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LEGAL INNOVATION AND WHAT OTHER INDUSTRIES CAN TEACH US

By Nonopa Vanda

Other contributions by: Richard Stock, Arnoud Engelfriet, Pamela Cone, Ari Kaplan, Alex Babin, Lance Eliot, Marco Imperiale, Scott Seidewitz, Kenneth Tung & Glenn McCarthy

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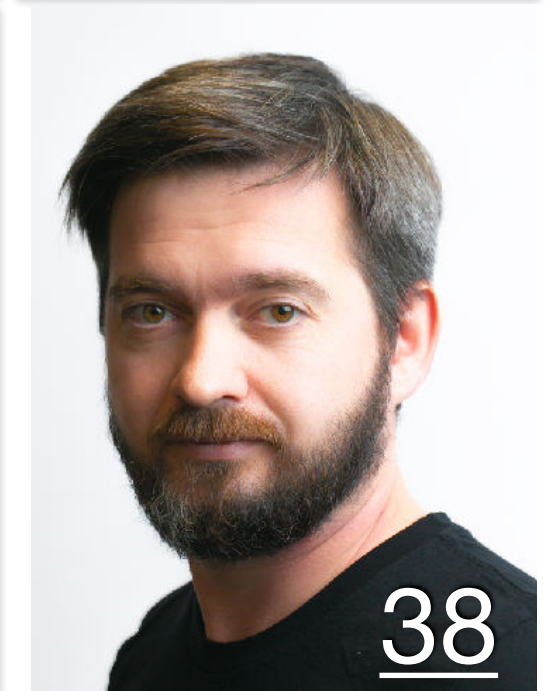
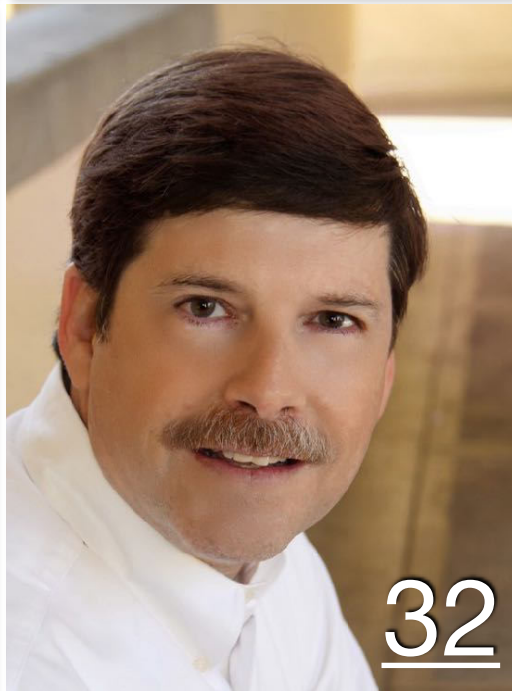
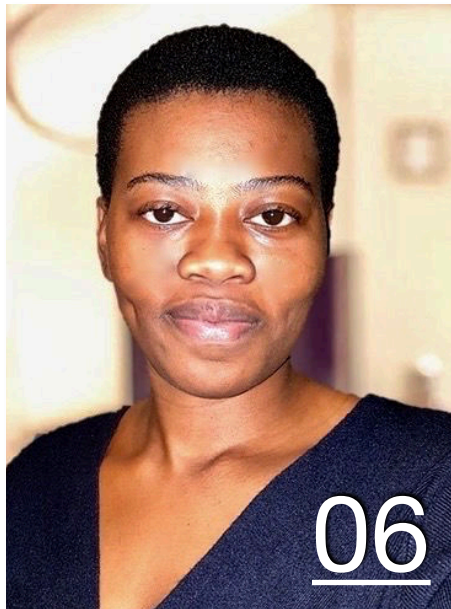
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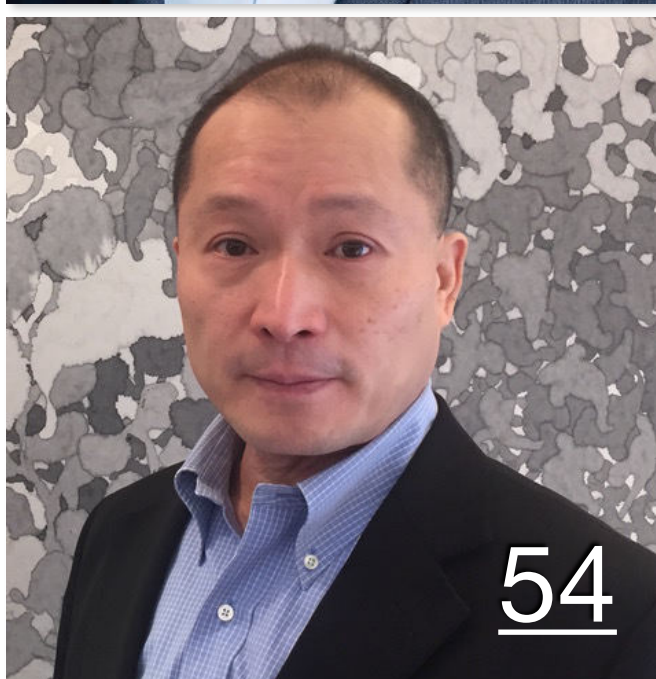
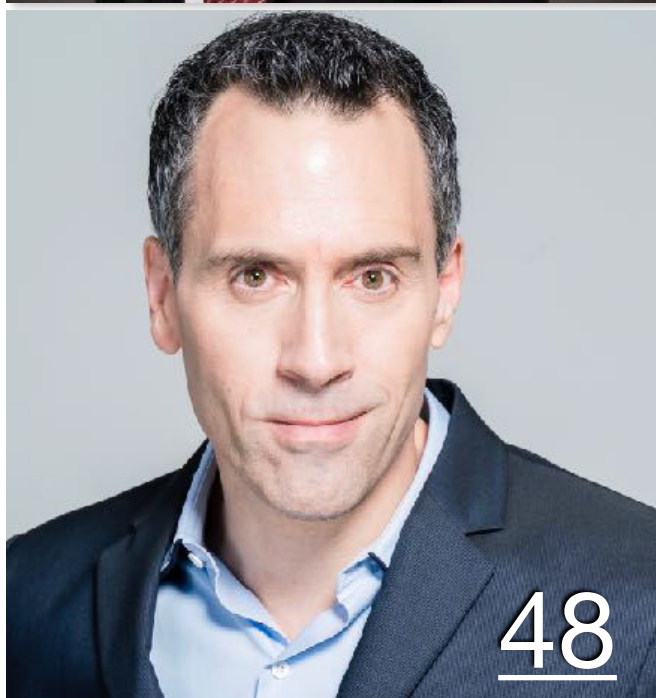
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Legal Innovation and What Other Industries Can Teach Us

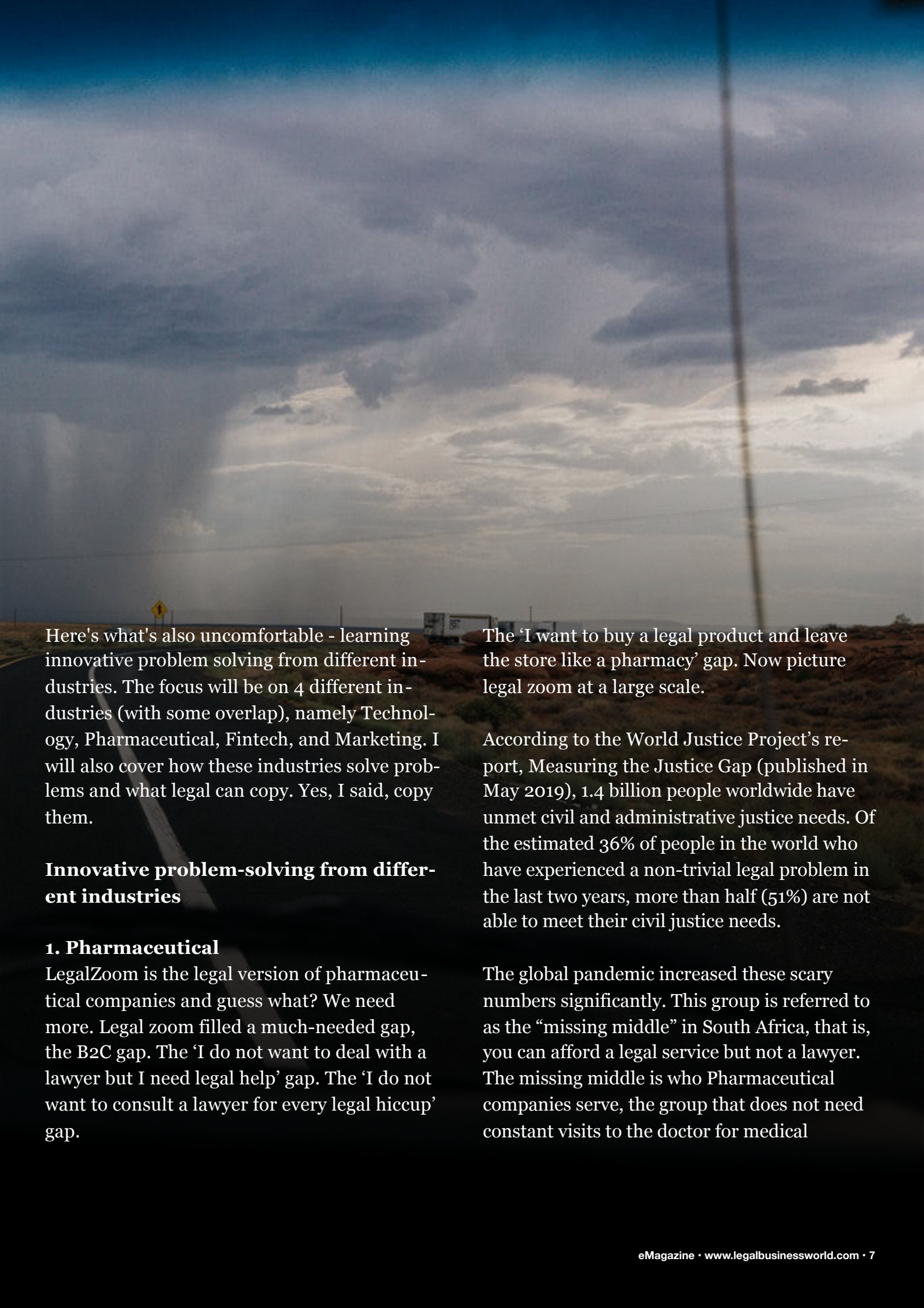
By Nonopa Vanda, Legal Innovation Consultant



Legal Innovation

When software companies create new products or add new features to existing technology, they used to invest a lot of time and money not knowing the result. Post-Kanban, Scrum, and Lean entered the Design Sprint. Coined by former Google employee Jake Knapp, the design sprint changed the game forever. You test an idea to achieve results within five days instead of months or even years. To be honest, when all this started, people did not know what they were doing, and simply put - if you know what you are doing you are not innovating enough. In fact - you are not innovating at all.

Innovation is the thing where you start with the chicken and the egg question and finish with the little red riding hood question. No one should know the outcome. That's the whole point. It's uncomfortable.



