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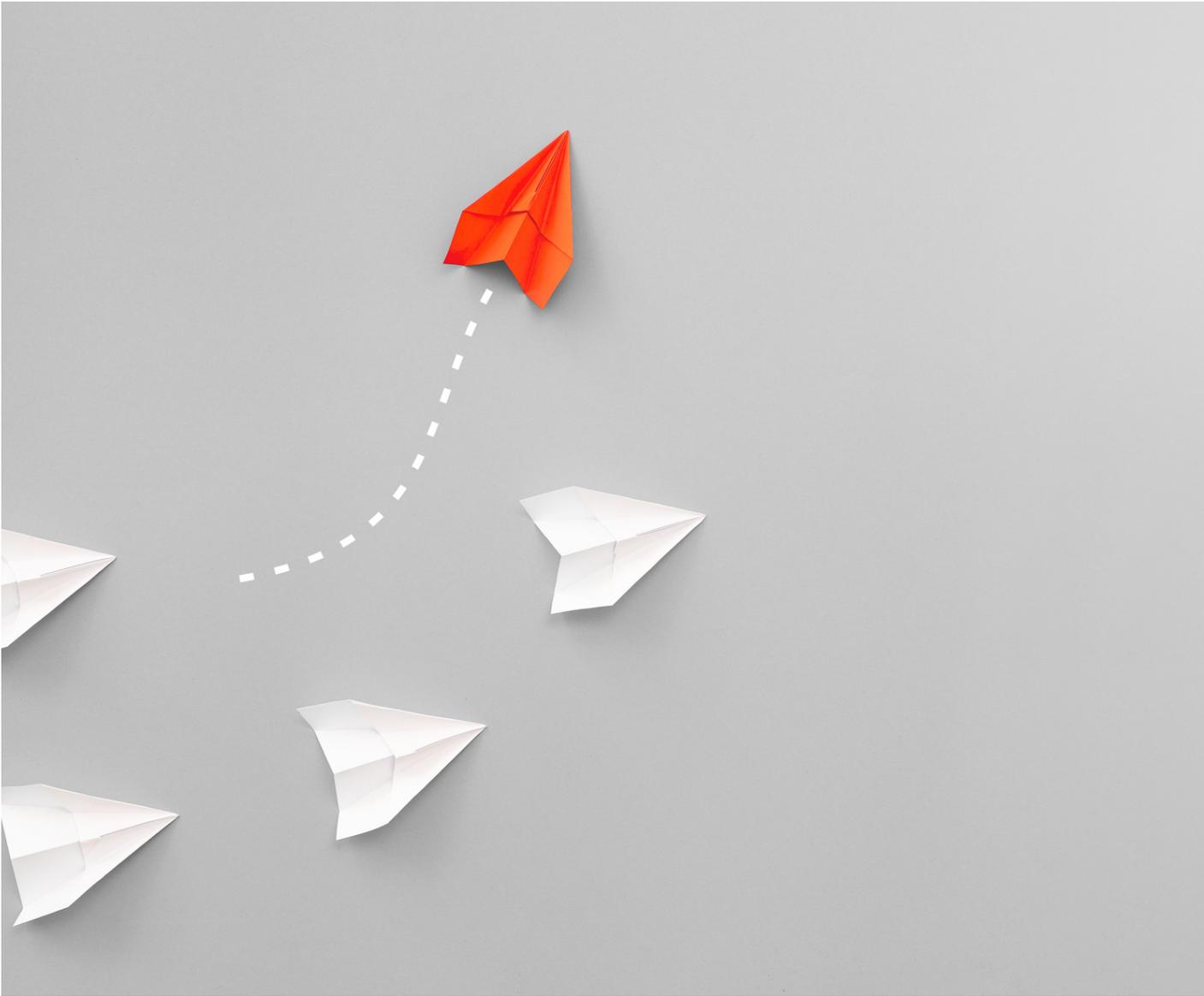
Future of Law

Tony Randle, Partner at Shoosmiths, provides insights into tech adoption

ARTICLE

Innovating for Success

Ana Burbano Villavicencio from KPMG takes a look at how law firms innovate



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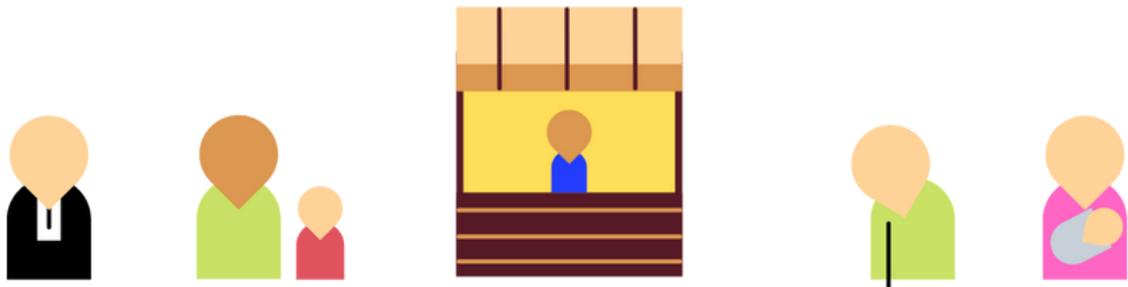
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Insight into the future of law

The Legal Technologist



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The Legal Technologist

Insight into the future of law

Europe



The Future of Law

By Tony Randle

Technology has the potential to revolutionise the legal services market and pave the way for law firms to offer clients a host of innovative connected services.

The benefits of tech investment are increasingly obvious. Through the adoption of 'lawtech', firms can boost their ability to anticipate and react swiftly to changing client needs. This in turn catalyses growth and helps to future-proof operations.

There is much to capitalize on when it comes to law firm tech implementation. According to The LawtechUK Report 2021 - Shaping the Future of Law, 'there is an £11.4bn per year market opportunity for lawtech and innovation to address the unmet legal needs of SMEs and consumers by providing accessible and affordable services.'

Given this, the argument to 'go big' on legaltech is compelling. But firms may come to regret committing major investment to new systems, if they haven't also explored exactly what support their client base needs.

Equally, it is vital to balance spend against the effectiveness of new tech implementation. As change continues at pace and the commercial sector continues to emerge from the shadow of the pandemic, it's time to take stock and look at how we can offer the best solutions for clients, in the most cost-effective way.

There remains a gap between what clients want and what law firms are providing; and identifying this is what led to Shoosmiths developing Shoosmiths8 Connected Services. Our journey has provided us with valuable insight into the most effective tech adoption strategies, and we're keen to share our knowledge to help speed the evolution of the legal sector as a whole.

