

# LEGAL INNOVATION

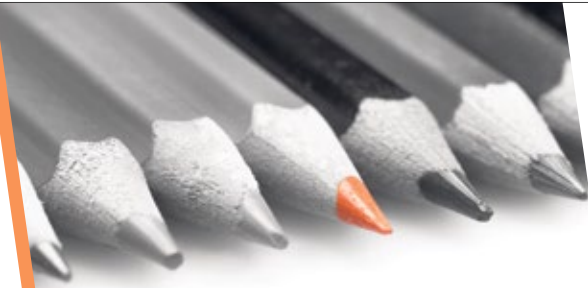
03 JUNIOR LAWYERS IN AN AUTOMATED FUTURE

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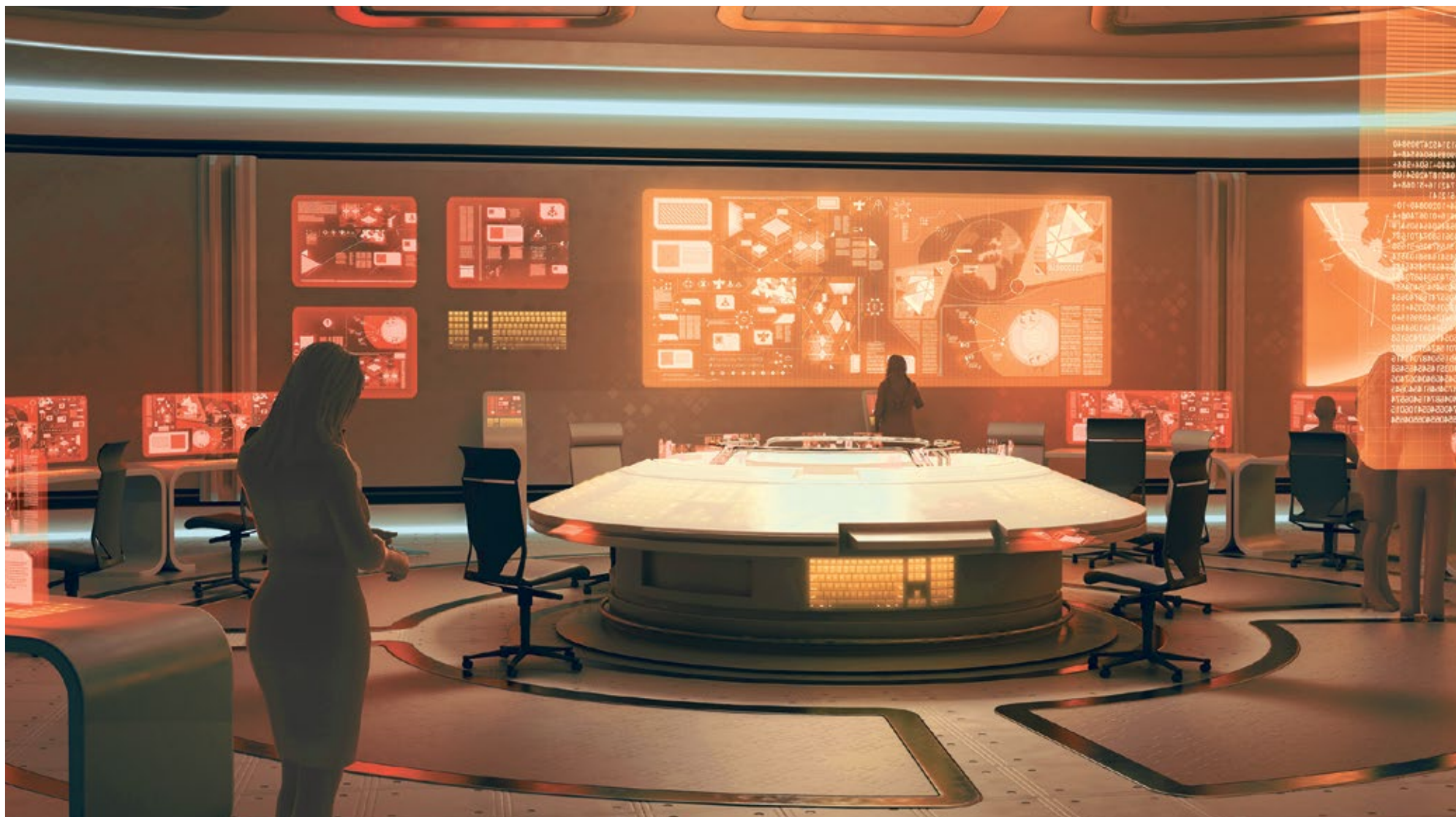


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AUTOMATION

# Junior lawyers prepare for an unknown future

What will the day-to-day working lives of junior lawyers be like when time-intensive, manual tasks are automated?

Dan Lee

Solicitors are ranged in a line “with bills, cross-bills, answers, rejoinders, injunctions, affidavits, issues, references to masters, masters’ reports, mountains of costly nonsense, piled before them”. The legal process was a “megalosaurus” lumbering through foggy Holborn Hill for Dickens in *Bleak House*. Now, this time-devouring dinosaur might have met its match for both in-house and private practice lawyers in the shape of automation in the legal industry.

Robotic process automation (RPA) in legal sector work is challenging every lawyer to plan for an unknown future. And no one knows this more than the junior, trying to imagine what a role-model future lawyer might look like as a career unfolds for decades from law school to retirement.

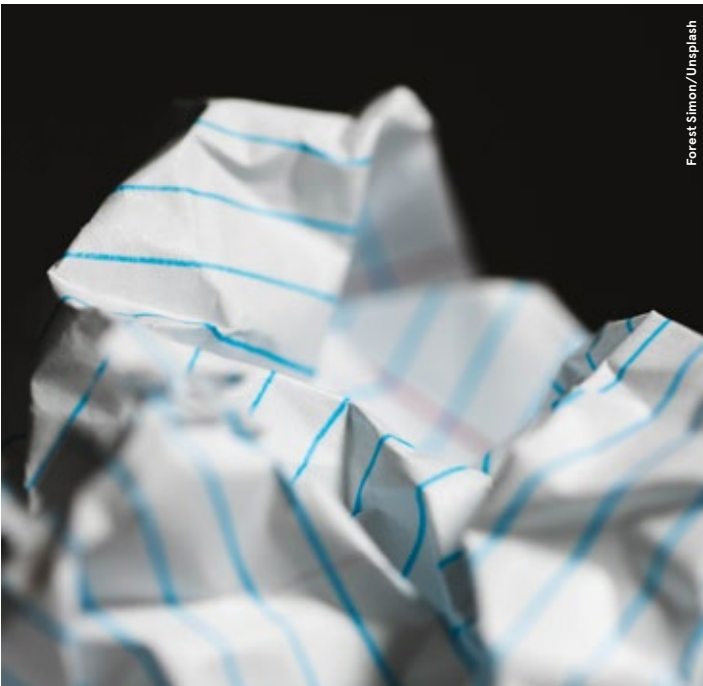
“For young lawyers, this is absolutely a positive thing,” says Chrissie Wolfe, a solicitor at Irwin Mitchell and founder of *Law and Broader*, a YouTube resource for aspiring lawyers. “The millennial generation is both tech savvy and uninhibited by years of practice in the traditional environment. Technology is an enabler to help us do our jobs better, not do our jobs for us.”

There’s no doubt that the legal profession is on the move, beating Dickens’ megalosaurus into the dispersing fog. US law firms invested \$1.5 billion in RPA in legal sector offices over the past 24 months, according to the *Legal Tech Sector Landscape Report* by Tracxn this year.

Most, if not all, standard and repetitive processes are likely to be grabbed by automation in the legal industry. The recent *Law Society Capturing Technological Innovation in Legal Services* report revealed that RPA in legal sector work can cut costs by between 20 and 40 per cent, as well as cut the risk of human error and improve compliance.

Technology research and advisory company Gartner forecasts that around one third of all current jobs will be automated by 2025. It’s not surprising that many junior and experienced lawyers are worried about training and the role of the future lawyer. Will there, for example, be a shortage of tasks to help junior lawyers learn the basics?

“There won’t be fewer tasks, just different tasks,” says Ms Wolfe. “A traditional trainee task may have been manually reviewing seven lever arch files of documents to get up to speed



Forest Simon/Unsplash

with a case or prepare for disclosure. In the future, the role of a junior lawyer is likely to be much broader as gradually businesses are realising the importance of upskilling.”

Clifford Chance is an example of this trend. It has introduced Ignite, a tech training contract which encourages trainees to build their skillset and create tech-enabled business solutions, alongside developing their legal knowledge and experience.

There could even be more work, requiring more automation in the legal industry. Lawyers increasingly need to find, search and analyse multimedia data. This might range from standard text files and spreadsheets through to audio and visual records, including Skype, FaceTime and social media messages.

In-house project management faces another layer of complexity in handling these multiple tasks, as lawyers must work closely with non-lawyers and across professional boundaries.

This makes automation good news for Harry Borovick, a young lawyer and regulatory counsel for sports betting and technology company Kambi. “In-house project managers are now able to simplify organisations using specially designed tools to achieve co-ordination across businesses, including within the legal function,” he says.

Junior lawyers just need to stay on top of developments, according to Laura Uberoi, real estate finance solicitor at Macfarlanes. “It wasn’t that long ago we were hand-writing contracts and mailing all correspondence fresh from the typewriter. Changes brought about by technology teach junior lawyers how to be innovative.”

Ms Uberoi’s comments are echoed by Mark O’Conor, chair of the Society for Computers and Law and partner at DLA Piper UK, who looks to training and law school as crucial for embracing automation in the legal

industry. “The traditional bookish methods at university and law school will need to be modified, to add skills such as data analysis, coding and design-thinking,” he says.