Here's what's also uncomfortable - learning innovative problem solving from different industries. The focus will be on 4 different industries (with some overlap), namely Technology, Pharmaceutical, Fintech, and Marketing. I will also cover how these industries solve problems and what legal can copy. Yes, I said, copy them.

Innovative problem-solving from different industries

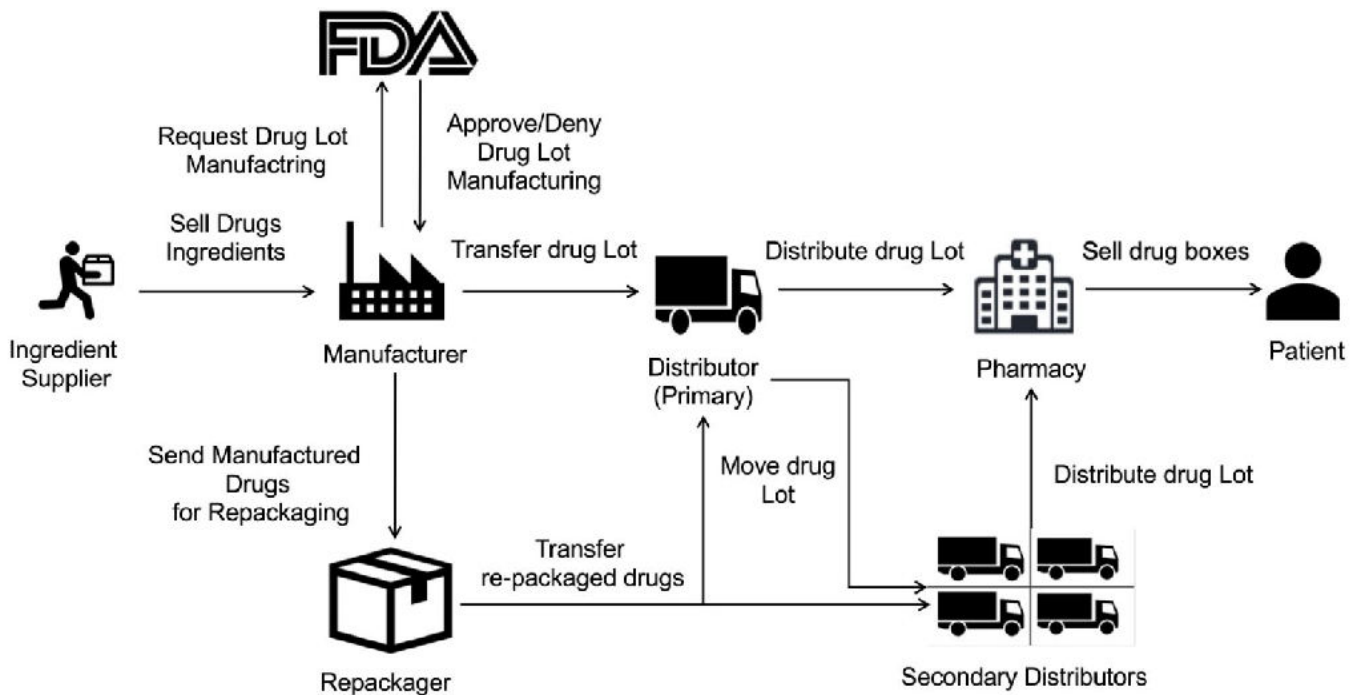
1. Pharmaceutical

LegalZoom is the legal version of pharmaceutical companies and guess what? We need more. Legal zoom filled a much-needed gap, the B2C gap. The 'I do not want to deal with a lawyer but I need legal help' gap. The 'I do not want to consult a lawyer for every legal hiccup' gap.

The 'I want to buy a legal product and leave the store like a pharmacy' gap. Now picture legal zoom at a large scale.

According to the World Justice Project's report, *Measuring the Justice Gap* (published in May 2019), 1.4 billion people worldwide have unmet civil and administrative justice needs. Of the estimated 36% of people in the world who have experienced a non-trivial legal problem in the last two years, more than half (51%) are not able to meet their civil justice needs.

The global pandemic increased these scary numbers significantly. This group is referred to as the "missing middle" in South Africa, that is, you can afford a legal service but not a lawyer. The missing middle is who Pharmaceutical companies serve, the group that does not need constant visits to the doctor for medical



headaches. But what about legal headaches?

There is a lot of debate in the legal industry about whether or not legal pharmaceuticals such as LegalZoom are taking a share of the pie meant for lawyers. It is quite obvious that the missing middle cannot afford lawyers, let alone litigation. This is not only the perfect scalable solution for them - it's eating at the pie the lawyers don't want anyway. I can already hear all the growling at the back - hold your horses. It's profitable. How much are we talking?

A study - Shaping the Future of Law- conducted by LawTech UK shows that serving the unmet demand from consumers and small and medium-sized enterprises (SMEs) could be worth £11.4bn in annual revenues and the early adopters who will take the pharmaceutical approach to serve the unmet demand will be the winners of tomorrow. The

sky's the limit when legal services are in a cart and pharmaceuticals have already figured out the distribution channels from the producer right down to the user. All that's left is to figure out who produces, manufactures, wholesales, and retails legal services.

2. Technology; The Design Sprint

The Design Sprint provides a transformative formula for idea testing that works no matter the size of your organization. You go from idea to prototype to decision in five days, saving countless hours and dollars. Design sprints in the legal industry can improve value proposition, business models with scalable offers, digital transformation projects, contract re-design, and even go-to-market strategy. There is no limit to what can be achieved through Sprints and using the framework can have massive returns in cost reduction for law firms, paraprofessionals, solo practitioners, and in-house departments.

G/

The Design Sprint



Understand



Sketch



Decide



Prototype



Validate

3. FinTech

Legal technology is our FinTech way of doing things. The banks are law firms and FinTech is legal tech but here's where we fall short. Legal tech founders create products and sell them back to where they're not needed i.e. Law Firms. For instance, a big percentage of the legal tech market is document automation, a much-needed solution that's saturated. Now picture all these document automation companies approaching the same prospective clients. Fun. And we wonder why it's so "hard" to sell legal tech.

So what does FinTech do differently? They diversify their client base. Instead of focusing on selling FinTech back to banks, the latter's client base is made up of e-commerce platforms and store owners, currency exchange applications, cryptocurrency platforms, etc. A working model is to take FinTech to banks plus all industries, not fintech to just banks. A

lot of industries need legal tech, not just legal. So just like FinTech, instead of taking legal tech to just law firms, take legal tech to construction, dispute resolution, international organizations, conglomerates, banks, pharmaceuticals, logistics, shipping, venture capital, etc. This is not to say this isn't happening already. It is. But is it at a large scale as FinTech? No. Let's move people.

4. Marketing

If I hear one more person saying "legal marketing", I'll pull my hair out and bang my head against the wall. Marketing is marketing. The \$1.7 Trillion industry has been leveraging at least ten thousand ways to reach its target audience and make its clients rich. It's a well-known fact that lawyers aren't very good at this head-eating monster called marketing.

Marketing is to legal what Brandon was to the iron throne in Game of Thrones - a very important piece of the puzzle that no one sees



Taken from Techdee

coming and is often ignored until it's too late.

Marketing works in this order:

- Attract
- Convert
- Close
- Delight

Legal marketing goes in this order:

- Credentials
- Credentials
- Credentials
- Legal500

The marketing industry has leveraged collaboration, renting other people's audiences, buying traffic, acquiring what works, and using other people and businesses as distribution channels. Leading industry examples in my view are twofold; Mischon De Reya and Yankitt LLP.

Apart from the impressive conversion copywriting they have on their website - they established the MDR Lab to attract investors, businesses, VC firms, promising startups, law firms, attention, you name it. The Lab quickly became one of the best choices for promising legal tech startups. Our YCombinator. Many of the start-ups they have helped, such as Donna, have not only gone to market, they are doing pretty well.

Any law firm making above \$100m or even less annually can afford to have a Lab that assists startups in this way to attract attention to themselves and deepen their relationships with leading technologies, investors, and business partners which leads to more business. Recently, they have launched MDR Research to collaborate with academia for research and development as reported by Artificial Lawyer. Universities are all about

firms, attention, you name it. The Lab quickly became one of the best choices for promising legal tech startups. Our YCombinator. Many of the start-ups they have helped, such as Donna, have not only gone to market, they are doing pretty well.

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4.2. Yankitt LLP

Last year, the law firm made headlines by being the very first law firm to enter the Peloton hype. Dubbed as “the great equalizer” by Law.com, Peleton has become the next generation exercise equipment company. The stock market's pandemic darling managed to get everyone's attention and if Prof Scott Galloway of NYU's predictions is anything to go by, Peloton might be entering the metaverse soon.

Enough with the Peloton. Now imagine the world's very first firm to have its name next to this next generation company that may or may not be entering the metaverse soon. Whenever you search Peloton and law firms

on any search engine, all you see is Yankitt LLP. This may have zero significance to some but from a marketing standpoint, Yankitt rented out Peloton's attention together with their partners and clients. The firm became the talk of the town for quite some time and as Peleton's attention moves up (especially if they join the metaverse) so will Yankitt's. Like how a service provider rents space in someone's email list who has a large list of subscribers. The audience need not be yours.

These two are examples of what doing marketing the marketing way can do instead of coining our own legal marketing with subpar returns. Find a promising company, rent their audience and buy attention.

In closing

All these examples I provided of how different industries approach innovation and problem solving can help legal think outside of the box. If the legal industry is to go all-in on legal innovation, we cannot say we know what we are doing. That is not innovation. Waiting for someone else to do it is also not innovation because FOMO-driven innovation has poor returns. We also cannot be done. The definition of ‘done’ in legal innovation needs to be continuous improvements. In product management, the definition of done is a list of criteria for constant increments. Constant improvements. We can never be done, like the chicken and the egg question, we should always ask questions and iterate as we go along. It is not over until the fat lady sings.

About the Author

[Nonopa Vanda](#) is a certified legal technologist

who holds a Bachelor of Laws (LL. B). Professionally, she is a legal technology and innovation consultant who helps connect lawyers with businesses. She works at the intersection of technology, design, and product management/development.

She is one of the leading voices in the field of

legal technology and innovation in Africa and Internationally. Currently, she is the South African representative for WAL World International AG, on a mission to uberize legal services in South Africa. She advises startups on product and go-to-market strategies and contributes to legal NPOs from time to time. Her views are her own.