Carefully consider what to invest in

Legaltech has the potential to bring the legal sector forward in leaps and bounds. But this doesn't mean it should be widely adopted in all areas. Adopting tech for tech's sake is something to be avoided. Lawtech is a nuanced subject, needing careful exploration and a det-

-ailed cost/benefit analysis. There are lots of success stories for technology adoption, however in some instances costs can be very high and outweigh the benefits.

One example is the challenge that comes with receiving Data Subject Access Requests (DSARs). Streamlining these requests by adopting technology will save time, but this comes at a price. It's a common pitfall to progress with technology installation simply because it can be done, without assessing the cost against traditional methods. The reality is that most law firms receive DSARs infrequently, meaning the cost of setting up the technology in the first instance, when coupled with the associated maintenance cost, outweighs the benefit of any time gained.

There are, however, lots of beneficial technologies on the market that are not being fully exploited by law firms. Over the last two years, Shoosmiths8 has developed Cia® (Contract Intelligent Analysis), an AI solution that has the capability to review and make legal drafting amendments to a 100-page contract in less than five minutes at 94% accuracy. The innovation is therefore faster, less expensive and more accurate than its human counterpart, who would take up to five hours to complete the same task, at 86% accuracy. Powered by AI specialists – Thought River – this piece of technology which has been 'trained' by lawyers for months to meet client requirements, is well worth the investment. And by adopting a joint venture model to offer this solution, we have steered clear of a large, initial capital outlay.

Get the right support

Another key factor at play that can determine the success of technology implementation is the support provided. As legal technology has begun to thrive, the technology supplies marketplace has become saturated. This leads potential law firm buyers to feel overwhelmed by the number of options available and, through fear of the unknown, it has detracted many from adoption.

When law firms - of all sizes - choose to adopt these technologies, they should be coupled with carefully considered roll-out, support and training plans - to ensure the use of the technology is fully optimised. Taking time to get things right at implementation stage will help to minimise costly disruption further down the line.

Offer clients what they really need

As previously mentioned, there is a disparity in the legal sector market between what clients and customers require and what lawyers are currently offering - something Shoosmiths8 is designed to overcome.

Instinctively, lawyers want to provide a 'Rolls-Royce' service which entails in-depth, technical advice that covers all areas and is often surplus to client needs. Many client problems do not require such an involved process. Clients just want affordable solutions that do the job to the appropriate specification.

Worryingly, the extent of this perception gap is probably greater than most lawyers think, and it is only going to get wider as clients see service providers in other professions and industries being more imaginative in their offerings. With Shoosmiths8, we have not allowed our vision to be blurred by trying to outdo others. Our Connected Services offering is grounded in providing affordable solutions for clients, across all areas, that help them and their teams to work smarter, faster and better.

As with so many other industries, the future of law will be driven by technology. But, in order for law firms to ensure they can trailblaze and get the biggest return on investment, correct implementation – in the appropriate areas, at the right cost and with the right support – will be crucial.

Tony Randle

Partner and head of Shoosmiths8 Connected Services

Legal Tech Tip #1

When procuring Contract Lifecycle Management (CLM) tools a common pitfall is spending money on implementing as much as possible within the budget but not factoring in what it takes to actually maintain it once it has been implemented.

It may sound like you're bargaining for a good deal and getting as much as you can for your money but in the medium term you'll probably find without proper maintenance users become disillusioned/lose confidence or find shortcuts. Some of the key benefits with CLM tools are the ability control the output (ie generated documents) and have easier access to structured data (ie reporting on all contracts containing x clause or above y value). If users don't use it properly both of those benefits get eroded diminishing the reasons for implementing it in the first place.

So make provision for maintenance - ideally someone who can speak with users (and keep them happy) and can maintain templates, questionnaires, data, etc required to continue usage.

Follow [here](#) for more tips

The Legal Knowledge Engineer

the answer to Lawyers who want to lead technology innovation

By Oren Bareket

According to a report by Gartner report on the trends that will change the world of law in the next few years, legal departments will replace about 20% of their lawyers with technologists by 2024. McKinsey adds that 23% of the work done by lawyers will be automated. These trends are the result of the fact that information and technology have become a part of everything we do daily. after all, it does seem strange that the law will stay immune to IT's effect. this matter becomes even more aspected Given that one of the most important components of law proceedings is dealing with large amounts of information (like huge litigation cases). so it seems that adaptations for the data era in the law industry are unavoidable.

These adaptations are starting to happen. The legal world has in recent years seen certain changes in relation to technology, whether it's by involving new technological means in the legal process or new jurist roles involving issues beyond the traditional realm of law. Among those new roles is the 'Legal Knowledge Engineer' or 'Legal Data Engineer'. Basically, this person is a hybrid between an engineer and a lawyer. Its function is to promote and develop legal technological tools that will help law firms and other players in the legal world provide online legal advice, smart contracts, legal analysis, and legal search engines.

The legal information engineers are required to organize and build models that analyze the legal processes and materials. they should be able to describe a set of rules and procedures in computer systems and then construct products themselves or with the help of programmers (the legal information engineer does not necessarily have to know how to



program himself, but only have to hold a basic understanding of the task). The character traits needed to succeed as a legal information engineer are legal training (lawyers are not required), a constant drive for innovation and creativity, a determination to launch innovative processes, a drive to persevere even when not everything goes according to plan.

The more standardized law firms and legal tech companies will be and the more they will use digital technologies (beyond computer-only services), the demand for legal information engineers will grow. The demand to organize and model the enormous volumes of information accumulated in law firms will grow what will assure that companies providing legal products and services more systematically and efficiently. due to the fiercely competitive environment that characterizes the legal world, Legal information engineers are the ones who will give their employer an edge.

In practice, The work of information engineers can provide diverse solutions from analytic law analysis to legal information retrieval and even assisting systems for complex litigation cases. Among the companies that provide analytical legal analysis, solutions are Lex Machina. The company provides law firms with tools for marketing to clients (data on experience in similar cases, history in proceedings against the client) and also presents insights about trends in court rulings and analytics about the history of the opposing lawyer. Other products are aimed at finding legal information. The understanding in this world is that effective data analysis can substantially reduce the time it takes to perform a legal search, a key part of the job. One company that offers this product is ROSS, a system

based on artificial intelligence technology and based on databases of judgments and other legal materials. Copyright but other companies will also likely offer similar solutions, for example, RAVEL) in litigation matters. Companies like the Israeli Litigate offer a system for recommending appropriate legal actions about a particular legal case and even predicting the chances of success in court.

Who will fill this position? What sort of training should they hold? legal knowledge engineers can come from the legal or technological world. On one track information engineers who gained legal knowledge and experience in legal processes during their time working in technology companies will be able to become legal information engineers, while in another, lawyers with an interest in technology will be the ones to become legal information engineers (here, for example, you can find a story of one lawyer took this track).

