acquired recently after: the former by [Litera](#) and the latter by [DFIN](#).

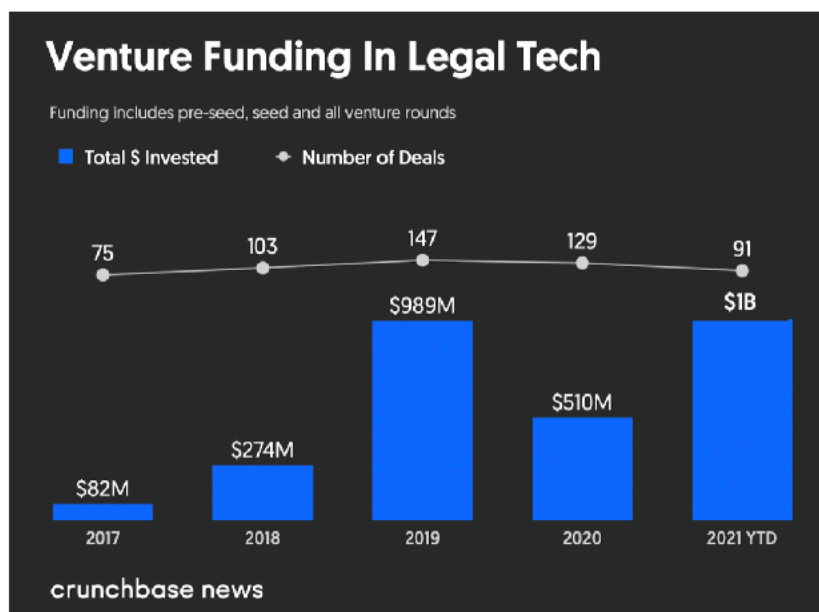
Of course, this is not a failure but it is something to consider if you want to start a legaltech company in a potentially **small or already capped market**.

Try to think about other adjacent markets where you may be able to expand and other niches you may want to address.

5. They Cannot Raise Enough Money To Survive

For any startup to survive, money in the bank is a key metric until they become profitable (assuming that its founders and employees don't work for free).

In the initial stages of a startup, it is common to raise money from outside investors in order to scale the business faster and beat the competition in the market.



In the past years, **legaltech venture investments** have been pretty low compared to other sectors e.g. ~\$1bn in legaltech vs \$131.5 billion in fintech in 2021.

Some of the reasons why investors are not very confident in investing in legaltech solutions have been mentioned above e.g. long sales cycles, conflicts of interest, slow adoption.

Moreover, there haven't been many successes in the legaltech space yet such as **IPOs** (apart from Disco) and **multi-billion dollar valuations** (apart from DocuSign).

But things are changing: investors have knowledge about contracts and legaltech and COVID has surely accelerated legaltech adoption.

Conclusion

Despite being a tough market - legaltech has plenty of opportunities for new entrants.

If it was easy, everybody would do it correct? :)

Below are a couple of final suggestions for startups approaching this market:

I. Focus on a specific target user - being that lawyers or non-lawyers

- A. Find a group of users with an unaddressed need
- B. Finding an unaddressed need is like finding a needle in a haystack: if it was obvious, lots of competitors would be solving it already!

II. Iterate fast (4-12 weeks max per iteration)

III. Talk to your users as much as you can

- A. Learn how to talk to your users
 - Read the [Mom test book](#)

- Use a [validation board](#) to keep track of your assumptions and iterations
- Some useful tips [here](#)

I hope you enjoyed reading this!

Feel free to leave any comments below or email me [here](#).





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.

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

Some of the biggest legaltech startup funding in 2021 (Crunchbase)

Legal Tech Funding In 2021

1.	 Checkr	\$250,000,000	Developer APIs, Enterprise ...	San Francisco, Califo
2.	 Rocket Lawyer	\$223,000,000	Law Enforcement, Legal, L...	San Francisco, Califo
3.	 Notarize	\$130,000,000	Legal, Legal Tech, Software	Boston, Massachuset
4.	 Clio	\$110,000,000	CRM, Legal, Legal Tech, So...	Vancouver, British Co

Why an Excel filter is legally the same as a deep neural net

How Europe is trying to regulate the rise of AI

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



Have you heard the one about the exhausted programmer in the bathroom? The shampoo bottle said: “Apply, rinse, repeat” – and he did. But you’ll never find an exhausted lawyer in the same situation; lawyers treat such instructions with reason. And this joke shows exactly why things so often go wrong in discussions about Artificial Intelligence, machine learning and the regulation of algorithms, as is currently the case with the AI Act that’s underway in Europe.

The fear of algorithms

Are those instructions on the shampoo bottle an algorithm? Taking the usual definition,



an algorithm is a "step-by-step plan" or "recipe for solving a mathematical or computer problem". The name comes from the Persian mathematician Al-Khwarizmi, who originated the general concept. And yes, those definitions are so broad that that shampoo bottle certainly falls under it. In society (and therefore also among lawyers), the term algorithm is mainly used for complex step-by-step plans or recipes, typically things one wouldn't want to solve without a computer.

Algorithms are increasingly making decisions that have a major impact on people, and that is a major concern for lawyers. For example, since 2018 we have seen calls for supervision

on algorithm usage to be able to curb this "fourth power" (in addition to the legislative, executive and judicial powers). Because that fourth power is a black box, can apply uncontrolled bias and deprive people of rights and impose sanctions without any transparency or accountability. In other words: there is no grip and we don't see how it works, but we do see it increasing and the concerns are growing.

The answer from legislators, regulators and lawyers is of course 'regulation'. New trends and developments must nevertheless be managed in the right direction, with the additional aim of minimizing adverse effects or harmful side effects. The only problem is that usually

existing regulatory frameworks are taken as the starting point. And they are often not fully geared to that.

The concern about data processing

Concerns about AI and decision-making can be traced indirectly to the birth of the field of data processing. That starts somewhere around the second Industrial Revolution, when large groups of people moved to the cities. Making numerical statements based on registered data was one way of getting to grips with this major change. The rapidly growing complexity of this data processing has been a source of technological innovation, with Herman Hollerith's (later IBM) counting machines as the best-known exponent.

Automatic – albeit mechanical – data processing became extremely popular with governments and large companies in the early twentieth century. A common complaint at the time was that the human dimension disappeared: calculators were used to make abstract statements on a large scale, such as who could or could not receive benefits or who had to move because of new area development. An individual exceptional case, or even just a misregistered case, then quickly had a huge problem.

An important insight was that of Leavitt and Whisler in 1958: information technology is the field in which large amounts of information are processed for the purpose of information-based decision-making and for the

simulation of higher-order thinking. This drew attention to the importance of information in business processes, which fitted in well with a new technological innovation: the database, which was given a boost in the 1970s by the relational model and the SQL search language.

Relational databases and SQL (and related techniques) meant that the number of data collections – and all companies and governments that used them – could grow rapidly. That in turn led to a greater data hunger, because if there is so much possible, then there quickly is a need for more. This gave rise to more concerns and protests about the protection of citizens, who, for example, could not defend themselves against errors in a database. One simple reason was because they didn't know they were in it. But at least as persistent was – and is – the belief that 'the computer is right', data in a database has an aura of correctness.

In the 1960s and 1970s, we saw a growth in large-scale data collection. First of all in government: censuses, health care, public safety. But also in the private sector. For example, credit organizations automated their data processing, so that many more companies could test whether a consumer was financially reliable. Automated systems also allowed companies to send mass mail, especially advertising. This met with a lot of concern and protest, resulting in calls for new legislation. It also put the subject of data protection on the agenda of lawyers.

In Germany, the use of electronic databases became very popular among police forces, in response to terrorist threats and attacks that gripped the country. They tried to locate the perpetrators using huge databases and searches. This caused a lot of arguments and discussion: the police knew just about everything about everyone, without any legal grip on it. The result was the Bundesdatenschutzgesetz of 1976, the first law to explicitly restrict data processing. There was also great resistance in the Netherlands during that period: the 1971 census – which was to take place automatically – caused a great deal of commotion, which led to a postponement, which was canceled in 1991 with the abolition of the Census Act.

As a result of the protests and legal concerns mentioned above, we have seen more legislation appearing from the 1980s that restricts the handling of personal data. Of great importance was the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, initiated in 1981 by the Council of Europe, also known as the Strasbourg Convention or Convention 108. Convention 108 was, and still is, the only international legally binding data protection instrument. The treaty regulates the handling of personal data by both the private sector and the government. Many elements of the General Data Protection Regulation (2018) can be found directly in this treaty.

The 1983 census – of course with computerized data processing – in Germany led to a

case in the Supreme Court that declared the law in question unconstitutional: the citizen has the right of informational self-determination, a right of control over information concerning him. This has become the core of the European law vision on personal data. It is about self-determination, about control, not necessarily about private space or privacy.

That right of control is also reflected in the discussion about AIs that decide over people: it is a form of dehumanization when a computer determines where you stand legally, especially if you are not even able to respond. And here's one piece of imaging that always gets me excited: in publications about legal AI we always see a robot with a wig on or a judge gavel. But a robot does not reason like a lawyer.

Machines that learn to reason

The discussion about regulation of AI has been greatly clouded by the view that computers have started to think for themselves, interfering with our human business and social processes like a kind of pseudo-human. “The question of whether computers can think is like the question of whether submarines can swim”, as the Dutch computer scientist Edsger W. Dijkstra once put it – computers don't think at all, they calculate.

The creators of the concept of “Artificial Intelligence” knew this very well in 1956: “every aspect of learning or any other feature of intelligence can be so precisely described that a machine can be made to simulate it”.

It was all about simulating, about imitating – it has never been an aim to actually realize a new form of intelligence, if that was even possible. John Searle's Turing test and the Chinese Chamber argument have also always been about being unable to distinguish between humans with computer intelligence simulations.

In the early AI research world, most attention was paid to formal logic and expert systems that reason on the basis of pre-programmed decision rules and databases of knowledge. All humans are mortal. Socrates is human, so Socrates is mortal. By formulating enough such decision rules and providing enough databases to extract knowledge (“the following items are plants”, “these items are animals”), the computer could make a decision about everything, the thought was. After several successes in the 1970s and 1980s, however, it became quiet in the AI research world, because setting up truly generic and advanced expert systems turned out to be a lot more complicated than previously thought.

An alternative research direction that has been overlooked for a long time was based on pattern recognition: machine learning (ML). The foundation for this work was also laid in the 1950s. Pattern recognition works best with large amounts of data, which was something that was lacking in the 1970s and 1980s. Processing data also took a lot of storage and computation time. In addition, the outcomes were not certain, but probabil-

ities. This while rule-based expert systems could offer certainty. ML therefore remained a hidden child for a long time, until the growth of big data processing in the early 1990s which suddenly made it feasible to use ML practically. And that happened en masse.

