

THE LEGAL TECHNOLOGIST

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FEATURES

ARTICLE

Women in Tech

Key figures from SYKE and LOD provide some career insight and challenges faced

ARTICLE

Legal Tech in Sweden

Tech Academy Nordic summarises the legal tech landscape and how they are improving legal tech literacy

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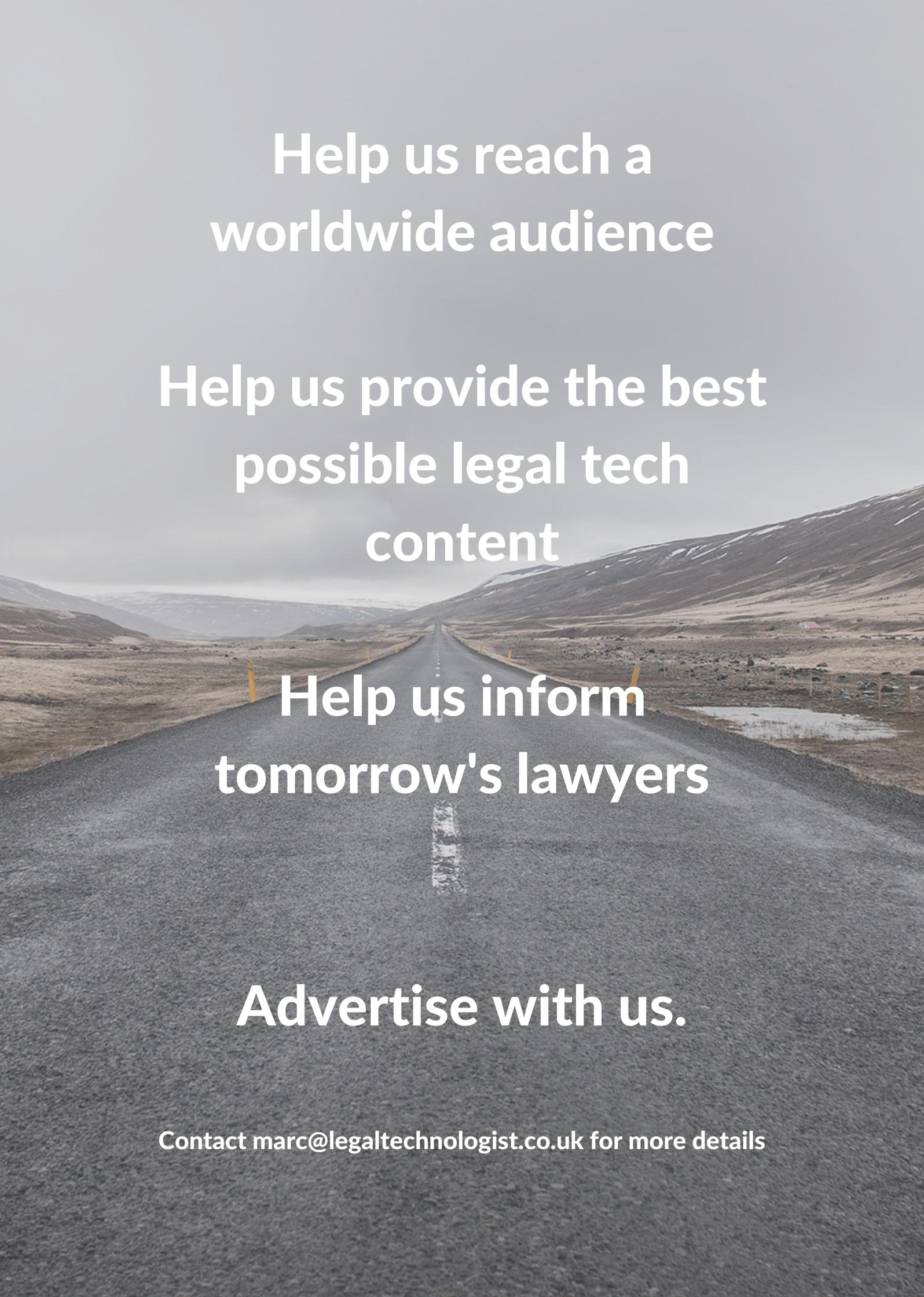
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LT Legal Operations Index 2021

We will be putting together a list of the **most innovative legal operations professionals in Europe**. If you know a colleague or friend that fits the bill then please do nominate them. Deadline for this will be 10th September 2021.

The aim of the index is to reflect and celebrate personal contributions to legal operations - and uncover stars of the future! It should also reflect the different career options available in the legal tech/ops sphere.

We're looking for those legal ops professionals that are one or all of the following:

- are champions of tech/innovation within a law firm or business;
- have driven technological change internally within a law firm or business
- have been a key driver in adopting tech to better collaborate with clients/customers

This is limited to those in Europe - but will do another index for other continents if there is demand.

Please nominate by emailing our editor at marc@legaltechnologist.co.uk with the subject "LOI21 Nomination". It should detail who is being nominated and how they have fulfilled the above criteria, along with the nominee's contact details.

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Europe

The Apperio Series, Pt 3 - Future of Firm-Client Relationships



Nicholas d'Adhemar is the founder and CEO of Apperio, a legal tech scaleup which helps bring spend transparency to the legal industry. He founded Apperio in 2015 after working for six years as a lawyer at an international law firm, completing an MBA at INSEAD, and spending three years in private equity.

The Legal Technologist recently had the opportunity to talk with Nicholas about his experiences building a legal tech startup and how technology will change the relationship between law firms and clients. In this third and final segment, Nicholas explores how spend management solutions will alter the future of the firm-client relationship with our European Editor, William White.

WW: You mentioned earlier that Apperio allows a legal buyer to put in place SLAs and compare the performance of their various firms. It sounds like the kind of mechanism you might see in large outsourcing deals so that clients can assess providers against objective standards and potentially even reward them accordingly. How far are your customers taking this?

NdA: That's exactly right. One of our flagship clients, Network Rail, has been exploring what is possible using the data we've been helping them collect. They were completely transparent with their law firms, and agreed to put in place KPIs and to give each one a scorecard containing various metrics like write downs and responsiveness. Without giving too much away, they linked rewards to performance. Seven and above is good behaviour and the firms are financially incentivised to score highly.

So yes, it has an effect on buying behaviours, but our aim isn't to produce data that can be weaponised against law firms. It's more about driving the behaviours you want to see from them and providing a tool to enable collaboration between firms and their clients. A lot of the value we provide is in transparency — firms and clients can agree whatever terms suit them and we make sure that there are no surprises for either party when it comes to billing.

WW: It has traditionally been the job of relationship partners in firms to review bills before they go out, manage expectations, and ensure clients receive the service levels they expect. Apperio and other legal spend or service management tools effectively provide a second, automated interface between the firm and client. Do you think this will change what that relationship partner role looks like?

NdA: Personally, I think we make their job a lot easier. A relationship partner should be exactly that: someone focussed on the relationship and being a trusted advisor.

While I was in private equity, we would sometimes waste time and energy arguing with a firm over fees — not because of the quality of the work, but just because they were unexpected. We help the relationship partner and the firm manage their client's expectations and focus on delivering the best legal advice. More than that, we give firms access to the data we gather at no cost. The relationship partner can use Apperio to see everything they've done with their clients at a click of a button, including all WIP and invoices of past and present matters.

One of the things we hear from law firms is that they have loads of great lawyers, but some are more commercial than others. Some may produce great legal work but miss the mark in terms of communication on fees, and this can undo so much effective work. Apperio standardises the communication between a firm and client, so a relationship partner can be sure that the basic fee conversations will always be taken care of.

WW: People have been predicting the death of the billable hour for at least 20 years. A lot of the problems that Apperio addresses seem to stem from it — clients might get a rate card and an estimate at the outset, but there's no certainty until a bill is issued and no interim updates unless both parties are proactive. Spend management solutions can help with this, but couldn't fixed fee mechanisms do the same job?

NdA: I've read the same stuff! It's by no means the majority of matters, but most of our customers have some work done on a fixed fee basis. The obvious candidates are repeat, commoditised pieces of work that are easy to predict.

There are two main dangers though. First, fixed fees are very often not fixed. When I was in PE, we sometimes agreed so-called "capped fees", but then the matter would go on, firms would argue that the pricing assumptions had changed, and we'd end up negotiating based on the clock anyway. So fixed fees can give a false sense of security. Second, even where you can enforce a fixed fee, it can drive undesirable behaviours inside the law firm. If there's a maximum recovery figure no matter what happens, the law firm is wholly incentivized to do it as profitably as possible. The

most expensive people in a law firm are the partners, so a fixed fee encourages a minimal amount of partner involvement to maximise profit.

A couple of years ago I wrote a piece called In Defence of the Billable Hour. If clients can see what's happening on a matter as it happens, they can understand the value of what's gone into it. As an analogy, I have a bike which breaks a lot. I take it into the shop, it always costs a lot of money and I have no idea why or what they're talking about. I hate that feeling. When you have visibility of the process, you can see where the money goes and what value is being delivered.

All in all, I'd say billable hours are the most accurate reflection of the time and effort that goes into a matter from a law firm.

Interview with Nicholas d'Adhemar by William White, Europe Editor for the Legal Technologist

Kurtis Windrow

Apprenticeship Career Story

Kurtis Windrow is a Legal Technologist at Eversheds Sutherland, covering all UK and International offices for the Litigation and Dispute Management Practice Group. He works as part of the Lit Tech and LPM team to explore and develop innovative new litigation technology to assist in the delivery of disputes and litigation projects.

“A swiss army knife in legal tech”: that’s what you get when you combine an apprentice and a legal technologist... according to my manager at least!

I’m Kurtis, a name inspired by the musical legend that is Kurt Cobain (I have my parents’ alternative youth phase to thank for that), and I like to believe that I have drawn some inspiration from my namesake and his ability to do things a little differently.

When I think about my legal (and now tech) journey, my pathway to becoming a Legal Technologist at Eversheds Sutherland has been unorthodox from the very start. I jumped feet first into the legal profession at sixteen rather than attending higher education. I told myself to get the experience now, as I could always get qualifications later. My reasoning was as follows: there is an ever-growing challenge for law graduates to demonstrate transferable skills and obtain work experience in their pursuit of a training contract. I thought I could flip that on its head by getting the experience first, and studying alongside it with the hope it would provide me with better opportunities for qualification.