Anything that helps with due diligence and especially cybersecurity, such as blockchain technology, will be particularly important to watch. And then there’s the much-vaunted machine-learning, which helps legal research with algorithms detecting patterns in data to apply to new data to automate set tasks. Analysts predict machine-learning will soon become an essential requirement for legal work involving data preparation and analysis.

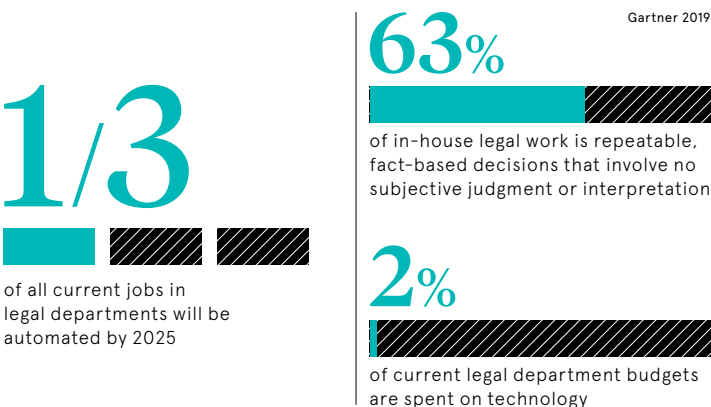
Access to justice could also be widened with the use of intelligent technologies to provide user-friendly question interfaces underpinned by expert knowledge and 24/7 chatbots. But will RPA in legal sector tasks simply accelerate legal work, so lawyers will be expected to do more and work even faster?

“Perhaps the opposite,” says Mr O’Conor. “With the drudge taken away through RPA in legal sector work, more time is left for serious analysis, reflection and thinking around problems to create the best solutions for clients.”

There’s also plenty the junior lawyer can be doing to prepare for automation in the legal industry, according to Oliver Haddock, a solicitor at RadcliffesLeBrasseur and vice-chair of the London Young Lawyers Group (LYLG). “Attending events is hugely valuable not only for the content, but the opportunity to build on networking skills,” he says. “The LYLG runs events, as do Legal Geek and Legal Cheek. Junior lawyers and law students are using social media to consolidate and share their learning.”

Peter Wright, managing director of Digital Law, says junior lawyers might want to engage in competitions like legal hackathons, where law firms and universities spend 24 hours coming up with innovative solutions to problems in delivering legal services, demonstrating an ability to engage in more innovative thinking. “Technology will create new roles in firms, some of which we cannot envisage right now,” he adds.

A robot is replacing Dickens’ megalosaurus and the *Bleak House* fog could finally be clearing for the future lawyer. The legal profession just needs to stay friendly with RPA in legal sector practice management and remember what Ms Uberoi says: “Technology has made it even cooler to be a lawyer.” ●





## JURIES

# Can machines reach trustworthy verdicts?

Debate for and against juries is raging, with some arguing the jury system is in need of an overhaul. But whether artificial intelligence will improve the system by acting as a more neutral decision-maker remains to be seen

Rossalyn Warren

## For

**S**ome say allowing artificial intelligence (AI) to determine guilt or innocence in a courtroom is a step too far. But for those who are sceptical about the neutrality of human judgment, or have witnessed an unfair justice system in action, AI and legal robots could be the answer to providing a fair and impartial jury.

We already automate so much else in society, so why not extend this smart automation to juries? After all, lawyers rely on technology to scan documents for keywords or evaluate collected data. And people can now use legal chatbots to determine if it's worthwhile to pursue their case in court. There are even apps which

help pair up lawyers with claims and automate legal requests.

So having AI legal robots to replace jurors wouldn't be a huge step. When we talk about AI replacing traditional jurors, we're not talking about scary human-like robots you see in sci-fi movies. Instead it would just be an algorithm that helps determine certain things, such as the risk of somebody being allowed to remain in the community, based on collected data.

Technology doesn't hold grudges nor does it lack the information to make a decision. It can help dissect the facts in a more efficient, objective and informed fashion, and save time when determining a judgment or even sentence if the judge's role was to be augmented.

In fact, a legal robot could be crammed with a far broader range of facts and figures about the nature of crime, cases on record and the law, making it much more worthwhile than a juror who has little awareness on such matters.

Machine-learning could not only make it possible to have a highly knowledgeable juror, but it could also remove all discriminatory factors which may exist in a courtroom.

Which brings us to the next point: people are flawed. They hold pre-existing biases and judgments about issues, people and experiences. As such, they can never truly approach a case with a clean slate.

For example, in accusations of rape, women are often subjected to seemingly harsh scrutiny and invasive questioning. They may be grilled on personal information,

which could have no bearing on the decision, such as their sexual history, what they wore at the time of the alleged attack. Prejudices insinuate the incident was partly the woman's fault and she had somehow "asked for it" to happen.

And this may play on jurors' own biases, which could at least partly explain why the number of people prosecuted for rape fell by 26.9 per cent in the UK in a year.

Expecting randomly selected members of the public to decide the fate of a person in a jury system is outdated because the notion of a fair and impartial jury doesn't exist. Human testimonies do not need to be judged by fellow human beings because we can never rid ourselves of bias. In arguments for and against juries, we should recognise the limitations inherent in being human and accept AI is here to help.

## HEARING TIMES

The median average hearing time in trial cases was 1.5 hours in the second quarter of 2019



“

Technology can help dissect the facts in a more efficient, objective and informed fashion, and save time when determining a judgment



# Against

**A**rguments for and against juries weigh decisions made by humans against those generated by AI. Indeed, human judgment is rarely perfect. We may never have all the answers, or knowledge, about a legal predicament. But technology isn't without its flaws either. In fact, it can be just as biased as humans.

After all, AI, computers and legal robots are made by humans. Technology, like humans, can make mistakes and hold the same discriminatory factors. For example, people of colour are more likely to trigger a "false positive" match than white people on facial recognition software, which means they are more likely to be subjected to a wrongful police stop and search.

Joanna Bryson, professor of computer science at the University of Bath, found in her research that even the most sophisticated AI can inherit the racial and gender biases of those who create it. A robot juror may, therefore, hold the same prejudices as its creators.

The process of a decision made by AI would also lack transparency. If a human jury finds a person guilty of a crime, they're able to discuss their decision and explain how they arrived at that conclusion. But a robo-jury wouldn't be able to describe the nuances that lead to a decision or be fully capable of understanding matters, often emotional, which are uniquely human.

This is to say, we should consider the need for human judgment in our arguments for and against juries, and question whether technology can truly serve as a fair and impartial jury. Human testimonies should be judged by fellow human beings, especially when



**Even the most sophisticated AI can inherit the racial and gender biases of those who create it**

judgment could result in years behind bars.

A further issue with allowing legal robots to enter our courtrooms is the ownership of the robots. Who designs the algorithms and educates their processes, and can the makers be trusted to provide a clean slate for the robots to make fair judgment?

Makers of legal robots may be subject to other distinctly human traits, not even unconscious bias, such as being susceptible to bribes or a corruptive influence. Simply put, legal robots could be hacked to benefit the accused. And if they're privately owned, it may mean there could be little transparency behind how the robot came to a conclusion and whether the decision may have been interpreted, or intercepted, by an external body.

We should embrace the useful ways technology aids the criminal justice system, such as allowing legal chatbots to give free legal advice or using data systems to process information quickly. But it's a frighteningly dangerous route if we start putting people's fate in the "hands" of legal robots. Trial by a jury, recruited from members of the public, may never be perfect, but replacing it with a robo-jury is not the answer.. ●



# How tech is modernising the transaction process

The use of technology is transforming the way deals are closed, bringing more control and predictability to in-house counsel

**I**n CLOC's 2019 *State of the Industry Report*, better project management was second only to alternative pricing models as the innovation most needed from law firms.

Companies expect their firms to offer the most efficient and cost-effective service possible. With the pace of technological change continuing to accelerate, there is no reason to suspect these expectations will be lowered any time soon.

But for some reason, most companies continue to tolerate sub-optimal levels of service when it comes to corporate deals, such as mergers, acquisitions and management buy-outs, because law firms are choosing to stick with traditional methods of managing the process.

Despite the relatively slow adoption of technology within law firms, often attributed to several factors including the billable hour and the natural inclination to defer to precedent, leading firms have recognised this is an area which requires evolution.

Increased prominence of legal project managers and focus on process re-engineering are both exposing the need for tools, which not only enable better service delivery, but also allow lawyers to focus on their core competencies. When most administrative tasks are made easier thanks to technology, lawyers can provide their clients with top-notch legal advice.

As a result, one of the fastest growing technologies within firms is software that supports the transaction management process. In much the same way that project management tools have been utilised in so many other areas of corporate life, where predictable timelines, visibility and



clear accountability and checklists are basic components of successful delivery, firms are recognising both the end-result and the client experience are considerably improved by using technology to assist.

Transaction management software is particularly valuable during the signature and closing phase. Delays in closing deals are not uncommon. In some cases, they are unavoidable. But in many instances, they occur as a result of poorly managed processes, and issues surface in the later stages, forcing a scramble on all sides to avoid the subsequent recalculations and recommunication which a delay causes.

As deals approach this closing stage, using technology to create execution copies and final deal records can cut preparation times in half. The most substantial time-saving is when firms use digital platforms to create closing binders, which can otherwise take many weeks and months.

"There is a lot of running around in the latter end of the deal, which is not actually negotiating anything, it's purely the paper trail," explains Paula Macnamara, managing associate at Simmons & Simmons. "With a system like this, it makes the process a lot more streamlined."