ML systems are technically very clever, but also very opaque. After all, the fundamental point is that the machine itself looks for a pattern or dividing line in the data and classifies new entries on that basis, preferably even without a starter set of man-applied labels. And that leads to an essential aspect that is often misunderstood: an ML statement cannot be reduced to the decision rules that people use to arrive at a similar statement. come. According to a classical expert system, that animal is a rabbit because of its fluffy tail and short ears. According to an ML system, this is because certain neurons attached a lot of value to that label. There's a cartoon going around of a scientist who has a statistical plot, puts a picture frame around it and calls it AI. There is a kernel of truth in this: many AI applications are no more than dressed up statistics-driven processes in which the output goes unchecked into the follow-up process. And that is quite exciting if you use it in a government or business process that does something with people.

Machines that decide on people

There have been many incidents where AI – both classical expert systems and ML-driven

systems – made painful or legally incorrect statements. This varies from an ML-driven system with a large but biased dataset (such as the American COMPAS system that calculates the risk of recidivism) to the Dutch Fraud Scorecard, a huge Excel sheet with which municipalities profiled social assistance beneficiaries on fraud risk – based on factors that have never been tested. Many stories are known from China about social credit scoring, in which citizens are deprived of social rights on the basis of algorithmically determined pluses and minuses. From Terminator 2 it is known that autonomous weapon systems can destroy the world. And no, that's no joke – media imagery has a huge impact on risk-based thinking among lawyers and legislators. Our legislation against computer crime can be traced directly to the 1983 movie Wargames, for example.

Concerns about this decision-making are as old as the field of data protection, but the first major milestone was in 1995: the European Personal Data Protection Directive, the predecessor of the GDPR, first stipulated that people are not allowed to be subjected to automated decision-making based on a profile. A profile is understood to mean a collection of personal data that says something about a person, and which is deemed to be representative of that person. The provision was rather vaguely worded and – like the rest of the Directive – was quite widely ignored by the tech sector, barring fancy words in privacy statements. It wasn't until

the introduction of the GDPR, which involved a hefty fine for violations, that companies started to worry about compliance with automated decision-making and discriminating based on data profiles.

The Artificial Intelligence Act

The most recent attempt by the legislator to curb these types of systems is called the AI Act, the abbreviated name for the Proposal for a Regulation of the European Parliament and of the Council laying down harmonized rules on artificial intelligence (Artificial Intelligence Act). The approach: risk mitigation for European citizens and protection of fundamental rights, in particular aimed at problems arising from opacity, complexity, dependence on data and autonomous behavior of AI systems. The list of examples ranges from worker protection to public surveillance, subliminal influencing and self-driving cars. That's because of the rather broad definition of AI, which caused quite a stir.

AI, expert systems, rule-based algorithms, machine learning systems, ML: there are quite a few terms around that mean roughly the same thing but in a slightly different way. For legal practice, the definition of the EU expert group from 2019 is the most important: a system that extracts information from received data, thus decides which actions can best achieve a set goal and then carries out those actions. Such actions are, for example, a prediction, a recommendation or a decision, but can also be self-generated

output such as texts or images. A system is therefore not only AI if it runs autonomously or imposes the decisions itself; a recommendation faithfully followed by humans also makes a system AI.

This seems extremely broad, because applying an Excel filter to your customer base (or welfare recipients) means that you will soon fall under the AI Act. But that's exactly the point.

ML systems, and more generally AI systems, attract conclusions based on input and attach an action to it. A car that parks itself neatly, a camera that matches a face with a list of authorized visitors, or an algorithm that predicts answers to questions to the ECtHR, the list is in principle endless. This flexibility and scalability has given ML-based decision systems enormous popularity.

However, there is one crucial aspect of ML and that is how they arrive at their conclusions. Human decision makers, like expert systems, work with rules of reasoning. For example: if two people lives together and their joint income is more than 12,000 euros and the gas bill is more than 150 euros per month, then they should be investigated for benefit fraud. We also call this deduction, deriving conclusions from general rules. In the example, the general rule is that the three factors are each indicators of fraud, and three are enough for further investigation.

ML systems work inductively, they derive

rules of reasoning from the data and then apply them to new situations. For example: the data shows that a gas bill of more than 150 euros is often associated with fraud, just like being between the ages of 18 and 32. The reasoning rule then becomes: if the gas bill is above 150 euros or the age is 18-32, then investigate further for benefit fraud. In this example, the age category is a coincidental correlation with fraud, but the system has partly based the rule on this because the data shows this.

This difference touches on the explainability of AI statements and decisions. Reasoning rules of human decision makers can be motivated because the general rules are available. Rules obtained by induction are not: the algorithm knows that the age category 18-32 is relevant, but cannot link a why. Although legislation (such as the GDPR, article 13 paragraph 2 sub f) requires an explanation of the underlying logic in automatic decisions such as this, in practice this is virtually impossible. This makes the use of AI fundamentally problematic.

A major problem in dataset analysis is bias. This is the phenomenon that an ML system has found patterns in the data that work out negatively for certain groups – what many people call discrimination, although strictly speaking there is no intention to disadvantage groups. An algorithm acts purely on the basis of the data, and looks for the distribution that best fits the set goal. There is no difference for ML between "none" from the

field of "work experience" or "women's tennis" from the field of hobbies correlating to "rejected applicant". For humans, however, the distinction between these elements of information is huge: we're not supposed to reject people because they're women.

Because of these problems, the approach of the AI Act is purely risk-based: it does not matter whether you work with ML, expert systems or with a filter in Excel, what matters is whether risks arise for people. AI with very high risks (such as social credit scoring) is prohibited, with high risks (such as screening of applicants) the supplier must take heavy measures to limit it. This approach has the advantage of true technology neutrality: it doesn't matter how it works, as long as it's secure.

Regulation of machines

The structure of the proposed AI Act is set up on three levels. At the highest level are the unacceptable AIs: their use conflicts with fundamental values in the EU, such as social credit scoring or the use of subliminal techniques to harm people, such as analyzing whether someone is unhappy and then selling hair-leather oil products. . These products may not be used throughout the EU.

The mid-level is in the high-risk AIs to humans in their uncontrolled deployment. Think of biometrics in public spaces, in-infrastructure management, selection and recruitment of personnel, law enforcement or

border controls. Such systems are only allowed if they are subject to strict rules, in particular an AI Impact Assessment to map the risks in advance, a documented design and improvement process and transparency about the way of working. We call other AIs low-risk and in principle they are allowed to run their course. If it turns out to go wrong, the European Commission can still declare them high-risk.

The AI Act has yet to be reviewed by the European Parliament, so it will be some time before (any version of) this law is passed. But the signal is clear enough: it's not about what AI is, it's about what risks people run. And we will limit those risks.

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.

Read more from thought leader and industry expert Arnoud Engelfriet in the series [Legaltech Beyond the Myths](#)



Too Little, Too Late?

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

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



A recent deep dive into current practices for legal services delivery, the use of legal project management, multi-jurisdictional coverage, and pricing revealed no surprises. Corporate law departments do not process the information and do not analyze the data they have available to leverage law firm capabilities. As a result, they are unable to define the value proposition for legal services expected of their law firms. Securing financial predictability in the total cost of legal services for the next three years is also out of reach for most companies because the basic analytics are not in place.

One Canadian-headquartered and one UK-headquartered company were seeking detailed analyses of historical patterns for service delivery. They wanted a high-level understanding of what was possible in partnering with their



primary firms. Information from 195 firms was reviewed. Detailed conversations took place with 33 firms in Canada, the US and the UK.

The first observation is that large, decentralized law departments are much less thorough than they should be in coordinating systematic and qualitative evaluations of their primary law firms. There was little evidence of formal performance indicators and evaluation processes. While general counsel do meet their firms at least once per year to discuss files, trends and legal spend, agendas are not available and changes going forward are not well documented. There is rarely a correlation between law firm performance and legal fees. The primary driver in working with law firms is still a relationship with key partners. In ef-

fect, these relationships seem to act as a barrier to comprehensive and accelerated innovation in service delivery.

A second observation relates to competence and coverage. Companies preferring to reduce the number of law firm relationships while still securing local counsel for regional and global business requirements are looking to firms that have extensive footprints in key markets. India, China, Brazil come to mind. So do Texas and Louisiana if you are in the energy business. Global firms, such as DLA Piper, Dentons, Norton Rose Fulbright, Freshfields, and Eversheds Sutherland, have invested heavily in building their regional offices and networks of local counsel. Still, law firms are not doing enough to introduce firm-wide standards for service delivery, quality assurance of

the legal work, and cost predictability. While a few firms have moved forward boldly on these fronts, they are the exception. The independence of local counsel appears to trump the introduction of global service delivery, technology and pricing standards.

A third point refers to the use of matter plans and budgets. Firms were asked to provide their best examples of matter plans and budgets for both transactional work and litigation. The quality and usefulness of the templates varied enormously. Very few incorporated plans and budgets by phase and task, planning assumptions, a percentage certainty by phase and by task, and the distribution of hours by fee earner for the work to be done. Firms did not describe the extent of use of such techniques to scope work and offer clients predictability on a matter-by-matter basis. It is as if both law departments and law firms are reluctant to embrace such processes. Legal project management and budgets are a pre-requisite to non-hourly fee arrangements. Inside counsel would benefit greatly from formal training in scoping and pricing of legal matters with the use of LPM.