Fast forward to 2021, and I’m two-thirds of the way through a solicitor apprenticeship scheme. This takes no longer than the typical pathway of university followed by a training contract, but equally it presents an opportunity to earn while I work, gain experience and avoid the burden of graduating with a significant amount of debt. Studying towards a law degree and working in Legal Tech full time is certainly a difficult workload – one I sometimes wish I could hand off to some RPA software to ease the burden – but a burden absolutely worth carrying. I have the pleasure of working for an international law firm, which allows me



to team up with a vast team of incredibly talented people, clients and lawyers from all around the globe.

It’s incredibly satisfying when an associate in Hong Kong picks up the phone to you and you’re throwing ideas for solutions back and forth with someone you have never met, or you’re co-presenting to the Dubai office about how we delivered real value to a client and deployed technology that made a positive change. That’s the beauty of legal tech, isn’t it? The opportunity to collaborate without borders and connect with people through technology is an experience that few jobs can offer.

I’m very thankful for the journey I took to get here, and particularly for the trust placed in me by colleagues past and present who have challenged me along the way. I’m grateful because I was introduced to legal technology whilst I was a paralegal before starting my apprenticeship, and if it wasn’t for the trust of my colleagues at the time – now pioneers in their own right – I wouldn’t be as rooted in the legal tech world as I might have been. They kick started my interest in the space, and I thank them for taking that chance on me.

In a similar vein, when I started out as an apprentice here at Eversheds Sutherland, I was placed into a new environment working in the fantastic Commercial Disputes team in Manchester. The trust they placed in me and willingness to challenge me will stay with me throughout my career, and my colleagues epitomise

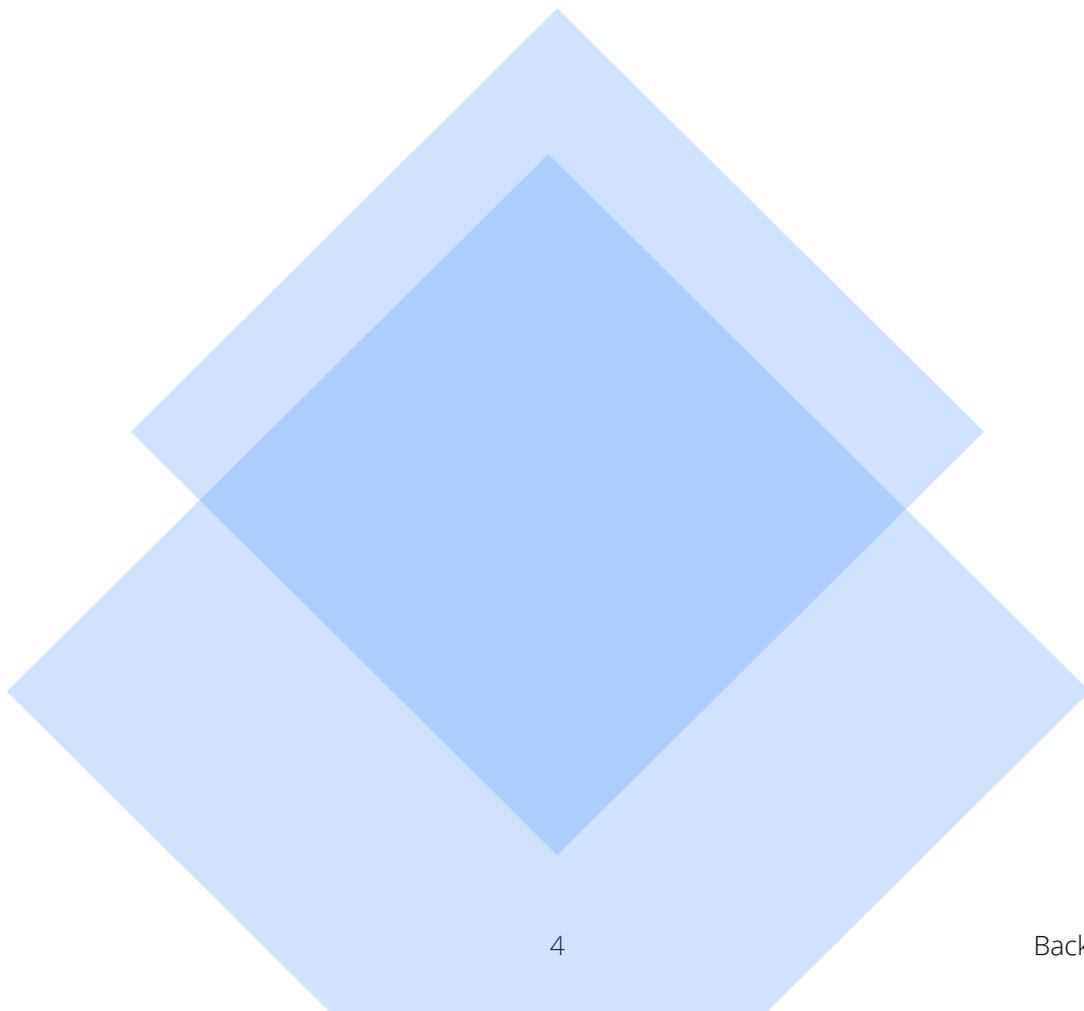
the willingness of the firm to develop junior talent and support their development. An example of that when I was four weeks in, still getting used to the time recording system (let alone anything else!), an email hit my inbox. The subject was 'Digital Technology Project Board', a newly formed group looking to bring senior figures in the business to a roundtable to discuss new initiatives and the focus of this innovative project. I popped my head over the top of my computer screen and said to my line manager sat directly across from me, "the email that's just come out on the digital technology project board — I appreciate they're only looking for senior figures, but I think I can provide some value here. Would it be okay for me to email back asking if I can attend?" Her response: "go for it!".

The roundtable was in November 2017, and I was a junior invited to sit alongside some brilliant and creative minds, brainstorming and plotting the course for our legal tech charge. At that point, I couldn't have pictured myself a few years later presenting in our Hong Kong

office on legal technology alongside the firm's IT Director. After that presentation, I was able to sit down and catch up over coffee with the associate I mentioned earlier! This is definitely one of my highlights so far, and it is a privilege to have had such an experience.

I hope my experiences can do justice to the positive impact of legal tech and apprenticeships. Together we can do things differently, we can do things better and cultivate meaningful relationships in a global community along the way. I would encourage anyone curious about the legal tech industry to find their area of interest, connect with people in the space, and enjoy the journey even if the path isn't so well-trodden. Being a Legal Technologist will sound made up to your family and friends, but you'll have fun along the way!

Kurtis Windrow



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The Swedish Legal Tech Landscape

By Tech Academy Nordic



Tech Academy Nordic is an exciting legal tech programme aimed at enhancing tech literacy among law students and lawyers. Tech Academy Nordic encourages universities to update their curriculum and prepare the law students of today to become the lawyers of the future, offering a full-day program where law students work hands-on with legal tech. This year's event will feature speakers from Microsoft, Klarna, Peltarion, Accenture, Baker McKenzie, Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and legal tech startups such as Henry Law and PocketLaw.

The development of legal technology is transforming the legal industry all over the world, gradually closing the gap between law and technology. The Covid-19 pandemic has been a key driver of this, but even before the pandemic investment in legal tech was increasing globally. Sweden is no exception. In this article we will present a brief overview of how legal tech is altering the Swedish legal landscape.

Adoption of legal tech in law firms

Swedish law firms are becoming increasingly digital, not least due to the Covid-19 pandemic. For example, practically every modern law firm in Sweden uses tools such as digital research databases and various automated document templates. Nevertheless, we believe that there is huge potential for an increased use of legal technology and that much more can be automated. In our view, basic and administrative work that is better handled by technology is still frequently performed by people. When it comes to artificial intelligence (AI), some law firms have already invested in AI solutions, specifically AI-powered document review used in due diligence processes.

A lawyer at a global firm in Stockholm summarises the situation as follows:

“We have used legal tech as part of our business for close to a decade now, improving efficiency and reducing cost for our clients. But apart from the basic tools like digital communication, online project management softwares and digital signage of documents, legal tech is still seen as an add-on to our core business. The next big leap will happen when AI can take on a much larger portion of the day-to-day tasks of our lawyers.”

Olof König, Baker McKenzie Stockholm

The use of AI tools within due diligence is the only widespread application of AI at Swedish law firms so far.

The Swedish legal tech scene

The Swedish legal tech market has not quite yet boomed when compared to, for example, the Swedish fintech market. However, Sweden has, in our opinion, a great potential to become one of the leading countries within legal tech in the future. It has a well-developed communications infrastructure, high levels of technology use among individuals, and a highly developed tech industry. In addition, Sweden is often regarded as one of the most innovative countries and is home to many tech start-ups.

There are several Swedish legal tech companies and start-ups currently disrupting the legal industry. In particular, the market has seen a strong development in start-ups offering contract automation solutions. This is probably the most developed and prominent area within the Swedish legal tech scene. Some examples of Swedish contract automation services are VQ Legal, Donna Legal, Precisely, Pactumize and Maigon. Partly as a result of the Covid-19 pandemic,

various e-signature and e-identification services are also trending, such as Assently, Scrive, Oneflow and ZeallID. Another trend we have recognized is that online legal service platforms are becoming increasingly popular in Sweden, for example with PocketLaw, Lexly, LegalWorks and Henry Law. That said, there is plenty of room for further growth, particularly for legal tech products which employ AI.

The Swedish legal tech market is still in its infancy, and we expect great progress during the years to come. There are a number of innovative start-ups creating digital tools supporting companies with digital legal services, templates and other similar services. Furthermore, we have seen a trend of increased investments in Swedish legal tech made to enhance the use of legal technology during the last couple of years. This is a trend we welcome since investment is key to the growth of a new technology market.

Law schools still lacking behind

Currently, law schools in Sweden are not adequately preparing their students to become technology literate lawyers. A typical law school program in Sweden is 9 semesters long, of which none are spent focusing on basic tech skills or data related subjects. This is also recognised in the market itself. According to Norstedts report *The Future Lawyer 2020*, 93 % of lawyers state that law schools are not sufficiently preparing students for the job market they are entering. However, some universities have taken steps to adapt, for example Stockholm University has established a mandatory course in legal informatics and elective courses in IT-law and cyber law. Moreover, Örebro and Gothenburg university now have elective courses in legal tech and AI.

We believe the future generation of lawyers need to be prepared with a basic understanding of technology for the reality that awaits them when they graduate. Tech Academy Nordic seeks to provide law students with hands-on experience of legal tech and to encourage the universities to listen up and participate in driving the change. In other words, Tech Academy Nordic aims to bridge the gap between law and technology.