Furthermore, research conducted by Doxly, a transaction management platform recently acquired by Litera, found that the time spent on the entire signature process could be reduced by up to 75 per cent compared to traditional methods.

"I can routinely complete the signature page and signing process for certain closings in 24 to 48 hours," says Eric Goodman, partner at Ice Miller. "Before, these deals would routinely take one to two weeks just to get all signature pages back from the various parties. I can consistently close



**I can consistently close deals faster and more efficiently, which makes my clients very happy**

deals faster and more efficiently, which makes my clients very happy."

Ultimately, firms embracing these technologies are winning business over those that don't, because it also gives in-house teams greater visibility into the progress of transactions, without the need to spend hours chasing their law firm for updates. Like other professional services before them, the legal industry is responding to its clients' need for modernisation of both its processes and service models.

Litera's software is in use in more than 90 per cent of the world's largest law firms and is a leading provider of transaction management solutions to the industry, in particular within the teams working on mergers and acquisitions, venture capital, private equity, real estate, and across the broader areas of banking and finance. The technology brings control, peace of mind and speed to legal transactions, helping deals close on time.

For more information please visit [www.litera.com](http://www.litera.com)



## 33%

reduction of write-offs

## 80%

fewer emails during the transaction process

## 75%

less time spent on the entire signature process compared to traditional methods



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## ALTERNATIVE LEGAL SERVICES

# Is big still beautiful?

Alternative legal services are disrupting the entire industry, but large law firms continue to benefit from long-standing relationships based on trust and reliability

David Cowan

**T**here is much talk about how the legal profession is changing and how alternative legal business providers are reshaping the industry. While things are undoubtedly changing through technology and legal process outsourcing, has much really changed? Have attitudes changed?

The age-old phrase “No one got fired for hiring IBM” still rings true for large law firms that are seen as reliable and trustworthy, compared with their more innovative counterparts, even though the former may be slower and more expensive.

In Charles Dickens’ *Bleak House* we are led satirically through the Victorian courts and the protracted case of *Jarndyce and Jarndyce*, which results in no money left in the Jarndyce trust, having all been absorbed by years of legal wrangling.

If Dickens were to walk through Chancery Lane today, he would find much of it familiar. By contrast, if he were to wander through a modern hospital, he would be overwhelmed and confused by the setting. The moral of the comparison? The legal profession has a lot of modernising to do to catch up with the 21st century.

The legal profession in both eras share a risk-averse nature, but today’s legal business is having to embrace new risks in response to two primary trends. The first is technology use in the law business



**Large companies still pay big fees to big law firms, and appear reluctant to outsource work to alternative providers**

and leveraging flexible legal process outsourcing arrangements. Second, increasing openness towards using alternative legal services and adapting how lawyers and their clients collaborate.

The two forces are not only changing the legal profession;

they are creating a new legal business. Undermining progress are two fundamentals Dickens would easily recognise: fees and incumbent relationships.

Despite the fight to reduce costs and maximise cost-saving, big is still beautiful as legal departments in large companies still pay big fees to big law firms, and appear reluctant to outsource legal work to alternative legal service providers.

The LexisNexis CounselLink 2019 *Enterprise Legal Management Trends Report* reveals alternative fee arrangements have only risen by a few percentage points, while partner rates at the big law firms continue to widen. *Jarndyce and Jarndyce* was exhausted by fees, and the devotion to the billable hour in the legal profession suggests there is still a long battle ahead for alternative legal services.

Which brings us to relationships. When corporate legal work is outsourced to meet cost-efficient specialised legal needs of the business, the work is doled out by in-house lawyers, many of whom started their careers at law firms and go back to people they know.

Relationships are based on long-standing personal and institutional trust. A Fortune 100 company general counsel, who wishes to remain anonymous, says: “I’ve been here over ten years. We were using Cravath when I got here; I’m sure we’ll be using them after I leave. When it’s a board-level matter, you don’t want to take chances.”

Retaining outside counsel is driven by four main factors: geography, specialised expertise, brand and a lack of internal resources. Big

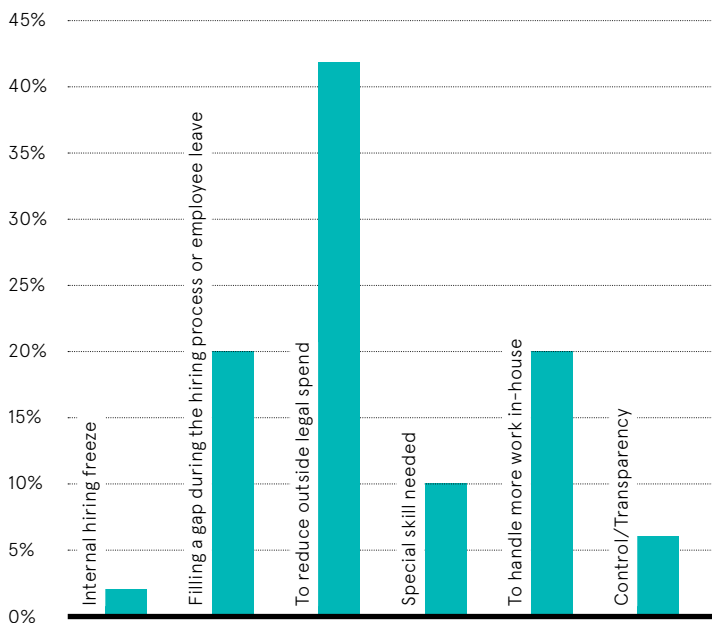




John Macdonald/Unsplash

## REASONS TO OUTSOURCE LEGAL WORK

Survey of corporate legal departments who used alternative legal services



Tower Legal Solutions 2019

and also to bring in new operating procedures, implementing best practices and technology,” says Leslie Firtell, chief executive and founder of Tower Legal Solutions.

EY’s *Reimagining the Legal Function Report 2019* suggests firms are still at a tipping point. “Our survey shows that while an average of 33 per cent of businesses are already outsourcing a range of legal function processes, such as legal-entity management, a larger number (41 per cent) would consider doing so,” the report says. “It is noticeable, however, that a significant number (26 per cent) indicated that they would not consider outsourcing.”

Mike Fry, EY global head of entity compliance and governance, says: “Many larger organisations are strategically assessing which activities they can appropriately outsource. Typically, it’s activities that are lower risk and lower value, but mandatory, either because they are critical to the business or are a statutory requirement.”

Another obstacle is talent, with almost three in five businesses

(59 per cent) facing challenges in attracting and retaining the appropriate people needed. This suggests there may be a talent battle to be won, either by bringing in-house or being more nimble in leveraging alternative legal services. A balance of technical expertise, efficient technology, workflow management and leveraging legal process outsourcing will be critical to success.

For their part, in the spirit of “if you can’t beat them, join them”, big law firms are creating their own alternative legal services. Some law firms are using the alternative legal services model to forge partnerships with existing providers. The larger law firms are looking to work with multiple providers to offer a suite of legal solutions to their clients.

Thomson Reuters’ *Alternative Legal Service Providers 2019* report says one third of law firms plan to establish their own ALSP affiliate within the next five years. By creating innovation labs and so-called “newlaw” products, big law firms may get the best of both worlds: well-paid partners and nimble service. ●

firms reassure clients they answer all four. When in-house counsel are quizzed over costs during procurement, they will dismissively say they are not buying basic office supplies, they are buying legal expertise which comes big rather than cheap.

However, according to a recent survey by Tower Legal Solutions, managing outside counsel spend is driving the use of alternative legal services, with nearly 60 per cent of respondents saying this and confirming they use alternative legal services.

“Over the last couple of years, we’ve seen corporations implementing legal operations departments and it’s to manage outside spend,



## Billable hour

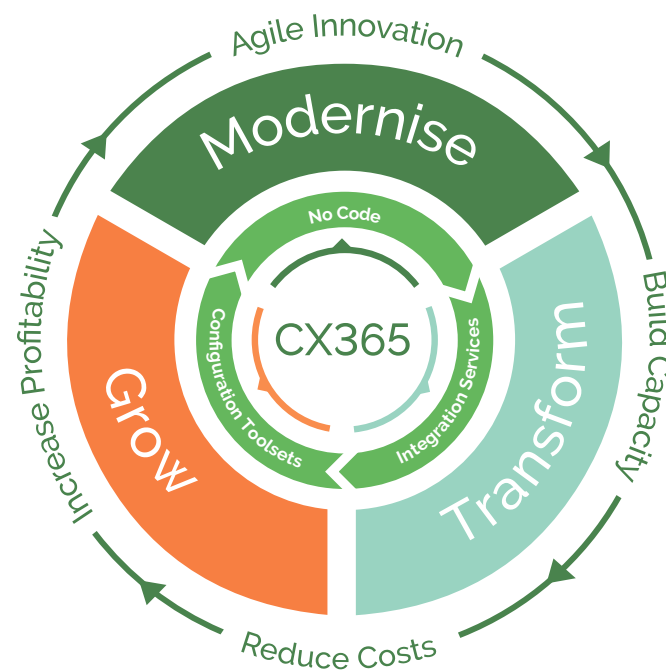
In offering alternative legal services, the elephant in the room is the billable hour. Doesn’t reshaping the legal business mean starting with alternative fee arrangements (AFAs) as an alternative to the billable hour?

Progress is slow on this fundamental point, according to CounselLink, based on more than \$33 billion in legal spend comprised of almost seven million invoices and approximately 1.7 million matters.

“CounselLink collects a wealth of data that allows law departments to gain critical insights into current legal metrics trends and benchmark their performance against other organisations,” says CounselLink’s director of strategic consulting Kris Satkunas.