About the Author

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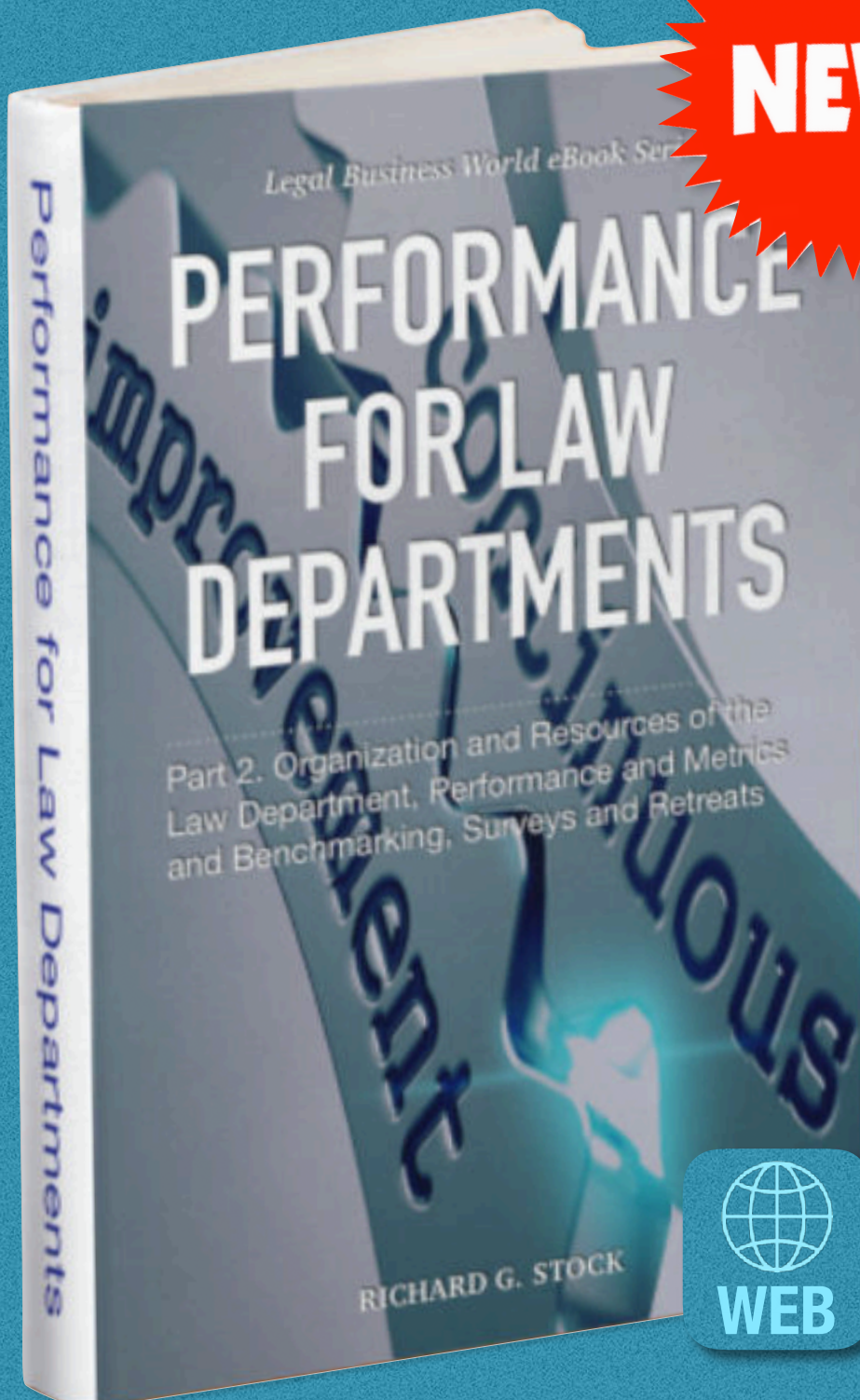
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IS INNOVATION OF TECHNOLOGY RELIABLE IN THE LEGAL SECTOR?

By Priyanka, COO at Manupatra



In the field of law, innovation is no more a fad or passing craze but a necessity. The digital transformation of the legal environment that has occurred over the past two decades, makes it impossible for the professionals in the field to continue carrying out their operations sans technology. The resources, man hours and time that technological tools save, makes it impossible to continue to compete with peers without technology. From receiving copies of orders online to searching for the most appropriate case law to using data analytics for compiled information and report, (and the list goes on), technology is here to stay and will only evolve (read innovate).

One cannot however ignore the fact that



there are concerns regarding the security and privacy aspects of depending on technology. Cyber hacks, ransom ware attacks, data corruption, and theft have become all too common a part of the business world. The solution for these lies in being aware and consciously safeguard; and also increase the understanding of technology within the legal space.

INNOVATION AND THE DISRUPTIVE IMPACT OF TECHNOLOGY ON THE LEGAL SECTOR

Legal research

Picture the process of legal research before on-line tools came into existence, sitting down with at least 3-5 books and taking down notes by hand for each relevant portion, is what

comes to mind. This is not how legal research looks like anymore (Thank God!). Advancements in artificial intelligence and natural language processing have made a huge difference to the way precedents can be searched for and applied to the matter at hand. Searching by name, keywords, unique ID number of the case etc. makes the process so much easier, faster and rewarding.

Document review

Previously an intern or trainee would be tasked to create a list of documents and diligently cross reference it to a shelf of files. With the advent of e-discovery tools, we can sift through hundreds of thousands of documents in a matter of minutes and that too from anywhere.

Document management

AI and its many wonders do not stop at legal research. AI makes it possible for lawyers to manage their many documents with ease. These documents can include anything from contracts to agreements to annexures to additional material. All of this is done effortlessly through analytics, document automation and online tracking of all important elements in a document. Picture receiving all you need to know about a given document in bullet points on the move and then picture this getting better. This is what technology has always aimed to do.

Legal Education

Learning about the law no longer means having to necessarily attend a class, go to library, or be submerged in mountains of books. Legal technology has improved access to the word of the law and has then gone a step further by assisting in understanding the word as well. All of these are available just a few clicks away. The pandemic further taught us that even the traditional setting of attending a class and being surrounded by books is possible on our screens itself, with the help of technology.

Online Dispute Resolution

An alternative type of justice that makes use of technological tools to arrive at a compromise at a cost that is acceptable to all parties. The idea is to ensure that people do not hesitate away from the authorities because of the delay and huge expense generally associated with the process of dispute resolution before the court of law.

Volume of Data

The legal system creates vast quantities of data

every minute. Judgments, precedents, and legislative interpretations all generate additional data, which contain the facts and insights necessary for winning lawsuits and facilitating transactions. Machines are better at finding the relevant information from this high volume data, and are more accurate.

Contract Creation

Contract creation and automation tools enable lawyers to produce contracts or other documents through the use of a questionnaire format, templates and an intuitive clause library.

Search Technology has helped us move from a word search system, FAQ's to answer questions posed in natural language.

Young lawyers

Are fully digitalized in their environment. The legal industry has to thus brace up to leverage technology more and more, for the next generation of lawyers to take advantage of its many talents.

Faster Information capture, data transfer and data analytics

Something as basic as capturing information in a central place makes it possible to use data analytics (instead of gut feeling) to produce better reports on which future decisions can be based.

Collaboration

Platforms enable constructive collaboration between legal services providers and various stakeholders, including clients, thus bringing about increased transparency and ensuring a higher level of client satisfaction.

Better resource management

Earlier, junior lawyers spent time performing odd jobs like gathering, storing, managing, and processing documents, etc, or informing lawyers about their daily schedule, date of hearing, etc. Legal tech takes over the routine, mundane and repetitive work, thus allowing them time to work on the real deal.

Decline in risk of errors

Another importance of technology in law sector is that it cuts down the risk of errors that might be possible because of overlooking or misinterpretation of any fact and figure, ultimately bringing a drastic change in the judgment or transaction.

Bots

Learning 'legalese' and having legal conversations could be one next step to dealing with routine questions about what law applies, or what is the best course of action in a given set of circumstances.

Conclusion

Technology is redefining the legal field, as it is redefining the rest of the business landscape. Legal Tech is augmenting the work of a lawyer in manifold ways and changing the Indian legal landscape for the better.

The new age solutions help in making legal professionals' routine tasks easier and more efficient. Since technology isn't going away, legal professionals need to ensure that they are investing in the right tech solutions that fit their needs.

However, we must be mindful, that there is a

risk of just focusing on the technology. It is equally important to focus on, its design, its intended use, and the people who will use it. Alongside managing the project, one needs to manage the people and the business changes required embedding technology, or else projects will fail.

As one futurist puts it, change has a habit of beginning "almost imperceptibly and then explodes with unexpected fury".

About the Author

Priyanka is the COO at Manupatra, a 22 year old legal-tech firm which pioneered Online legal research in India, and specializes in designing and developing technology products to simplify operations for professionals in the legal ecosystem.



Fix My Employee!

By Molly McGrath, Founder, Hiring and Empowering, LLC



We've all said it at one point or another: I'm just so burnt out. Whether you're an employee, employer, or solopreneur. It's not just you—workplace related burnout is so commonplace that the World Health Organization (WHO) classifies it as a syndrome, and Harvard Business School estimates that it is responsible for generating up to \$190 billion per year in healthcare costs.

The face of burnout isn't just being overworked, stretched too thin, with not enough resources (though that certainly is ONE of the faces of burnout). Burnout can mean that you're simply overloaded—you're engaged with the work, but just have too much of it on your plate, with no prioritized to-do list or "how to" manual for getting it all done.



And “too busy” for the power of the pause to connect to declare a path and plan to plan your work and work your plan. Burnt out may be feeling under-challenged and apathetic to their task lists. And still, sometimes burnout manifests as a feeling of neglect or impostor syndrome. Am I an effective leader? Am I doing this right? Should I just give up? When you’re burnt out, you’re tired, cynical, unfocused, and—honestly—inefficient.

Running a solo or small law firm is far from easy, and, in fact, lawyers are at a higher risk of burnout than many other professionals. How many times have you lost track of when your last day off was? How often to get to enjoy dinner with your family instead of while staring at a computer screen? How often do you miss dance recitals or baseball games or

engagement parties or social events that add value to your life as a human?

Maybe you don’t see a way around burnout. But we do.

For more than 25 years (and counting), we’ve been helping attorneys and law firm leaders to mitigate burnout through effective staffing and employee empowerment...and we’ve done this for over 4,000 firms nationwide. My phone, email, coaching calls, podcast guests and social DM’s have included some rendition of; “Please help me TRANSFORM OUR LEGAL TEAM INTO THE MOST EFFICIENT, RESOURCEFUL & PROFITABLE ASSET OF YOUR BUSINESS, I KNOW ITS THERE, WE JUST DON’T KNOW HOW TO GET THERE!”

I have an unwavering mission, passion and purpose is for aligning the employer, employee relationship. You both want the same thing, but you don't have the time, knowhow and consistent courageous communication standards for how to get on the same playing field. The 10's of thousands coaching calls I have facilitated I see the pain and frustration in both the employer and employees' eyes, and hearts. I see the frustration and defeat day in and day out. Desperate for a clear, concise, well communicated path and plan. With ease and flow.

What I hear from the employer: ·

- FEEL ISOLATED & ALONE, NOBODY CARES AS MUCH AS I DO.
- Why doesn't your team care more about building your company?
- STRESSED OUT
- DESPERATE FOR THE FINANCIAL, EMOTIONAL AND MENTAL FREEDOM YOU WERE PROMISED.
- Feel like a slave to your schedule.
- TIRED OF PAYING FOR "BAD HIRES"
- Not sure how to "Fix" the employees who aren't pulling their weight...but continue to pay them!
- NOT HITTING YOUR GOALS FAST ENOUGH
- Aren't hitting your monthly revenue goals consistently, or at all.
- NOT SURE WHAT DIRECTION TO MOVE IN AND ENDLESS "EXPERTS" IN YOUR INBOX POINTING OUT HOW YOU ARE DOING IT ALL WRONG
- Scares you to think you're steering your company towards disaster.

ON THE FLIP SIDE, I HEAR FROM THE EMPLOYEES

- FEEL LIKE JUST COLLECTING A PAY-CHECK.....but you want to be a difference maker!
- FEEL INVISIBLE, IGNORED & UNDER-VALUED
- LACK STRUCTURE & DIRECTION... EVEN THOUGH I HAVE IDEAS BUT NOBODY HAS TIME TO COLLABORATE
- Nearly impossible to set goals, gauge impact, and if you're hitting the ball out of the park or sucking it every day!
- YOU WANT TO BE EMPOWERED...You just don't know where to start!
- YOU'RE AFRAID TO MAKE SUGGESTIONS
- You avoid suggesting changes or solutions because you don't have the language of communication or confidence to speak up and lead.