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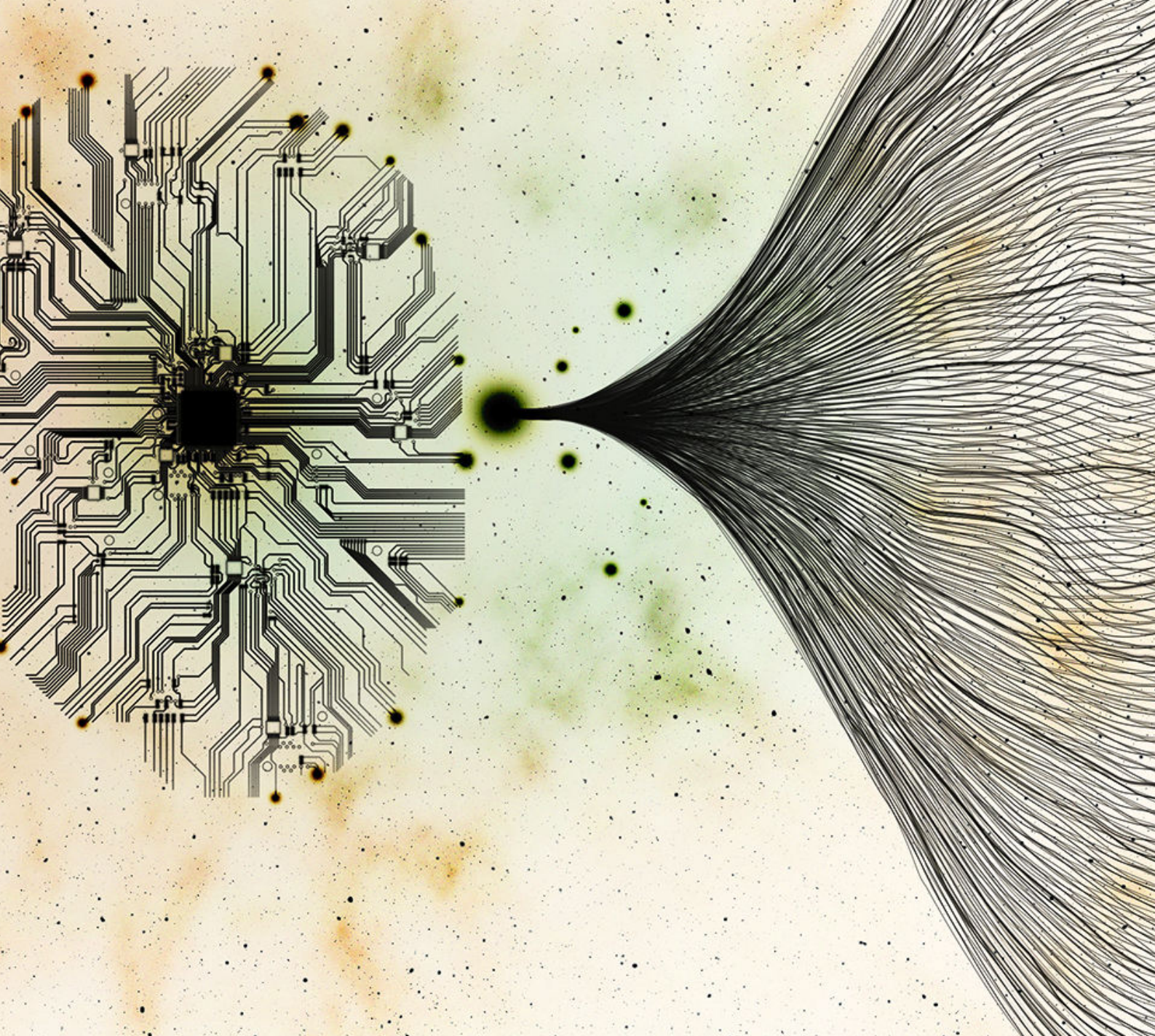
Legal tech: Beyond the myths #4

Are robots taking over our jobs?

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



Did you notice? Whenever you read an article on robotization or artificial intelligence in law, there's always a stock picture of a robot wearing a gown or wig, or tapping a judge's gavel. An easy way to illustrate "robots doing legal work" of course. But it shows an underlying assumption, namely that robotization or AI in law means that a robot takes over the work we human lawyers do. That's not what's going to happen, but the idea is stubborn. Until we manage to take it away, however, robots aren't going to be much of help.



Mere automation

The main promise of legal tech is that technology will help lawyers improve their work. This of course isn't a new promise. For decades legal providers have put efforts in automating aspects of their work. Timekeeping, file management and formatting documents, to name a few. This provided a huge efficiency gain, which allowed lawyers to focus more on substantive work.

Automation did not, however, fundamentally change the way of working of the legal profes-

sional. It merely meant the same work could be done faster, with fewer distractions caused by limitations of the tools. Writing with a word processor is faster than a typewriter because you can eliminate mistakes more easily. But it does not make the actual thought process faster: the contract won't be written any easier, and a legal argument won't sound more convincing because of a better word processor.

Work transformation

A second stage in legal automation is to

automate parts of the substantive work itself. This goes a step beyond automating the way of working. Let's take an example from legal practice: writing legal opinions. Automating the tools would mean using a word processor, and searching a case law database with keywords and filters, then typing in (or maybe copy-pasting) the relevant passages and the case citation. One could imagine a tool inside the word processor, inserting citations with passages with one click.

But still, choosing which cases (and which passages) is truly the choice of the human lawyer. A tool like IBM's ROSS is a good example that takes this one step further. Given a legal case, the tool retrieves relevant citations and provides the skeleton of a legal argument. This does more than just saving time: it takes drudge work out of the lawyers' hands.

In contract drafting practice, a common example is the document assembly tool that prompts the user with questions: who are the parties, what is the price, should confidentiality be one-sided or mutual, how long should the term be, and so on. Based on the answer, the tool selects relevant clauses and builds a contract. Clever and useful as this may be, in the end this is still a mere automation of the old model agreement that said "insert contract term here (in years)".

Substantive transformation

The third stage in legal automation, which is what's usually referred to as legal tech today, is the transformation of how substantive work is performed. True transformation means doing things differently because technology allows you to.

For instance, in the contract assembly example, a true transformation would be to come up with a different template based on the client or the type of deal, or more generally to go beyond the standard clauses from the model for answers A through D. Or choosing to omit certain articles in their entirety because the client's history reveals they are not useful. Or re-drafting a limitation of liability after reviewing the other party's professional liability insurance. This is different from merely answering questions and always getting clause 23.A or 23.B for a force majeure statement.

In contract review, an example of automation would be a tool that recognizes legal clauses and flags them for the lawyer to review. This helps the lawyer do his or her work better, but does not change it. A transformation would be a tool that not only recognizes clauses, but also determines their impact and makes a decision whether the lawyer should even see them. If the contract is low-value and the clause is only a small deviation from the company's policy, why bother?

(If you want an example of such transformation that's closer to home, consider a legal liability insurer. Often, when a small claim is received, the insurer may make the decision to pay the insured out of its own pockets and forego the traditional route to court to recover damages from the party that caused it. This is of course based on financial considerations, but still it is very different from the traditional approach where you recover damages from the party that caused them.)

The challenge, of course, is getting such a

transformation actually adopted. And this is hard. Change is always hard, but for some reasons especially in the legal sector. This despite the fact that this sector deals with new stuff all the time.

Four hundred years of experience

The legal sector has an image of little change. For a large part, this is only logical: the work is fundamentally the same as, say, 400 years ago. Back then as now there were conflicts that needed legal arguments to be settled and agreements to be put on paper. While the subjects and the law may have been different, the principle remained the same.

At the same time, this is strange. Most lawyers are very much open to new developments, from the latest gadgets to large-scale developments in society. And again this is only logical, as keeping up with the world is needed to do legal work. If a lawyer can't operate a fax machine, how can he provide legal advice on the status of fax messages, to name just one example. Novelty is part of the work. So why did the legal work remain the same for so long?

Many explanations have been proposed. The hourly billing system in particular supposedly blocked innovation: those who work more efficiently, could not claim as many billable hours. Add to this a system where the partners at the top of a law firm receive a percentage for each billable hour, and the result is a very strong stimulus against reducing the number of hours worked. But surely this is not the entire explanation: those who work more efficiently may make fewer hours on one job, but would have time available

In my opinion the fundamental reason is the well-known expression "Don't change a winning team". Firms that do well, are very busy. Introducing fundamental change in a busy environment is not going to go over well. This takes time and concentration, and both are in strong demand. So the change will have to wait until next year.

But then why now? Customers are asking more vocally for change, for speed and cost savings. And there's nothing left in terms of small savings, lowering the hourly rate or distributing costs. In addition, more and more firms see options to introduce legal services in innovative ways, threatening the traditional monopoly position law firms have enjoyed. This forces thinking about transformation.

The role of AI in transformation

The rise of artificial intelligence may provide the key to this transformation. Most types of transformation that are currently under consideration, rely heavily on automatically reviewing texts and spotting anomalies. This is something computers are very good at, and this happens to be an activity often requested from lawyers. But we can do more than just put an AI as a first check to save lawyers a little time.

Artificial intelligence is in particular good in recognizing patterns in huge amounts of data, turning it into actionable intelligence: this is a force majeure clause, this line of reasoning reflects the three prongs from the Sunday Times case, and so on. Such intelligence is useful as direct input to the professional taking the next step – but can also be leveraged to change the next step, change the workflow or process in which the analysis occurs.

As a simple example, consider a company that often receives confidentiality agreements from prospective customers and partners. The traditional process would be to send this to Legal for review, the lawyer would enter into discussions with the other side, and after discussions had led to a mutually acceptable agreement both parties would sign. Applying legal tech would speed up this process: instead of the lawyer reviewing the document, an AI would do the same. The lawyer would review the output, including a marked-up document and open the negotiations.

When transforming this process, one needs to do a step back: what is the intent of this process? Who are the actors that need to operate the process? Even though this is a legal document, the process is by itself not legal: it serves to enable the business to talk with prospects in confidence. There are more ways to address this purpose without having a manual review of each incoming NDA. One simple example: insist on the company's own NDA, or a well-accepted standard NDA (such as the oneNDA initiative).

More advanced process changes involve putting the AI earlier in the process. For instance, the businessperson sends the NDA to the AI, who reviews and either approves or rejects it, where rejection means "not salvageable, use our own NDA instead". This would cover two-thirds of the situations, according to statistics of our own product NDA Lynn. In the other one third, negotiations can be started based on a redline prepared by the AI tool. And even here, the lawyer is not (yet) necessary: the redline can be sent back for initial comment, once those are reviewed by the other party, the lawyer can re-

solve the feedback and negotiate towards mutual agreement.

Managing workflow

Enabling such changes first of all requires a clear workflow. Businesspeople should know to involve the AI, and when to approach the other side with a redline. Technology can help: the review tool can take care of most of the administrative burden, and keep track of the latest actions taken and the next steps to be performed by humans. However, this only works if the humans involved are in agreement on what the next steps are supposed to be. Establishing assent on such matters is very hard, as it may involve changing a company's culture or even overcoming corporate infighting.

A related matter is to know what the AI tool is to approve or reject. In general terms, most companies have an understanding of what is acceptable in their line of business. For instance, software companies typically want to retain their IP and are concerned with employee poaching, while food suppliers worry more about quality provisions, returns and the confidentiality of price discounts, to name two examples. But zooming in a little more often reveals blind spots: what do we mean with "we typically want to retain IP"? What amount of returns do we accept, exactly? And are there combinations: is a small price discount with a high return right for the customer acceptable just like a high discount with no right of return?

First steps

Successfully deploying legal tech thus, as a first step, forces a company to reflect on its workflows involving the legal department and the underlying assumptions about the business.

Getting this on the table in an actionable format is a huge challenge, but at the same time represents 80% of what is needed for a true transformation of such workflows. The tool can then quickly be deployed to fit the new process. As always with technology, it's not about the tool but about the humans using it.