Their insights are revealing. Use of AFAs has increased over the last two years, but only from 9.2 to 12.2 per cent, with the percentage of dollars billed under an AFA only increasing from 7.4 to 8.3 per cent. The gap between the average partner rates at the largest 50 firms of 750-plus lawyers and those at the second largest, with 501 to 750 lawyers, continues to widen. The largest firms have billable rates that are 53 per cent higher than the second largest. This compares to a 45 per cent gap reported in 2017 and a 40 per cent gap in 2016.

# Modernise, transform and grow



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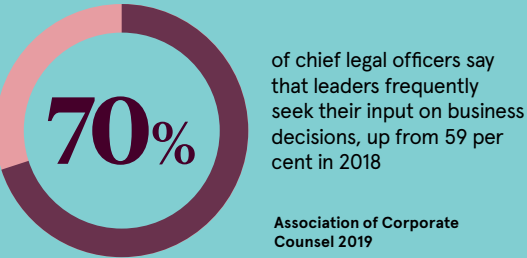
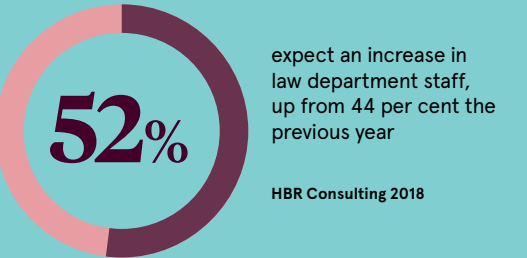
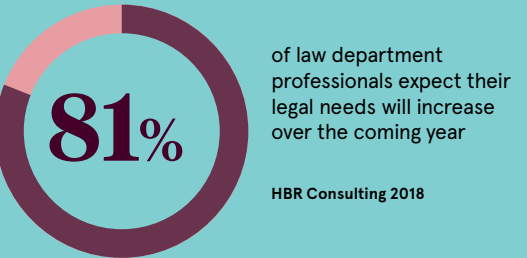
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# GENERAL COUNSEL

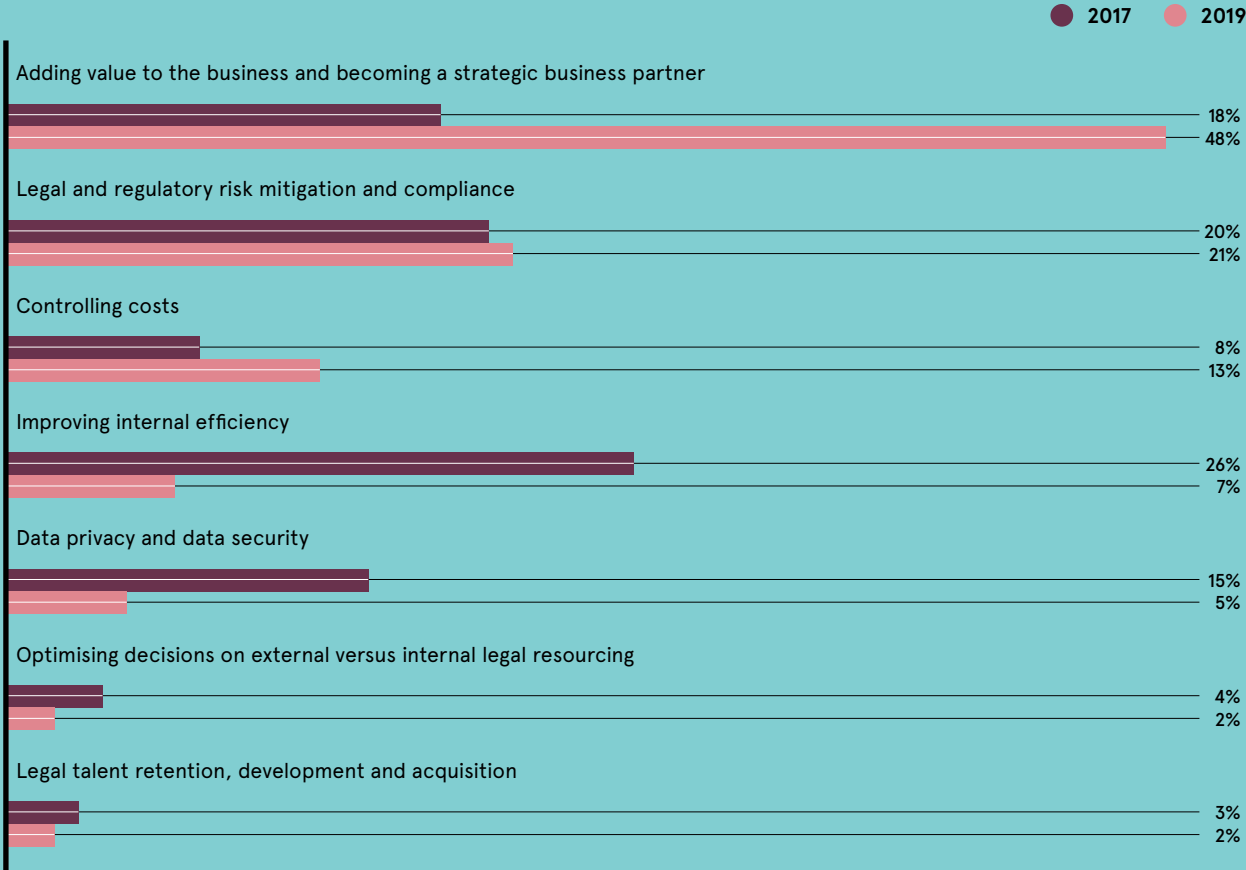
## FROM LAWYERS TO STRATEGIC PARTNERS

In-house legal departments are becoming valued partners within large enterprises, and are increasingly being called upon for their input on business decisions. From data privacy management to regulatory risk mitigation, general counsel now provides a host of vital services for companies to compete in today's uncertain business environment



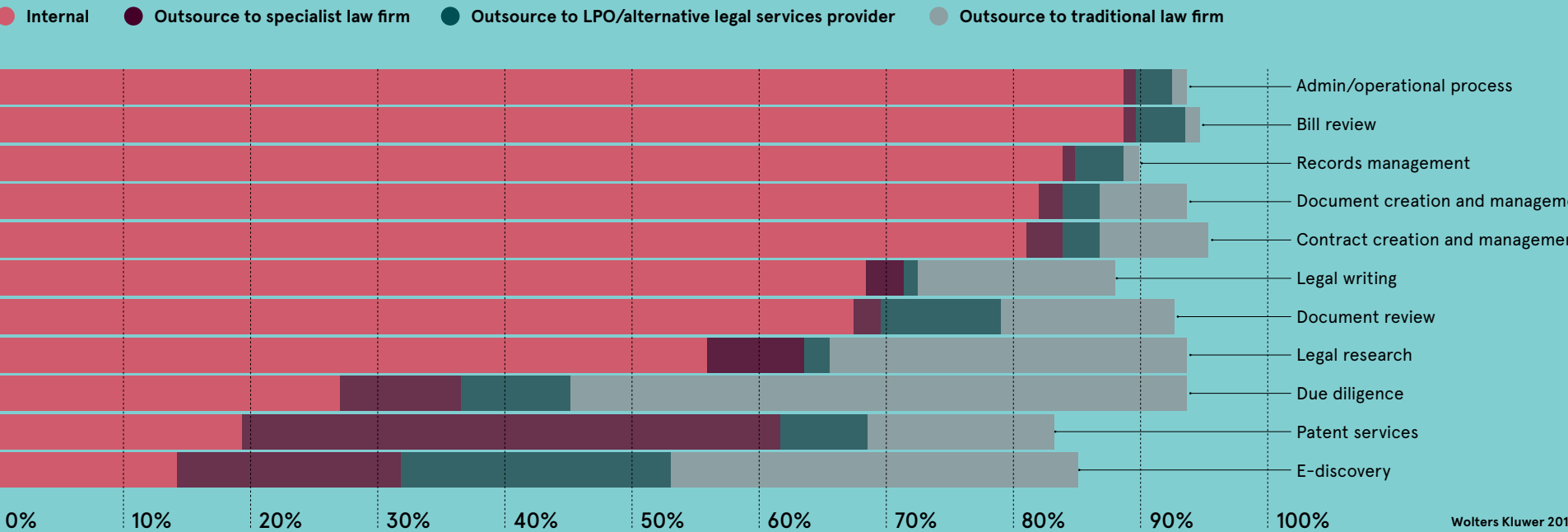
### BIGGEST PRIORITIES FOR LEGAL DEPARTMENTS

General counsels chose their top three priorities



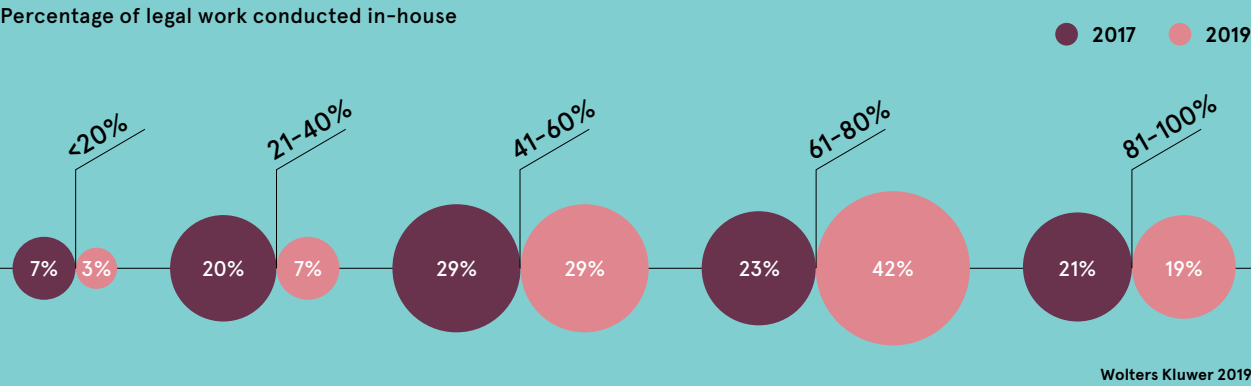
### HOW WORK IS TYPICALLY RESOURCED

Whether companies internally assign or outsource legal work by category





IN-HOUSE OR OUTSOURCED?