My opinion is that it is not easy to reconcile either the technological path to the possible world of law or the trend presented at the beginning of this article. meaning, technological training is certainly necessary

for the performance of the new roles in the legal world; however, lawyers with the appropriate training can also perform these new roles themselves. This position is crucial not just from an employment viewpoint, but also in terms of proficiency- leaving the legal technological realm to technology alone is problematic, because a thorough understanding of the changing legal systems and the implications of important legal nuances cannot be achieved by one who has no legal training. This approach becomes stronger as the legal product becomes more complex. To get lawyers to perform the new jobs that the technological era has to offer, law firms should train lawyers and jurists for new roles such as those of the legal engineer, and to prefer them over technologists (that holds no legal training). However, the first challenge to complete is to release the conservative worldview of jurists in regards to technology, and this is a particularly difficult one.

Oren Bareket

Intern at Nashitz, Brandes, Amir & Co



Legal Tech Tip #2

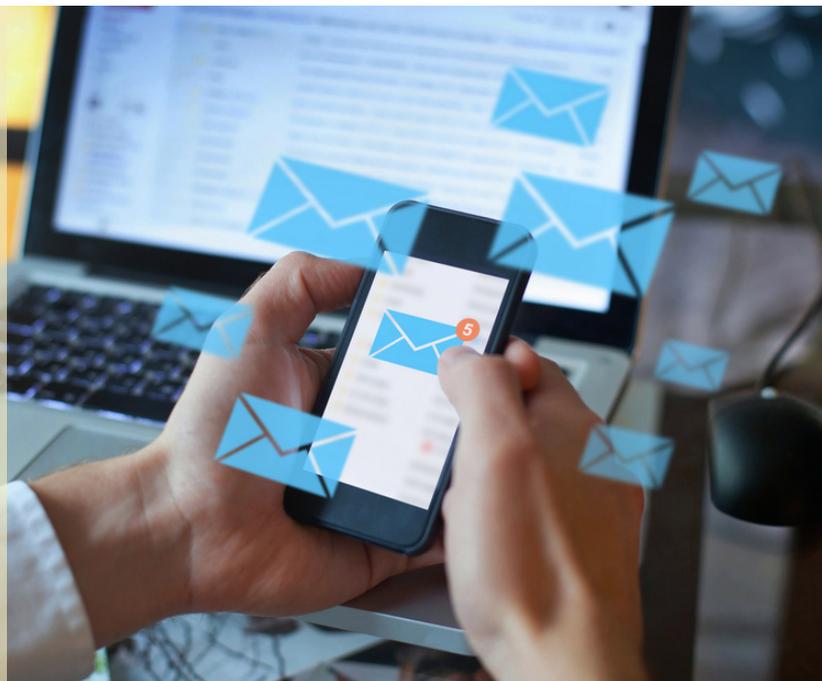
When looking to get any legal tech tool don't get drawn in by the AI sales patter. While AI is definitely maturing, it is usually the more 'boring' elements of what you're buying that is going to make the difference to return on investment ie quicker and more efficient workflow processes, less errors/rework through greater validation of inputs, greater connectivity with applications within organisation.

AI isn't appropriate for all use cases so it's definitely worth carrying out cost/benefit analysis. Don't be a moth in the night getting drawn to the light!

Follow [here](#) for more tips

The do's and don'ts of email retention in the age of compliance

By Tim Setchfield



The working world has changed dramatically in the last few years, and legal professionals are increasingly operating in hybrid workplaces. Employees are working remotely, and your clients are too. Strong communication is critical in successfully winning cases, and between clients, partners and other stakeholders, there is no communication more important than the written. Today, that is generally in the form of email.

Internally, you likely communicate with your colleagues via Microsoft Teams, but email is the letter of today. Billions of emails are sent daily around the world. For legal professionals, these emails contain important information such as case updates, confidential client information, contracts, correspondence and the context behind certain client work. How else could you expect to stay up to date on who agreed on what, why it was agreed, and what the latest communication with a client was?

Email is crucial, and it is logical to consider emails as a business record. Records must be accurately and regularly updated for compliance, complete audit trails and ensuring a single source of truth is maintained in the firm. However, it is important to understand the difference between simply archiving emails (storing all information indefinitely), and email retention (only keeping relevant information for a set period).

Email retention and management strategies are, quite often, insufficient in legal firms because the effective filing, classifying, and finding of emails requires too much effort for employees who are focused on their jobs, rather than the onerous administrative task of filing and deleting emails.

Managing emails in the current working landscape has its challenges, especially when you consider that email is the one thing everyone in an organisation manages differently, creating huge risks down the line. After all, you don't have a process if everyone is doing it differently.

The underlying email challenges in firms today

When it comes to the don'ts of email management, there are four main challenges I see legal services firms facing:

1. Inconsistent email filing, resulting in poor productivity and incomplete audit trails
2. Conflicting retention strategies (or worse still, having nothing in place) resulting in non-compliance, over retention, and putting firms at risk of data breaches
3. Poor eDiscovery capabilities meaning cost-intensive information discovery, inability to find correspondence and a non-standardised email management process
4. Lack of governance with no accountability throughout the organisation

Some firms solve one of these challenges, but most struggle to effectively manage emails and ensure company-wide processes are adhered to.

The power of email retention in the age of compliance

Email retention is an effortless way to reduce business risks. Especially when it comes to accessing

information, privacy and privileged access controls, and dispute resolution. As you are no doubt aware, disputes are won by those parties who have better records management. Email retention (as disposition) also enables organisations to reduce their storage costs and ensure compliance with regulations and Records Management Policies internally.

The do's of effective email management

1. Filing: Firms should always strive to put processes in place to move emails from individual inboxes to a centralised and secure locations, accessible by the appropriate staff, for increased information visibility. Within these locations, you can then set the appropriate retention policy required
2. Standardising: Information governance and records management can be boosted with a standardised approach to email management. Everyone can become the best email filer whilst reducing the burden on employees to remain compliant with email policies
3. Discovering: Find emails quickly and efficiently with effective search tools, without relying on Outlook's inbuilt functionality

Aside from software to help standardise the time-intensive process of managing emails, you can do several things before investing in an email management solution, including:

Establishing a business need: Are you aware of your legal requirements for retaining emails? Does your firm have a definition of what constitutes a 'record' and why? What does your dispute resolution strategy look like?

When you define what a record is, you'll likely conclude that emails should be classed as records which require management. Equally, from a regulatory perspective, proper management of business-critical emails helps maintain quality assurance and ISO standards. Additionally, from a cultural perspective, all employees within the business need to understand why email retention and policies should be established and followed. These policies will benefit the entire organisation, so training should be at the forefront to ensure they are adhered to.