It is no secret that leadership development is key to the success of high-growth organizations. Indeed, \$366 billion is spent globally on leadership training and yet, few such programs find success. And there are very few programs designed and geared towards employees. This is because building effective leaders requires a high-touch, in-person effort aimed at honing soft skills. While the deeply personal nature of such training means there is no formula, until now. Our tried, test and proven process to serve as powerful touchstones to ensure your internal employee leadership process provides the greatest (lasting) success.

"How to fix my employees," or some version of that, is the number search term we came across when setting up our SEO. It's also number one when we look at our SEO analytics.

However, it's not your employees that need fixing. Instead, simply put, it's a combination of a few "magic bullets": communication standards, permission standards and internal systems, or lack of systems, are often the root cause of the frustration for both employees and employers. Human beings like to know the beginning, middle, end AND the WHY. And the success of businesses absolutely depends on this.

Many businesses are on a massive growth path right now (exciting news, YES!), which leads to employees and their employers feeling like they are running around with their hair on fire. The team is solid. There's money in the bank and appointments on the calendar, but everyone is just waiting for the other shoe to drop because everything feels chaotic.

The Greek philosopher Heraclitus famously stated that the only constant in life is change. This applies as much to the world of business as to anything else and one of the main change's businesses owners faces is an evolution in the fundamental concepts that keep their enterprise ticking. Communication does not mean the same thing it did thirty years ago. Hiring today has nothing to do with bygone times when a person stayed with a company for life. Productivity is in flux as individual cultures grapple with new global norms. The most recent change of this sort involves employee engagement, which in the wake of the Covid-19 pandemic does not mean what it used to.

Workplace culture is less uniform today than ever. Some workers have returned to the office while others remain fully remote, and others

still maintain a hybrid balance. These unique arrangements reflect the new supreme importance of flexibility. The compounding difficulty of facing a deadly virus and an increasingly unstable world has led workers to prioritize well-being over profit, meaning their patience for rigid corporate structures has run thin. Inspiring employee engagement thus requires paying special attention to individual needs. Much of the current literature about employee engagement and workplace culture frame flexibility too narrowly. Retaining employees is not just about offering remote work opportunities and surprise days off; it is also about empowering workers to shape their roles in the image of their ambitions that serve "true north".

Retaining Employees Means Reframing the Employer-Employee Relationship

Keeping your team together and top talent aboard amidst this changing landscape is all about staying on pace. If you don't change the way you relate to your employees, you may soon find you won't have employees with which to relate. This doesn't mean you need to do all the work, though. The first step to sustained employee engagement, leadership and retention is providing consistent time, attention, and feedback. First and foremost, you are in employing human beings, then human doings. If you don't get the employer employee relationship first, nothing else can withstand.

In my experience, an underperforming employee, causing drama, or delegating backup is due to the lack of a plan or clarity about what they should be doing. Sadly, the employer believes it is crystal clear.

When it comes to “fixing” your employees, step one is awareness and declaration you can’t do it on your own. Your business depends on it.

Now is the time to go back to basics and create a timeout. Pause and reset. Our highest engaged podcast to date is titled “The Power of the Pause”. That’s the whole intention for this book. A how-to manual to get everyone on the same playing field, speaking the same language and knowing in their bones and blood the permission standards for consistency, persistence, and growth.

I am people just like you. I have sat in the seat of an eager, directionless employee. I now sit in the seat of a visionary entrepreneur responsible for leading and serving clients as well as employees. I have no fancy degree in occupational psychology—just blood, sweat, tears, and tried-and-true methods that I have perfected and trained in the ultimate field of battle—the almighty business culture!

Changes are, you are the type of person who “gets things done.” You are probably the person people always call on when they have a problem—to solicit your opinions or to look to someone they can trust to get the job done. While that might be a great compliment, those intangible qualities are hard to clone. You can’t list them as a skill or certification. There is no degree in “Trust me to get it done.”

If you’re an employer, you just don’t have the time or skillset to train leaders leading leaders. If you are an employee, you can never get time with your boss to talk about how you can step up and lead. This book will teach you how to

harness those “human-to-human” skills, develop them, and be able to clarify and duplicate (systematize) over and over. It will result in systematic leadership, more money, more opportunities, and more personal satisfaction for you. Leaders leading leaders.

If you need the “secret sauce” to fixing and retaining employees please reach out and we will share our “Employee Growth Plan” process for supporting you with creating the lasting employee turnaround.

About the Author

Since the late nineties, Molly has coached, consulted and directed presidents and founders of national organizations and over 4,000 law firms in; executive-level leadership, continuous improvement, and team empowerment initiatives to infiltrate new markets, leveraging partner ecosystems and producing profitability.

Molly has 25 years of specific skillset experience serving as a Fractional CEO, CMO marketing, factional CEO, conversation intelligence coaching, team development & leadership, employee empowerment, intrapreneur talent acquisition, Kaizen leadership, root cause analysis, revenue mapping, and action-based project management.

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How legal ops is pushing the legal department forward

By Alex Kelly, COO & co-founder of Brightflag



The growth of legal operations is transforming the corporate legal department from a guardian of stability into an agent of change. And none too soon, either. As corporate legal teams face heightened demands to work more efficiently while controlling costs, legal ops can help drive innovation and momentum in delivering value-based legal services.

Legal ops can transform how a corporate legal department operates, helping to execute the general counsel's vision and devise team strategy. By creating data-driven insights on legal spend, streamlined matter management and wiser allocation of attorney resources, legal ops professionals elevate the efficiency and performance of the legal department, allowing C-suite leadership to view the legal department with the same rigor and financial respect as any other business department.



Even teams hiring their first legal ops professional quickly recognize the potential of legal ops to become the foundation of modern legal service delivery. In-house legal leaders polled in Bloomberg Law's [2022 Legal Ops + Tech survey](#) highlighted the ability to improve attorney efficiency, reduce costs and improve workflows as top concerns.

Through improved business processes, technologies and granular-level data, legal ops enables organizations to achieve maximum value on legal spend. Rather than hiring outside counsel to tackle much of the legal work, legal teams can handle more matters internally and reserve premium firms for specialized requests.

How legal ops teams leverage technology

A legal operations team leveraging the right

legal technology surfaces hidden value, streamlines work processes, improves working relationships and enables lawyers to focus on legal work. Seven out of 10 in-house legal leaders polled by Bloomberg Law highlighted improving attorney efficiency as a primary concern when deciding which technology and practices to implement.

By employing a cloud-based, central system of record, legal team members, other organization members and outside vendors can share a common pathway for invoices, documents and other files without back-and-forth emails or the burden of hunting down critical siloed information. Even when globally distributed or working remotely, stakeholders can stay aligned more easily. The streamlined workflow boosts collaboration and efficiency in the legal department and across the company.

Legal ops teams can leverage artificial intelligence to reduce tedious tasks and free attorneys to address more critical matters. Legal ops teams provide insight and transparency into [legal spend](#) and build better relationships with outside counsel. Granular data points surfaced from AI invoice reviews accurately track legal spend and empower legal teams to take targeted actions that reduce unnecessary expenses in-house and with outside counsel. The insights can guide decisions on splitting time between partners and associates, handling certain matters in-house versus via external vendors, and determining how to price services.

The level of [transparency around legal costs](#) available to the in-house team and outside counsel informs the alignment of outside counsel with the in-house legal department's expectations. Doing so creates an environment where everyone welcomes — rather than avoids — honest feedback. Legal ops analytics help legal teams identify which outside firms provide the most value.

Legal ops elevates the legal team

When armed with an AI solution, a legal ops team becomes an [agent for change](#) for the entire legal department. Automation and data-driven insights go beyond giving attorneys

more time for high-level thinking. Legal ops helps move the legal team's mindset.

Legal teams often focus too much on avoiding risk. But risk is inevitable. Instead, the goal should be to minimize and gain visibility into that risk. Use available data to make decisions based not on absolute risk avoidance but strategic awareness. A competent lawyer who only manages risk misses opportunities to deliver proactive legal services more efficiently.

The pandemic accelerated change for corporate legal teams. Expect legal operations to control legal spending, identify value and move the legal department to a more prominent seat at the corporate table.

About the author

Alex Kelly is the COO and co-founder of [Brightflag](#), the AI-powered legal operations platform. Prior to founding Brightflag, Kelly advised financial institutions and global enterprises as a corporate lawyer within a large international law firm. Kelly is responsible for growing and enabling every corner of the Brightflag team as the company aims to fundamentally redefine how corporate legal services are procured and delivered.



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Forget Quiet Quitting

How about Actual Quitting for Lawyers

By Steve Fretzin, President Fretzin, Inc



As I'm sure you're aware, there's been a lot of stories recently about quiet quitting. This is where people do the least amount of work at their job in order to stay employed. Clearly, people's priorities have shifted from hard work and ambition to balance and more free time. In the legal space, this can lead to a lawyer's downfall, as the billable hour, client needs and yes, even business development are requirements for long-term success and employment. This article isn't about actually quitting your job as a lawyer, it's about quitting the things that take up your valuable time and resources to ensure you get the most out of your career and personal life.

When we talk about building one's law practice there are hundreds of decisions that need to be made every year, from what practice management software to use, to leveraging LinkedIn better or



whether you should specialize in one area more than another.

This list of choices goes on and on until your head is spinning. My goal for this article is to help you quit the things that aren't producing results and allow you to be okay with it. What lawyers never talk about is the cost of sticking with something that isn't working. Here are three tips to help you overcome the fear or anxiety of quitting.

Tip #1. If you can't measure it, you can't manage it. You may have heard this phrase peek out of my mouth before and it's never been more pertinent than today. One of the biggest mistakes lawyers make in business development is to not track and keep score of their activities. All my clients are required to use and

keep a business development success journal to track and share their daily, weekly and monthly results with me. This way, we can both see what's working and what's not. The goal is to make improvements to get better results. However, the dirty little secret is that sometimes we have to agree to quit doing an activity that isn't bearing fruits. This shouldn't take a year or two to decide, but rather about 60-90 days.

Observing your billable time going out the window—either by a spreadsheet you keep or a CRM (Client Relationship Management) program you are using— is a game-changer that encourages you to make improvements or eliminate unfruitful endeavors from your calendar.

Tip #2. Time is your greatest commodity, become a pro at saying no. One of the

first discussions I have with new clients is related to what they are currently doing to grow business or build their personal brand. Many have activities with boards, charities, associations, trade shows, and the beat goes on and on. The follow-up question I ask generally leads to an “ah-ha” moment for my new client. I simply ask, “How’s that going for you?” In some instances, these activities are a home run, in others there’s a long pause followed by a little grumbling. The latter are the activities we need explore right away.