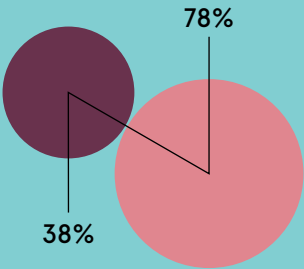


LEGAL DEPARTMENT'S CHANGING ROLE

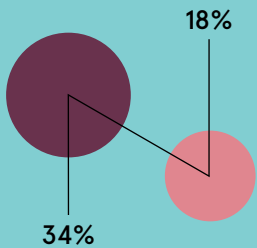
Survey of cross-industry general counsel

2017 2019

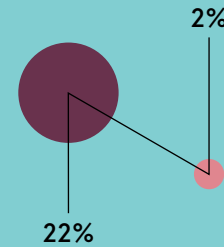
**Increasingly strategically focused:** an integral part of business leadership, providing input to strategy, in addition to legal and advisory work



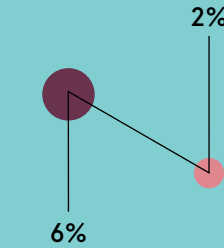
**Mainly functional:** consulted on routine questions with frequent input into broader business strategy



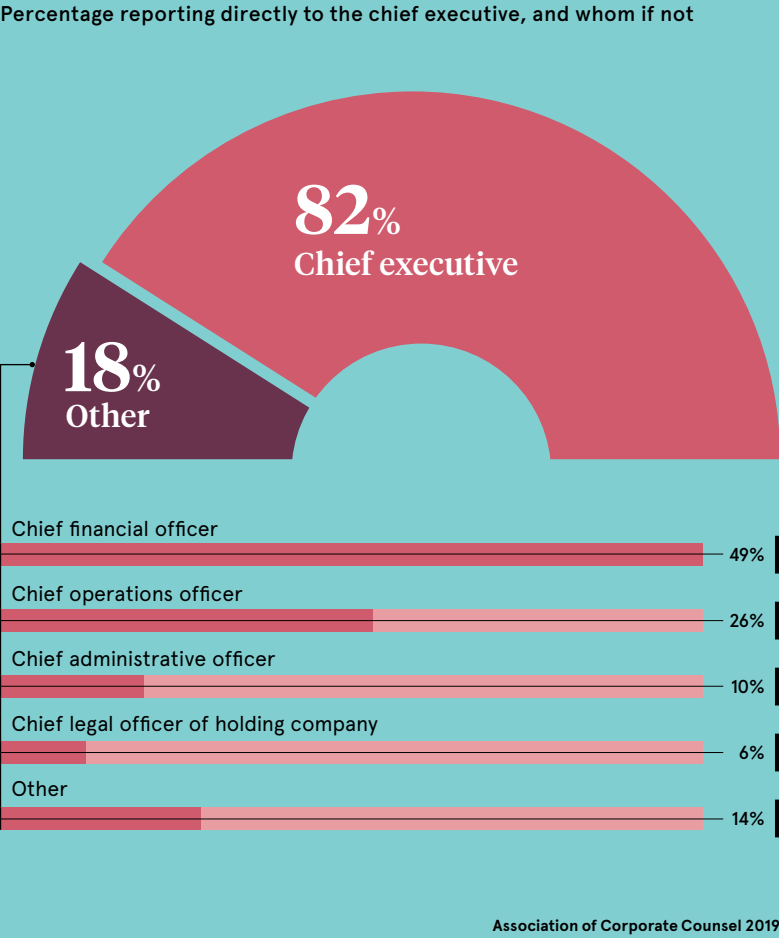
**Primarily reactive and functional:** consulted on routine questions with little input into frontline of business



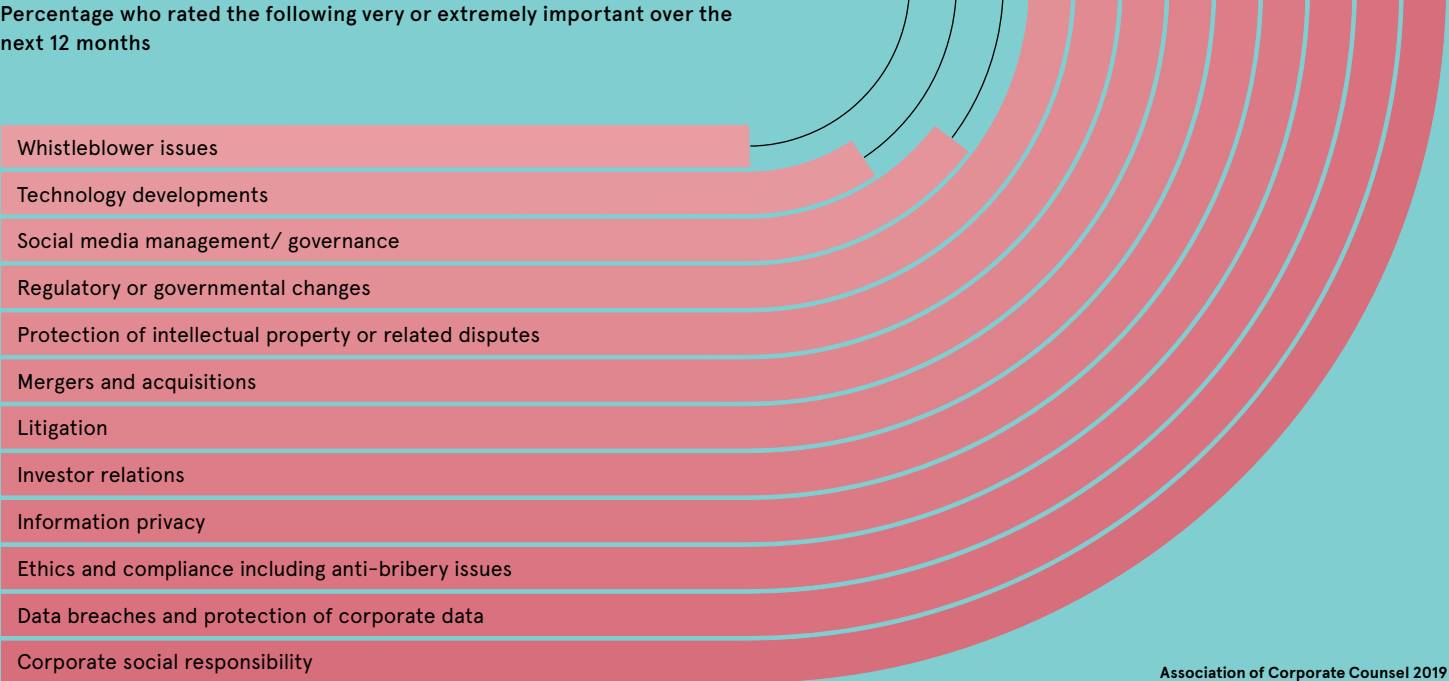
**Entirely functional:** routine legal support and questions



WHO CHIEF LEGAL OFFICERS REPORT TO



WHAT'S KEEPING CHIEF LEGAL OFFICERS UP AT NIGHT?



## ARTIFICIAL INTELLIGENCE

# Responsibility and regulation

As artificial intelligence and machine-learning increasingly take more decisions from humans, the technologies' status in law needs to evolve

Nick Easen

**W**e live in a world where humans aren't the only ones that have rights. In the eyes of the law, artificial entities have a legal persona too. Corporations, partnerships or nation states also have the same rights and responsibility as human beings. With rapidly evolving technologies, is it time our legal system considered a similar status for artificial intelligence (AI) and robots?

"AI is already impacting most aspects of our lives. Given its pervasiveness, how this technology is developed is raising profound legal and ethical questions that need to be addressed," says Julian David, chief executive of industry body techUK.

Take Facebook, Amazon or IBM, they're all legal entities, with similar privileges as citizens, with the right to defend themselves in court and the right to free speech. If IBM has a legal personhood, is it possible that Watson, the company's AI engine, Google's complex algorithm or Amazon's Alexa might also

qualify for a new status in law, with new responsibilities and rights too?

"The idea isn't as ridiculous as it initially appears. It's sometimes a problem that AI is regulated according to rules that were developed centuries ago to regulate the behaviour of people," says Ryan Abbott, professor of law at the University of Surrey.

"One of the biggest and legally disruptive challenges posed by AI is what to do with machines that act in ways that are increasingly autonomous."

This burning issue drove the European Parliament to act two years ago. It considered creating a new legal status – electronic personhood – with a view to making AI and robots so-called e-persons with responsibilities. Their reasoning was that AI, an algorithm or a robot could then be held responsible if things went wrong, like a company. In response, 156 AI specialists from 14 nations denounced the move in a group letter.

"It makes no sense to make a piece of computer code responsible for its outputs, since it has no understanding of anything that it's done. Humans are responsible for computer output," says Noel Sharkey, emeritus professor of AI and robotics at the University of Sheffield, who signed the missive. "This could allow companies to slime out of their responsibilities to consumers and possible victims."