Regularly review your policies with legal counsel and communicate policies effectively: All email management and retention policies should be reviewed with the appropriate legal counsel. Successful email

policies always come down to the firm's implementation. As a rule of thumb, this policy should always be written, communicated company-wide, kept simple and have buy-in from all business leaders. This should clearly outline to all employees what emails should and should not be filed as the baseline.

Automate where possible: Many firms we talk to allow their employees to accumulate an unlimited number of emails with zero controls over what should be filed, deleted or categorised. Others tackle this with automated features built into Outlook-like mailbox size limits and Outlook rules. But others take it a step further and invest in email archiving solutions. Either way, the recurring issue we encounter is the reliance on human input, which of course opens you up to human error. If the process requires an individual to meticulously file or delete every email they receive, they will never get any actual work done. And if everyone in the business is not following the process, when it comes to eDiscovery, you will only see half the picture which won't save you in a dispute.

Why emails should be managed like every other piece of information

Email management helps firms in many ways. Firstly, it ensures all the regulatory compliance is followed and reduces the cost of non-compliance and risk of sanctions. Secondly, it helps firms find important emails that will help them win litigations. And, finally, it results in improved access to information for all staff which in turn increases innovation and productivity.

We've built a solution called Mail Manager, which standardises email management across the business and helps ensure stringent processes are adhered to. We have helped firms like Abrahams Dresden, Riseam Sharples Solicitors and Madsen O'Dea Barristers & Solicitors to navigate the complex email management landscape, and we can help you too. [Try Mail Manager free today!](#)

Tim Setchfield

Head of Product at Mail Manager & Head of Collaboration at Ideagen Plc

What does innovation mean for lawyers?

By Ana Burbano Villavicencio

Ana Burbano Villavicencio, Manager at KPMG Legal Operations & Transformation Services (LOTS), takes a look at how law firms innovate and considerations for firms in being competitive in this digital age.

The legal sector is experiencing a real "shake up" in the way legal services are delivered. Since the crisis of 2008, large law firms across the globe have tried to begin to adapt to the needs of 21st century clients. Likewise, "solo" lawyers and small firms have seen how they are forced to learn skills pertaining to new technologies or have even experienced the need to be present in the "new business markets" to render services - such as legal marketplaces.

Conversely, other information-based sectors such as Finance have changed radically since the emergence of disruptive, digitally mature, and exponentially growing businesses. In the legal sector we are no strangers to the emergence of these type of businesses which, either in the business model of interdisciplinary advisory, or start-ups or Alternative Legal Service Providers (ALSPs), will change the practice of law forever.

Nowadays, traditional legal service providers hold the task of maintaining competitive efficiency in the market, and the instrument to do this is "innovation". Viewed from a pragmatic point of view, law firms have at least three possible reasons for innovating: the emergence of new business models, the role of technology in services and changes in business activities.



New business models, new engagement activities

The paradigm of stability in the market of the traditional business model of law firms is at stake. The legal industry is no longer stable and does not have clear borders with other digital sectors. Platforms and businesses based on mature digitization systems can enter the market to offer disruptive legal services. Hence, we must highlight the fact that customer habits are changing, they demand more efficient, adapted, and lower-cost information services.

Greater competitiveness

The use of technology by new competitors is focused on generating and capturing value for the customer.

Thus, traditional legal businesses must rethink and reorganize to make the most optimal use of technology. Such an occurrence entails incorporating resources and hiring professional profiles which can make the referred task a reality whilst giving space to test scenarios through trial and error.

New commercial activities

The commercial activity of lawyers and law firms has changed radically, today their presence in social media is essential. This is not only to improve reputation of lawyers within the organization, but it also provides new channels in which to connect with prospective clients. This has profound implications in how managers in those organizations carry out their work – not only do they need to do day to day legal work but also prove their knowledge through articles or other online content. The creation of business through social media and other new commercial channels requires training and a culture of ‘innovation’ to take advantage of these opportunities as they arise.

In this article I am going to review concepts, types of innovation and innovation strategies that legal service providers use and can use.

In the past, law firms could be successful by maximizing the value proposition through their resources (which used to translate into more professionals in the firm) and achieving efficiency over time. Nowadays, excellence in the business model through a trial-and-error approach (exploration) is the core focus of some of the biggest tech companies in the world. These by their nature are the most advanced companies in terms of digitalization. This is the reason why traditional legal businesses must now also develop an understanding of how to ensure that today's success (exploitation) also translates into tomorrow's success (given the fact that competition with digitally mature businesses based on the exploration approach is there). This translates into different ways of approaching innovation: exploitation and exploration.

A concept based entirely on exploitation is the belief that the financial results of the firm today allow the same success in the future. However, this belief is not easy to sustain in the competitive and technological environment we are heading towards. For this reason, the ideal approach is to combine both perceptions and, above all, give more relevance to activities that allow exploring new ideas and ways of creating value in the long term (not only based on efficiency).

From law firms we can carry out at least three different types of innovation: in services, in the business model and in collaboration systems.

Innovation in services

This is about enhancing the existing capacities of the firm. Innovations can be made in services, processes and training. These innovations often improve the current service rendered and are focused on addressing the needs of the customer. In this type of innovation, we can infer all those initiatives related to the improvement of internal processes (automation, redesign, systematization...), infrastructure improvement (IP technology, remote work, application improvement...) and customer service (CRM implementation, adoption of collaborative platforms, information flow automation platforms, digital signature...), inter alia whose common denominator is the improvement of efficiency. It should be noted that this type of innovation has a great impact in the short term, as many law firms are already experiencing. However, this type of innovation is subject to expiration marked by technological or regulatory changes/advances.

Innovation in the business model

A type of innovation seldom explored by traditional law firms. The new capacities that we have thanks to modern technology allows us to incorporate strategies to improve the business model. Law firms willing to add new business activities through new or adapted business activities are innovating with their business model (i.e.: incorporating new services such as technology consulting, new ways of billing clients at a fixed price, Legal Process Outsourcing (LPO), alternative services or legal services companies). There are few cases throughout the globe, but we can sense that it is an upward trend and that it will probably differentiate some law firms from others in the future. However, it is a type of innovation that is a trial and error process. The firms have to be willing to test the new business model and be able to create and capture value in a better way than its competitors. It is true that this point can be quite a challenge for traditional hierarchical businesses, averse to risk, inflexible with processes, based on the status-quo and focused on internal innovation. However, it is probably worth the effort as this type of innovation is aimed at long-term survival.