About the Author

Arnoud Engelfriet is co-founder of the legal

tech company [JuriBlox](#), and creator of its AI contract review tool [Lynn Legal](#).

Arnoud has been working as an IT lawyer since 1993. After a career at Royal Philips as IP counsel, he became partner at [ICTRecht Legal Services](#), which has grown from a two-man firm in 2008 to a 80+ person legal consultancy firm.

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Pulse of the Profession: Survey reveals lawyers' priorities about world problems

By Pamela Cone, Founder and CEO of Amity Advisory



Society needs lawyers in good times and in bad. And the legal profession can and does play a critical role in addressing society's most pressing challenges.

The social impact of the legal profession

Many lawyers went to law school to make a difference. Often, the attraction of an extremely high compensation package blurs the lines between “making a difference” and “making money.”

But the results of the current Pulse of the Profession survey reveal law firms are committed to creating transformative change.

Pulse of the Profession

In an ongoing Legal ESG [Pulse of the Profession](#) survey, lawyers throughout the legal ecosystem

are invited to respond to questions about their social impact priorities. Using the United Nations Sustainable Development Goals (SDGs) as a framework, the Legal ESG Pulse of the Profession provides a real-time look at the most important, material, and relevant priorities of lawyers and for the legal profession.

The survey is conducted by [ESG Intelligence Group](#), in collaboration with Inside Practice LLC, and my consultancy Amity Advisory LLC.

The Pulse of the Profession survey is based on the 17 United Nations SDGs, also known as the Global Goals. The SDGs were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.

The survey asks three questions:

1. Which SDG is most important to you, reflecting your own personal perspectives and passions?
2. Which SDG do you believe is most material and relevant for your company/firm, given its industry and its areas of expertise?
3. Which SDG represents the greatest opportunity for the legal profession to influence/drive the greatest societal impact? So far, respondents from more than 80 firms in 15 countries have re-

sponded to the survey. Each month, we post the current results at [Legal ESG](#).

The results to date are very encouraging and clearly affirm the important role of the legal profession in addressing society's most challenging problems.

Question #1 - Which SDG is most important to you, reflecting your own personal perspectives and passions?

Not surprisingly, the top SDG from the personal perspective of the respondents is **SDG #13 – Climate Action**. This goal, which strives to “take urgent action to combat climate change and its impacts,” is of utmost importance.

As we have learned throughout the pandemic, “businesses cannot survive in societies that fail.” And clearly, the pressing climate crisis and its ramifications are demonstrating the truth of that statement with increasing frequency. Without its due attention and action, it won't be just businesses that fail. But also society as we know it.

Question 2 - Which SDG do you believe is most material and relevant for your company/firm, given its industry and its areas of expertise?

When considering the firm/business perspective, the emerging SDG most material and

relevant is **SDG #16: Peace, justice, and strong institutions**. This goal strives to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels.

Given the current strains on these critical elements of our societies, we need urgent action.

Question #3 - Which SDG represents the greatest opportunity for the legal profession to influence/drive the greatest societal impact?

It’s encouraging to see that the respondents believe the #1 SDG for the legal profession is also **SDG #16 – Peace, justice and strong institutions**. Because if firms believe this work is most material and meaningful to their business, AND for the profession, it opens the door for greater collaboration and partnerships, bringing the power, skills, and expertise of the legal profession to the tasks at hand.

No single lawyer and no single company or firm will make sufficient progress alone. Together, however, we might have a chance.

A deeper dive into the results

If you’d like to see the full report, with more details, take the 2-minute [Pulse of the Profession](#), survey. All respondents will receive the reports, tracking the results over the next 12 months. Results are updated the first of each month.

The time for change is now

Unfortunately, the foundation and infrastructure needed for a well-functioning, democratic, healthy, fair, and just society are

being eroded by long-term, ongoing issues, as well as more recent events.

- Around the globe, society is experiencing the deadly and costly ramifications of the climate crisis.
- We have lived with the pandemic for more than two years that has changed society forever.
- Global social unrest is rooted in societal inequities—health, racial, gender, economic, and access to justice, as well as entrenched systems that perpetuate and sustain those inequities.
- In many countries, threats to democracy are real and urgent. Even in those countries once seen as beacons of democracy, the very institutions, trust, civil discourse, and decorum required for a functioning democracy are crumbling.
- And finally, the Russian invasion of Ukraine is testing the very foundation of our society, our mores, and our willingness to act (or not) to protect that which we believe is right and root out that which we believe is wrong.

There is no shortage of opportunities for the legal professions to act on those SDGs that emerged as most material and relevant in the Pulse of the Profession survey: #16-Climate Action and #13-Peace, Justice and Strong Institutions.

Lawyers come together for climate action and peace, justice and strong institutions

It is encouraging and heartwarming to see the numerous avenues for lawyers to use their highest and best skills, to collaborate in the

fight against the climate crisis and to preserve peace, justice, and strong institutions.

Here are several examples from their websites of promising initiatives, with descriptions of their missions and work:

[Lawyers for Net Zero](#) is working with one of the most influential sectors in society, the in-house legal community, to deliver significant climate action.

- Vision: Lawyers play a vital role in the practical activity required to maintain a sustainable future for us all.
- Focus: We are exclusively focused on in-house counsel and teams due to their central role in business and society.
- Opportunity: Climate aware counsel help their organisations guard against greenwashing and achieve legitimate Net Zero.

[The Chancery Lane Project](#) (TCLP) is a collaborative effort of legal professionals from around the world whose vision is a world where every contract enables solutions to climate change.

- We create new, practical [contractual clauses](#) ready to incorporate into law firm precedents and commercial agreements to deliver climate solutions.
- We then work with lawyers to ensure effective and impactful implementation of the clauses across industries, practice areas, and jurisdictions.
- We have launched our [Net Zero Toolkit](#), a collection of [clauses](#) and [tools](#) which enable lawyers to align their work with a decarbonised economy, and a safe and habitable planet for us all.

[Net Zero Lawyers Alliance](#) (NZLA) commits to support the goal of net zero greenhouse gas (GHG) emissions by 2050 or sooner, in line with global efforts to limit warming to 1.5°C (Net Zero). It also commits to amplify Race to Zero law firm membership, including law firms in developing states. And it supports aligning commercial clients' legal contracts and terms, and their enforcement, with net zero.

[The Law Firm Sustainability Network](#) (LFSN) is a nonprofit organization of law firms and legal departments committed to promoting the benefits of environmental sustainability and corporate social responsibility within their firms and throughout the legal industry. We believe by working collaboratively and giving firms essential tools and resources, we can have an ever-greater impact on preserving the environment. The LFSN's mission is to develop key performance indicators, foster knowledge-sharing, develop best practice guidelines, and recognize innovation regarding environmental sustainability in the U.S. legal sector.

[Legal Sustainability Alliance](#) (LSA) has led the way in sustainability for UK-based law firms since its inception in 2007. During that time, firms have moved from measuring and managing their carbon emissions to committing to net zero by putting sustainability at the heart of their businesses. It's now a strategic imperative for all law firms to work on their transition to a low- carbon business model.

[Australian Legal Sector Alliance](#) (AusLSA) is an industry-led association working collaboratively to promote best practice sustainability commitments and performance across the

legal sector. AusLSA’s sustainability framework includes sustainable and inclusive workplaces, community support, environmental conservation, and responsible governance.

[Global Alliance of Impact Lawyers](#) (GAIL) is a community of legal leaders who are using the practice of law to have a positive impact on people and the planet and to accelerate the just transition. We believe lawyers are uniquely positioned to facilitate change and support the movement towards a more equitable system. We profile, connect, educate, inspires, and mobilise impact lawyers—locally and around the world.

The opportunity to make a difference

It’s very easy to get discouraged when assessing the numerous threats to and challenges of our current society – the climate crisis, social inequities, threats to democracy, and the global pandemic, to name just a few.

Law firms make the greatest societal impact through client work—not through pro bono programs, philanthropic programs, or volunteer “days of service.” While all those things are important and make a difference, the societal impact of these “side” initiatives pales in comparison to client work.

The legal profession is in a unique and privileged position to use its highest and best skills to make significant change. We can start with our own firms. But the sphere of influence we enjoy through our client work can amplify our efforts exponentially.

Clearly, the early results of the Pulse of the Profession survey affirm our desire to solve

some of the most pressing problems. This is our moment, our opportunity, and our obligation.

About the Author

Pamela Cone is the founder and CEO of Amity Advisory. She works with the leadership teams of professional service firms to address the growing expectations of all stakeholders – clients, prospects, employees, recruits, and communities – around their firms’ ESG, social impact, and sustainability programs.

A special thanks to **Daniel Smallwood** of Inside Practice - as he is collaborating with me on the Pulse of the Profession project.



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COMING THIS MONTH - STAY TUNED

Law Department Condition *Getting by or Critical?*

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

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



Since March 2020, the global economy has been transformed not to say stressed. The nature continues to change. Companies are making structural, operating and financial adjustments in response to economic realities. Employees are feeling vulnerable.

Law departments in every setting must adjust their priorities, practices and resources. Better to do so in anticipation of change rather than as a defensive reaction to change. Law departments have come into their own over the last 25 years. Internal clients are used to having them around--as part of the fabric of the company. But are they nimble enough? Are they goal-tenders or on the front line seeking out ways to add value? In too many cases, the law department is getting by and too “comfortable” with



what it is doing and how it is doing it.

It has been nearly 20 years since two dozen GCs gathered in New York City to set out what they then considered to be the Critical Success Factors (CSFs) for a progressive law department. Their 17 CSFs were anchored by 52 constituent elements or statements. Although the factors and elements now need some updating, they are still relevant. Tough economic times and difficult working environments challenge the Chief Legal Officer to ensure that the business plan for the law department is up to the test.

There are 6 CSFs that I believe are particularly relevant to legal leadership. The factors are equally important and worth considering

along with their supporting elements. Each CSF should be assessed for compliance on a 10-point scale by scoring its constituent elements. My report card follows all the while finding law departments that demonstrate exceptional performance on all factors.

CSF—A trusting and effective working relationship with the CEO, executive officers and clients.

There are five elements or statements in support of this CSF:

- The CLO has frequent dialogue with the CEO
- Executive officers are briefed on the steps the law department is taking to align itself with company objectives and business

- The CLO creates opportunities for lawyers to work with executive officers
- The CLO monitors the quality of the relationships between lawyers and executive clients
- Client satisfaction surveys are conducted

The highest mark is awarded for monitoring working relationships with executive clients. Client surveys are conducted by fewer than half of law departments and this is done on an irregular basis. The other elements of this CSF are informal at best and rarely documented. In summary, law departments are much too passive in managing internal relationships. They must make the time to plan and do so. In general, I would not assign today's law departments a higher score than 4 for this critical success factor.

CSF—There exists an effective strategy for integrating lawyers with client/user management teams.