Tech Academy Nordic

The Future of Document Management



By David Bullock

David Bullock is Director of Client Services at Tiger Eye. He ensures that the Tiger Eye Team works in partnership with their clients, providing, designing and supporting solutions to help customers reach their strategic business goals.

Before working at Tiger Eye, David held a number of senior roles within Legal IT, including working as IT Director at Ward Hadaway, as well as working at firms such as Dickinson Dees, Herbert Smith Freehills and more.

Law firms run on documents and emails. From contracts to case work, practice notes to pleadings, law firms produce, receive and process an overwhelming number of documents and emails in the course of their practice. For law firms, then, effective document management is critical.

Most every firm uses a Document Management System (or “DMS”) of some sort. But why do these implementations often leave their users dissatisfied? And what does the future of document management look like? In this article, I consider what the future has in store for the DMS and how law firms can make sure they benefit from it.

The State of Play

Before firms can benefit from the future of the DMS, they need to understand the current state of play. The DMS is a solution which is usually bought by the IT team in consultation with the partners, and not “sold” to those who often work all day within its parameters: lawyers. Promises of “out-of-the-box” implementations have often mis-sold the nature of this core business-critical system. Changing, adapting, upgrading or replacing a DMS is a fundamental business change.

Before any new technology is adopted, firms need to agree the business case for the changes at hand and communicate this to those whom the solution is designed to support: fee-earning, time-poor lawyers. Sometimes, understanding how something works – or more importantly, *why* it works the way it does – is not an intuitive process. Lawyers are trained to be analytical, attentive to detail and sceptical, and sometimes, the underlying logic behind the complexities of enterprise technology is unclear. This “leave them to it” approach to user adoption is something that the DMS has frequently fallen victim to, and with this, negative perceptions towards DMS systems are rife across the legal sector.

Whilst training sessions certainly have an upfront impact on lawyers’ billable hours, experience has taught many firms that the alternative leads to long-term issues. Lawyers will not teach themselves about what a DMS upgrade means to them. They will not take a few minutes out of their day to explore the benefits of the cloud. They simply do not have time.

Without strategic implementation, frustrations arise. In these cases, solution success is often put on the shoulders of a nominated expert who understands the nuances of the system and must answer countless ad hoc questions in an attempt to calm down disgruntled end-users. Upfront investment in user adoption and user training saves time later on, improving efficiency, adoption rates, and the impact of change on internal IT resources.

To change the future of the DMS, we need to change the way we approach the solution before we change the tool itself.

Better customisations, better outcomes

Your firm’s document management needs will depend in large part on your practice area, team size and

internal resources. As we have always explained to our clients, the DMS can be extensively customised to support your work, but this requires firm input on how you want the system to work for you. We have implemented systems in weeks, and we have managed implementations that have taken months. Sadly, some vendors have focused on advertising how quickly implementations can be carried out, rather than how effectively systems can be adopted, and here lies a large source of DMS discontent.

The DMS holds all that is dear to a law firm and business stakeholders need to understand that contrary to claims, the DMS is rarely highly effective as an off the shelf system. Some practice areas are document-intensive, and some handle particularly sensitive matters. These needs must be supported by the system. End-users and department heads need to be involved in system customisation workshops to ensure the implemented system suits their needs. From design workshops, to focus groups with a range of end-users, time given during the build stage simply leads to better outcomes.

The future of document management is seamless user design and enhanced ease of use. The good news is that this future is already here, but it requires a partnership approach.

The destiny of the DMS

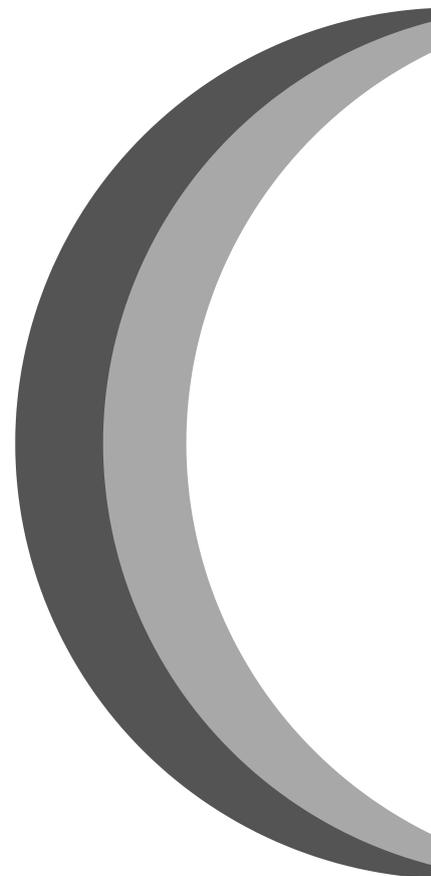
From growth to integration, the DMS is expanding, offering increased agility, offline working, and a variety of interfaces. With cloud-based infrastructure, the system can be light but remain comprehensive. Whilst hybrid working is driving modernisation at present, the expectations of the millennial workforce will expedite this process. With this, DMS vendors such as iManage are now offering “Work Product Platforms” rather than monolithic products, which allow modular additions to the DMS with tiered pricing and enable firms to grow their solution in line with business goals and departmental budgets.

As manual upgrades and client-side updates become a thing of the past with cloud services, providers are turning to focus on meeting other needs. Instead of simply offering document security, DMS vendors are increasingly working to support users with end-to-end document assistance, from production through to communication and management. The definition of a digital “document” is also expanding due to features like co-authoring, automation, OCR scanning, AI and

machine learning. Documents are no longer flat, static files. Instead they are becoming interactive collaboration spaces for internal teams, which are received by clients as structures of extractable data which can be broken up, analysed and visualised by machines rather than staff.

For modern law firms, the DMS should be seen as an ongoing agile investment rather than simply a one-time purchase. The system is being innovated to meet the changing needs of the marketplace, and firms must ensure their own solution is tailored – and growing – to support their workforce.

David Bullock



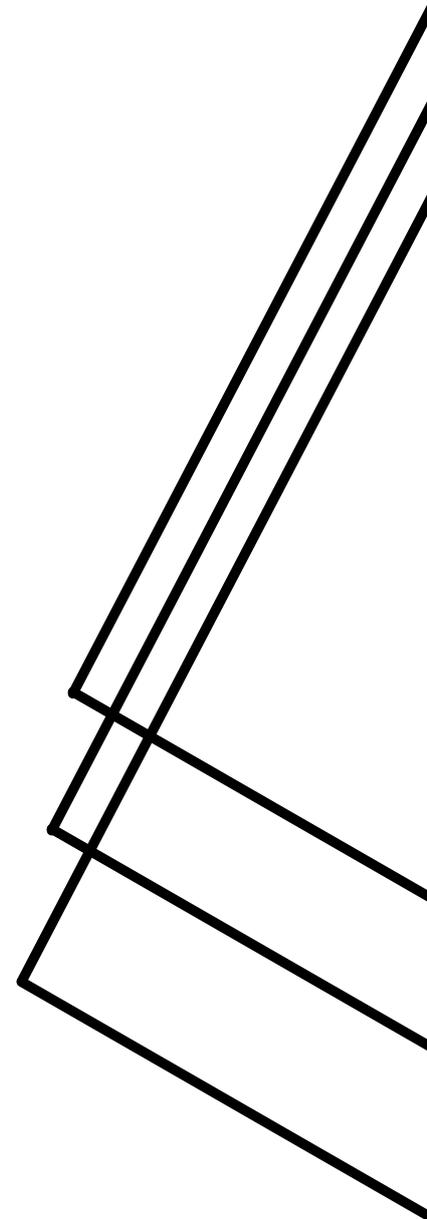
The Importance of template governance: what you should do before embarking on your CLM journey

Ben Dougan-McGill

Prior to embarking on the implementation of a contract lifecycle management (CLM) system, a proper and robust model for template governance should be implemented. A CLM system gives organisations better management of contracts from initiation through to approval, execution and renewal in a cloud-based system that saves costs, drives efficiencies and provides insight into contract velocity. Template governance is the process by which an authoritative body in an organisation is responsible for maintaining the styling and formatting of templates, which means ensuring that the aesthetic of the template is consistent and the look and feel is professional. This process also involves ensuring that internal teams have access to the most up-to-date versions of templates, which mitigates risk.

A proper, robust template governance process is one of the most important preliminary considerations before automating the template and storing the automated standard in a CLM system. Template governance requires putting in place two key steps at the outset. Firstly, a “house style” sheet or “wireframe” document encompassing all the styles used across the templates in scope for automation is to be created and signed off. This style sheet can also be an opportunity to include the branding unique to an organisation to embed a sense of professionalism into the legal document itself. Secondly, each template in the scope of a CLM project should have the styles from the wireframe properly, and consistently applied.

Before configuration of CLM should commence, a template is to be properly formatted per the wireframe, is the most up-to-date version and has received relevant sign off. This is a key principle to delivering a CLM system. Complying with this principle will significantly reduce the amount of formatting issues which surface during testing that ensures that configuration can run according to the project plan. Template governance should therefore not be overlooked.



Take the long view

At first glance, template governance may seem unimportant. Key decision makers have multiple demands on their resources. They do not have the time to spend thinking about how to get their templates ready for automation. It is important to be acutely aware of this pain point. One way to assist these senior stakeholders is by "health checking" their templates to identify areas for discussion and assess which aspect of the template governance process can be optimised. This might be the first opportunity in several years to implement a template governance process. If so, it should be seized.

The effort expended in implementing a template governance process in the short term will pay off in the long term. Resolving formatting issues is a pain-staking process that lawyers are familiar with. It takes time to resolve them, but it is also important to resolve them because a legal document creates an overall impression for the recipient. An organisation that gives its workforce access to legal documents which have been processed through the template governance model is in a strong position to encourage employees from across the organisation to use the CLM system.

Conclusion

Template governance is key to the timely delivery of a CLM system and legal documents are more straightforward to automate in clause-based CLM tools, which facilitate the creation of a standardised clause library.

However, template governance is much more than that. Templates carrying consistent formatting is not only about making them easier to configure. It is also about the end product of an organisation's in-house legal department and how consistent that is across the organisation. Lawyers take a lot from how legal documents are presented to them. If documents are inconsistently formatted and presented, this conjures an image of a disorganised lawyer that does not reflect well on the wider organisation.