Innovating the system

This is also a type of innovation aimed at offering added value in the long term. However, this type of innovation lies in the modifications to be made by the firm to change the interdependencies in the delivery of the legal service (internal and external relationships of all those involved in it). The changes will affect the way work is organized (for example: moving from a hierarchical command system to a collaborative and role-based system, closer to that of agile software development projects) and the relationships between the different actors (new ways of interacting with technology providers, Legal Tech start-ups, hubs, or Think Thanks for the development of joint projects with start-ups or clients, and so forth). It is about enabling new connections between different groups and individuals that promote a more adaptive culture focused on the creation and capture of value.

Given that we are heading towards open innovation systems and advanced digitization business models, the best framework for this consists of participation in innovation ecosystems. This is one of the strategies that emerging companies from Silicon Valley have embraced and that can be of great value for the management of innovation on behalf of law firms. Innovation ecosystems are comprised of companies that seek to obtain innovative results, for which companies from different sectors participate and their results aim to offer innovative solutions for different markets. The idea is that there are both formal and informal networks of continuous innovation, a greater movement of personnel and material resources, a vision of global-worldwide expansion (not local) and internal collaboration and with other companies in the ecosystem. At this point, I cannot provide examples of

traditional firms that are immersed in this type of strategy in an ideal sense, but we could talk about LegalTech start-ups that end up offering services for RegTech or InsureTech companies, i.e., the key in this aspect it is adaptability. We still have a lot of work to do in this field. From law firms we can carry out at least three different types of innovation: in services, in the business model and it is probably worth the effort as this type of innovation is aimed at long-term survival.

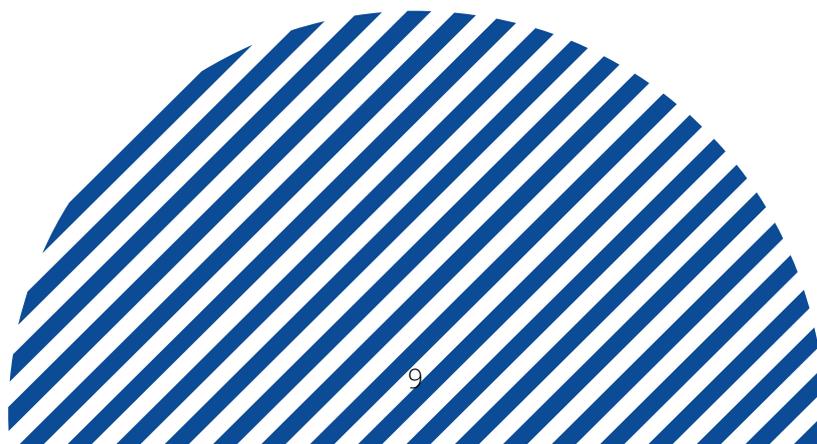
In conclusion, it can be said that the development of innovation in traditional legal service providers is booming. We will see if the legal operators finally take the leap from focusing mainly on exploitation activities to real business model exploration activities. There is still much work to be done in terms of the expansion and participation of players in legal innovation ecosystems which offer not only legal solutions. It is clear though, in this ever-advancing technological age, that law firms will need to continually innovate and adapt to the latest technologies. This is a commercial survival of the fittest. Whoever delivers the most value in the most efficient way using the most effective business models will win.

Ana Burbano Villavicencio

Manager
KPMG Legal Operations & Transformation Services

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Legal Tech Tip #3

When adopting tech never overlook the importance of change management - if users don't know how to use it or resist it then it'll be a complete waste of money!

Stakeholder engagement is important throughout the process from tech selection to delivery. Keep people in the loop and they're more likely to engage with it when it's delivered.

On top of that training is also important. Depending on what you're implementing and how complex it is will depend on how much is required - but ultimately the more trained people are the more comfortable they are likely to be with a new piece of tech.

Don't imagine everyone will pick it up instantly or feel they need to break from the redundant process the tech is seeking to replace. Build a network of champions so people know who to go to when they have questions.

Keep the conversation going with users after they start using it to get feedback. Not only to make sure they adopt and use it properly but once it's well established to make sure it continues to be fit for purpose.

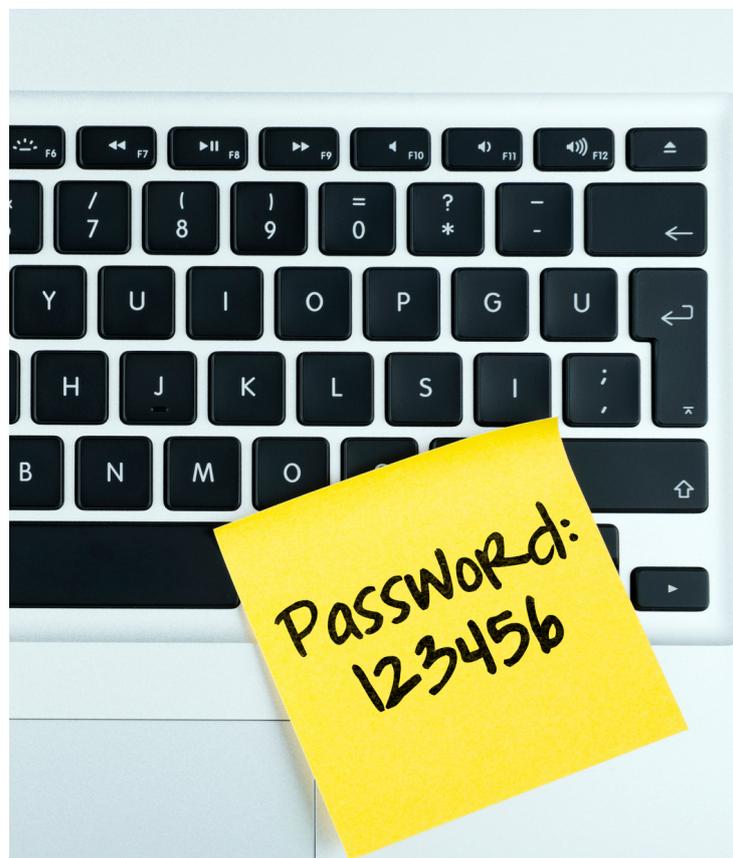
Follow [here](#) for more tips

North America

Another Rallying Cry for Law Firms to Invest in Password Managers

By Skylar Young

In her regular column, Skylar Young, Attorney at Dvorak Law Group and legal tech enthusiast, takes a look at law firm culture in the US with a focus on data privacy, cybersecurity and IP.



Password managers have been around for a while now - so why talk about them now?

While I'd hope law firms would be great with confidential material, I'd safely bet that a majority of law firms have a lackluster password management policy. Picture this: you walk into an attorney's office and through the piles of paper and yellow legal pads you notice sticky notes hanging from the attorney's monitor. They contain various versions of "JSMITH123" or "JSmith123!" or better yet, the lawyer uses their social security number or some other "unique" identifier as their password.