The perfect example of this was with John, my client from a few years ago. He was doing regular presentations to the local Bar Association and getting absolutely nothing out of it. We discussed some possible changes and improvements to see if the problem (lack of any results) could be resolved. Ultimately, we agreed that he was presenting to his competition, so the decision to scrap the “sharing of his best IP practices” was an easy one to make. Just so you know, he had been doing these presentations for over five years. When we did the math on his research, prep time, travel, lack of business referrals and lost billable hours, the numbers over those five years were staggering.

Accepting new business development and marketing opportunities can be huge in building your book of business, however it’s critical to have your guard up. Take some time to weigh out the pros and cons, as well as the current obligations you have now. Saying “no” to something, nicely, may be the difference between adding \$200,000 in origination this year or regretting that you didn’t say no to more time-draining obligations.

Tip #3. Quit early and quit often. So, you might be thinking “Wow, Steve, that sounds really backwards.” Trust me, I know.

It goes against everything that’s been instilled in me since childhood. But, when I look back at all the things I let drag on too long, the list is longer than my arm. I was a sub-par wrestler back in junior high school and never fully committed to the training regimen necessary for success in the sport. The result was years on my back getting pinned by superior athletes who were committed.

More recently, I tried playing the drums. I committed to four lessons to see if my lifelong dream of ROCKING IT might be realized. I even practiced outside of my lessons to ensure that I gave it a solid effort. After my fourth session I told my teacher that I was done. He was surprised, as there had been progress and growth. I explained that while this was fun, there are other more pressing and enjoyable activities that took precedence over my future rock-star career as a drummer. I knew the power of quitting early and simply letting go. I was okay with trying something and leaving before getting too far along.

I know there are many other variables to this “quitting” stuff, like loyalty to a friend, group or peer. It’s important when quitting to use language that doesn’t upset other people in the equation. For example, I might say, “Based on my time and current obligations, I simply can’t continue with _____ any longer. I loved being a part of it and hope that we can remain in touch.” Whatever the case or scenario, look at your time and current list of priorities and obligations. Think about what is important to

you in your career, family, health and happiness. Do a 1-10 to quickly gauge activities or do a pros and cons list to identify what to keep and what to remove. I know these decisions are hard, however you'll be better for it in the end.

In the world of legal business development, protecting your time is the most critical aspect of success. Quiet quitting isn't the answer, but rather your ability to focus and work towards your goals. Start feeling good about quitting and watch as your practice, family and health improve over time.

If you'd like to speak with me directly about your career in law and how to get the most from your time, please email me directly at steve@fretzin.com or DM me on LinkedIn.

About the Author

Driven, focused, and passionate about helping lawyers to reach their full potential, Steve Fretzin is regarded as the premier coach, skills trainer, and keynote speaker on business development for lawyers.

Over the past 18 years, Steve Fretzin has devoted his career to helping lawyers master the art of business development to achieve their business goals and the peace of mind that comes with developing a successful law practice.

In addition to writing four books on legal marketing and business development, Steve has a highly-rated podcast called, "BE THAT LAWYER."



When not busy helping ambitious attorneys to grow their law practices, Steve enjoys fishing with his son, playing many racquet sports, and traveling with his wife.

**Bringing Transparency to
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“I would like to speak to my robot.”

Australian start-up, Bumpd, explores where legal technology fits into the Access to Justice space.

By Erin Kanygin, Co-Founder and Director of Bumpd



In October 2021, a legal app called [Bumpd](#) was designed and launched in Australia by a group of passionate lawyers.

The purpose of Bumpd is to lead people through the process of making a legal claim if they have lost their job due to pregnancy or parenting-related discrimination. If a user meets the threshold requirements to make a claim, then the app can generate a tailored document in the correct legal format that can then be sent to the Fair Work Commission (Australia’s federal workplace tribunal) to initiate legal proceedings. The app is completely free to use. Yet, one year in and we have had hardly any users.

This article will tell the story of how Bumpd



came to be and explore some of the possible reasons why we have had such a positive reaction from the community (particularly the legal tech community), but such little uptake from actual users.

I am at the age where many friends are starting families (can you say “pandemic baby”), which is the context in which I was approached by my former work colleague, now friend and co-founder, Daniel Yim.

We went for coffee, and he told me about this idea he had, borne from numerous stories told by his friends. All stories shared a similar plot line and same sad conclusion. His friend got pregnant, took parental leave, and then got a call during their leave telling them that their

job was no longer needed and that they had been made redundant. The exciting twist: the person who was covering their job while they were on parental-leave stayed on, continued doing their job with all the same responsibilities, conveniently under a different job title.

In Australia we call this a “sham redundancy”, and it has been illegal for decades, together with other forms of pregnancy and parenting-related workplace discrimination.

There are a few legal avenues that one can take to remedy this unfair and discriminatory situation. However, the sad fact is that when this happens, the person is caught up (to say the least) with their baby, and they are already dealing with this momentous life-changing

event on top of the next life altering event of losing their job. From what I hear from my new-mom and dad friends, they are a next level of exhausted that I did not know was possible and they hardly have time to shower or go to the bathroom, let alone consider seeking any type of justice for the injustice they have experienced from getting fired.

Dan wanted to do something to confront this issue head on and he asked if I would be interested in helping.

Why me?

Well, I guess now is the time in the story to introduce myself. By day, I am a Legal Transformation Lawyer at a large commercial law firm renowned for its innovative practices in Australia. My role is multifaceted, but one of my main jobs is to design and build legal apps. In other words, I take standard legal processes that occur in a corporate law setting and I automate them. If there is a frequent, administrative, repetitive legal task, there is likely an app for that, and if there isn't one – I can design and build it.

When Dan came to me with this idea, we put the pieces together and it was an easy conclusion that we could build an app to help people in this situation. This works as an app because the fact pattern is almost always the same, regardless of the employee's role, seniority, length of service, or industry. Of course, these stories are not black and white, and every story has different colours and sad specificities, but at the core it typically goes like this: the person is an employee, they/their partner gets pregnant, they take parental-leave, and they

are subsequently fired. Sometimes the job loss occurs during pregnancy or after returning to work, but you get the picture.

According to a study conducted by the Australian Human Rights Commission, 18% of women who get pregnant subsequently lose their job. This is a shockingly significant number. Even more shocking is the statistic that only 4% of women experiencing discrimination ever follow-up and make a formal legal claim. We believe that there are likely many reasons behind this. As mentioned above, it could be as simple as the fact that most people are too exhausted in the first place and can't begin to get their head around launching a legal claim on top of contending with the new baby and finding a new job. A cousin of mine recently confided in me that she was made redundant after telling her workplace that she was pregnant, but because she was older when she got pregnant and it was through IVF, she felt so embarrassed by the whole thing that she did not have it in her to fight back against her former workplace.

Dan and I, together with an amazing team, built Bumpd and the website that it is hosted on in about one month. We were in the depths of yet another one of Melbourne's harsh, long lockdowns and so we had time around our day jobs. We decided to build the website on WordPress and we used an Australian no-code legal app building platform called "Checkbox". Checkbox's technology has been critical in enabling us to build an app by ourselves and put it out to the world so quickly. Although it does have features that require a bit of computer savviness, it is essentially a drag and drop tool. What this means is that anyone with some

time and motivation can build their own app that can act as a triage, document automation, guidance, and/or workflow tool.

Bumpd works by taking a user down the route of making an unfair dismissal claim (which we selected as one of a few types of potential claims someone can make) if they have suffered from job loss as a result of pregnancy or parenting-related discrimination. In just a few clicks they can quickly work out if they are eligible to lodge an unfair dismissal claim, and if they are eligible, the app will generate a document for them, tailored to their responses to various questions, that they can review and send to the Fair Work Commission. If they are not eligible to make an unfair dismissal claim, they can work this out within a minute. I would argue that one of the most valuable functions of Bumpd is that it tells someone if they are *not* eligible in a matter of clicks, thus saving them time they may have spent pursuing a lawyer or working through the resources available on websites.

The idea seems simple enough, however in the world of law it edges towards radical thinking. This is because although the app does not give legal advice in the strictest sense, it helps a user figure out a legal issue in a significant way and provides them with a helpful outcome. Bumpd differentiates itself from other legal app offerings because it gives the user an immediate answer to a legal question without trying to bait a person into contacting our law firm (we don't have one) or upsell them in other ways. Bumpd is a registered not-for-profit and the team is comprised exclusively by volunteers. We have no interest in making money off of it -we are just nerdy lawyers exploring this space and trying to help.

Bumpd has been available for the Australian public to use for free since October of last year, and yet uptake has been low. From our analytics we can see that many people have visited our website and indeed a fair few have used the app only to discover they [do not meet the conditions](#) required to make an unfair dismissal claim (although we can't tell for sure how many of these were genuine users as opposed to people just playing around with the app).

We are now in the midst of interrogating why usage has been so low. We've been invited to speak at multiple events, enjoyed strong media coverage, won pitch competitions and received several grants. When I discuss the idea with friends and family, or make a post on LinkedIn, the reaction is hugely positive and supportive – people love the idea and almost everyone has a story to tell. But would they actually want to use the app if they found themselves in the position of getting pregnant and then getting fired?

We built Bumpd on the assumption that the reason only 4% of people experiencing discrimination make a claim was an access to justice issue. Our theory, informed by both our own research and the research of others, was that people couldn't practically enforce their rights because lawyers are too expensive and inaccessible, and a traditional DIY approach is too complicated for the average person. But now the app is built and out there, we are beginning to wonder if maybe that wasn't the heart of the issue.

I can't stop thinking about my cousin who said she didn't have it in her at the time to fight

losing her job because she felt such embarrassment.

The Bumpd team has been doing some soul searching and asking ourselves - maybe when this happens to someone, they don't want to just click a few buttons and automatically have something generated for them. Maybe they want to talk to a real human being and feel genuinely heard and cared for. They want to feel... justice... and I don't know if an automated questionnaire can do that for them?

Or maybe most people simply aren't interested in starting legal action regardless of whether they can access justice – they just want to put the whole episode behind them and move on with their lives. Less likely, but possible, is that we've failed to successfully market Bumpd to be able to reach people within the legally prescribed 21-day window post-dismissal they have to make the claim.

We have plans in the pipeline to reconsider how we can make our product more useful for working new-parents or parents-to-be. We will be running design thinking sessions and collecting feedback from our community to work out the type of information people want to know when they are working and get pregnant.

So far, this venture has been a wonderful and steep learning curve, presenting important challenging questions for the access to justice movement, and also for someone who works in legal innovation where a key part of my job is to drive the adoption of legal technology in a corporate law firm. Computer technology has obviously changed our world and the ways we live in uncountable ways and largely

these changes are for the better, yet the legal industry remains so resistant. When access to justice is such an issue, one would think that technology could provide a real answer and yet I'm realizing there are situations where people don't want to turn to a robot as the first point of call when they experience injustice.