Three takeaway points

- 1) Do not embark on implementing a CLM system without a proper and robust model for template governance in place
- 2) A template governance model is an authoritative body who agree on a consistent approach to styling legal documents and help ensure everyone is working from the latest version of the template
- 3) Implementing a CLM system gives clients the opportunity to implement a template governance model and should be seized

Ben Dougan-McGill

Programme Manager at SYKE

North America



A Roundup of Tech Innovation in Dispute Resolution

By Eric Chang

In the past decade, the pace of legal innovation aided by technology has gone from a steady trickle to a veritable deluge. This has been especially true in dispute resolution (to include both litigation and alternative dispute resolution such as arbitration), where recent innovations have moved well beyond e-discovery tools and technology-assisted review (TAR) software. Some of these innovations, discussed below, are downright transformational. At the same time, these advances sometimes raise ethical and privacy concerns, bringing the inevitable – but perhaps warranted – scrutiny of legislative bodies.

New Kids On The Block: “On-Chain” ADR.

The UK Jurisdiction Taskforce (part of the LawTech Panel of the Law Society), which recently published draft rules for resolving disputes arising from new technologies such as cryptoassets, cryptocurrency, smart contracts, distributed ledger technology, and fintech applications. Notably, the draft rules envisage automatic dispute resolution processes being combined into digital asset systems (known as “on chain” dispute resolution), providing an arbitrator, in certain circumstances, with the ability to implement decisions directly on a blockchain or within the system (as opposed to a paper Award). While the draft rules are definitely cutting-edge and forward-looking, they still rely on the tried-and-true English Arbitration Act 1996.

AI and Litigation Financing: Like Two Peas in a Pod.

Artificial intelligence (AI) is increasingly used for predictive analytics – predicting the outcome of disputes. Not surprisingly, such tools are very attractive for litigation funders, and a number of funders are betting on the technology giving them a competitive advantage in modelling risk when evaluating cases. To name but two: Legalist, which claims to use data from millions of court records to help case assessment for litigation funding; and Arbilex, which similarly uses AI and predictive analytics to assess arbitration cases, including the likely costs of a given case, as well as likelihood of success. The increasing use of AI to predict dispute outcomes raises a host of issues, too numerous to discuss here. What is certain is that predictive analytics is set to become a massive disruptor in the dispute resolution space.

ODR: Online Dispute Revolution?

There has also been much innovation in online dispute resolution (ODR) platforms – given a significant boost by the pandemic. Perhaps none has garnered as much attention and discussion as Kleros, which uses blockchain technology to create a decentralized arbitration process that relies on crowdsourced adjudicatory expertise. Very reductively speaking, the Kleros process assigns jurors to cases (the jurors sign up online and are remunerated for their services), and incorporates a point system, based in part on the jury selection system in ancient Greece, and in part on modern game theory. Jurors are rewarded for deciding cases “coherently,” creating financial incentives for correct adjudication. (An in-depth guide to Kleros can be found here.) The result, conceptually, is a decentralized

adjudication process where anyone can sign up to be a juror, but that nonetheless aims to encourage such jurors to exercise care to arrive at correct decisions.

DeFi: Financial Services on the Ethereum Blockchain.

The Economic Research Division of the St. Louis Federal Reserve recently published an article by Prof. Fabian Schär, which provides an in-depth analysis of decentralized finance (DeFi), its potentials, and risks. DeFi refers to an alternative financial infrastructure built on top of the Ethereum blockchain, using smart contracts to create protocols to replicate existing financial services, in a more open, interoperable, and transparent manner. Potential applications include decentralized exchanges, decentralized debt markets, blockchain derivatives, and on-chain asset management protocols. The advantage of DeFi is that it does not rely on intermediaries and centralized institutions (which, depending on whom you ask, operate in an opaque manner, are vulnerable to fraud, and require users to trust the institution). Instead, DeFi is based on open protocols and decentralized applications, where agreements are enforced by code, and transactions are executed in a secure and verifiable manner. The U.S. Federal Reserve’s interest in DeFi may well augur significant disruption in the financial services space, with an equally significant impact in legal services, including dispute resolution.

Read the Label Carefully: Certification and Labeling Criteria for AI Tools.

Of course, the exciting innovations in technology and the administration of justice are tempered by reasonable ethical concerns, revolving broadly around privacy and bias/discrimination.

In this respect, Europe leads the way. At the end of 2020, the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe published a study on the establishment of a certification mechanism for AI tools and services used in the fields of justice and the judiciary. The study begins to implement the CEPEJ Charter on the use of AI in judicial systems and their environment, adopted in late 2018. Broadly, the CEPEJ proposes certification and labeling criteria for AI tools based on principles outlined in the Charter, including (1) the Principle of respect of fundamental rights; (2) the Principle of non-discrimination; (3) the Principle of quality and security (with regards to the processing of judicial decisions and data, using certified sources and intangible data in a secure technological environment);

(4) Principle of transparency, impartiality, and fairness; and (5) Principle of “under user control” (ensuring users are informed actors and in control of their choices). The proposed CEPEJ certification requirements will likely impact a number of “Legal Tech” areas, such as case law search engines, online dispute resolution, predictive analysis, automated legal drafting, and so on.

The Monster Lurking Within: Embedded Bias in AI.

The risk of bias in AI was highlighted at the end of 2020, when Timnit Gebru, then co-lead of Google’s Ethical AI team, was fired over her publication of a research paper highlighting bias in large language models (AI trained on large amounts of text data) – which happens to be at the core of Google’s search business. Ms. Gebru’s paper focused on bias in large language models, noting that the AI is trained on text pulled from the Internet, which contains racist, sexist, and otherwise abusive language that ends up in the training data. As an MIT article (reviewing Ms. Gebru’s research paper) described, “an AI model taught to view racist language as normal is obviously bad”; and that “a methodology that relies on datasets too large to document is ... inherently risky... [and] perpetuates harm without recourse.” As AI makes its way into the dispute resolution realm, we must obviously guard against all sorts of inherent biases hidden in large datasets.

Indeed, hidden biases may have already found their way into the administration of justice. COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) is an oft-cited example of such AI bias in the criminal justice system. COMPAS is used by certain U.S. courts to assess the likelihood of recidivism in defendants who are up for parole. In 2016, a defendant challenged the State of Wisconsin’s use of COMPAS, arguing it violated his right to due process because it prevented him from challenging the scientific validity and accuracy of the test. The COMPAS algorithm uses a “violent recidivism risk scale” calculated by looking at age; age at first arrest; history of violence; vocation education level; history of noncompliance; and a weight multiplier “determined by the strength of the item’s relationship to person offense recidivism observed in study data.” While this algorithm makes no reference to ethnicity or race, a highly publicized study by Propublica analyzed COMPAS assessments and concluded that the algorithm was biased against African Americans: “Blacks are almost twice as likely as whites to be labeled a higher risk *but not actually re-offend*... [COMPAS] makes the opposite mistake among whites: they are much more likely than blacks to be labeled lower-risk *but go on to commit other crimes*.” (Emphasis added.)

COMPAS’ parent company strongly rebutted this claim, but one very problematic point was that it refuses to release its proprietary software, making it impossible for defendants and third parties to challenge the accuracy of the algorithm.

We Need to Talk About the Future of Justice.

These stories scratch the surface of the vast range of innovations affecting the dispute resolution world. Increasingly, there is a need for the legal community to stay abreast of these developments. ArbTech, an online interdisciplinary community, provides such a forum for discussion. ArbTech and other communities like it provide an important outlet for thoughtful debate and collaboration, enabling a proactive and ethical application of technology to justice, and preventing a reactive and unprincipled incursion of technology into the law.

Eric Chang is a Principal at Chang Law, a dispute resolution boutique focusing on investment treaty arbitration. He is also a co-founder of ArbTech, a global online forum bringing together legal practitioners to discuss and collaborate on innovative, ethical application of technology to peacefully, efficiently, and equitably resolve international disputes. The forum covers topics such as Artificial Intelligence, distributed ledger technologies, cybersecurity, and computational linguistics, applied to the critical human endeavor of conflict resolution.

Videoconferencing Platforms: Lessons from Cullen v. Zoom

By Veronika Pavlovskaya, Senior Associate at Arzinger Law Offices, Chief Coordinator at Young ADR – Belarus

The COVID-19 pandemic has moved the majority of communications online, making videoconferencing platforms very popular. In particular, Zoom reported that the maximum number of daily meeting participants grew 20 times in 4 months.

Zoom has also faced a number of privacy-related issues, including “Zoombombing” and sharing users’ data with Facebook without users’ consent. Consequently, it has received privacy requests from the state bodies such as the NY Attorney General and U.S. House of Representatives and as a result, users and shareholders have initiated class actions against Zoom. The saga started with Cullen v. Zoom filed on March 30, 2020, though there have been several complaints by other individuals against Zoom, Facebook and LinkedIn which have now been consolidated. Hence, the current class action before the US District Court Northern District of California involves 21 plaintiffs and Zoom, Facebook and LinkedIn as the three defendants.

Facts

The initial Cullen’s complaint against Zoom revolved around two issues. The first was personal data transfers to the third parties, including Facebook, without giving prior notice to the customers and the second focused on Zoom’s failure to provide sufficient levels of information security.

The first issue related to Zoom’s use of the Facebook’s Graph API and software development kits (SDKs) which implied transfer of data to Facebook and tracked installations, opens of application, ability to login and share content.

Another issue raised in Cullen’s complaint related to Zoom’s failure to set reasonable security measures,

particularly their lack of end-to-end encryption. Zoom had previously stated that calls had end-to-end encryption, but later acknowledged that *“there is a discrepancy between the commonly accepted definition of end-to-end encryption and how we were using it”*. Thus, there was some encryption of the video-calls, but it was questioned if such encryption was sufficient.

Interestingly, in 2015, music platform Spotify faced similar critics for sharing data with the third-party advertising providers, but it was enough for Spotify to update its Privacy Policy to remove all concerns. However, it is obvious Zoom is not going to get off that lightly as the action now has 20 other plaintiffs.

On May 12, 2021, plaintiffs filed their second amended complaint where they raise four issues: (i) transfers to Facebook when using its SDK’s; (ii) lack of end-to-end encryption; (iii) use of the data mining feature related to LinkedIn, and (iv) “Zoombombing”.

The alleged violations of the plaintiffs’ right to privacy described in the second amended complaint relate to major spheres where the importance of privacy is crucial when the video conferencing platforms are used: healthcare (telemedicine and therapy session); business secrets (including investments and real estate planning); interests of the minors; religious activities and church services; family and friends’ meetings.

Claims

The claims raised initially by Cullen and those included in the Consolidated Complaint slightly differ.

Cullen initially claimed Zoom violated California’s Consumer Privacy Act (§1798.100(b) and §1798.150(a); the “CCPA”), Unfair Competition Law (Business and Professions Code, §17200), Consumers Legal Remedies Act (§1750), and Constitution (Art. 1, §1).