It makes me wonder how many of those attorneys continue to use the same password for the various log-ins they have? Ok, perhaps I am being too harsh! Scrap the sticky note visual. Maybe attorneys have become more comfortable with technology.

Instead envision an attorney's desktop: you give their desktop a cursory glance where, in plain view, you notice personal folder on their desktop titled "PASSWORDS" where they store all their up-to-date passwords - problem solved, right? And even if a law firm has a password management policy that requires, for example, IT staff to deploy software that scans for duplicate or easy-to-guess passwords, requires attorneys to regularly change their passwords (e.g. every 60 days), and recommends attorneys create long passwords that contain a plethora of symbols, numbers, and letters, how many attorneys and professional staff abide by it? And what are the consequences when they don't?

Here's why this matters: not enough law firms are using the technology out there to solve the problem - and this IS a problem. Cybersecurity professionals have long

warned that a robust password management policy is one critical component to maintaining a safe and secure mobile and computing world. LastPass touts that 29% of legal firms experienced a breach in 2020! But when you apply this fact to law firms, it is especially critical due to the nature of the profession. That is, as lawyers we are fiduciaries (our favorite word) to our client's information. Law firms must ensure the security of all confidential information they collect from every client. Without this, the law firm risks losing clients' trust, which is essential to the reputation for the law firm.

So why are password managers the solution? As identified in the opening of this blurb, there are two issues when it comes to passwords and law firms: first, coming up with a unique password, and second, managing the laundry list of passwords necessary to access the various software applications attorneys and law firms use. Password managers are the solution because they solve both problems!

Wow, so password managers are a panacea that will ensure no attorney's long-in information ever gets compromised, right? No. We live in a digital world, which means the companies who offer this technology are vulnerable to hackers. For example, if an attorney's device is already infected with malware, the password manager can be hacked once the attorney enters their

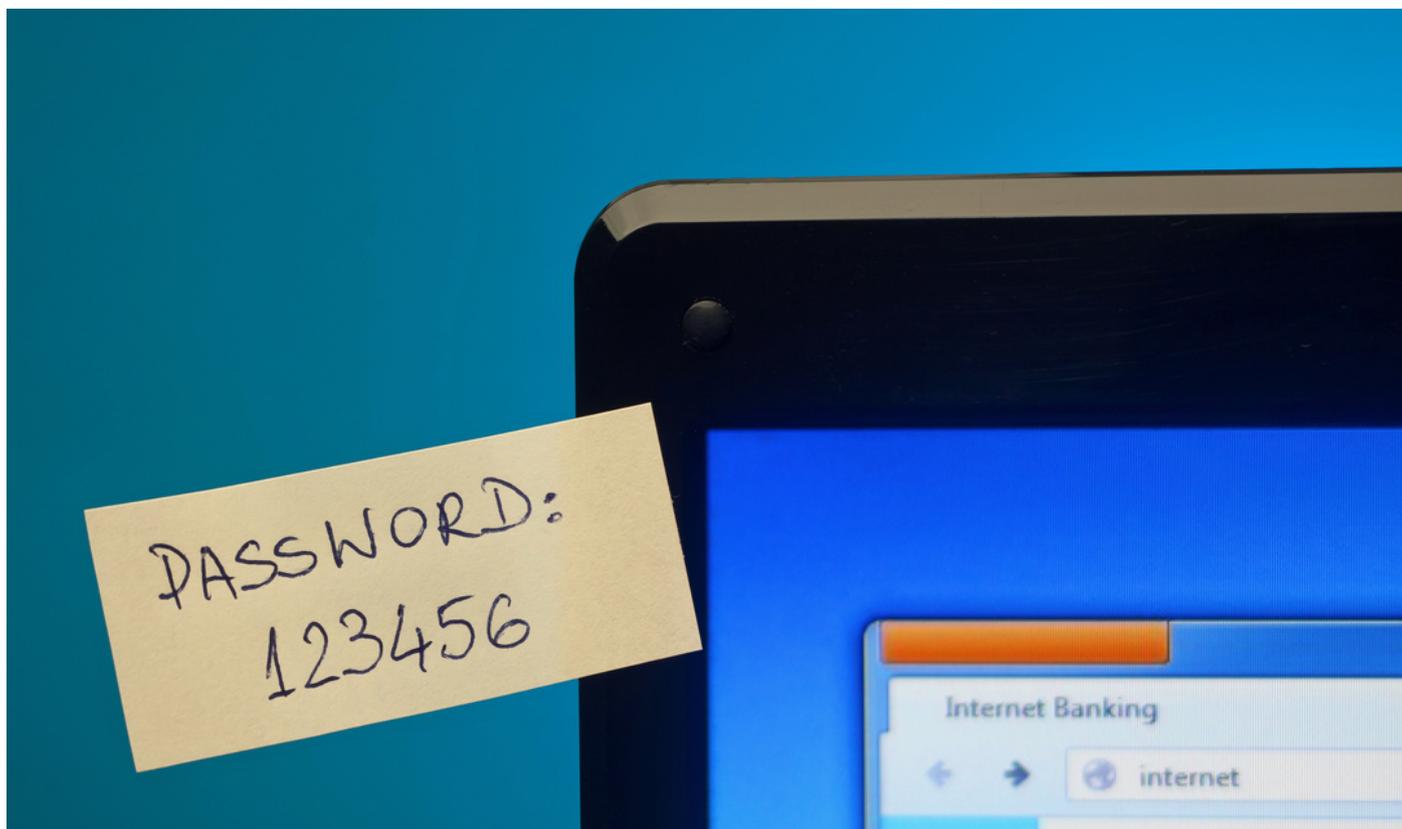
master password, which will allow the cyber attacker to obtain access to all passwords and other information stored therein.

However, the realities of the ubiquity of cyber attacks does not mean law firms should shy away from using arguably the best technology to combating poor password management practices. If that were the case, why would we continue to use the Internet at all? Rather, this requires law firms to conduct some due diligence in searching for a company that offers the most robust technology, such as secure encryption AES 256, zero-knowledge architecture, which encrypts passwords before they leave a person's device, and that uses two-factor authentication, and any educational training they offer regarding password managers.

However, law firms that invest in a password manager system might still find the occasional sticky note hanging from an attorney's monitor that contains their master password to the password manager software (or consider using biometric authentication)!

Skylar Young

Attorney
Dvorak Law Group





In this edition of the Legal Technologist we received five questions from reader William van Zwanenberg and has been answered by Marc May, Senior Consultant at SYKE and Founder of Legal Technologist.

What are the essential skills you must have in order to become a legal technologist?