Four elements support this CSF:

- Significant business unit management teams include a lawyer as a participating member
- Lawyers have a formalized role in new product development processes
- Lawyers review and contribute to annual business plans
- Legal teams review major policy decisions before they are announced

Law departments score better on this factor than when I conducted a similar analysis nine years ago. Increasingly, business units have in-house counsel attend their meetings and

review major policy decisions. However, law departments are seldom called upon to contribute to business unit annual plans on a systematic basis. The main barrier is the limited availability of in-house counsel for other than urgent legal work. Overall, law departments deserve no more than 6 out of 10.

CSF—The annual and long-range plans of the law department are closely aligned with corporate objectives.

Three elements anchor this CSF:

- Written annual and long-range plans with objectives are explicitly linked to corporate objectives
- Evidence exists that the legal team works with clients to identify a joint long-range plan
- The assumptions about legal issues driving the business environment are identified in the plan

Most law departments have written annual plans. But fewer than 20% of departments have written long-range plans for the law department and only some of their objectives are closely aligned with corporate objectives. Planning assumptions are rarely documented and are not supported by multi-year forecasting of the demand for legal services expressed by volume, type and complexity. Law departments do complete corporate planning forms but remain poorly aligned and reactive in deploying their resources---deserving only 5 out of 10.

CSF—The law department has effective budgeting processes and financial reporting systems in place.

There are three elements:

- There is agreement on a comprehensive reporting format for financial reporting by the law department to its clients
- Procedures and systems are in place for the law department and external counsel to collaborate on budget management
- Clients monitor legal spending and provide input

Few law departments record time by matter and clients, and I do not suggest that they begin to do so.

Even without this law firm type of tracking, quarterly reporting to business units about the level and type of activity and the legal resources to support them seldom occurs. Fifteen years on, and legal project management and budgeting with external counsel remain in their infancy. Overall, law departments deserve a score of only 3 out of 10 for failing to apply budgeting methodologies to complex matters and for not moving beyond discounted hourly rates with external counsel.

CSF—There is a strategic sourcing approach to external counsel retention and management.

Two elements are sufficient for this factor, given the hard-wired and relationship-based nature of law departments with external counsel:

- The law department retains external counsel based on strategic alliances, competitive bidding and performance evaluations aligned with core competencies used to evaluate inside counsel

- Billing data is used to identify and reinforce use of best practices

CLOs prefer to avoid competitive processes to retain external counsel. Despite new competencies available in some procurement departments for sourcing professional services, they are not at ease with preparing specifications, drafting RFPs, introducing non-hourly fees as the dominant form of billing, promoting project management, and negotiating with preferred counsel. This is in part because they fail to examine billing data, to intervene in law firm business practices, and to make the time to do so. There is now more rigor when sourcing professional services in banking, most levels of government, and for some corporations. However, even with these, there is precious little innovation and risk/reward sharing with multi-year partnering agreements. On the average, law departments receive 5 points for this factor.

CSF—Professional development initiatives are focused on current and future core competency requirements.

Four elements are in play:

- Development is focused on core competencies for lawyers and paralegals
- Future talent requirements are forecast
- Career path plans and management/leadership skills development tracks exist
- There is multi-source feedback on individual performance

Public companies and most levels of government benefit from strong HR support for this factor. This is less true in other settings. Core competencies for counsel are not

identified by experience level. Law department demographics are poorly aligned with work type and complexity. Multi-source feedback, especially client feedback, tends to be of the “walk-about” variety. Best practices warranting a perfect score of 10 can be found in some law departments.

But most CLOs do not invest enough time to develop their own competencies and those of the law department team, defaulting instead to a “survival of the fittest” form of professional development. The score is 5 for this factor.

With scores like these, the condition of many law departments is unremarkable if not “critical”. There is much work to be done in 2022 and beyond.

About the Author

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IMPLEMENTING FINANCIAL INTELLIGENCE

Giving Law Firms a Competitive Advantage in 2022 and Beyond

THE TRANSFORMATION AND INFLUENCE OF THE LAW FIRM FINANCE LEADER

- 67%** | Believe that the skills required of today's financial leaders have changed.
- 47%** | Rank their level of influence at a four or five out of five.
- 60%** | Are involved in the procurement and buying decisions for technology.
- 73%** | Believe that increasing efficiency is the main driver behind their firm's use of technology.

DATA GIVES FIRMS A COMPETITIVE ADVANTAGE

- 90%** | Believe that data can help finance teams become trusted advisors to their law firm leaders.
- 93%** | Report that reliable, timely data can help law firms gain a competitive edge.
- 77%** | Ranked the importance of having access to financial data in a hybrid workplace at a four or five out of five.

UNDERSTANDING PROFITABILITY EMPOWERS LEGAL TEAMS

- 83%** | Measure profitability in some way.
- 15%** | Calculate profitability at the firm level.
- 23%** | Measure profitability at the attorney level.
- 33%** | Determine profitability at the matter level.
- 17%** | Do not measure profitability at all.
- 83%** | Expect to increase revenue over the next five years to increase profitability.
- 53%** | Expect to increase efficiency over the next five years to increase profitability.
- 27%** | Are exploring service delivery models as a tactic to increase profitability.

If you have questions, contact Ari Kaplan at Ari@AriKaplanAdvisors.com or (646) 641-0600.



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Striving Toward A Legal Trifecta Of AI-Based Robo-Lawyers, Robo-Judges, And Robo-Jurors

By Lance Eliot, Stanford Fellow at Stanford University and Chief AI Scientist at Techbrium Inc



You are likely familiar with the word *trifecta*.

Let's briefly explore the meaning of a trifecta and then see how a special type of trifecta is being aimed squarely at the legal profession and the practice of law. As a hint, the trifecta I'm referring to consists of infusing AI into the act of performing legal reasoning. More on this in a moment.

We ordinarily use the catchword trifecta for just about anything that seems as going against quite staggering odds. In a specific sense, the initial usage began when *trifecta* was coined to depict horse racing bets that managed to miraculously choose the first-place winner and the second-place winner, and even the third-place winner, doing so in each respective winning position and



altogether in their precise order in a given race.

It is a very hard bet to select and win.

Of course, you can be somewhat argumentative and make the case that sometimes the top three are rather clear-cut choices. A particular race or competition might already have contenders that can somewhat readily be ranked as the top three selections. By and large, you could say that the odds of accurately predicting a trifecta might be more manageable if there are a lot of prior known conditions.

Nonetheless, there is always the opportunity for the vagaries of chance to spoil things, assuming that an overt fix isn't already in the cards. A trifecta could be rigged if each of the jockeys is

secretly paid off or otherwise induced to ensure that the three designated horses arrive in the one-two-three finishing order. In contrast, when a situation is fairly being run and all else is considered equal, the likelihood of picking a trifecta can be extremely difficult and randomness alone might spoil the best of prognostications.

We take it as a base assumption that a trifecta is amazingly triumphant since the bet was made in a milieu of random chance. Out of the myriad of permutations, a trifecta betting winner assuredly got wildly propitious and can try to brazenly claim it was skill alone, though we are apt to believe that their luck happened to strike gold on that particular day and in that exact instance.

Shifting gears, let's consider another kind of trifecta, one that some believe could eventually occur in the practice of law. The aim of many AI researchers and developers consists of making strident advances in AI-based legal reasoning (AILR) toward trying to replicate into computer systems the legal prowess of those immersed in the legal realm.\

You've undoubtedly heard or read about the ongoing attempts to devise so-called robo-lawyers, consisting of AILR that can imbue computers with the legal acumen of human attorneys. There is also a lesser-known set of efforts to craft robo-judges. Further down on the list are the attempts to formulate AI-based jurors which are usually referred to as robo-jurors.

The AI-based legal reasoning trifecta that is being pursued comes out this way:

- 1) AI-based robo-lawyers
- 2) AI-based robo-judges
- 3) AI-based robo-jurors

Let's take a brief look at each of the trifecta choices and also consider why the anticipated sequence consists of robo-lawyers, followed by robo-judges, and at the tail-end, we would have robo-jurors.

Examining The AI Legal Trifecta

The most discussed and likeliest first winner in the horse race toward infusing AI into the law would be the likes of AI-based robo-lawyers. As a side warning, those within the field of crafting such AI are somewhat leery of and find loathsome the catchphrase of *robo-*

lawyer. I use it here with caution and acknowledgment that it is a potential misnomer (the same goes for any of the robo-related nicknames).

So far, trying to create AI that is on par with human lawyering has proven to be a quite challenging problem. The odds are that such challenges will continue to only slowly be overcome. You do not need to lay awake at night over the worry that autonomous robo-lawyers will tomorrow be taking your job. That being said, keep in mind that there are already today lots of opportunities to leverage semi-autonomous AI-based lawyering tools. These can amplify what human lawyers do. Law firms need to be paying attention to the human attorney efficiencies and effectiveness that today's AI capabilities can achieve when combined with LegalTech and placed into the hands of willing lawyers.

Returning to the aspirations of autonomous robo-lawyers, the early days of such endeavors focused on if-then style constructs. It was thought that perhaps legal knowledge could be represented in a vast series of interconnected logical conditions, centered around the idea of "if something is true then something else is also true" predilections. By exhaustively churning through laws and dissecting them into the appropriate if-then concoctions the hope was that legal beagle smartness would ensue. This was undertaken in the 1980s and 1990s during an AI era that heralded the use of knowledge-based systems and expert systems. Some refer to that time period as the AI symbolics era whereby human knowledge was going to be computerized via symbolic logic alone.

Any human lawyer can pat themselves on the back for how hard it is to mimic or simulate the practice of law via the use of a computerized set of if-then constructs. Getting AI to do the legal wrangling of attorneys is an extremely difficult endeavor and we do not ostensibly know when or if there will be devised AI that can be anywhere on par with human lawyers. Latest efforts have shifted toward using Machine Learning and Deep Learning techniques. The notion is that you might be able to replicate legal reasoning by doing large-scale computational pattern matching of our laws and legal cases. Some refer to this approach as the AI sub-symbolics era since it relies on somewhat arcane sub-symbolic oriented mathematical computations.

Meanwhile, some contend that we should not let ourselves fall into the classic trap of acting as though there is only one way to solve this problem. Continual barbs are being tossed from the AI sub-symbolics camp at the AI symbolics contenders, and likewise vice versa. This kind of AI infighting would not seem especially conducive to figuring out how to best produce AILR. The latest wave of a hybrid nature seeks to combine both the AI sub-symbolics and AI symbolics techniques and technologies and refers to this as the neuro-symbolics AI approach.

What else is there besides the vaunted AI-based robo-lawyer?

Coming in second place is the rise of the AI-based robo-judge.

Yes, the idea is that we would have judges that

aren't only humanoids. These AI-invoked judges might at first be relegated to only lower court levels or perhaps be used in extraordinarily minor legal matters.

In any case, wherever they fit in, there is at least an erstwhile quest to create them.

The third-place position might be quite surprising to you. I say this because there is little talk about this tail-end position. You see, bringing up the final member of the trifecta is the AI-based robo-juror. A bit of a brouhaha surrounds the AI-based robo-juror notion. It is one thing to have a robo-lawyer representing a human client that perchance is AI-based. We can stretch our minds to also somewhat tolerate the use of AI as a robo-judge. But taking that cliff-hanging step into the legal abyss and anointing AI to serve as jurors is beyond the pale for many.