It is a million-dollar conundrum and I don't have the answers yet, but I do invite you to follow Bumpd's journey as we do our small part in exploring the issue. Additionally, if you have an Australian friend who has experienced pregnancy or parenting-related discrimination at work, please let them know about Bumpd.

If you have found this article interesting, please contact the Bumpd team through LinkedIn or our website at bumpd.org.au and share your ideas. Although we are exploring this issue in Australia, we know this is a global conversation worth having.

About the Author

Erin brings experience in automation and legal design, and is Co-Founder and Director of Bumpd. She used to spend her days working as a Legal Transformation Lawyer at Gilbert + Tobin. She brings knowledge and insight in numerous digital platforms which helps her to design innovative solutions for in-house legal teams and top-tier law firms.

Erin has a passion for community as well as social justice, and has done a considerable amount of volunteer work for NGOs and

community legal centres. She completed the Juris Doctor at the University of Melbourne in 2019, where she won the award for Juris Doctor at the University of Melbourne in 2019, where she won the award for “Best Law App”, and has been working in legal innovation at Australia’s top law firms

since graduation. She is delighted to have the opportunity to work on Bumpd where she can use her knowledge in legal innovation to explore how it interacts with providing access to justice.

BUMPD.

Fight back against discrimination

Bumpd is a registered **not-for-profit** helping people who have lost their job because of **pregnancy or parenting-related discrimination**. Designed by legal and technology experts, Bumpd’s **free** online tool automates the process of preparing a formal legal claim **tailored** to your situation, making it easier for you to seek compensation, stand up for your rights and **fight back against discrimination** at this stressful time.

FIGHT BACK

The Value Series

A ClariLegal interview with Greg Kaple, Senior Director, Legal Business Solutions at Kaiser Permanente

It was during a walk around a lake in 2014 that Greg Kaple first discussed his vision of an efficient and fiscally-sound legal department. Greg's companion on the walk was Mark Zemelman, General Counsel for Kaiser Foundation Health Plan, Inc. ("KFHP"). This was more than just an ordinary stroll; it was Greg's interview for the KFHP legal department's first legal operations leadership role.



Greg was unencumbered by perceived limitations of what transformation could look like for a legal department. He approached it like he did all his business ventures. He responded by describing a legal department driven by data and guided by accurate financial forecasting with adherence to budgets, just like every other professional services business. Under his guidance, the legal department would align with KFHP's enterprise goals to execute on a strategy. It would have strong spend management and would meet key performance indicators. It would have the right people in the right roles to achieve this metamorphosis. And above all, it would deliver value to the enterprise and help shift the legal industry.

The concepts Greg described must have resonated with the General Counsel that day. Almost nine years later, Greg is the Senior Director of Legal Business Solutions & Services with KFHP National Legal and leads a team of 13 legal operations professionals who are dedicated to evolving the legal department into a modern day, best-in-class professional services operation.

69.928

48.991

70.111

44.87

Entrepreneurial Expertise leads to New Opportunity

A self-described bootstrapping Appalachian from Dayton, Ohio with a penchant for musical theater and troublemaking, Greg did his Bachelors in Marketing and Finance at Ohio University and his Masters in Technology Management at Stevens Institute of Technology. He was the first graduate from the Ohio University Sales Centre and one of the founding members of the Ralph and Lucy Schey Sales Centre Advisory Board, where he also served as an adjunct professor teaching entrepreneurial sales in partnership with the Ohio University Entrepreneurship Center.

Greg will tell you that he is “an expert by necessity, a salesperson at heart, an economist by nature, and a serial entrepreneur.”[®] He honed his professional sales skills in New York City as a Global Account Executive at AT&T with clients in professional services, law firms, healthcare companies, and higher education institutions. His entrepreneurial instinct eventually took over, leading Greg to co-found Integrated Management Services (IMS), a group of two dozen management

consultants specializing in cost reduction, process improvement and technology implementation for AMLaw 250 and Fortune 50 corporate legal clients. The IMS team became particularly astute at estimating scope of work and offering fixed fees for complex professional services engagements. By 2008, Greg had become an early innovator in the legal industry, teaching firms like Squire Sanders and corporations like Lucent Alcatel how to properly price and procure professional legal services.

By 2010, Greg relocated back to Appalachia in Parkersburg, WV to start a family and begin investing in new business startups. Through his private investment company Great American Kompany Cubed (GAK³), Greg supported capitalization and strategic business development for turning around a franchise of high end men’s barbershops in Orlando, FL; launching a new media agency in Columbus, OH and starting a ServiceNow legal workflow technology company in New York City, NY.

In 2014, the opportunity to transform a large legal department led Greg to Oakland, California.

As he prepared for this new professional adventure, he packed three principles for success: infrastructure, collaboration, and transparency.

Well, It's One for the Money

Data is essential to drive better results. In his first week, Greg began utilizing KFHP's already available data and making long term plans for enhancing systems to improve that data for better accountability in the KFHP legal department.

Before joining, legal expense accountability was dispersed throughout the KFHP organization. By consolidating both the control AND accountability for legal spend with the attorneys, KFHP was able to dramatically reduce costs and increase the certainty of outcomes for legal matters.

Greg instituted quarterly and year-end financial accruals to "shrink time to money" in the legal department. Industry statistics reveal 25% reductions in costs by ensuring providers submit their invoices timely and accurately. The result of these measures was immediate savings of more than \$4M annually.

He also introduced the concept of a legal operations portal and service desk connected to a ticket management system. The service desk data allows Greg's team to track workloads, system issues, and trending problems to proactively address issues, identify solutions, and make strategic improvements.

During his time with KFHP, he has implemented four versions of outside counsel guidelines and two electronic billing systems. The most recent iteration, Mitrastech's TeamCon-

nect, integrates directly with KFHP's financial system resulting in a significant reduction of manual labor and "freeing talent to do higher value work and hold personnel expenses flat." The system has also taken their data into the 21st Century by utilizing dashboards to report on and analyze matter budgets, reserve liabilities and settlements (to name a few!) and to understand the diverse mix of timekeepers on matters.

Two for the Show

Greg believes, above all else, the key to executing is putting "the right players in the right positions on the field." Initially as the leader of the KFHP sourcing and vendor management, he knew he must place both external and internal team members in roles for which they are best suited. Continuing his sports analogy, Greg notes that it would be a mistake to put a hockey player on a baseball field and expect to achieve the desired result.

His objective is to build high-performance teams that maximize peoples' talents to get the most of what each person can offer in a collaborative effort to "git 'r dun" together. Greg invests heavily in communicating with stakeholders, continuously aligning roles and responsibilities to meet changing demands and measuring progress toward goals with KPIs attuned for each team member. He's mastered unique social network profiling tools like fourgroups.com, a combination of Carl Jung psychology and Clayton Christensen innovation, and blending art and music into the business day consistently delivering "thought to reality with zero friction."

Included in his "people matter most" philosophy are vendors, outside counsel, and

consultants. They play distinct roles from his internal group and are part of the team working toward the same shared goal. “In today’s world of detailed information technology, the focus turns to micro-organizations at the level of individual matters, individual projects, and the individual people.” Like his internal team, Greg scrutinizes the data related to his outside teams to know when hard discussions are needed and changes to be made.

Greg’s view is that “we’re all playing the game together and hold ourselves accountable together for keeping score.”

Three to Get Ready

Of course, the right tools and players will only get you so far before someone needs to draw up the “play book” and start coaching the team to the championship. Greg cautions ambitious leaders that “one hour of strategy creates a hundred hours of tactics which generates a thousand hours of work,” and he adds “no one will care how great your strategy was if you cannot deliver.”

Because execution is vital to success, Greg’s method has always been an open and iterative process communication, trials, learnings, setbacks, and success. “Executive leaders care about what resources (money, labor, etc.) are needed for an investment to succeed” and they want to know with certainty “what they will get in return and when”. He views executives as asset owners and his role is to protect those assets and deliver returns that create value for the business. Greg points to his success investing more than \$30M in legal operations initiatives and driving savings of more than \$100 million over 5 years from financial consolidation, engagement negotiation and legal project management. His “secret sauce” has been

marrying cross governance and subject matter disciplines at many levels to deliver to a standard of excellence and then exceed expectations.

Now Go Legal Services Go!

Greg’s entrepreneurial spirit has helped KFHP thrive through intrapreneurship. The drive to always innovate led his growth first as the Director of Legal Sourcing and Vendor Management, then the Senior Director of Legal Business Services and now the newly reorganized Legal Business Solutions and Services function.

He was originally skeptical of the concept of an intrapreneur. He had been an entrepreneur, taking the financial and emotional risks of starting, running, and owning his businesses. Over the last eight years, he’s recognized that “an intrapreneur takes different kinds of risks,” which includes organizational culture and change management challenges sometimes created by the very owners, investors and executives expecting results.

His role with KFHP has honed his skills as a “professional at professional legal services.” His expertise in finance has been invaluable as an intrapreneur whether it be successfully lobbying for funding his department’s projects or leading his legal team to deliver proven savings. He considers the knowledge of business – the language, the processes, the risks, and the desired outcomes – to be an important key to unlocking successful and sound legal solutions and services.

Today when Greg takes a stroll around the lake, you’ll find him with a skip in his step, carrying one of his favorite harmonicas and

wearing the purple alligator skin Stacy Adam shoes he bought at a thrift store on Telegraph Ave in Oakland. *You can't knock him down or take his place, so spread his name all over the legal ops space. He can do anything you want to do, uh-huh legal, dancing and singing in his purple alligator skin shoes!*

About the Authors

[Joanna Roman](#) is the Director of Client Engagement at Platinum IDS. She is responsible for building and maintaining healthy business relationships with clients.



Joanna draws on expertise in ESI and digital litigation garnered over 30 years in federal and state courts across the country as a complex litigation paralegal, eDiscovery liaison, forensic strategist, project manager and investigator. Her background puts her in a unique position to act as an advisor, consultant and champion of services. Spearheading several strategic initiatives, Joanna creates new business opportunities with existing clients by strengthening relationships across the firm or organization, spotlighting the full breadth of the company's services and capabilities, elevating new technologies, and gar-

nering actionable feedback to improve internal performance.

In her personal time, she is involved in numerous organizations, including ACEDS, EDRM and Women in eDiscovery, where she is currently serving as the Director of Meetings for the Denver Chapter.

[Cash Butler](#) is the founder of ClariLegal and R3Ex, a consulting organization focused on bringing efficiency and effectiveness to legal operations. A seasoned legal technology innovator, Cash has over 18 years of experience in the legal vertical market, primarily working in expert in legal operations, legal vendor management, pricing, and project management. [ClariLegal](#) is a preferred vendor man-



agement platform for legal services that improves business outcomes. Made for legal by legal experts. We match corporations and law firms with preferred vendors to manage the work through a fast and complete RFP and bidding process. ClariLegal's platform allows all internal client segments to improve business outcomes across the board – predictability, time and money. [Learn more](#)



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INTERNAL COMMUNICATIONS

are you nailing it or failing it?