At its barest form, the role is very much a convergence between law and technology. On the law side I'd expect that legal technologists would be able to understand how lawyers work – and understand the difference in working between those working in private practice and in-house. There are quite a few former lawyers that have made a move to become legal technologists. I'd say that it isn't a requirement to have practised law but that you're able to understand lawyer's pressures, processes and pain points. On the technology side I'd say the key skills tend to be problem solving, logic and an understanding of managing change. There are also some business skills that are also useful too. Namely, being able to understand business processes and analyse them to make them more efficient, and depending on level, commerciality and an understanding of return on investment.

What level of proficiency must you have in writing code and software engineering?

We are actually heading more and more towards low-code or no-code, so the ability to write code isn't a necessity as a legal technologist. Legal tech tools are becoming more intuitive, and more easily configurable without needing to code.

What is the best way to find legal tech jobs?

There are legal tech role-specific recruiters out there that may be able to answer this better than me but I'd say the following would be useful to get a legal tech job:

- Track the market and understand who the players are and what they are doing
- Go to legal tech conferences and network (legal tech conferences especially ones like Legal Geek are very open places to chat with others)
- Follow legal ops managers in firms or companies they'll promote vacancies in their teams as and when they come up

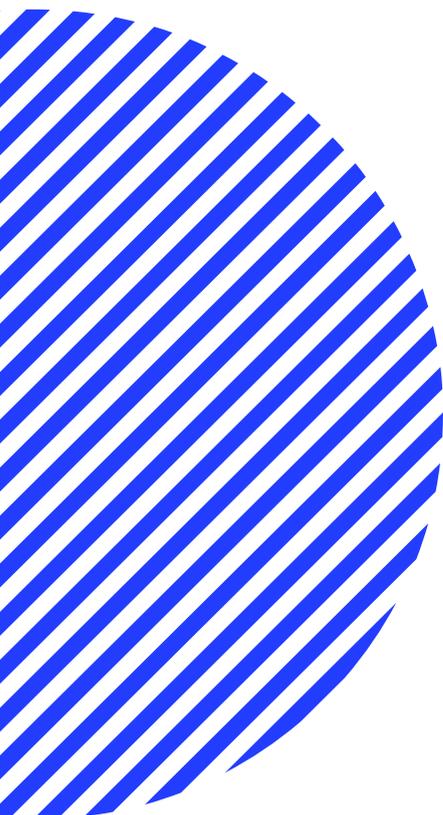
A lot of the roles I have seen advertised ask for knowledge and experience in using the HighQ platform. Given that Thomson's Reuters will not sell a copy of the software and they do not provide training courses, what is another way I can learn about the platform and hone my skills?

This is a good question. I'd say that those recruiting like that are ultimately looking for someone who can hit the ground running with the minimum amount of training. As someone that recruited extensively for particular tools in the past, they may not always find a candidate with that experience. So I suspect they'll then be looking at candidates who understand the principles of matter management (who has perhaps used some other tool or can show they understand how they're used). In instances where you may not have experience of a given tool I'd show that you're a quick learner that has an interest in learning it and developing your career around it ie show that you'll hit the ground running quickly and give them peace of mind that you'll be there for long haul.

What forums can I join to learn more about developments within the legal tech arena?

Other than following specific legal ops people and attending talks given at legal tech conferences (and reading the LT of course), I'd probably also read the latest happenings in the legal tech market as a whole (perhaps Artificial Lawyer or Legal IT Insider in UK for example).

If you have questions you want to ask the expert about then please don't hesitate to ask it by filling the form [here](#). For the experts out there, get in touch with us if you want to be the 'go to' expert for particular topics e.g. careers, legal ops, etc



Legal Tech Tip #4

On a tight budget but need to improve? It's said that with software only about 20 percent of the functionality is used often, 30 percent is used infrequently and 50 percent not at all.

So it's possible that the software you have can be used more innovatively. If there have been a number of updates since it was first installed/implemented then perhaps there are new bits of functionality that are yet to be uncovered.

Microsoft Word and Excel are good examples. Most people use these in their day to day work but I suspect most people only use a fraction of its functionality. Could everyone learning a new bit of functionality create an efficiency? Think reduced time to format documents or get to the data they need, among other things.

It's worth having upskilling in mind, especially if the latest state of the art application is just out of budgetary reach.

Follow [here](#) for more tips

South America

Freedom of Speech on the Internet

the Brazilian Supreme Court and social media's responsibility for user published content

By André Giacchetta (Partner), Vicente Coelho Araújo (Partner), Livia Caldas Brito (Senior Associate) and Matheus de Souza Depieri (Junior Associate) from Brazilian law firm Pinheiro Neto Advogados



In June 2022, the Brazilian Supreme Court (STF) is expected to decide on one of the most important issues in the law and technology field: the social media's, internet provider's, and websites' responsibility for users published content. Following several years of litigation in Courts across the country, the STF decided to include in the trial docket two appeals that shall be decided under the regime of "general repercussion" (i.e., a special trial procedure, in which the outcome of the trial will be binding to all Courts in Brazil, and in which the decision issued by the Supreme Court could be applied to all other similar cases in Brazil).

A brief introduction to the ongoing debate

Back in 2014, the Brazilian Legislative branch approved Law No. 12.965/2015 (known as the Civil Rights Based Framework for the Internet), which sets forth, in Article No. 19, that the provider of internet applications can only be subject to civil liability for damages resulting from content published by third parties if, after a specific court order, it does not take any steps to make unavailable the content that was identified as being unlawful.

Notwithstanding this legal provision, Lower State Courts around Brazil had had different understandings on the matter and, quite often, they were issuing decisions against the existing law, considering that several plaintiffs were disputing the constitutionality of Article No 19 of Law No. 12.965/2015. Following years of legal uncertainty, some lawsuits arrived at the Supreme Court through an appeal system, and two of them were selected as *leading cases* of the General Repercussion Themes aiming to pacify the controversy.

Considering the importance of the debate and the effects of the Supreme Court decision, the STF is expected to discuss in the trial session, in addition to the constitutionality of the legal framework currently in force, the weighting and the prevalence of principles, considering the apparent conflict between the right of freedom of speech and the right of neutrality of the internet, on the one hand, and rights to privacy and the State's duty to protect consumers, on the other hand.

Censorship and the undermining of freedom of speech: the risks related to the possible outcome of the STF decision

Following the beginning of the discussions on the Supreme Court, several civil society and non-governmental entities fostered public debates on the matter of civil liability on the internet, pointing out the risks that a decision contrary to the legal framework currently in force in Brazil could represent to the neutrality of the Internet and to fundamental rights of the users, mainly the freedom of speech.