We hold dear the heartfelt and justice-wielding concept of a jury of our peers. Humans sitting as jurors in trials involving humans that are facing adjudication seems ostensibly the only proper and judiciously sound way to do things. Some would fervently argue that it is entirely nonsensical to have AI as a juror, whereby a human defendant is dependent upon a trier of facts as a so-called "peer" that is not even a human being.

Anyway, we'll have to wait and see how that pans out. Perhaps we will be willing to accept some form of AI augmentation for human jurors. The idea is that jurors could make use of an AI jury-augmentation system during the course of a trial. Jurors would primarily use

such an AI system while in the jury room and undertaking their deliberations. Whether this opens Pandora's box of legal troubles and outcries of jury tampering or similar concerns is an open question.

We can take the robo-juror a step further and suggest that maybe an AI system would sit on a jury and become the veritable thirteenth juror (a common phrasing due to juries often having a dozen jurors). Some earnestly argue that a suitable AI system might be devised as an *intellectual peer* of human jurors, despite lacking the other attributes of being human such as common-sense reasoning and akin attributes (that's one of those potential legal loopholes that could be contested).

Now that we've discussed the anticipated trifecta, let's take a moment to further reflect on the matter.

You are for example welcome to debate the sequence or order of the claimed winners. For example, perhaps we are able to arrive at AI-based robo-judges sooner than we can attain AI-based robo-lawyers. In that case, the top two contenders in the aforementioned sequence would need to swap positions.

Another consideration is the desire to summarily reject utterly the AI-based robo-juror construct. Take it out of the list, you might exhort. Indeed, skeptics and critics find the idea so ridiculous and impossible that it should not be ranked as a contender in this legal horse race. That means that the trifecta is busted since we are presumably down to just two horses (robo-lawyers and robo-judges).

Conclusion

Though there is perhaps a smattering of out-sized speculation underlying this trifecta deliberation, you can find some salient hidden points that are worthy of mindfully mulling.

Consider these mindbending twists:

- How will society react to the anticipated AI infusion into our judicial activities and processes?
- Will this AI be subject to the same rigors of legal practice and ethics as humans are?
- Would the AI used for one of the three be repurposed into the other two?
- What means would be used to ensure that the AI stays within proper legal bounds?
- Etc.

A final thought is that whatever you might argue is the sequence for the trifecta, including those that reject the trifecta as ever feasible at all, anyone putting down some dough as a bet on this is facing some mighty tall odds. But that's the way humans are, always aiming at the stars.

About The Author

[Dr. Lance Eliot](#) is a Stanford Fellow at Stanford University as affiliated with the Center for Legal Informatics, a co-joining of the Stanford Law School and the Stanford Computer Science Department.

He is also Chief AI Scientist at [Techbrium Inc.](#), has been a top exec at a major Venture Capital firm, served as a global tech executive at several large firms, previously was a professor at

the University of Southern California (USC), and headed an AI lab there.

His columns have amassed over 4.5+ million views including for Forbes, AI Trends, The

Daily Journal, and other notable publications. His several books on AI & Law are globally recognized and highly praised.

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The Value of Leveraging Productivity Automation Technology

By Ari Kaplan, Principal, Ari Kaplan Advisors

Ari Kaplan speaks with Alex Babin, the CEO of ZERO, a company that provides productivity automation software for law firms.



Ari Kaplan

Tell us about your background and the genesis of ZERO.

Alex Babin

Like many startups that originate in Silicon Valley, we began with a problem we had ourselves and wanted to solve, which is to increase productivity for professionals. It grew into a company that now has 80 employees, many clients, and several different products. We started attacking this problem from an automation standpoint of view and have continued with that vision.

Ari Kaplan

Why are law firms leveraging productivity automation technology?

AUTOMATION

Alex Babin

Every enterprise in the world needs tools and techniques to increase productivity, but for legal, it is much more obvious given that law firms live and breathe by the billable hour. After all, if you spend some of your time on non-billable work, you are losing money and it often means that your productivity is not on a level that helps you stay competitive and efficient. Ultimately, increasing the productivity of each individual knowledge worker within a law firm helps the entire organization increase profitability and work satisfaction. Legal professionals are typically overwhelmed and we always said that no lawyer went to law school to file emails or capture time. They want to practice law, so we help them automate routine, non-billable tasks.

Ari Kaplan

How do you incorporate artificial intelligence into your software?

Alex Babin

The most important part of every single

product we have is a cognitive engine we call Hercules and this cognitive engine basically mimics the human decision-making process and without it, no intelligent automation would exist. This engine understands what the user is working on, including the client or matter to which each element of the work belongs, and leverages AI artificial intelligence for classification and categorization to offer extra automation. For example, lawyers spend several hours per week filing manually filing emails and documents in the document management system. ZERO automatically classifies every single email and document in an individual's inbox and automatically or semi-automatically files each saving all of that time.

Ari Kaplan

What should legal professionals trust AI to complete and for which tasks should they retain control?

Alex Babin

We should start looking at this question from a helicopter view as we can separate the work

that legal professionals are performing into two categories. One is practicing and the other is the business of law. There are many tools that provide AI systems or automation capabilities to lawyers, but it is ultimately a creative profession so lawyers and legal professionals should retain full control over the practice of law. On the business side, AI shines in supporting the work that consumes time and distracts people from billable matters. It mimics decision-making and how users work without disrupting the original knowledge management process. That is where legal professionals should trust and apply AI most.

Ari Kaplan

ZERO recently announced a \$12 million series A investment round. For what type of expansion will you leverage that capital?

Alex Babin

We have grown quickly in the past year from about 20 people to over 80 and that growth was dictated by the market. We have many new clients and want to provide white-glove service to them. We treat them as partners, which means we need more team members to not just build new products or increase the quality of our AI, but to provide high-quality service to our clients. There are so many potential clients in the pipeline and many of our new hires are focused on delivering our products and ensuring the quality of our engagement with our clients remains high.

Ari Kaplan

How have you managed the company's growth during the pandemic?

Alex Babin

We have always been a distributed team, with three major offices in Silicon Valley, Canada, and on the East Coast. The company's growth was driven by what was happening in the market. As our clients became distributed and embraced remote work, the requirements for more automation assistance increased dramatically, which helped us to work with clients faster and better. Prior to the pandemic, you had to fly to meet a client and spend time coordinating a meeting, but now everything is remote and our team can run many projects simultaneously. This dynamic actually changed the way we operate and has improved the speed of each engagement.

Ari Kaplan

How do you see the appeal of automation evolving?

Alex Babin

Legal professionals are relying more on what technologists can provide for them, rather than doing things manually given that they can leverage support paralegals, assistants, and associates while working from anywhere. They also need to rely on their own work and perform tasks they had been delegating to others so it is nice to have technology and AI helping with this. Taking work off of one's shoulders is a goal that everyone is interested in achieving right now.

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>.

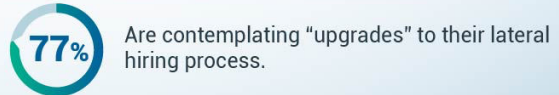
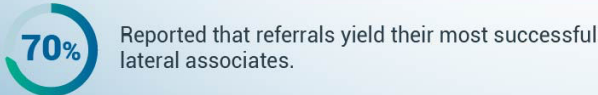
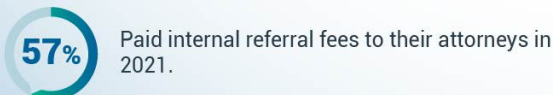
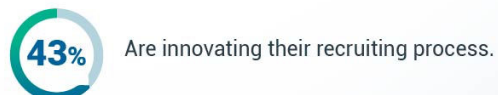
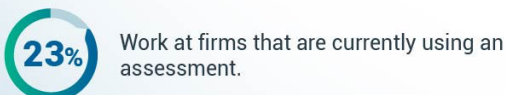
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[Listen to his conversation with Alex Babin](#)



THINE | THE RISE OF INNOVATION IN A HYPER-COMPETITIVE MARKET FOR LEGAL TALENT

To understand how leaders in the largest law firms in the U.S. are currently approaching the competitive market for legal talent, Thine, a technology company that develops and deploys pre-hiring and integration assessments, engaged Ari Kaplan Advisors to interview a cross-section of professionals making decisions about hiring, development, and promotion in an array of organizations. This infographic reflects the key highlights.



“ We are exploring different software efficiencies and need to get a better handle on how the people we have hired are doing. ”



“ We are looking at assessment tools to help predict success, and AI for efficiency and to ensure we are eliminating any bias. ”



“ Law firms are better about innovating, adjusting, and adapting, but they are not great at it to start. ”



“ As an industry, we owe it to ourselves to change the structure so that people of color and women get more opportunities in Big Law. ”



“ We don't measure success because 'success' requires an appropriate definition. ”



“ I would like to do more to remove bias from the process, which would include new assessments. ”



“ Legal talent has never been more expensive and getting it wrong is much more costly. ”

For more information, contact Sang Lee at sang.lee@thine.co or Ari Kaplan at Ari@AriKaplanAdvisors.com.



Legal Design: The next challenge for legal professionals

By Marco Imperiale, Lawyer and Head of innovation at LCA Studio Legale



Introduction

Legal design [1] is certainly a “hot topic” in the legal field. From an external perspective, it seems like the panacea of all evils. An application of legal design principles in its purest form would mean user-centric documents, reinforcement of trust and sustainability in companies through the use of contracts and policies, and a powerful means to improve access to justice.

Unfortunately, creating documents in a legal design-oriented way is harder than it seems. Firstly, it



means shifting our perspective: we must involve in the process different kind of professionals (graphic designers, project managers, lawyers etc.), use a specific methodology (legal design thinking), and learn to deliver a prototype instead of the usual document (in its draft or final version). Secondly, legal design means moving from delivering services to creating products, and putting ourselves – and our firms or departments, in a risky position. Are we afraid of clients' reaction to this approach? Of being taken less seriously?

Of unwanted reactions to surveys, interviews, and feedback forms? Last but not least, legal design implicates a serious commitment, both in terms of time, effort, money. Of all the elements, this is one of the most underestimated, but in my experience, one of the most relevant ones.

From principles to action

Legal Design represents a shift from the typical lawyer's mindset. If the lawyer goes backward, being focused on the binding precedent, the legal design practitioner goes forward, thinking about new legal paths or ways to convey specific messages; if the lawyer is used to think in a hierarchic way (managing partners to equity, equity to salary, salary to associates, associates to trainees), the legal designer is prone to a horizontal approach, where every voice at the table matters. Even the hidden ones. Moreover, in legal design the alchemy of different personalities is a core element, not just the cherry on the cake. As we say in Design Rights [2], 1 plus 1 is three.

This Copernican revolution means also reconsidering our role of legal professionals and our day-by-day job from a theoretical - and not only practical - perspective. How about creating contracts that are developed not in a contrastive/adversarial way, but in a proactive one? How about policies which are inclusive, and take into account – with KPIs/ROIs metrics – who really read them and how carefully? How about abandoning *legalese* and adopting the tone of voice of the final user?

Elaborating documents that are not only simple and linear, but also thought with the perspective of the final user and following the step of a specific – even if always evolving - methodology, is a long path outside of our comfort zone. If typography, house style, and a wise use of empty spaces, are simple ways to make documents more effective, this is a totally different scenario. Putting legal design in practice means working with personas, cus-

tomers journeys, surveys. Redefining the language using a different tone of voice. Clarifying concepts that we take for granted. In other words, exploring transparency and clarity in their purest form.