The second amended complaint of May 12, 2021, provides for six causes of action:

1. Invasion of privacy in violation of California Common Law and the California Constitution, Art. 1, § 1 (for the disclosure and non-adequate protection of personal information);
2. Breach of implied contract (the contract for secure video services suitable for the intended purpose, the contract is separate from the Zoom’s Terms of service);

3. Breach of implied covenant of good faith and fair dealing;
4. Unjust Enrichment/Quasi-Contract (Zoom is not entitled to the full payment for its services by the plaintiffs and class members);
5. Violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, et seq. (for unfair, fraudulent, and unlawful business practices violating the constitutional rights to privacy);
6. Violation of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750, et seq. (misrepresentation regarding security of the videoconferencing software).

Thus, the plaintiffs asked the court to find Zoom's conduct was unlawful and require from the latter restitution and disgorgement of revenues, as well as paying to plaintiffs and class members damages and penalties.

What comes next?

The parties are finalizing the settlement now and are expected to file a motion for preliminary approval before June 25, 2021. Otherwise, the defendants have the right to have submitted their response to the second amended complaint by the same day. Then the remaining claims will be assessed by the court on merits.

The main lesson which videoconferencing platforms can learn from Cullen v. Zoom and the development of the situation is that security and privacy of the users are key issues, the appropriate security measures should be developed by default, and reaction to data breaches should be swift. This case also shows that the industry standard for security, including end-to-end encryption, which can set the unified and understandable "rules of the game" for the platforms and the users, becomes a necessity and might be developed in the foreseeable future.

Veronika Pavloskaya is a Senior Associate at Arzinger Law Offices (Minsk, Belarus) and the Chief Coordinator at the Young ADR – Belarus, the project for young arbitration practitioners. Veronika specializes in dispute resolution and in advising IT companies regarding their day-to-day activity and data protection. Veronika is a legal-tech enthusiast; her particular interest includes the use of technology in dispute resolution, she often takes part in legal-tech hackathons as a mentor and a participant. Veronika attended the advanced course in Investment Arbitration at the Arbitration Academy in Paris, did an internship at the International Court of Arbitration of the ICC, and did her LLM at Queen Mary University of London (Chevening scholar).

Judicial Analytics and the Push for Judicial Transparency

Nicole Clark

CEO and Co-Founder of Trellis Research

Across the Pacific Ocean, the People's Republic of China has embarked on its own path towards judicial transparency. Under the Xi-Li Administration, the Supreme People's Court studied the legal system of the United States, citing our laws and our common law heritage as a noteworthy framework for establishing public access to court records. It then began to revamp itself along those lines. The Supreme People's Court started by publishing Chinese court opinions and streaming its judicial proceedings.

This kind of transparency brought to light at least one vexing problem for the courts across China. There, it is not uncommon to find court records filled with thinly reasoned opinions. As one analyst noted, "[a] terse summary, if one is given at all, of each party's factual and legal positions tends to be the order of the day." These documents stand in stark contrast to those found in the United States, where judges must articulate the manner in which they arrive at their legal conclusions. These articulations must be clear and the arrivals must be transparent. In the United States, the expectation is that judges will welcome others into their thought process, as the validity of a ruling might depend on precedent just as much as it might depend on statutes.

The Mind of Judge

The ability to enter the mind of a judge is an extremely useful skill. "It used to be that personal experience and word-of-mouth were the primary vehicles through which you obtained information about the players in a given case," explains Nicole Black, an attorney based in Rochester, New York. The accuracy of your predictions about how a judge might rule on a particular matter depended heavily on how often you had previously encountered that same judge in court. "For local cases,



those reference points were often sufficient. But the further removed a case was from your local jurisdiction, the more difficult it often was to obtain actionable data points to make litigation decisions.”

Judges produce a rich stream of information every single day. This information might take the form of a docket entry or a tentative ruling. Either way, this aggregation of data is now being collected and scrutinized by individuals well-versed in statistical analyses and Monte Carlo simulations, techniques that generate quantitative insights into how judges make their legal decisions and what arguments they find persuasive. As Daniel Lewis, a former litigation attorney in California, explains, we have learned from this process is that certain judges “[accord] themselves to patterns, like focusing on the third factor in a four-factor test.” That is to say, certain judges tend to reuse the same language over and over again.

Mapping Judicial Patterns

At one time, subjective judgment ruled the legal profession. One didn't have to work long in a law firm before learning that many litigators preferred to share intel by circulating office-wide emails filled with sentiments about a judge being *a real stickler for the rules*. In those days, the data required to support judicial analytics was completely inaccessible, locked behind insurmountable paywalls or tucked away inside courthouse archives. Things are different now. Legal analytics platforms like Trellis Research, Ravel Law, and Premonition have developed broad archival networks of state trial court data, which have enabled litigators to patch together and sort through previously irreconcilable datasets from multiple counties and multiple states.

These companies are now using artificial intelligence (AI) and machine learning in ways that allow users to ‘Google’ search through—and collect information about—virtually any variable of their choosing. Attorneys can study the rulings issued by the judge of their choice, gaining invaluable insight into how that judge thinks, how that judge writes, and how that judge rules. They can identify the cases that a specific judge tends to cite, the language that a specific judge tends to find persuasive. In a matter of minutes, an attorney can identify the right cases for precedents, deploying a targeted search that points directly to the paragraph—to the sentence—that addresses the pertinent legal threshold, the key factors influencing a court's decision.

In addition to targeted searches, these judicial analytics platforms are uncovering innovative ways to visualize judicial tendencies with easily digestible charts and graphs. Whether it's with Trellis' Judge Analytics Dashboard or Ravel Law's Judge Analytics Tool, these applications can help attorneys know—in a single glance—with whom a judge tends to side in certain types of cases or motions, how often different passages of a case have been cited.

Putting Patterns into Practice

“Well, more often than not, judges view what we're doing as a positive,” Lewis mused. “In fact, I have heard California Supreme Court judges frustrated by attorneys focusing on the wrong arguments. They can't preemptively tell attorneys, ‘Hey, I want you to argue about this one point.’ So judges welcome attorneys that have tailored their arguments to what judges have cared about in similar past cases.”

This is exactly what more and more attorneys are beginning to do. Huong Nguyen, an intellectual property lawyer at Haynes and Boone LLP in the San Francisco Bay Area, recounts how burdensome and expensive it can be to uncover insights on a judge or an opponent. The process was “super slow—to the point where you wouldn't even do it.” Now, she uses judicial analytics to develop her legal strategies in intellectual property cases in the San Francisco Bay Area.

Nguyen remembers one case in particular. She wanted to know how her assigned judge had previously ruled in similar pharmaceutical cases. She used a judicial analytics platform to learn that her judge had sided with generic pharmaceutical makers in the past, companies similar to the one she was currently representing. She brought these data-backed insights, rather than the conflicting anecdotes of her colleagues, to opposing counsel, which allowed her to successfully settle the matter outside of court.

With these cases, Nguyen also uses judicial analytics to capitalize on the timing of legal proceedings. As an attorney for Impax Laboratories, a pharmaceutical company tasked with bringing generic drugs to market, Nguyen knew that timing is crucial when introducing a new drug. The process is highly structured and litigious, with each step requiring adherence to a specific timeline. “Knowing the history of a judge, especially how fast cases move through his or her

court, can be critical," says Nguyen.

Opening the Curtains with Judicial Analytics

When John Dragseth, a principal at Fish & Richardson, reviews a case with his clients, "they just nod their heads." However, whenever he starts showing them statistics about how a particular judge tends to rule in certain types of cases, everything changes. "They lean forward, put their elbows on the table, and start asking questions."

The push for judicial transparency in China gives attorneys in the United States an opportunity to pause and think about their own legal practice. What information lies hidden in the state trial court records? What insights might emerge once we start layering analytics on top of these documents? In other words, what happens when legal research moves beyond identifying controlling authorities in a case, a statute, or a rule and towards revealing the patterns in the behaviors of judges, lawyers, and parties? What will we bring to light?

By Nicole Clark

CEO and co-founder of Trellis Research
Business litigation and labor and employment attorney

Trellis is an AI-powered legal research and analytics platform that gives state court litigators a competitive advantage by making trial court rulings searchable, and providing insights into the patterns and tendencies of your opposing counsel, and your state court judges.

Reader Perk: Trellis is providing Legal Technologist readers with complimentary 14-day access to its platform. [Click here to start your free trial today.](#)

Africa and Middle East

Prioritising Technology to Advance Access to Justice in Africa: A Case Study on Uganda

By Mary Clains Tino and Seth Nimwesiga



Access to justice means that everyone with a legal problem should be able to get affordable and convenient redress. It is a core principle of the Rule of Law which seeks to ensure that the delivery of justice is impartial and non-discriminatory so as to provide access to remedies to parties in the arena of litigation. It is perhaps one of the most important and fundamental human rights since it acts as a safeguard to ensure that individuals can enforce their other human rights before a neutral arbiter. Goal 16 of the United Nations Sustainable Development Goals is about "peace, justice and strong institutions". This goal can be achieved by, among others, ensuring that there is access to justice for all. According to the 2020 Justice Needs and Satisfaction Survey in Uganda, by the Hague Institute for Innovation of Law, almost 13 million legal problems occur each year in Uganda. The survey also reveals that almost 70% of all legal problems do not receive a resolution or get a resolution perceived as unfair. Despite the best

intentions of the Ugandan judiciary, the process of getting justice in Uganda is slow, difficult and extremely expensive and dominated by the archaic colonial practices.

The emergence of technology presents the country with a golden opportunity to bring the justice business into the 21st century and in so doing to enhance efficiency as far as the delivery of legal services is concerned. New technologies have emerged over the last decade making it possible to achieve various results instantaneously at the click of a button and more recently at the swipe of a touch screen. These technologies are fast, ubiquitous, affordable and easy to use, solving many of the problems in the current justice system in Uganda. The prevalent challenges impeding access to justice have opened the eyes as well as minds of Ugandan innovators who are leveraging technology to develop value-based products tailored to address the problems in their society. It goes without saying

that the Covid-19 Pandemic has catalyzed the use of technology in advancing access to justice in Uganda. The pandemic has presented challenges which have triggered creativity amongst Ugandans.