By Naomi Morgan-Tolworthy, Marketing Account Manager at Consortium more than marketing



Working preferences have changed dramatically over the past few years and the increase in hybrid working has placed even more emphasis on the importance of employee communications.

With employees now more dispersed than ever, the need for an effective internal communications strategy that brings employees together and creates a unified business vision is crucial to the future success of any business.

Definition of Internal Communications

Wikipedia describes it as:

“Internal communications (IC) are the function responsible for effective communications among participants within an organisation.

Nailed It!

Internal communication is meant by a group of processes that are responsible for effective information circulation and collaboration between the participants in an organisation.”

This is a great start, but it goes beyond this.

Internal communication isn't just about functions and processes. It's about creating a culture that actively encourages connection, aligned purpose and shared vision. It is about creating an environment where employees can share communication – regardless of job title or how long employees have been with a business.

“74% of employees have the feeling they're missing out on company news because the

internal communication department is non-existent or doing a poor job.” (Source: Oak Engage/Gallup)

And you may be thinking that's par for the course but what actual effect does that have on the overall success of a business? A lack of internal communication causes disengagement amongst employees, which, according to Gallup, costs the UK £52-£70 billion per year in lost productivity.

And that is why having a robust and effective internal communications strategy is so important to any business, especially professional services which depend on engaging and retaining the best people.



Staff engagement

In Gallup's State of the Global Workplace, it was found that in the UK only 8% of employees are engaged in the workplace. That's an alarming 92% of employees who feel disengaged in the workplace! (Source: [Gallup. State of the Global Workplace](#))

So, let's look at what it takes to engage staff...

According to Gallup, there are 12 needs businesses can meet to improve employees' productivity. This approach to engagement is simple, and it works. These are the 12 employee needs that make up the items on Gallup's engagement survey:

- I know what is expected of me at work
- I have the materials and equipment I need to do my work right
- At work, I have the opportunity to do what I do best every day
- In the last seven days, I have received recognition or praise for doing good work
- My supervisor, or someone at work, seems to care about me as a person
- There is someone at work who encourages my development
- At work, my opinions seem to count
- The mission or purpose of my company makes me feel my job is important
- My associates or fellow employees are committed to doing quality work
- I have a best friend at work
- In the last six months, someone at work has talked to me about my progress
- This last year, I have had opportunities at work to learn and grow.

It is not enough to just have one method of communication for your staff – there are nu-

merous ways to engage, connect and open communication channels with employees.

Communication must be a 2-way thing and employees need to feel like they have a voice. But a genuine voice – not a business just paying lip service and then completely ignoring what's been said.

69% of employees said that they'd work harder if they were better appreciated. (Source: [Officevibe](#))

What are the types of internal communication?

Keeping pace with technology

Even with the huge rise in hybrid working and the challenges that go with it, there are also some positive changes too.

By necessity, the last couple of years has accelerated the digital transformation. This means we have access to a far greater range and quality of technology.

The question is how do you use this to engage, connect and empower your employees?

One of the key tools we can use to keep an organisation's strategy from becoming outdated is digital, mobile-enabled communication. Give employees options. Make sure that one of the options is a communication tool which allows employees an easy, convenient way to reach out to their employer at any time.

Offer a variety of communications channels;

Some employees may feel comfortable asking questions over the phone or via a messaging tool like WhatsApp or chat, but others prefer to communicate face to face.

Effective communication is no longer just about the people at the top making decisions and cascading them down – it’s important to remember that people receive and process information differently:

- Verbal – the passing of information by word-of-mouth.
- Electronic – We share most written information this way.
- Paper – a way of communicating using posters and graphics.

Here are 5 types of communication methods:

- Management – disperse information such as strategies, company results, internal and external information, and other important general information
- Team – between colleagues who work together to achieve the same end goal
- Face-to-face – briefing individuals on tasks and situations
- Peer – informal chats between colleagues to share information
- Resources – the intranet, email, social media, messaging, video calls, telephone.

Internal communications are just as important as external. Especially if you want your em-

ployees to be driving your business forward with the same vision and passion you have. *“Coming together is a beginning, staying together is progress, and working together is success.”* – Henry Ford

This article is also published at [legalbusinessworld.com](https://www.legalbusinessworld.com/post/internal-communications-are-you-nailing-it-or-failing-it): <https://www.legalbusinessworld.com/post/internal-communications-are-you-nailing-it-or-failing-it>

About the Author

Naomi has worked in marketing and business development for over 20-years and has worked in the legal and financial services sectors for over 10-years. Naomi has experience developing marketing campaigns and driving engagement through social media, email marketing, SEO, events, and more. She is currently an account manager at Consortium more than marketing.

Through delivering compelling value propositions to position, reinforce, and build loyalty and brand equity among target clients and referrers, Naomi has a track record of achieving marketing and business objectives for clients.

Naomi is passionate about personal development and growth becoming the best version possible, and doing the same for her clients.



Leveraging Technology to Transform Legal Writing

Ari Kaplan speaks with Ross Guberman, the founder of Legal Writing Pro, and the developer of BriefCatch, a legal editing software tool.

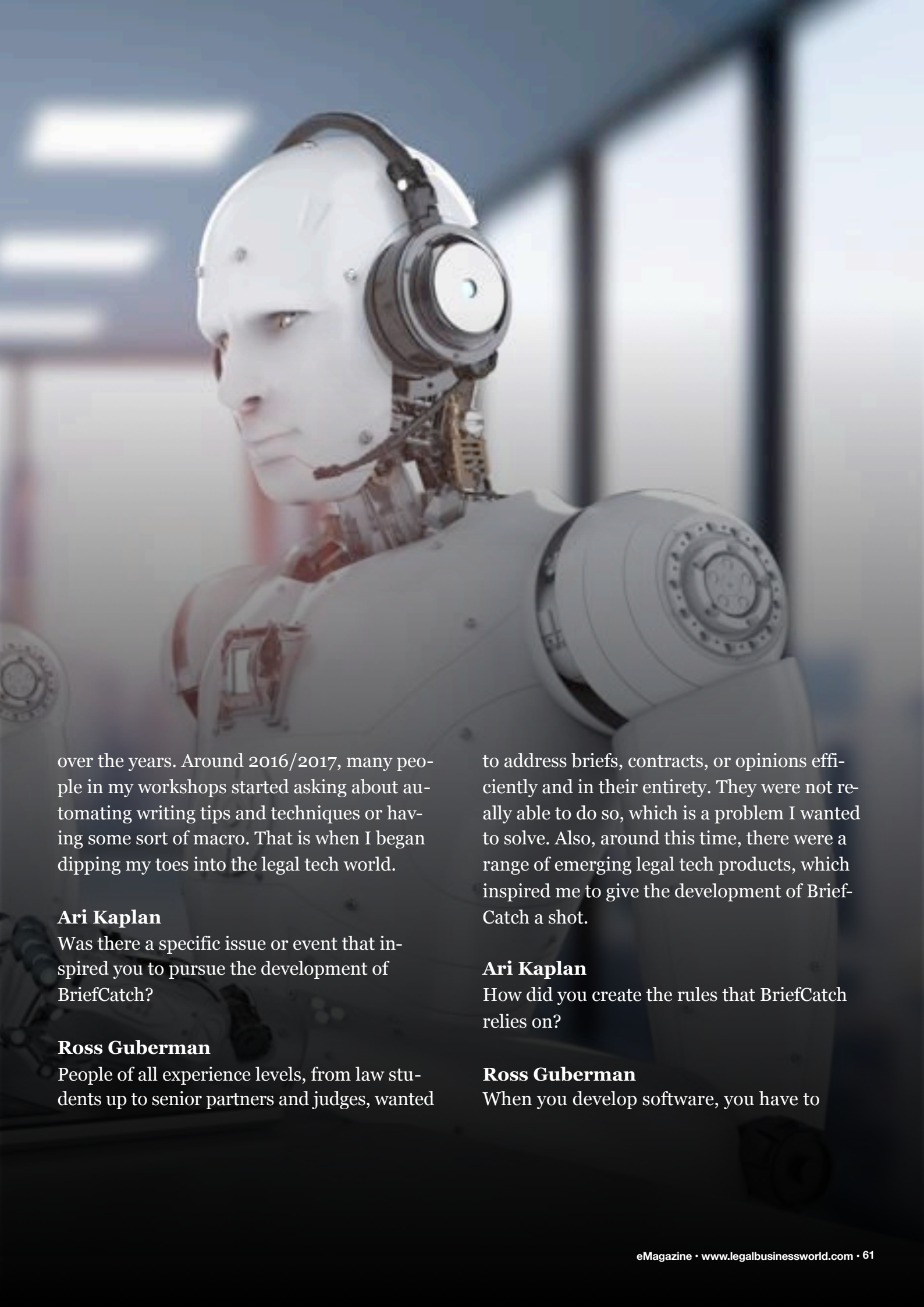


Ari Kaplan

Tell us about your background and the genesis of BriefCatch.

Ross Guberman

For about 16 years, I mainly had a workshop business, always involving legal writing in its various manifestations. I started with summer associates and new associates in big law firms. Then, I developed other types of programs on business development writing, contract drafting, and programs for various specialty practices. I have also worked with various judges and courts, which has grown



over the years. Around 2016/2017, many people in my workshops started asking about automating writing tips and techniques or having some sort of macro. That is when I began dipping my toes into the legal tech world.

Ari Kaplan

Was there a specific issue or event that inspired you to pursue the development of BriefCatch?

Ross Guberman

People of all experience levels, from law students up to senior partners and judges, wanted

to address briefs, contracts, or opinions efficiently and in their entirety. They were not really able to do so, which is a problem I wanted to solve. Also, around this time, there were a range of emerging legal tech products, which inspired me to give the development of BriefCatch a shot.

Ari Kaplan

How did you create the rules that BriefCatch relies on?

Ross Guberman

When you develop software, you have to

decide early on what kind of platform you will use and the type of technology to leverage. I learned a natural language processing system to create the rules. At first, it was really impressionistic and random. For instance, I would see something in a brief or remember something from a workshop and then code the rule. Eventually, I had about 3,000 rules when I launched. In subsequent years, I became more systematic and created them in bunches.

Ari Kaplan

What are the common ways that BriefCatch is helping legal writers?

Ross Guberman

Because the labor cost of writing has decreased, it is just so easy to copy and paste, type, and summarize. As a result, people almost paradoxically need another tool, a countervailing tool to push them in the opposite direction. It is much easier to type three or four words that come into your mind than it is to combine them all into a precise, but harder to access, single word. As humans, we need some sort of push, whether manual or technological, to find the sweet spot of tight, well-chosen wording.

Ari Kaplan

How does a tool like BriefCatch reflect the broad application of technology in the legal profession today?