Another aspect which is sometimes underestimated is the technical difficulty of creating documents that are really clear. Clarifying concepts is an endless artisanal work, a Zen exercise to reach the essential while maintaining at the same time a willingness to explore new and better forms of communication. Only lawyers who started this path can understand how hard it is. Not surprisingly, a master of design like Leonardo used to say that simplicity is the ultimate sophistication.

Why investing in legal design?

Investing in legal design, both for law firms, institutions, and companies can seem like (and sometimes is) an act of faith. Is it necessary to deliver documents that are created in a user-centric way? Do legal departments really need to know final users in such an obsessive way? How can we make legal design a priority when deadlines and urgencies (such as Covid regulations, or international sanctions, just to consider some of the last examples) gravitate on our desks?

These are questions that – as legal design practitioners – always receive. The reasons to support this kind of commitment are various.

The first, and maybe the most important reason for legal professionals, is in the norms. Both in judicial and extrajudicial fields there is a significant demand for clear communication.

In the b2c world, this is even more relevant. GDPR, consumer norms, and Court regulations all over the world began to promote, and sometimes require, simple, short, and easy to read documents. Antitrust, banking, and privacy authorities are starting fining companies for lack of transparency in legal documents. In our book, we dedicated an entire chapter just to this concept.

Strictly connected to the normative reasons there are neurological ones. From attention span to cognitive load, from heuristics to the different processing of image and words in our brain, it is clear that we react in a different way to boring texts and wonderful, engaging, and colorful documents. And yes, in the book we dedicated a chapter to this part as well.

The third cluster of reasons are strategy-related. Investing in legal design means killing the cash cow and offering clients something which is at the forefront but soon will be perceived as a standard. Moreover, whether we speak of legal departments or law firms, we do know how much the “*me too*” element has an impact among legal professionals. When someone starts, others will follow.

That said, the more I practice this discipline, the more the reasons are coming to my mind. Access to justice, sustainability, innovation, new law. Every positive aspect related to the future of norms, clauses and contracts can pass through the lens of legal design. This is why I highly suggest to lawyers and in-house counsels to start prototyping with a contract or a legal document, possibly with a graphic designer and following the legal design thinking

methodology. Nothing equals to learning by doing. And all the aforementioned concepts will shine of a different light after.

Conclusions

One of the aspects I find worth to mention are the values behind the discipline. Legal design is, for its nature, inclusive, and open to diverse points of view. It is strictly related to the SDG principles of the UN Paris Agenda for a sustainable future. Moreover, the interdisciplinary approach that we try to implement in our workshops and products can be seen as an idealistic (or, even better, futuristic) representation of a better world.

If we could have at the same table project managers, lawyers, ux/ui designers, working for better norms and regulations, maybe we could work for the society we always wanted. Or at least have a relevant and significant impact.

On the other hand, even if most of legal design practitioners are betting on the success of the discipline, the difficulties for large-scale impact are as clear. Bringing legal design into action means investments (both in terms of time and money), commitment, and a willingness to change our mindset. From contrastive to proactive, from backward thinking to forward thinking, from self-centric to user-focused. It means also accepting that sometimes we will not be the smartest persons at the table, or the ones with the better ideas. This sometimes-underestimated factor becomes significant in a profession where relevant knowledge is an added value, and where the greatest professionals are the ones with the best abilities in

terms of stress management, problem solving, and writing ability.

That said, if we take into account the purpose of legal profession, and our willingness to provide clients services which are really tailor made, I still have difficulties finding a better horizon. With legal design everyone wins. Citizens can understand laws and regulations, and act for change. Consumers can finally deal with terms and conditions which are never read and signed mindlessly. Companies can improve internal communications, and represent themselves as sustainable and trustworthy. I could go on.

Time will tell if legal design documents will be a “nice to have” or a necessity (as I think). For me, it is a way to challenge myself as a lawyer and work daily for a better society. An opportunity to create something special. A goal, a mission, and a purpose. Difficulties are endless, but after a bunch of years in the field I learned that most of legal professionals find pleasure in facing tough challenges.

Who wants to try this one?

Notes

[1] There are many definitions of legal design. In the book which I co-authored with Barbara de Muro, we define legal design as a discipline for the design of user-centric documents.

[2] Design Rights is the brand we created (as LCA with Mondora) to offer legal design prod-

ucts and workshops. In our team we can count on legal professionals, but also ux/ui designers, project managers, developers, engineers, psychologists and economists.

About the Author

[Marco](#) is a lawyer and Head of innovation at LCA, a leading Italian firm. He has extensive experience in legal design, legal tech, and in the interplay of copyright law and the entertainment industry. Whenever he finds time, he also works as mediator, teaching fellow for Harvard Law School (CopyrightX course), and mindfulness trainer. He is a frequent public speaker and the author, together with Barbara de Muro, of the first Italian book on legal design.



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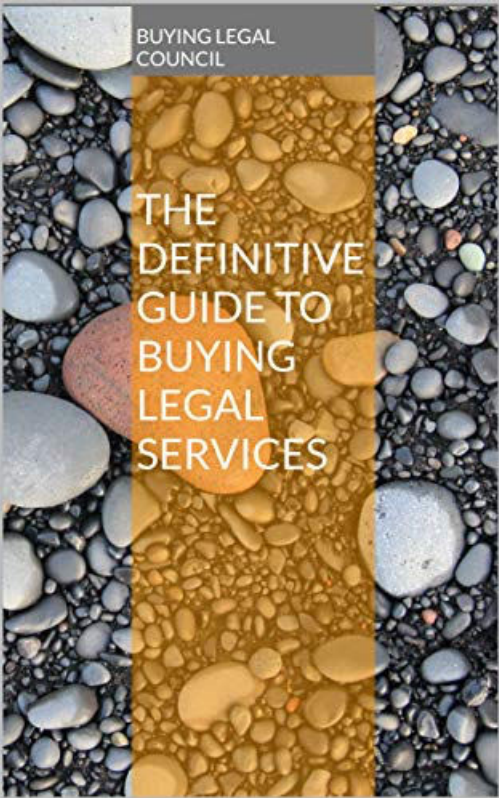
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An Interview with Scott Seidewitz

Scott Seidewitz is CEO BlissDivorce, Principal and Founder of The Seidewitz Group



For the past 20 years, Scott Seidewitz has been helping large tech and pharmaceutical companies develop growth strategies based on a better understanding of their customers. His firm The Seidewitz Group counts Intel, Intuit, LegalZoom, Merck and Amgen as clients. He is also the founder and CEO of BlissDivorce, a legal tech startup that helps couples get divorced without the cost, time and conflict of attorneys. Scott has a graduate degree from MIT and is a former P&G brand manager. He lives with his wife Beli Andaluz in Las Vegas, where he is training for his first amateur MMA fight.

Scott, as an introduction maybe you can tell us something about yourself, about the things you do on a day-by-day basis, and so on. My professional life changed dramatically three years ago. Before that I had a rewarding but fairly



ing and more satisfying outcome

traditional carer path. MBA from MIT, six years in brand management at P&G and then I spent the better part of 20 years advising large tech and pharma clients on growth strategies.

Then I co-founded and became CEO of [BlissDivorce](#), and almost overnight everything changed. I went from having an established team and lots of resources around me, to wearing 15 different hats. All of a sudden I was a product manager, fundraiser, salesperson, recruiter and so much more, because that's what you do at the beginning of a startup.

Fortunately, I was able to find a great technical co-founder, my former client and good friend Dan Hirsch. And together we built BlissDivorce into what it is today: one of the most disruptive

legal tech startups ready to redefine not only divorce, but more broadly how legal services are delivered to consumers.

You are the CEO of [Resolution 8 Technologies](#). Resolution 8 Technologies is developing the next generation of AI-based online dispute resolution technology. Your first application is BlissDivorce, which empowers couples to work out a full divorce agreement without the cost, time and conflict of attorneys. How does the Platform provide value? And what is this role of technology, human expertise, and innovation in this approach?

There are a couple obvious ways BlissDivorce provides value: we cut the cost of divorce by

80% and the time by as much as 90%. But maybe even more important is the dramatic reduction in the conflict and trauma the current system imposes on families. At root of what we do at BlissDivorce is helping families make it through a very difficult, trying time without the financial and emotional devastation of the current system of divorce.

What's really interesting from a business standpoint is how we do it. We've developed the next generation of online dispute resolution technology, which we call Relational Dispute Resolution™. This technology empowers couples to work out their disagreements through our platform, without bringing in attorneys, mediators or other humans. It's amazing how much the conflict goes down when two sides independently interact with a computer instead of fighting with each other.

In our pilot market in California, a beta version of our technology was successful in resolving 60% of divorces without the need for mediation or other human intervention. And these were not simple divorces—the average asset size was just under \$1 million. Over time we plan to bring that number up to 95%, improving our algorithms through machine learning and by deploying new technology.

When you succeed in resolving most divorces without humans involved, you are not only doing a great service to families. You've also built a business with incredibly profitable unit economics.

How does BlissDivorce differ from similar initiatives? What's the added-value

BlissDivorce presents?

What differentiates us is our Relational Dispute Resolution technology. No other online divorce platform uses technology to resolve disputes.

There are sites where you can prepare the documents for an agreement you've already reached. But that's not helpful for the majority of couples who need to work out disputes. Then there are sites that bring in mediators, private judges or even attorneys to work out disagreements. And of course the problem there is you end up back in an expensive, slow, often high-conflict process.

By resolving disagreements with technology, and only bringing in humans when needed, BlissDivorce dramatically reduces the time and cost of divorce. More importantly, we also greatly reduce the conflict, so families can move on without the pain and suffering of the current system.

If you have to choose 3 unique selling points which 3 should you choose to describe your business and why?

Well I'm going to repeat myself a bit here!

First, BlissDivorce enables couples to resolve disagreements without the conflict of the current system of divorce. This spares families a great deal of trauma, and allows them to move on in a more positive direction.

Second, there are huge cost and time savings. In our pilot market, we succeeded in cutting the time to go through the divorce process by 90% and we cut the cost by an average of 80%.

Finally, we are changing the way legal services are delivered. When most people hire an attorney, they have very little understanding of what's going on. And because attorneys charge by the hour, you never know what you'll pay. We're turning that on its head. We empower people with information and technology, so they can take control of their own legal matters. We do this at a fixed fee so you know exactly how much it will cost.

What are your plans (if any) for rolling out BlissDivorce world-wide? Would that be a serious option for you? Are there any differences compared to the US market which might hinder a roll-out to other continents?

Our plan was to first build our business and our brand in the 25 largest US states, which account for more than 80% of US divorces.

But interesting how word gets out! We're currently in discussions to bring our platform into Latin America and have had some interest from an EU-based venture. So while we don't have definitive plans at this point, I wouldn't be at all surprised if BlissDivorce was in the EU and South America in the next two to three years.

The legal profession is changing and professionals need to be more business and tech-savvy. What do you see as the biggest challenge for the legal professional in let's say five years from now?