Certainly, making AI a legal entity would create a cascade of effects across all areas of law. Yet the idea behind the EU e-person status was



Macu le/Unsplash

## THE MAJORITY SAY REGULATION IS CRITICAL

Percentage who agree with the following statements about artificial intelligence regulation

● General population ● Tech executives

Regulation is critical and should be done by a public body to confirm safe development of AI

60%

54%

Public regulation is a form of government interference and they should stay out of it

10%

7%

The industry should regulate itself

15%

17%

Regulation will slow down AI development and growth

10%

15%

Regulation is not needed

5%

6%

Edelman 2019

less about giving human rights to robots, but more about making sure AI will remain a machine with human backing, which is then accountable in law.

"To be worthy of people's trust, greater clarity around the status of AI will certainly be important," argues Josh Cowls, research associate in data ethics at the Alan Turing Institute. "But by carving AI out from the very human decisions about why it works the way it does and giving it a quasi-mythical status as a separate entity, we risk losing the ability to ask questions of the people and companies who design and deploy it."

Incoming president of the European Commission, Ursula von der Leyen, has pledged to regulate AI in her first 100 days of office. There's also a growing international effort; in the past few years 84 groups around the world have suggested

ethical principles for AI, according to researchers at ETH Zurich. In the UK, the Office for AI, the Centre for Data Ethics and Innovation, as well as the Information Commissioner's Office, are all focused on these issues, yet these are still early days.

"I'm sceptical about the possibility of a position on AI in the legal framework," says Matt Hervey, head of AI at Gowling WLG. "We cannot even agree on a definition, let alone its place in law. AI covers a range

“

**To be worthy of people's trust, greater clarity around the status of AI will certainly be important**

of tools being used in a growing number of applications. But given the potential disruptive impact of AI, legislators are right to consider whether new laws are justified.

"Yet laws and regulation tend to lag significantly behind technological change. It took over a decade for our copyright law to catch up with the video recorder and the same again for the iPod. Lawmakers cannot predict what tech companies will produce and these firms often fail to predict how the public will use the technology."

Worryingly, none of the current AI ethical codes that the Open Data Institute analysed carry legal backing, or forms of recourse, or penalties for breaking them. To date there are few legal provisions for AI. It's only a matter of time before tighter regulation comes into force, especially if the general public is to trust AI's meteoric rise and use by technologists.

"This is unlike other professions such as medicine or law where people can be banned from practising the profession if they break an ethical code," explains Peter Wells, the Open Data Institute's head of public policy.

So, if an algorithm makes an autonomous decision, who's responsible? Experts agree that a clear chain of human accountability is crucial. The EU's General Data Protection Regulation helps in this regard, but with so much money and intellectual property at stake now and in the future, the law may need to do more.

"We are seeing a massive commercialisation of ethics with many companies setting up token ethics boards that do not penetrate into the core issues of their business. This kind of ethics-washing is designed to hinder new regulations," exclaims Professor Sharkey. ●

67%

of tech executives worldwide believe the technology sector has been under-regulated

Edelman 2019



# Embracing AI-backed CLM software for the corporate legal counsel

The radical power of innovative artificial intelligence technologies to reshape how entire business functions operate is becoming increasingly clear

**T**he legal sector as a whole has been slow to adopt artificial intelligence (AI) technologies that improve efficiency and enable renewed focus on high-value activities.

Sarvarth Misra, co-founder and chief executive of ContractPodAi, a London-based startup that develops AI-powered contract life-cycle management (CLM) software, believes the legal industry is at a turning point and embracing CLM tools will play a major role in this transformation.

"AI-based CLM software helps the corporate legal counsel with mundane, high-volume and very low complexity, data-driven work. By automating these tasks they can then concentrate on adding value in strategic decision-making, negotiations and simply getting vital work done," says Mr Misra.

From speeding up the entire contracting process, reducing management costs, to improving risk management practices, AI-enhanced CLM software can be a game-changer for forward-thinking organisations.

Commercial lawyers no longer have to search manually through contracts for key information needed to either negotiate or review. Now, CLM takes on these tasks automatically.

"The value of CLM software comes from it being able to gather information from structured and unstructured data to very quickly build a report that contains all the details a lawyer needs. This lets them avoid reading all the terms and conditions when what is needed is a quick snapshot look at the highlights," says Mr Misra.

With an average large organisation having around 20,000 to 40,000 active contracts at any given time and 10 per cent of the bottom line being lost as a result of contract mismanagement, perfecting contract management can have a significant impact on business profits.

AI technology, built and trained on the IBM Watson platform, permeates the ContractPodAi CLM solution. It truly helps companies with their digital transformation journey. ContractPodAi can take all contracts held in an organisation, in whatever form including physical or digital, and put them on a single touchpoint repository. This means contracts are never forgotten, never lost and are quick to look up from one single consistent system of record.

Once this has been achieved, organisations will have effectively digitised their contracts. In effect, this is a helpful jumpstart in their digital transformation journey. ContractPodAi can

then extract the right information from all these contracts, including indemnities, liability and change of control provisions, to reduce the workload of low-value tasks for lawyers.

CLM software helps companies automate the contract life cycle, including day-to-day contracts, and enables the use of a template-driven approach. By answering a set of questions, including who the customer is and when the contract starts, the AI backed solution helps users quickly generate the contract. Better yet, legal counsel does not have to be involved in drafting every contract. More junior legal technicians, paralegals, and contract managers can help offload the general counsel, in this capacity. Digital signatures can be used to get the contract agreement signed by both parties within the repository, shortening signature times by up to six weeks.

"In addition, the ContractPodAi CLM extracts details around key dates, so lawyers can make sure renewals are not being missed. Getting these dates right and not missing auto-renewals helps drive more revenue and improve efficiency," Mr Misra adds.

When the lawyer has the report, they can use this to start negotiating with the other party, as opposed to systems where lawyers would have to read the same contract over and over to look for the important points.

"One of the big drivers, especially since the 2008 recession, is to achieve more with less. With that objective in mind, AI technology plays a major role," says Mr Misra.

CLM software available on the market today, varies significantly. General counsels need to ensure the CLM system they select is a comprehensive solution able to deal with the multiple use-cases they require.

Instead of forcing organisations to use a separate system for each aspect of CLM, ranging from self-servicing, contract automation to others focusing on analytics and workflows, ContractPodAi's AI-enhanced CLM offers end-to-end functionality.

"This year Gartner called out ContractPodAi as a 'cool vendor' because it embeds AI into several fundamental steps of the contracting process. This is quite unlike other vendors that apply AI to only one or two specific tasks," says Mr Misra.

Clear and transparent pricing is important from a budgeting perspective. In this respect, a fixed fee software-as-a-service (SaaS) model is increasingly attractive to in-house counsels. Perhaps of most practical importance,



the implementation time of any CLM software needs to be well defined.

In-house counsels need to know how long it will take after purchase for a CLM system to go live. They also need to understand if consultants are needed for the implementation, as well as what data the system requires.

"Some CLM systems may look good, but once it's bought it could take a year to go live. This is what in-house counsels want to avoid. Finding out exactly

what kind of format the CLM takes, whether it's ready out of the box or needs a long period of implementation is important," says Mr Misra.

Implementation times in onboarding the system can be reduced significantly with costs also seeing a reduction. After all, workflows are sitting within one comprehensive system as opposed to multiple systems.

ContractPodAi is focused on business model innovation and is unique in the way it supports the whole digital transformation journey for in-house contract management.

"We offer end-to-end functionality on our CLM system. It supports multiple use-cases. Our implementation is included within our SaaS pricing model, so we do not charge this separately. No surprises. The buck stops squarely with us as we offer a

single touchpoint for customers," says Mr Misra.

ContractPodAi supports in-house counsels as they migrate from old, outdated systems. This even includes situations where physical contracts are stored in disparate locations, right through to moving these documents into a comprehensive CLM system.

"The future for corporate lawyers includes systems that help them become more effective and deliver higher-value services, allowing systems like a CLM to do the low-level work for them," says Mr Misra. "After all, it really is about letting in-house counsel achieve more for less."

For more information please visit [contractpodai.com](https://contractpodai.com)



**We offer end-to-end functionality on our CLM system**



# How saving seconds a day can increase billable productivity

How law firms are perceived has changed markedly in recent years, at least from a client's perspective

**L**aw firms are no longer viewed as an oak-panelled profession failing to move with the times; they are now seen as a progressive, dynamic and focused solution to a myriad of corporate issues. And they are not the only ones to be included in this perception.

Legal services providers are on the rise with a mix of boutique and large divisional operations, provided by the large consultancy firms that are now tooling up with legal expertise. These providers have utilised technology along with data-driven insights to reduce the cost of traditional labour-intensive tasks.

Clients are also reducing their reliance on a conventional panel of firms and buying in services from non-traditional providers in the marketplace, and in-house teams are making a resurgence. The market for the more transactional elements of law has been blown wide open, but there is still a place for industry and multi-jurisdictional expertise from firms.

Nevertheless, this new breed of legal services providers have left all but the most forward-thinking firms with a problem: how can we grow market share along with revenue and margin in this landscape?

This question is attracting increased focus as the competitive environment is shifting. Business models are changing and technology is influencing the

way services are even procured. There is plenty to grapple with for large and small firms alike, not to mention the true impact of Brexit revealing itself over time.

Technology is now enabling companies to assess and rethink their daily tasks, even as longer-term, market-driven strategies are prepared and enacted. These are areas where gains in efficiency can pave the way for margin growth, even if revenues struggle to grow.