Ross Guberman

There has been this war of sorts between efficiency and quality because many lawyers operating under time pressure also need to produce the best possible work product. Brief-

Catch makes those two things work in tandem because the technology can scan an entire document, and apply 12,000 rules to it in just a few seconds. This allows people to spend less time editing and yet have more control over quality. It is the kind of technology people appreciate these days since it makes time less of an enemy. In fact, you end up spending much less time while still creating a superior product.

Ari Kaplan

Have you seen a change in the quality of writing in legal?

Ross Guberman

Yes. You see a lot more of what I would call passive writing, not passive voice. There is a lot of copying, long quoting, adapting models, and summarizing. They are very tempting when you're facing pressure, but they rarely lead to the kind of product you really want to be producing. We need something to take us away from this work and prompt us to incorporate a little bit more thought and careful intent before the words get on the screen.

Ari Kaplan

Where should legal professionals focus their writing, ideas, structure, grammar, and creativity?

Ross Guberman

One thing I have found that will really help a lot of people trying to improve their process and make it more enjoyable is to build in a moment early on after finishing their fact gathering or legal research to consider what you have learned and begin to type all of the things going on in your head and turn them

into coherent points. You seldom want to jump from the research or fact gathering phase to a stream-of-consciousness writing effort. Instead, challenge yourself to begin with a content-based structure.

Ari Kaplan

How do you see legal drafting evolving?

Ross Guberman

It will be fascinating with the excitement around automation and AI in contracts. I would imagine it will become incredibly easy to gather high-quality building blocks in agreements, such as key provisions, or standard language for balancing tests in litigation, resulting in more consistency and higher quality. What will be a challenge will be tailoring language to a specific transaction or dispute. In an ideal world, technology will free legal professionals from the more tedious parts of writing in favor of more productive thinking and strategizing on content. There is a lot of excitement now about marrying different parts of a lawyer’s skill set that are currently seen as separate, such as a writing and editing product married to a legal research tool, combined with a document automation product, all create an exciting workflow that allows you perform discrete steps simultaneously.

Editor’s Note: This transcript was originally published by the ABA Journal on September 26, 2022 here: <https://bit.ly/3gDv5dW>

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.ReinventingProfessionals.com>. Listen to his conversation with Ross Guberman here: <https://www.reinventingprofessionals.com/leveraging-technology-to-transform-legal-writing>





BriefCatch



The Hidden Elements Of Projected Professionalism

Most involved in the legal profession understand the essential nature of professionalism and projecting a completely formal, impartial image.

Those who come to you with sensitive legal cases will be looking for a steadfast presence, someone they can trust. Of course, in order to manage this, we need to manage ourselves correctly and express the right conduct fitting the task.

Yet it's important to remember that professionalism isn't just a neatly trimmed moustache or a well-fitted suit - but every means by which you format, handle, and curate the case. In the legal profession, this can take several

forms, but there are some systemic efforts and principles you can make use of to provide a universal experience to all clients.

In this post, we'll discuss the hidden elements of projected professionalism, those that help you put your money where your mouth is, expressing the genuine values of your firm and what it has to offer.

Essential, Secure & Useful IT Systems

By searching for [outsourced IT support](#) near me, you can make certain that your IT systems function capably, and that managing clients, their cases, their requests, and their sensitive data is assured. It will help you plan appointments, draft documents, work remotely and

portably when needed, and make the onboarding process easier for clients to take care of.

No firm with an outdated IT system can come across as professional and up-to-the-minute, especially in an industry so carefully catered to the needs of clients and the long-term relationships we build with them. As such, investing carefully in your IT can make a profound difference to your projected professionalism.

Private & Confidential Meeting Spaces

While it's acceptable for legal counsel to [meet their clients](#) in public such as in cafes or wherever else feels comfortable, perhaps even at their homes if invited and if the client/attorney relationship has progressed for a little while and become familiar, curating confidential and private meeting space in your offices is paramount.

Air-conditioned, well-furnished meeting rooms that can serve as conference spaces for meeting other legal counsel or can provide a totally private space for the most sensitive details of a case to come out, investing in this provision is absolutely crucial, and without that environment it may be that your first contact as attorney isn't quite as polished as it could be.

A Clear, Easy-To-Follow Plan

Skilled legal counsel knows how to properly discuss legal concept and plans with their clients easily, so they can follow it, and understand your reasoning.

This goes for any consulting industry or

any firm that works on behalf of clients - providing a clear, easy-to-understand and follow plan, as well as alternative options in the case of certain stimulus coming to light, will ensure that you don't speak over your client, but rather to them, and allow your refined training to speak for itself.

This is the skill that can sustain clients for years upon years, and for good reason.

With this advice, you're to not only see but make use of the hidden elements of projected professionalism.

READ PART 2 OF PERFORMANCE FOR LAW DEPARTMENTS



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4 Tips for Creating a Culture of Engagement in Your Law Firm

Today's legal culture is unlike any other that we have seen in the past. Employees look for more meaning and purpose at work, not just a paycheck. Well-informed and [connected employees](#) also drive expectations for collaborative work environments where trust and transparency between team members are paramount. With these new cultural norms, it's essential to foster an employee engagement culture in your law firm that encourages collaboration and open dialogue about what people value most by adopting these seven rules.

Improved work/life balance

For many years, the law was viewed as a “sacred cow” that cultural changes would never

touch, but that has changed. Law firms are now seeing the benefits of shifting their focus to better managing work-life balance for their employees. Achieving a healthy balance between work and life allows employees to stay at their best, [increasing engagement and retention](#) and improving productivity levels.

Recognition and rewards

People appreciate being recognized for their contributions and efforts; it can be an excellent way to drive positive behavior in the workplace. With that in mind, providing recognition opportunities at different points of the year and for individual accomplishments is a great way to show your team members that you notice and appreciate their

efforts and contributions. One way to recognize your employees is through a rewards program. Rewards programs can show appreciation through gifts, cash awards, and gift cards such as a [holiday gift certificate](#). Employee satisfaction is increased when you have a rewards program in place. This also applies to recognition within the firm. You should have a rewards system to encourage people to do the right things.

Provide mentorships

One way to foster collaborative and supportive relationships between employees is by establishing mentoring relationships. Mentorships can benefit both parties by allowing employees to receive guidance from more experienced colleagues and offering a way for more senior staff to give back to the profession. At the same time, mentorship programs have been shown to drive employee engagement and retention rates and improve professional confidence, authenticity, and self-awareness. With that in mind, make sure to offer a formal mentorship program with structured guidelines and expectations.

Focus on mental health

Mental health is an essential part of employee engagement that many firms tend to over-

look. While many firms have programs to support physical health, mental health is often overlooked. This can be a severe problem, given that the World Health Organization has reported that mental health issues cost the global economy \$2.5 trillion yearly. When employees are stressed, they are less engaged and less productive. They also engage in counterproductive work behaviors that negatively affect the law firm's culture and reputation. For example, a survey by the American Psychological Association found that 70% of law students reported symptoms of depression.

Conclusion

Engagement is a two-way street. It's essential to make sure that your employees feel that their voice is heard and that you are open to feedback and suggestions on how to improve as a law firm. Educating your employees on what you expect from them is equally important. If you want to create an employee engagement culture in your law firm, you must ensure that you offer the right work environment that includes these four guidelines. When these rules are applied, employees will feel more engaged in their work and more productive.



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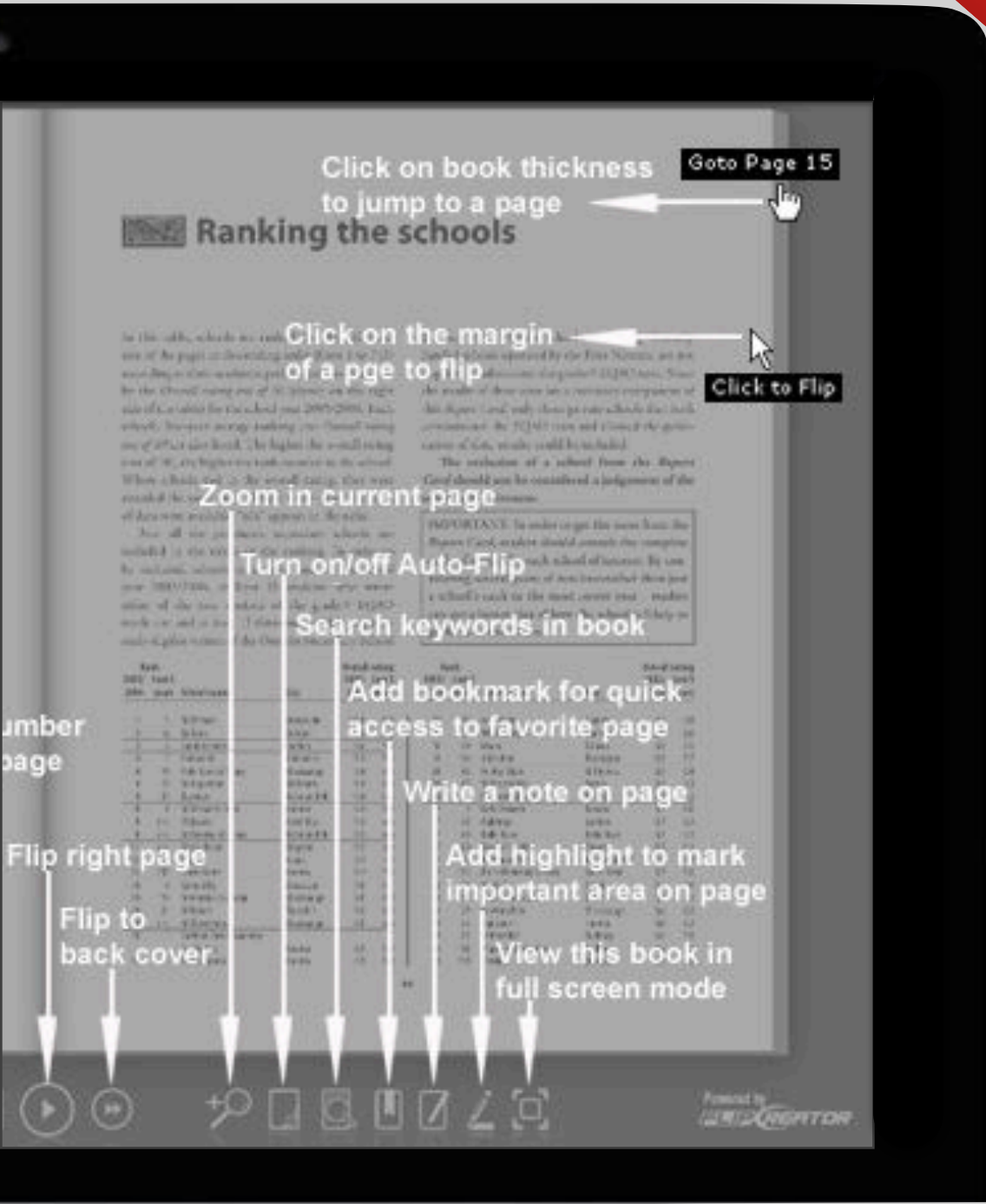
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