Being customer-centric. As a business person it's been disconcerting for me to see how many attorneys treat their customers. Instead of focusing on providing value and delighting cus-

tomers (as we do in the business world), there seems to be a culture of maximizing billable hours and legal fees. If the legal profession doesn't start thinking more like a service business and focusing on meeting customer needs, there is going to be more and more disruption from tech companies like BlissDivorce.

I am sure you closely watch the US legal tech startup community. What's your advice for someone thinking about starting a new legal tech or legal start-up?

Think big. Don't think like a lawyer.

Lawyers have been doing things pretty much the same way for hundreds of years. Most legal tech innovations have been about streamlining current processes and enabling the current competitors.

But real disruptive change comes when you imagine whole new ways to deliver services. When Airbnb and Uber and Tesla came along, they weren't enabling the current competitors. They were creating whole new forms of competition.

Legal tech needs more Airbnbs, Ubers and Teslas. We need more entrepreneurs who aren't afraid to challenge the current system and make legal services more accessible, more affordable and more comprehensible to the general population.

There is a lot of discussions ongoing about disruption in the legal market: a big bang against incremental change. Some say the legal market is on the verge of a disruptive force that will have

a huge effect on the market. Then again, others say change will be an incremental process and the market will evolve naturally. What are your thoughts on this?

Right now the legal system is not accessible to nor does it serve the interests of the average person. As long as innovations in the legal market continue to be focused on streamlining and perpetuating the current system, there will not be big change.

Big, disruptive change will come when the focus of innovation shifts from empowering cur-

rent players to imagining whole new ways to deliver legal services. Just think about the impact of a generation of entrepreneurs dedicated to using technology to put legal services in the hands of consumers. It would be a seismic shift in the legal market, and it would be great social good. Like so many other markets that were once controlled by the rich and powerful, democratizing legal services will give everyone greater access to the justice they deserve.

We thank [Scott](#) for sharing his knowledge and opinion in this interview.

Example dashboards BlissDivorce

The screenshot displays the BlissDivorce web application interface. At the top, the browser address bar shows the URL childrnr.deshboerc.blissdivorce.com. The main content area is titled "Living and Visitation Schedule" and includes a sub-header "Shared custody". Below this, there are five buttons for different custody schedules: "Shared custody", "Alternating weeks", "2-2-5-5", "3-3-4-4", and "2-2-3". A "Schedule Identifier" field contains the text "Shared custody". The central part of the dashboard is a calendar grid with columns for days of the week (M, T, W, T, F, S, S) and rows for "Week # 1" through "Week # 4". Days are color-coded: green for "Assigned to YOU" and blue for "Assigned to YOUR SPOUSE". A legend on the right side of the grid shows a green square for "14 Assigned to YOU", a blue square for "14 Assigned to YOUR SPOUSE", and a white square for "0 Unassigned days". Below the grid are three buttons: "TOGGLE PARENTS", "UNASSIGNED DAYS TO YOU", and "UNASSIGNED DAYS TO YOUR SPOUSE". On the right side of the dashboard, there is a "NEED HELP?" section with the text "Explore common issues on Child Custody & Visitation." and a notification at the bottom right that says "You have pending changes to be saved".

possessionss.dashboard.blissdivorce.com

BlissDivorce

Bell has not joined BlissDivorce [Send Reminder](#)

Scott S.

Personal Possessions

This is your shared list of personal possessions that both you and your spouse can add to.

Items To Review (0) Pending Divisions (0) **ADD ITEM**

Furniture and Furnishings

Description	Estimated Value	Proposed Division
Dining room set	\$12,000.00	Separate Spouse

Collections

Description	Estimated Value	Proposed Division
Bordeaux Wine Collection	\$50,000.00	Community
		Scott S. \$25,000.00
		Spouse \$25,000.00

Appliances

Description	Estimated Value	Proposed Division
LG Washer & Dryer Set	\$2,200.00	Community
		Scott S. \$0.00
		Spouse \$2,200.00

KEEP IN MIND
Remember to any items of significant value that belong to your household. It's best to let each spouse keep the "personal affects" such as clothes, jewelry, toiletries, keepsakes, and family heirlooms.

REMEMBER
Your spouse will not be able to see your proposed divisions.

NEED HELP?
Explore common issues for Personal Possessions.

finances.dashboard.blissdivorce.com

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Scott S.

Bank & Investment Accounts

This is your shared list of accounts that both you and your spouse can add to.

Add Account

The easiest and most accurate way to add an account is to securely import data from your financial institution.

You can also add an account manually

Privacy and security are our top priority. We do not store your login information. We use trusted technology to securely import data.

IMPORT ACCOUNT **ADD MANUALLY**

KEEP IN MIND
Remember that intentionally hiding accounts can have negative legal consequences. To save time and effort, you can import your accounts directly from your bank.

REMEMBER
Your spouse will not be able to see your proposed division of assets.

NEED HELP?
Explore common issues for Bank Accounts & Investments.



These (e)books, written by Kenny Tung & Glenn McCarthy, are a follow-up from the workshop on data protection delivered at a Legal Function Transformation Round Table subgroup on Oct.22, 2021.

As governments have been promulgating data protection laws in recent years, legal departments are called upon to support or even lead functions tasked, among others, for the secure use of data. While lawyers are supposed to master facts and evidence, not everyone appreciates the rationale and usage of Big Data, especially in the context of business organizations and broader ecosystems. While the raceway is in a turn in a globalized and complex world and changes are accelerating, data protection presents the type of challenges that call for interdisciplinary approaches staffed with T-shaped professionals. And such resource configuration and strategy should be grounded on organization purposes and strategic intent ultimately to serve someone in a broader ecosystem. Here, the job-to-be-done framework complements analytics in terms of whether and how certain data enters the picture. From this premise, **Part 1** of this ebook inspects data use and the challenge in data protection through the lenses of Legal and business with a view to remind stakeholders to maintain an interdisciplinary and integrated resolution.

Part 2 of this ebook undertakes a technology perspective and starts with a survey of the scale that data has grown into and the use cases for data analytics, followed by a deeper



Protection Legal Meets Analytics

Glenn McCarthy

look into programmatic advertising and the representative data issues.

After enumerating a variety of new technology coming into the data and analytics business, the piece explores the trade-offs for businesses in approaching data and analytics, including drivers such as business models and data industry dynamics, laying the groundwork for the recommendations in Part 3. Part 2 also includes a sidebar on data taxonomy.

Part 3 of the ebook brings it together after the discussion of the data protection challenge from the perspectives of Legal and business strategy in Part 1 and an investigation of the post data-proliferation trade-offs experienced by businesses in Part 2. After arriving at the notion that each company must find its own game that fits its reason of existence in an ecosystem, this Part explores a data analytics pipeline that is integrated with business strategy and operations with an illustration of the roles of stakeholders in the organization and ecosystem. Despite how underdeveloped data governance technology is relative to numerous other technologies deployed, the last section provides recommendations for the data protection function to start with, not the least having an HR roadmap. Also included is a sidebar on lessons learned from a cautionary tale. Finally, to help review the key points in both parts of the ebook, readers can find a list of questions at the end to stimulate their thoughts on next steps.

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Kuang-Chu (K.C.) Chiang Joins Olshan as Partner in Tax Practice

Olshan Frome Wolosky LLP, a premier mid-sized U.S. law firm, announced today that Kuang-Chu (K.C.) Chiang has joined the firm as a Partner in the Tax Practice. Chiang brings over 22 years-experience advising clients on the tax aspects of domestic [...]

Upper Street Marketing Incorporated Letter to Shareholders

As a shareholder of Upper Street Marketing Incorporated (UPPR), this is a much overdue communication to inform you of the recent and significant changes to the Company. In 2020, concerned shareholders filed a lawsuit on behalf of all shareholders against [...]

Kisling, Nestico & Redick Files Wrongful Death Lawsuit on Behalf of the Estate of Chadwick McIntosh, US Air Force Sergeant, killed in traffic collision

The personal injury law firm Kisling, Nestico & Redick (KNR) has filed a Wrongful Death lawsuit in Cuyahoga County Court of Common Pleas on behalf of Tamara I. Bailey, the administrator of the estate of her 32-year-old son, U.S. Air Force Sergeant Chadwick McIntosh, a pedestrian [...]

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Deloitte announced that legal business industry leaders Rebecca Thorkildsen and Nicholas Long have joined the rapidly-growing Deloitte's Legal Business Services team as managing directors, based in Chicago. At a time when data shows that having effective enterprise-level contract management is a business imperative, both strategic [...]

Veteran Legal Executive Joins SaaS Unicorn Infoblox as General Counsel

Infoblox Inc., the leader in cloud-first DNS management and security, today announces the appointment of veteran SaaS legal executive Wei Chen as Executive Vice President and General Counsel. Reporting to CEO Jesper Andersen, Chen will lead the global legal team to strengthen the [...]

ERICSSON DEADLINE APPROACHING: Investors with Substantial Losses Have Opportunity to Lead Telefonaktiebolaget LM Ericsson Class Action Lawsuit – ERIC

Robbins Geller Rudman & Dowd LLP announces that purchasers or acquirers of Telefonaktiebolaget LM Ericsson securities between April 27, 2017 and February 25, 2022, both dates inclusive (the "Class Period") have until May 2, 2022 to seek appointment as lead plaintiff in *Nyy v. Telefonaktiebolaget LM Ericsson*, No. 22-cv-01167 [...]

CABA SHAREHOLDER ALERT: Jakubowitz Law Reminds Cabaletta Shareholders of a Lead Plaintiff Deadline of April 29, 2022

Jakubowitz Law announces that a securities fraud class action lawsuit has commenced on behalf of shareholders of Cabaletta Bio, Inc.. This lawsuit is on behalf of persons and entities that purchased or otherwise acquired: (a) Cabaletta common stock pursuant and/or [...]

GRAB SHAREHOLDER ALERT: Jakubowitz Law Reminds Grab Holdings Shareholders of a Lead Plaintiff Deadline of May 16, 2022

Jakubowitz Law announces that a securities fraud class action lawsuit has commenced on behalf of shareholders of Grab Holdings Limited. The lawsuit seeks to recover losses for shareholders who purchased Grab Holdings between November 12, 2021 and March 2, 2022. Shareholders interested in [...]

A changing economic reality and US administration's trip to Europe

Navigating a tightrope of veiled innuendo, potential disunity abroad, and political setbacks at home, President Biden traveled to Brussels last month to take part in a special allied summit in Belgium. The trip came after Biden, before leaving for the [...]

S&P Global Announces Agreement to Sell Leveraged Commentary and Data to Morningstar

S&P Global announced it has entered into an agreement to sell its Leveraged Commentary and Data (LCD) business and its related family of leveraged loan indices to Morningstar Inc. Morningstar has agreed to purchase LCD for \$650 million in cash, comprised of \$600 million paid [...]

Deloitte Legal Business Services Bolsters Leadership Team with Former EY and Reed Smith Executives

Deloitte announced that legal business industry leaders Rebecca Thorkildsen and Nicholas Long have joined the rapidly-growing Deloitte's Legal Business Services team as managing directors, based in Chicago. At a time when data shows that having effective enterprise-level contract management is a business imperative, both strategic [...]

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