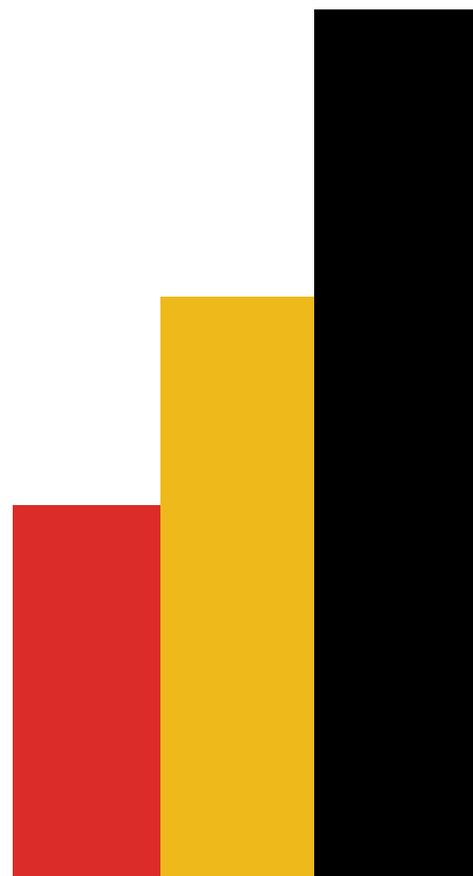
At the moment, Uganda is undergoing a Legal-Tech boom. Lawyers, technologists, students and the legal fraternity at large have welcomed advancements in technology. The judiciary, for instance, has incorporated videoconferencing as a mechanism to have prisoners confined in distant places testify from incarceration centers as opposed to having them physically present in courtrooms for trials. This has ensured speedy trials which is a constitutional requirement. The judiciary has now also effectively rolled out an electronic case management system with the advent of the Court Case Administration which aids in keeping digital copies of case files for easy management and tracking.

The African Law and Tech Network's report on Judicial Responses to Covid-19 In Africa, notes that courts adjusted to using video conferencing and electronic case management in Uganda. The Chief Justice of Uganda has from time to time encouraged lawyers to file submissions electronically, and judicial officers to deliver rulings and judgements via various online platforms such as E-mail or WhatsApp. These measures are meant to curb the spread of covid-19 which would be on the rise if litigants and their lawyers had to physically gather in courtrooms to receive their judgements. The Uganda Law Society (ULS), a statutory umbrella body of all legal practitioners has also developed the PulidaWo App, an application which enables a person to request and consult from a lawyer about their particular legal issue. This innovation is timely due to the stringent laws on movement due to the pandemic. Furthermore, it has led to the reduction of excessive costs incurred while acquiring legal services.

Use of digital tools such as interactive voice responses, chatbots, smart contracts, online dispute resolution platforms, podcasts, SMS and more are currently in place. For instance, the Nkola App uses technology to enable employees to use the Unstructured Supplementary Service Data (USSD) system to get information about their employment rights such as computing how much time of leave one is entitled to using short message codes. This is one of the innovations advancing access to justice in the Employment Law field.

Bitland Uganda, a subsidiary of Bitland global was launched in 2017. This is a blockchain powered land registry system. The *2020 Land Justice in Uganda report* by the Hague Institute for Innovation of Law (HiIL) reveals that 26% of Ugandans (approximately one in four) have encountered a land problem during the past four years. Bitland Uganda is revolutionary and timely as it will alleviate this problem by providing a trustworthy aide to land conveyancing and land disputes resolution in Uganda.

Lastly, *JusticeBot* provides free legal information to the public and connects people to lawyers. It uses artificial intelligence technology, through a chatbot available 24/7 on Facebook/Messenger and their website. Furthermore, the platform provides legal templates and updates users on the status of cases in court. Just to mention but a few.



With the advent of these developments, it is noteworthy that access to the internet in rural areas is still limited. The *2020 Justice Needs and Satisfactory Survey* reveals that over 63% of people in rural areas have never used the internet. Through technology, self-help USSD codes have been emphasized and prioritized in the rural communities with limited access to the internet. This is a great step towards realizing the objectives of Goal 16 of the UN SDGs.

There are a great deal of Legal-Tech startups which are designed to advance access to justice in Uganda. Most of them are in their early stages of development but the impact made so far has been significant. Uganda has a number of hubs such as Legal Innovation Hub and Legal-Tech Lab at The Innovation Village from where most of the mentioned startups have been birthed. While these new technologies and innovations are being created, it is important that they work in tandem with the customary judicial systems. This ensures that anyone challenged by technology is not sidelined by this revolution of access to justice.

Mary Clains Tino is the Program and Community Manager at the World Legal Summit, a multi-party initiative which brings jurisdictions and communities together in exploring the development of legislative frameworks dealing with emerging technologies and related global systems. She is a member of the African Law & Tech Network and Kampala Legal Hackers.

Seth Nimwesiga is a Ugandan qualified Lawyer focusing on emerging technologies and sports law. He is the Podcast Lead at the Legal Innovation Hub, a hub which fosters innovation and enhances the modes of delivering legal services and access to justice.

Career

Aleksandra Danielewicz

Privacy Lawyer and Founder

What do you do now and what do you enjoy about it?

I am Aleksandra Danielewicz, I'm a privacy lawyer who often found herself busy on Friday evenings trying to analyse, assess risk and decide whether to report a personal data breach to the appropriate authorities. Working in a large corporate reality means that everybody tries to get rid of their remaining tasks before leaving the office for the weekend and Aleksandra, unfortunately, was often receiving those incident notifications all at once and at the last minute. This repetitive and painful situation pushed me to look for a solution to ease the burden and the stress of managing data incidents in a timely, structured and automated way.

That's how my startup was born, and that's why I created the Data Breach Management Tool - a piece of software for GDPR compliance that helps organizations quickly manage privacy breaches, thereby reducing the risk of massive regulatory penalties. Privacy Optimization is a RegTech/LegalTech start-up which helps



organizations navigate the complex landscape of privacy regulations by providing Privacy Audit, Privacy Consulting and complex processes optimization: Data Breach Management Tool.

I am a practitioner, I work as a senior associate at Dentons where I advise corporate clients on their privacy. I am also a Data Privacy Officer at the Legal & Regulatory division of Wolters Kluwer (where I manage global wide privacy champions and DPOs). Previously, I worked as a global Privacy Manager at Dentons Global where I developed my knowledge and strengths.

I love my role as a privacy lawyer — no matter how bad the day might be, there is always something interesting around: a new data leak, hacker attack, some employment related questions, or new software which uses personal data and you need to help to figure out how to make the settings correct. I also love the fact I meet a lot of people with a lot of different points of view, which makes you see many different perspectives.

During my job, I have seen in many companies where employees share internal data externally, without actually knowing whether they are allowed or not, and what the consequences could be of losing that data. Privacy awareness is still not on the level I wish it was, and that's what I am trying to do - educate people, teach them about privacy, and show the best practices. Being a lawyer and working with other lawyers, it's easy to note that lawyers and compliance officers are still stuck in basic Microsoft Word and Excel and there have not been many advancements when it comes to data protection compliance. Technology automation can save a lot of time and money if such people could use a handy SaaS Software instead. That is where we hope, at Privacy Optimization, we can make a mark with our solution, Data Breach Management Tool. We are a perfect bridge between the software industry, users and lawyers to make this data protection regulation work in software and make every stakeholder happy.

How did you get to where you are now?

Thanks to the persistence and following my dream. I always tried to stay in an international environment by going for student exchange programmes, helping foreign students at my university etc. After finishing my masters degree in Poland, I moved to Brussels to complete an LLM degree where I focused on privacy law, and continued that through a European Commission internship, where I was actually present when GDPR was drafted. Those experiences really confirmed that I wanted to make privacy law my career. I had an amazing professor, and an even greater boss at the EC who inspired me.

When I was applying for a privacy job at law firms, nobody was taking it seriously. It was 2013-2014 and it was hard to find any kind of job. Everybody was saying I am crazy leaving corporate and tax law, where the money is, for something so unrecognized as privacy law. But I followed what I wanted and I don't regret it at all. I like to be independent - when people tell me one thing I don't always listen. It wasn't that hard to ignore them actually.

Now I am leading global privacy teams in large enterprises and started my own Regtech startup focused on privacy processes. I very often receive calls from recruiters with some offers to cover regional or global privacy positions. Looking back, I couldn't be more glad that I pursued my own path focusing on privacy! And I hope there is still a lot to come!

What advice would you give to anyone pursuing a similar path?

Be persistent, do something you are passionate about and never give up. Be open to speaking with people, listen to them, don't be afraid to ask and confront their ideas. Be enthusiastic - I think if you love your job that much, it can really give you joy and energy.

Aleksandra Danielewicz

Privacy Lawyer and Founder (Privacy Optimization)



William Dougherty

Co-Founder at Capacity

I am an avid subscriber to the Alan Watts guide to life and so please excuse my use of some of his pearls of wisdom throughout.

"Trying to define yourself is like trying to bite your own teeth."

I recently took the plunge and left my job as an associate in BigLaw. I enjoyed many things about my job, but found that I was often drawn to things that were not generally within the wheelhouse of the average lawyer - namely process improvement and app development.

I actually enjoyed these things so much that I started my own legal-tech business whilst I was working as a trainee, called Capacity. For two and a half years, I worked lots of evenings and weekends, but the ever-escalating and exciting demands of my own business eventually led me out of legal practice.

Capacity is a platform designed to make lawyers' lives better. It does this by addressing law's work-allocation problem, using technology to make sure work is distributed faster, and to the people who have the capacity to take it on. Driving efficiency, Capacity also has autonomy and equality at its core, which is why it's my belief it can make employees across the hierarchy happier in their roles.

Reports consistently find lawyers to be unacceptably stressed, with BAME lawyers being driven out of their jobs. Much of this is down to outdated processes that have not kept pace with the modern workplace. Even putting our moral obligations aside, improved employee wellbeing and diversity are consistently associated with significantly better business performance. I feel that, in maintaining the status quo, some employers are neglecting their duty of care and dragging down the quality of work their employees can perform. This isn't excusable when there's so much scientific data highlighting the problems and an abundance of solutions out there.

As a founder, I'm involved in every aspect of the business. From product development to pitching, from payroll to reviewing legal documents. No two days are ever the same, I absolutely love it!

"Problems that remain persistently insoluble should always be suspected as questions asked in the wrong way."

I love creative problem solving and get excited by new technology and the possibilities it affords us. Technology provides the opportunity to expand the tool-kit we reach for when confronted with a problem, offering us a chance to approach a problem anew.

I'm now more able to express myself through my work than I ever felt possible when I was working as a lawyer. I have far, far more autonomy - something I think most junior lawyers are starved of at work. I'm already noticing the enormous benefits this is delivering for my mental and physical wellbeing.