Information and document management is one of these areas and is seen as the main task to be impacted by the application of new technology over the next five to ten years.

"From where we stand now, there is a great deal of buzz around artificial intelligence, natural language processing and blockchain solutions. These technologies, even in their infancy, are already being used in providing information and document management services for law firms," explains Nick Marfleet, legal sector business development director at XeroxUK, a technology leader focused on the intersection of digital and physical.

Mr Marfleet believes these tools are most valuable in the transactional side of legal work. Freeing up the time of fee earners has a significant impact on revenue, as they can then focus on higher-value tasks.

The potential for technology to improve how routine operations are

undertaken in law firms is significant, from client onboarding and conflict searches to contract drafting, document review and due diligence to client communication.

"We go through several assessments with our clients, which reveals insight into how firms are moving information around their business. This provides the opportunity for them to identify processes that can benefit from technology, which can be as simple as one less click or adding advanced workflows with robotic process automation and mobility features. It's about understanding how they do the work at the moment and where the bottlenecks and the labour-intensive processes are," says Mr Marfleet.



**Xerox printers can be turned into workplace assistants, thanks to a collection of apps designed for legal professionals, allowing fee earners to concentrate on valuable services**

This results in higher efficiency for their clients, allowing firms to stop worrying about the "how" of operations and enables them to concentrate more on the "why".

Xerox has been working in this space for many years, building up a wealth of expertise across the legal sector. With the Xerox ConnectKey Technology, Xerox can apply its expertise and provide simple and effective solutions for clients using Xerox multifunction printers. Incremental transformation is then achievable with Xerox apps, integrated with the platforms clients use daily.

Examples of daily tasks that detract from core business focus include dealing with basic and recurrent issues related to paper files, such as scanning and printing. This process can account for up to 3.5 hours a week for a user, which is non-billable.

"We have created apps to remove unnecessary steps from the process to alleviate the interruption these tasks cause. These apps can be downloaded from the Xerox App Gallery so Xerox printers can be customised like smartphones. Working with iManage or Clio direct from your Xerox-enabled device removes the laborious and time-intensive steps when scanning a document to, or printing a document from, iManage or Clio," says Benjamin Duthu, sector marketing director at Xerox.

Time is tight when closing a deal, and frequently parties are scattered across the globe. Obtaining all the signatures can provide a logistical challenge with lengthy delays. With Xerox's integration with an existing DocuSign platform, signature pages and workflows can be collated and triggered directly from a Xerox-enabled device.

Sharing documents with different parties can present challenges and redaction is the tool of choice to protect sensitive and General Data Protection Regulation-related content.

There are already solutions in play for digitally native files. However, the real challenge arises when there is only a hard copy, and there is a need to redact.

## 77.2%

of legal professionals say they're overwhelmed by information

LexisNexis

## 5.6 hours

of billable work are missed out every day by small law firms

Clio

## 446.5m

consumer records containing Personally Identifiable Information (PII) were exposed last year

Identity Theft Resource Center

Xerox has teamed up with GoogleAI to provide an app that applies redaction to a scanned document. This document can be emailed, safe in the knowledge that only the recipient can see what they are meant to see.

"Xerox printers can be turned into workplace assistants, thanks to a collection of apps designed for legal professionals, allowing fee earners to concentrate on valuable services," Mr Duthu concludes.

For more information, please visit [xerox.co.uk/legalapps](http://xerox.co.uk/legalapps)

# xerox™

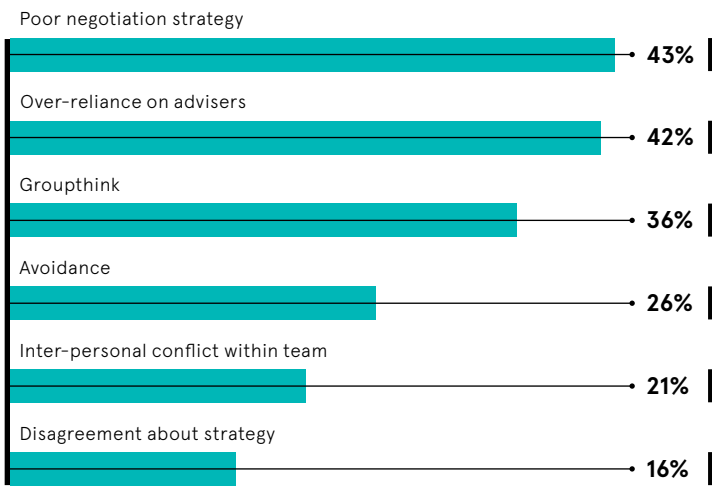




LinkedIn Sales Navigator/Unsplash

BIGGEST CHALLENGES FOR MEDIATORS

Percentage of UK mediators who experienced the following challenges when working with parties and their advisers



Centre for Effective Dispute Resolution 2018

An app is helping to solve common legal and co-parenting issues, but it remains to be seen whether robo-mediators will become the norm

Marina Gerner

Jonathan Verk, co-founder of coParenter, has first-hand experience of a bruising marriage break-up. “Six years ago, I started going through what ended up being an absolutely brutal litigated divorce,” he says. “I had a front-row seat to see just how bad the system can be for people. And as bad as it was for us, it was devastating for our kids.”

After 25 years in the entertainment business, including a spell as executive vice president at Shazam, such a damaging divorce inspired Mr Verk to set up coParenter, a pioneering app to help people solve their co-parenting issues without needing a human mediator or lawyer.

Together with Sherill A. Ellsworth, former US judge at the Superior Court of California in Riverside County, and entrepreneur Eric

Weiss, he created a tool that would help parents resolve disputes by first of all diagnosing whether they have a legal or co-parenting issue.

In family law, the large majority of Americans don’t have an attorney, he says, and “80 per cent of people have no business being in court”.

On the app, each parent answers a series of questions to create a parenting plan on issues such as where

the children will spend their time or go on holiday. It was designed to be child centric. “Typically, parents agree on about 80 per cent,” says Mr Verk. The app then provides tools to resolve the remaining issues. If they hit a roadblock, it connects them to a human mediator. All interaction, between parents and with mediators, is by text.

While parents are texting, the app uses artificial intelligence (AI) to assess the sentiments behind their language. In an example on the website, one parent writes: “New dog?! I thought we talked about this not being a good time for them to get a pet. I don’t like this idea.” And the app cautions: “Hey, this message sounds hostile. Do you want to send?”

Many of the issues brought to court are about tardiness with drop-off times, notes Mr Verk. “It’s really a pain in the neck, but it is not a legal issue,” he says. In response, it’s common for judges to tell parents to drop children off at a McDonald’s or Starbucks, and buy something so the receipt verifies their timing; it’s informally known as the “French fry order”.

Mr Verk says: “Sounds absurd, right? But it happens across the country, every day.” Such issues drain the resources of courts and people. To address this, coParenter incorporated a function similar to location data platform

Foursquare, where parents can tap a button on arrival.

Since launching in January, more than 20,000 people have downloaded the app, which costs \$12.99 a month. So are people more comfortable with an app in this case because it provides greater emotional distance?

“When would you find yourself to be more agreeable? If you take the day off work, go down to the courthouse, or to a mediator’s office, you sit in a room opposite your ex, as you’re asked to make decisions about your parenting, based on your specific legal rights?

“Or you go home, you sit on your couch, have a glass of merlot, and you’re put through a process that is focused on your child’s wellbeing, with guidance and tools?

“In a legal context, the incentive is to fight it out. On our platform, the incentive is to come to an agreement.”

But could mediation apps soon be key to running alternative dispute resolution more generally? Or is mediation, to some extent, an inherently human process?

Sheela Mackintosh-Stewart, UK divorce lawyer and mediation expert, praises coParenter’s ability to caution users if the words they use convey anger. “Filtering out anger is a big part of mediation,” she says. However, Ms Mackintosh-Stewart thinks technology isn’t yet sophisticated enough to hear “nuances of anger, love and emotion”. But she concedes: “I think that time will come.”

She says one advantage of technology is that, unlike a human being, it could store and process millions of cases, and could present people with a range of possible outcomes based on case law.

David Allison, director at Family Law in Partnership, adds: “I do think AI could be very helpful, certainly in financial mediation. Nobody likes budgeting, but it’s a huge part of mediation. People need to think about what their new life is going to cost them, including housing, mortgage capacity and expenses.”

Sally Pike, partner in the family team of law firm Thrings, says: “I can see it becoming increasingly used for gathering and interpreting financial

information, such as bank and mortgage statements, and details of ownership of property and other assets.”

But the ability to understand what’s not being said is often as important, or more important, than understanding what is communicated verbally, she says. When will AI be sophisticated enough to interpret pauses or silences as effectively as a trained mediator?

Echoing this sentiment, Helen Watson, head of employment law and partner at Aaron & Partners, notes that mediations “rely a lot of the time on the mediator reading body language and tone of the parties, and gauging when they should be split up or brought together”.

In smaller financial disputes, technology has made great strides. Earlier this year, the first robo-mediator settled a dispute, concerning £2,000 of unpaid fees for counselling, in a court in England and Wales. It took less than an hour.

“Robot mediators are useful in cases where the mediation is a straightforward commercial negotiation over figures, but the technology is essentially just a ‘blind-bidding’ system that attempts to nudge the parties closer together until their ‘secret bids’ overlap,” says Michael Axe, senior associate and mediation specialist at Gardner Leader.

“This may work well if a mediation is effectively just a salami-slicing exercise between the parties’ respective positions, but it’s of limited use in more complex cases.”