These entities have been warning public authorities for almost a decade that, despite the possibility of abuse of freedom of speech on the internet by third parties, the answer to that problem cannot be the reliance on intermediaries to exercise a "veto power" and to exclude by themselves content published on the internet. Under Brazilian Constitutional Law (and under most democratic legal frameworks), private companies do not have the right – even less the obligation – to act as a censorship body of government, having the power to simply decide by themselves which user manifestation should be removed from the platforms or not. Considering that the limits of freedom of speech is, at most times, a penumbral area, civil society entities usually defend that the only body that is legally entitled to solve disputes, to determine if some content extrapolates freedom of speech and violates third parties' fundamental rights, and, therefore, to determine the removal of content from the internet is the Judiciary



branch.

It is important to stress that although there are no legal provisions that obligate private companies to act as a censorship and decide which content should be taken down without a court order, internet providers may remove sensitive content from the internet based on violations of their terms of use and service, which constitute the contracts between the internet provider and the user.

Moreover, some entities, such as the CGI.br (Internet Steering Committee in Brazil), have already commissioned studies on that matter[1], aiming to demonstrate (i) the relevance of the neutrality of the internet, in order to not have any prior interference on the content published online, and to guarantee equality between users, regardless of the origin or the destination of what is published online; and (ii) the importance of a clear definition of duties and responsibilities of all the agents involved on the internet landscape, since legal insecurity about the obligation to remove content can impact the trustworthiness of a legal framework and can mitigate investments in innovation and the developments of new technologies.

Cross-jurisdictional comparison: a guide to the Brazilian Supreme Court?

The debate on the civil liability of internet providers for contents published by third parties is ongoing in several parts of the globe. Despite the differences that exist between legal systems in the world, cross-jurisdictional comparison can be used as a guide to enlighten the debate on the Brazilian Supreme Court.

The US, for example, following provisions set forth in the *Communications Decency Act (CDA)*, has several case laws stating the impossibility of imposing civil liability to internet providers. For example: *Blumenthal vs. Drudge* (1998), *Jane Doe vs. America Online* (2001), *Doe vs. Bates* (2006), *Barrett vs. Rosenthal* (2006) and several others. In the same sense, European regulations on civil liability on the Internet move towards examining the role and conduct of each of the actors involved, by not imposing the presumption of civil liability, but instead the individualization of conduct (e.g. Directive 2000/31/EC and Directive 2001/29/EC).

In conclusion, the decision that the Supreme Court will render in this important trial to the Brazilian internet ecosystem shall consider the implications of the outcome to important civil rights, such as the freedom of speech. The risk of censorship of any kind shall always be dealt with very carefully, especially on countries such as Brazil that have faced a military dictatorship in the last decade. Trusting that the Brazilian Supreme Court will deal with the case with its usual correctness, the civil society will be eagerly watching the next steps in that discussion and will be actively participating by providing to the Justices information to democratically corroborate with the trial.

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Legal Tech Tip #5

If you're considering solutions that automate templates take time to consider which templates will give you the best return on investment. You'll need to remember that it isn't a case of just throwing the precedents into the automation solution and it immediately giving X percent efficiency gains.

Consider your contracts with the following in mind:

- consider how long does the contract take to draft currently and what is the expected gain from automation;
- also consider how many of those contracts you draft per month or annually
- if the contract has a relatively small efficiency gain but is high volume you may want to automate it as the accumulated efficiency gain might be significant
- low volume low gain contracts shouldn't be automated as no or little ROI
- high gain low volume contracts you may want to automate on the basis you'll save a lot of time/effort getting to a good first draft
- high gain high volume should be without doubt highest priority for automation

The thing to consider here is that it isn't just tech time to automate these. There will need to be lawyer time to prepare these docs for automation, possible standardisation or harmonisation, updating, queries from tech team on how it operates, user acceptance testing, etc. So your gain calculation will need to take this time into account also.

Follow [here](#) for more tips

Career

A portrait of a man with a beard and short dark hair, smiling slightly. He is wearing a dark blue button-down shirt. The background is a plain, light-colored wall.

The New Legal World

An Intro to Alternative Legal Careers

In his regular column, Shaz Aziz, Senior Director Client Solutions and Consulting at Neota Logic, takes us on a journey through the new legal world. This gives some background into Shaz and how he got to where he is today. Following columns will explain about career options, what legal tech is out there, a dive into learning to code and also current developments like web3.

Three years ago, I was sitting in my office watching the clock tick past 6am.

I was in my last seat as a trainee solicitor at a big City law firm, working on a public takeover. It was a big one; it was going to be in the newspapers later that week. I'd also recently found out I was being offered a role in the team. But for some reason, I couldn't see the bright side. All I could think about was how many more nights like this lay ahead of me.

Looking back now, it was one of those key moments that led to me quitting the firm. I had burnt out. A few months later, I resigned from the firm and took a sales job at a fairly small legaltech company. Even after I made the move, I was still pretty lost. I had to get used to a whole new industry. I was also trying to work out why I would spend years trying to become a lawyer, only to give it up and do sales instead. It's not an easy thing to explain to your family - or yourself, for that matter.

Now, a few years later, things make a lot more sense to me. With the benefit of time, as well as the guidance of others who made similar jumps out of law, I can start to appreciate the journey I'm going on.

If I had to go through that process now, I think it would be even more confusing. The profession is changing faster than ever. In some ways, it's a great thing: there's vibrant discussion of new technologies and trends, often led by lawyers themselves. Incumbent law firms are struggling to retain talent, even as they continue to throw money at graduates. Big, prestigious firms are being out-competed for talent by newcomer law firms and start-ups, who can offer more flexibility and a better work-life balance. It's a new landscape for legal.

But it's also a whirlwind of new concepts. When I was applying for a training contract, I'd never heard of legal operations or 'legal innovation'. I thought legaltech meant Microsoft Word. Now there's all the above and more: legal design, crypto, blockchains. The list goes on.

It's nothing like what you were told to prepare for. Study hard at university, get a 2:1, secure a training contract, qualify into a firm, and make partner in ten years. How are you supposed to make sense of all of it?

In this six-part series, I'm going to look at some of the key elements of the changing legal environment. I'll unpack some interesting but often baffling concepts, and hopefully give you some practical pointers to delve further into the areas that interest you.

So, if you went through (or are going through) the gauntlet of training contract applications, if you're slugging your way through your third seat in litigation or real estate - this is for you.

I want to write this guide because I think it's important that you really think about what's best for you and your career. I want to show you that it's ok to question your journey in the legal profession. You can find exciting, fulfilling, and successful careers outside of the traditional route. And if you do some introspecting and realise that you do, after all, want to be a law firm partner, that's fine too. It'll certainly be helpful for you to get acquainted with some of these concepts in the future.

In the next issue, I'll give you a primer on legaltech. What is it, and what do you need to know about it? Is it a game-changer for the legal profession, or just the new 'commercial awareness'?

Shaz Aziz

Senior Director - Client Solutions & Consulting
Neota Logic

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