"No valid plans for the future can be made by those who have no capacity for living now."

People often congratulate me for "escaping" law. Does that surprise you? If not, please take a moment to ask yourself why.

As humans, we're creatures of habit. In fact, not only are we hard-wired to resist change, lawyers are also specifically trained to be risk averse. It's therefore no wonder that many can end up feeling stuck - in spite of being dissatisfied with their position. If this is you, then I invite you to try the following thought experiment: consider your boss. Do you want their job? If the answer is yes, fantastic, you're in the right place! If not, perhaps a career change is in order.

If you want to pursue a similar path, please get in touch. I'm always happy to chat and share my experience. I'd also recommend you check out [lawtomated](#) for career guides and the [Legaltech Hub](#) for jobs and events - these some of the best resources in the space.

As I mentioned earlier, I enjoyed many things about being a lawyer, but there are many problems that need to be addressed in order to modernise the practice. I'm now dedicating all of my time to solving some of them, and I'm relentlessly passionate about driving positive change in the industry - by using technology to solve problems we thought might never go away.

William Dougherty

Co-Founder at Capacity

Women in Tech

Women from SYKE and LOD take a look at the challenges they've faced, what attracted them to legal ops and tech, and what advice they'd provide to others plotting the same course.



Sarah Barrett-Vane is the Head of Legal Procurement, Spend Management and eBilling at SYKE. She worked as a lawyer both in private practice and in-house, before moving into legal procurement and then legal operations roles. Having left Royal Mail to become freelance three years ago, Sarah now consults for law firms and suppliers to help them write tenders, alongside her contracted role for SYKE.

What attracted you to a career in Legal Ops and Tech?

I am all about making people and processes more efficient and implementing more efficient ways of working – tech then tends to be a part of those improvements. I'm a great believer in technology where it's the right thing to do.

What challenges have you had to overcome in your career?

I want to deliver every project on time, within budget and to a high-quality level, and as we all know that can be incredibly difficult when you're working with a big corporate entity. You have to learn to adapt your style to the company you're working with.

What's your approach to problem solving?

Getting the right people in the room (or on the phone) is absolutely key for me. When you spot an issue, you need to figure out who you need on side to get it fixed. Not just the friendly people – but also the blockers so that you can find out what their objections are and work to overcome them.

What advice would you have given yourself at the start of your career?

Put simply: don't become a lawyer. I knew while I was studying that I was interested in the business world, and I wish that I had been able to make that leap sooner, rather than feeling like I had to follow through with qualifying and practicing.

Anna Lolua is Head of Innovation and Design at SYKE. Anna is one of the world's leading experts on HighQ and Contract Express, advising legal teams and law firms on how to procure and implement legal technology. Having faced opposition to change and modernisation through her early career both in legal consulting and in-house, Anna worked as a business consultant focusing on process optimisation before joining SYKE.



What attracted you to a career in Legal Ops and Tech?

I am a bit of an efficiency fiend! I have spent my career finding a way to do things better and remove repetitive tasks – and this inevitably led to me becoming interested in legal tech. I was drawn to Contract Express because (in my opinion) it's one of the best document automation systems ever invented and with HighQ as an extension of that it offers the whole package for my clients.

What challenges have you had to overcome in your career?

There is a lot of fear for people who think that what you're implementing is going to inevitably lead to their job disappearing. They are afraid and the fear takes us a step back. It is upon us as an industry to help to educate people that the tech is there to help them do more meaningful work, not to replace them.

What's your approach to problem solving?

Not to have one! You have to be open minded, and you have to be able to listen. When I approach a new project, I take a notebook and I listen, and I write down as much as I can. You need the full picture before you can jump in with a solution.

What advice would you have given yourself at the start of your career?

Be fearless. And let the numbers speak for themselves. A data-driven approach is key to any project, learn to convert information, trends, effect, results into quantifiable data and use that data for your decision-making process.



Carly Van-Eetvelt is People and Operations Director at LOD and left law to join at its inception 12 years ago. She has undertaken various roles in growing the business, her latest focus is on transforming digital operations – a two-year global change programme overhauling all processes and technologies used by LOD employees, lawyers and clients.

What attracted you to a career in Legal Ops and Tech?

I'm a curious person – I've always been interested in tech ever since I helped a friend to build websites when I was at Uni. I strive to find the balance between people, process and tech to make work lives interesting and enjoyable. If you can do that, better business comes as a natural result.

What challenges have you had to overcome in your career?

Leaving the law behind was tough. You spend a lot of time and effort in training, and you have a very linear career path set out ahead of you. It takes a leap of faith to change directions and not be able to see how your career is going to play out.

What's your approach to problem solving?

For me it's all about listening and understanding. I try to get to the root of the issue by understanding all the details so that I can then step back and see the bigger picture. It's a combination of micro and macro thinking that can then lead you to come up with the proposed solution.

What advice would you have given yourself at the start of your career?

Recognise and ride the waves. In your career you'll get up and down curves along the way and it can be hard to see that in the moment. You don't know where you are on the curve at any one time so it can be hard to keep perspective and remember that at some point you'll come out the other side and it'll swing back up again.

Maeva Marie is Senior Delivery Lead at LOD. She qualified in France and worked as a competition lawyer before moving to the UK 10 years ago. She previously worked in general commercial law before specialising in IT & tech law for the last five years. She is now contracted to work at LOD and deliver managed services.



What attracted you to a career in Legal Ops and Tech?

I got into it originally through being a tech lawyer. I was realising that there were a lot of ways to improve those processes and working with British American Tobacco I ended up helping to implement a contract management system which really drew me in to pursuing a career with LOD.

What challenges have you had to overcome in your career?

I was often the only woman in the room, always the youngest person and I was negotiating multi-billion-dollar contracts with middle-aged white men. It was a fine line to make sure that I was taken seriously – being assertive without coming across as a bully.

What's your approach to problem solving?

It's key to understand different perspectives. A pain point for the legal team might not be seen as an issue for a service user in another part of the business. You must bring people along with the journey. People can be resistant to change if they don't feel like they have been consulted on the new solution or process.

What advice would you have given yourself at the start of your career?

Be better at work/life balance – I tend to need to get things done at the expense of looking after myself and it's really important to keep perspective on what can just as easily wait until the morning or next week to give yourself time to decompress.



Nadine Stuttle is Head of Intellectual Property at SYKE. She is a highly experienced thought leader in the IP & Legal arena specialising on establishing and leading large-scale transformation projects, including leveraging and optimising IT solutions. She has over 18 years of experience gained from private practice and in-house roles, as well as consulting engagements.

What attracted you to a career in Legal Ops and Tech?

22 years ago, when I started in the sector, Legal Ops and Legal Tech were not words you ever heard! I found myself drawn to the need and opportunity for change fuelled by my frustration at how legal services were delivered. That frustration sparked a passion to drive change and help shape the future of the industry. I have never looked back and am truly grateful that I set out on this path.

What challenges have you had to overcome in your career?

Juggling being a mum to two boys and working full-time is a daily challenge. It works by applying discipline and ensuring time with the family is true family time, no email, no mobile. Being mindful and present in the moment is the key.

What's your approach to problem solving?

Every problem has a solution, it just may require out-of-the box thinking and a new fresh mindset. Breaking a process down into the component steps and ensuring the 'why' can be answered correctly. The 'how' is the differentiator. Technology alone is not the magic bullet; it is always dependant on people and process. So many often forget the people and process and concentrate on technology in isolation.

What advice would you have given yourself at the start of your career?

Believe in yourself, trust your instinct, and never take no for an answer!

Interview



In this issue, Jeremy Small, CEO of Jameson Legal, interviews Ofer Bleiweiss, Founder and CEO of Everchron.

Ofer Bleiweiss Founder and CEO of Everchron

JS: Can you briefly explain your journey from Lawyer to Founder/CEO?

OB: After law school, I practiced law at Irell & Manella in Los Angeles as part of the litigation group. During my time there, I worked on complex litigation matters and internal investigations across multiple practice areas, including securities, intellectual property, and white collar defence.

At the firm, I was exposed to a variety of legacy products in e-discovery, case management and document management. Ultimately, I did not find a case management product that supported what we needed to do. Instead, we used Word and Excel to create chronologies and develop profiles of key people, which was a versioning nightmare. Key documents would be stored on the network drive and the e-discovery platform, and filings were in the DMS. On any given case, we were using four, five different tools to accomplish case management. Also, none of this was in the cloud, which severely hindered collaboration. Email was the only option for anyone outside the firm, such as clients, co-counsel and experts. I asked myself quite often: "Why doesn't something better exist?"



Eventually, I connected with my now co-founder, who was independently having a similar experience and asking himself the same question. Once we got to talking, that question changed to: "Why can't we build something better?" And that's what we set out to do with Everchron.

JS: What makes Everchron unique amongst rival case management software solutions?

OB: We don't look to legacy tools or others to determine feature requirements. We have our approach to solving problems for legal teams, and anything we add to the platform needs to work with that approach. Our core focus is usability. We care a lot about building an intuitive application that's both easy to learn and can handle the most complex of cases. For example, we have a video series that onboards our users in less than 30 minutes, and many users don't even need that much time to get going.

Everchron is built for collaboration. It can be an active part of a case from start to finish, or it can be deployed for a specific aspect of a case. Typically, teams will start up a matter as soon as a new case comes in. With our robust chronology tool, teams flesh out the story of the case with key facts and documents, which will evolve through fact discovery and beyond. Our auto-generating profiles allow teams to build out the cast of characters of a matter. Profile analytics provide insights that lawyers can use to identify the most important people, relationships and issues. Teams can ensure that everyone who needs access to a matter has it, including collaborators at other firms or in-house.

JS: Is it difficult for a successful US legal tech company to grow outside of the US?

OB: I will give you the classic lawyer response: it depends. It comes down to two factors: product and distribution. The threshold question is: have you built a product that extends beyond the US? Many legal tech companies can be limited by the nature of their product. For example, legal research or court analytics tool are built for specific regions, at least initially. It's a heavy lift for them to extend to new jurisdictions. Assuming the product is extensible, then the question is how do you distribute it outside the US?

We intentionally built Everchron to handle the universal aspects of disputes and investigations. Every dispute or investigation has facts and needs a chronology to capture its evidentiary story. Every dispute or investigation has players, whether they are parties, witnesses, entities or something else. These need to be tracked, and connected to key documents, facts and issues. And, of course, if the dispute is part of a proceeding, there are court documents, filings and inter partes communications. For us, growth outside the US is a matter of distribution. Our answer has been to build out our channel program. Identifying and working with great partners has allowed us to expand our reach to other regions.

JS: What is your ultimate ambition for Everchron?

OB: Our goal is to build what we call the operating system for lawyers, a universal platform for lawyers across the globe. That means a platform where a lawyer can perform all the substantive work needed for their cases and investigations. As artificial intelligence continues to streamline aspects of the profession, there will be legal work that will never be automated away. Such work might be augmented by AI, but it is the type of substantive work that will always require human judgment. We want lawyers to do that work in Everchron.

Also, we do not expect to replace other types of platforms relied on by legal teams, either for substantive tasks, such as e-discovery and legal research, or for practice management. Rather, case teams will be able to leverage these platforms through deep integrations with the Everchron OS. Insights from the Everchron matter will be used to identify, aggregate and elevate external data back into the matter.

JS: What are the key challenges that legal tech faces today and how will these challenges be overcome?

OB: Data is a key challenge on three fronts: volume, variety and security. The volume of potential evidentiary data continues to grow year over year. This aspect is not a new challenge per se, as this growth in enterprise data is the reason document reviews can no longer be done via bankers boxes. However, not

only is data growing, but different types of data are being introduced at a faster clip. Lawyers need to deal with increasingly diverse forms of data and communication to understand their cases.

Traditional platforms were built to handle traditional forms of data. When it comes to e-discovery, email remains king – for now – but other forms of communication are expanding in impact, such as texts, chats, Slack messages and video calls. Legal tech will be further tested with the growth of ephemeral messaging services, encrypted communications and blockchain-based decentralized messaging. Platforms will have to continue to adapt to extract value from these types of communications.

Cybersecurity or protecting this data will always be a challenge for any tech company, and legal tech is no exception. Technically, it is a challenge that will never be overcome, as the nature of these threats continues to evolve. Legal tech companies will need to continue to devote meaningful resources to round-the-clock vigilance and protection. As legal teams increase their reliance on the cloud, they need to be able to rely on the security and availability of their solution providers.

JS: Are lawyers reluctant to adopt legal tech?

OB: I view it as caution rather than reluctance, and the distinction is important. Reluctance suggests an aversion to legal tech, but today's lawyers are actively shedding the Luddite presumption that applied to the

old school generation. Law firms and legal departments still tend not to be early adopters, but they fully recognize they face problems that require technology, including legal research, e-discovery, and case management. In turn, they are more than happy to embrace legal tech that adds meaningful value at an acceptable risk. The fact is the nature of disputes, investigations and transactions preclude lawyers from being averse to tech. You do not have to be on the cutting edge, but you cannot afford to fall behind.

JS: How do you see legal tech changing the legal profession and the role of lawyers in the next 10 years?

OB: In the next 10 years, the biggest challenge for lawyers will be adaptability in an ever-changing landscape. The nature of disputes is changing. The nature of transactions is changing. The nature of data is changing. Lawyers will need to stay on top of these changes, and legal tech will be critical to that effort. Legal tech has already become an integral part of the profession, and lawyers should expect this trend to continue. I expect that legal tech, beyond legal research, will become a bigger part of law school curricula. Lawyers who embrace legal tech will spend less time doing work that can be automated away, and spend more time focused on the substantive work that they have been hired to do. In turn, lawyers and clients will be better aligned, leading to more effective advocacy.

Special Feature

Democratising Enterprise Contracts

Automation as a tool for reducing bottlenecks with In-house Legal and other teams

Gordon Daniell leads the marketing team at Legito, following several years with other Czech tech companies. A former attorney in New York whose practice focused on intellectual property and corporate law, he currently resides in the Czech Republic with his family.

Most companies sell a product or service to generate revenue. Of course, commercial teams actually sell the products, but other departments are just as essential to day-to-day operations, such as Human Resources, Finance, Compliance, and Legal. These teams do not operate in a bubble, but constantly rely on one another for knowledge sharing, and quick decision making.

In-house legal teams tend to work with each of these departments and are involved with just about every aspect of decision-making processes. Often perceived as an unfortunate but necessary “spend,” many legal departments’ true tasks help guarantee uninterrupted and increased revenue.

Documentation, operational transparency, and ease of access to information are some of the unsung responsibilities legal departments must resolve to keep the business functional.

Interconnectedness/interdependencies between teams, especially as they intersect with the scope of responsibilities of the in-house Legal team, can create serious consequences for any company.

But there is hope, and Document Automation and Contract Lifecycle Management is it.

The Challenges

What could go wrong? A lot actually. Some of the most prominent challenges for each team are below:

Legal Team

Legal teams form the backbone of the company itself. A team of highly educated attorneys spends a lot of time making simple and often minor changes to contracts, like changing a clause on governing law, or assignment, as well as maintaining several different versions of templates for different departments.

And of course, the Legal team is the go-to department for time consuming but low priority questions like “can we make this product?”

This leads to a bottleneck because the legal team ends up spending the majority of their time doing document maintenance for which they are overqualified. Meanwhile, the places where they can really provide value (and where they want to provide value); negotiation of terms, analysis and mitigation of potential risks to the company itself are either pushed to the back, or limited in the time they can be given.

Hiring more legal professionals is one option but that creates additional costs and has risks in itself, and as lawyers know, the more hands there are, the more work appears.

What to do? How can legal teams get back to the work they need to do, while retaining control over contracts and other language and policies?

The Commercial Team

Commercial teams sell the product - be it in an online store, or a multi-month B2B sales cycle, and get the paperwork into the hands of customers.

Without the proper technology, opaque contracting process leads to back and forth between parties, and this "ping-pong" effect extends sales cycles - sometimes to where it takes months to negotiate the full contract after the essential terms (price, quantity, delivery) are amicably agreed by the commercial teams; because legal review drags on.

It can also create high risk contracts (e.g., lawsuits or non-compliance to regulations and law), and most importantly, a lack of trust between employees, the company, and its customers.

The bottom line is that where bottlenecks exist, the bottom line is affected. Not only to contracts take longer to negotiate past the basic, mutually agreeable broad strokes, but in an effort to expedite the process unapproved or outdated clauses can appear that create liability where none should exist, and in the worst cases - revenue is lost because it just takes so long to get the deal done.

But how to support the bottom line without exposure to risk or hiring packs of lawyers just to negotiate deals quickly?

Human Resources

Human Resources teams, or "People Services," not only make sure of the welfare of all the employees at an organization, but also work to make sure the organization stays safe from risk. Many of HR's responsibilities require legal oversight and review along with coordination with the Risk and Compliance departments to ensure compliance with law and business standards.

The ability to hire people quickly in a competitive market makes it imperative that HR teams move quickly to secure candidates before they are snatched up by a

competitor. The faster employment contracts can be generated, delivered, and executed, the better.

If only there was a way to streamline this process so that HR can hire quickly and efficiently, while maintaining compliance with regulatory matters.

These aren't the only departments who face challenges as part of an integrated/interdependent business environment, just the best known. Challenges exist anywhere where teams need, but don't have the most up-to-date, approved language/policies, or can't move deals forward for lack of legal review.

Automation to the Rescue

Almost every commercial enterprise encounters these challenges in their day-to-day activities, but they are difficult to "manage away" or "hire away." Finding a solution specific to an organization requires finding tools that are both robust and flexible.

Document Automation and Contract Lifecycle Management tools are the answer.

When properly leveraged, the right Document Automation and Contract Lifecycle Management software democratizes the contracting and document management process, because the Legal team is not the "holder" of all of the contracts. Though they provide the components, the contracts can live on their own among the teams involved removing organizational blockers.

Granting more autonomy to different departments (i.e., granting more document creation ability) saves time for everyone, while assuring legal teams of the accuracy and compliance of all the company's documents.

What can these tools do?

Automated Document Assembly

Commercial team members can now create their own contracts without needing to be experts in contract law.

Representatives may enter deal information from their opportunities (or have the fees and product details automatically extracted) to automatically draft contracts that contain the correct terms, conditions, and ancillary documents - all created by legal, but locked to protect against unknown-added risk.

Approved language dynamically completes agreements, so the highly qualified legal team personnel spend less

time drafting and reviewing contract language, and more time on high value projects.

Conversely, Legal retains control over the clause language itself, so they can be secure in the knowledge that even though contracting is democratized, and commercial teams are able to do their own contract assembly, they are not somehow letting the genie out of the bottle and opening the company up to risk or compliance issues by turning untrained commercial team members into de facto lawyers.

In some cases, this approach can reduce Legal team workload in contract drafting/review by up to 95%, and reduce time to execution from several months down to a matter of days.

But the benefits occur also to Human Resources and Finance departments, who are able to automatically populate information from external databases or spreadsheets to quickly complete forms and reports.

Workflows and Approvals

Although fewer deals require legal review, for situations that require language that is not dynamically drafted into agreements by the software, or available in a clause library, clear and transparent Workflow and Approval processes are defined.

There is no longer any guess work about who is responsible for the approval, and there is always visibility on what stage of the review process the contract is in. Legal no longer bears the full responsibility – all the key stakeholders are accountable for their role in completing contract negotiation.

Documents that require review and approval from different departments can be routed quickly to the correct departments using predefined rules.

Communication Tools

Sharing documents and information quickly is important, but being able to share information and notes, new information, and comments is just as crucial. In Document comments, Real-Time Conversations / Chat, Track Changes, and Redlining features help all the stakeholders stay connected.

Deadline Reminders

Data pulled from contracts automatically creates deadline notifications for renewals, and termination notice dates. This gives teams plenty of time to prepare

renewal negotiations, for the organization to get out of bad contracts, or to repaper contracts that fall foul of new regulatory obligations.

Conclusion

Interconnectedness and interdependencies between legal and other teams within any company creates inherent challenges for each team involved.

Legal teams are overburdened by the need to review/approve documents - including agreed but unexecuted sales agreements, also to maintain compliance, and defend against risk. Commercial teams are delayed by overburdened legal teams, and HR teams need legal review for hiring, layoffs, and changes in compensation. Being the hub of interdepartmental resources inevitably forces the legal team to slow down process flows, in order to protect the organization. But there is hope.

Document Automation Tools help all of a company's key departments work seamlessly with Legal, and with one another through the Legal team to increase overall productivity, while maintaining the necessary level of risk protection, compliance, rights maintenance, and others. Granting more autonomy to different departments (i.e., granting more document creation ability) saves time for everyone, while assuring legal teams of the accuracy and compliance of all the company's documents.

In other words: They make it possible to democratize contracting. Automated Document Assembly / Contract Lifecycle Management is not just a solution that is solely for the benefit of Legal, but is a necessary business tool for the entire organization's success.

Gordon Daniell

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