While AI is unlikely to replace human mediators in the near future, there are many fruitful ways for it to save time, energy and money in the process of mediation. ●



of the time spent by mediators on their average mediation is simply reading briefing materials

Centre for Effective Dispute Resolution 2018

“ Robot mediators are useful in cases where the mediation is a straightforward commercial negotiation over figures

## PATENTS

# When tech converges and patents overlap

A 'cross-pollination' of ideas and technologies within the autonomous vehicles market is complicating the process of patenting creations

James Gordon

**C**ross-fertilisation of technologies in the development of autonomous vehicles and the convergence of different sectors is as astonishing as it is profound.

But an intellectual property (IP) dispute involving Volkswagen and Broadcom, a California-based semi-conductor supplier, tells a different story.

Broadcom filed a \$1-billion patent infringement claim against the German automaker. It also called on the courts to impose a ban on VW models containing the semi-conductors. In the end, a deal was struck.

But as expert in patent law Dr Olga Gurgula says: "A myriad of companies from a range of different sectors make patent disputes much more likely in the short term at least." This is because more companies now specialise in particular systems embedded in self-driving vehicles.

Dr Gurgula, who lectures at Brunel Law School, says many of the main players "are already aggressively pursuing patent strategies". She thinks the sector could be in for a bumpy ride and sees parallels with the mobile telecoms industry, where patent wars are common.

"While nobody knows quite what will happen, the 'cross-pollination' of sectors could mean more multi-billion-dollar law suits," she says. "It is possible too that where it's claimed an automaker has infringed a patent, they may have to stop selling their vehicles until the dispute has been resolved."

However, Dr Gurgula is keen to stress that a temporary suspension of sales would be the worst-case scenario and most infringements would probably be settled out of court.

Ilya Kazi, patent attorney, shares the view that "patent overlap" could lead to more litigation. However, Mr Kazi, who is a senior partner at

Mathys & Squire, doesn't think it so likely that a ruling in a patent court could prevent autonomous vehicles being sold.

"That would be an extreme and counter-productive step for everyone," he says. "While it's true a patent is a monopoly, which has the potential to stop rivals from trading, it's in the patent holder's commercial interest to make money from it and, of course, that doesn't happen if nobody is selling anything."

**“A myriad of companies from a range of different sectors make patent disputes much more likely in the short term at least**

Volkswagen's 'Cedric' self-driving automobile at the Geneva International Motor Show

Mr Kazi thinks there's likely to be much more collaboration in this field over the next decade. Some of it, he says "may be friendly and some grudging", but the net result is likely to be that the key technology is made available at a realistic commercial price.

If this is to be achieved, Dr Gurgula expects companies to broker cross-licensing patent deals with each other whenever possible.

Indeed, several key strategic alliances between automakers and technology companies have already been struck. Toyota and Intel, Denso, Ericsson and NTT Docomo recently came together to form the Automotive Edge Computing Consortium, for example.

Dr Gurgula says: "In an industry where multiple patents belong to numerous companies, it's difficult to produce a single product without infringing on others patents. Therefore, for large companies to succeed, the best way forward is to create partnerships and joint-ventures."

So could this stymie innovation? Mr Kazi does not think so. He says that while there will be challenges ahead, fundamentally the patent system is intended to encourage and reward invention, not to stifle it.

But Dr Gurgula believes that a patent may make it much more difficult for small companies, which are not part of a collaborative consortium,

to develop their technologies and compete with patented inventions owned by established stakeholders.

However, she adds: "In the longer term, larger firms that decide to sit on a patent may unwittingly be a catalyst for innovation, as in doing so they may motivate smaller rivals to develop alternative technologies."

In the near future, with some litigation inevitable, many believe that the companies most likely to avoid it will be those taking a more inclusive and innovative approach to IP ownership.

"In addition to cross-licensing, in some instances we'll also see more companies creating open source platforms for their inventions," says Dr Gurgula. "This is already happening in other sectors, such as the pharmaceutical industry, where companies have gradually started to employ more open innovation business models."

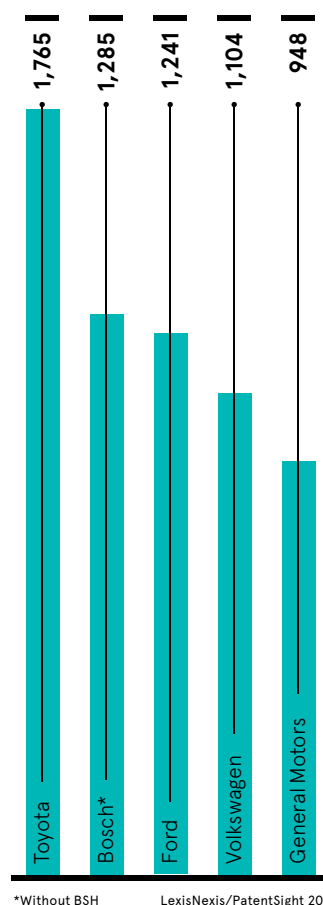
Mr Kazi adds: "Making some IP open source is an interesting idea and I have advised several clients to consider carefully what bits of their IP to keep proprietary and how to make other innovations available to others, in a controlled manner, which helps grow the overall market and benefits them in that way."

But for open source licensing platforms to really take off in autonomous vehicle research and development, he notes that larger participants need to be convinced that widely licensing some patents very cheaply, or even for free, will spur innovation in the field and ultimately benefit them.

"Litigation will, of course, still happen," Mr Kazi concludes. "But most agree that wherever possible commercial co-operation is better than an expensive round of litigation." ●

## COMPANIES WITH THE MOST AUTONOMOUS DRIVING PATENTS

By number of active patent families, as of June 6, 2019



\*Without BSH

LexisNexis/PatentSight 2019



## OPINION

# ‘The legal department is an indispensable contributor to corporate sustainability efforts’

**I**n May the Prince of Wales spoke by video to the Global General Counsel Summit, hosted by the Association of Corporate Counsel (ACC). ACC, a global association of in-house lawyers, may have seemed at first like a curious place for the prince’s message: namely, that climate change is a serious threat, and a serious challenge, to business.

But the ACC summit was exactly the right place for the message. After all, businesses and their actions make an extraordinary impact on the environment. ACC’s own data confirms this. According to its 2019 Chief Legal Officer Survey, which canvassed over 1,600 chief legal officers (CLOs) and general counsel (GCs) in 55 countries, it found that 93 per cent of respondents led, influenced or significantly contributed to their companies’ sustainability plans.

GCs are on the front lines of climate change litigation – an increasingly important, and international, area of contention. They are also key allies to the board and chief executive (CEO) in setting their company’s ethical tone from the top.

ACC has asserted consistently that the legal department is an indispensable contributor to corporate sustainability efforts – not only the “green” issues, like reducing a company’s carbon footprint, but in governance, fair operating practices and even human rights. According to the ACC survey, though, 73 per cent of sustainability plans had an explicitly “green” focus.

The Prince’s Accounting for Sustainability Project (A4S), established in 2004 to encourage sustainability in businesses in the world of finance, has long made a rather impactful case.

In A4S’s vision, financial leadership is essential for embedding sustainability into decision-making. Financial risk is inextricably linked to climate change. It is now no longer unusual for investors to comb through financial reports for proof of an effective sustainability plan. In discussions on strategy, business model and bottom

line, it is now common to hear questions on carbon emissions, sustainability practices and fossil fuel consumption. In a recent A4S survey, 81 per cent of finance professionals thought the effects of climate change would start to hit their bottom line within the coming ten years.

So, should finance or legal take the lead? Is the GC the most important corporate officer for making corporations sustainable? Or is it the chief financial officer (CFO)?

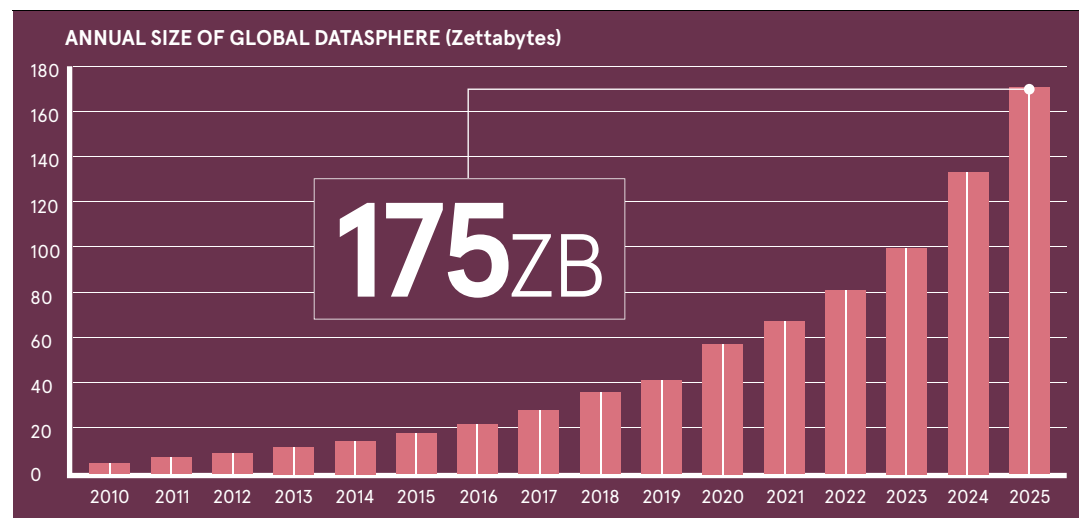
If you took the prince’s cue and guessed both, you’re right. There are important roles for both key corporate officers to play.

Following a meeting at St. James’s Palace, ACC and A4S have agreed to work together on informing and empowering these key C-suite officers to develop, implement and strengthen sustainability programmes.

ACC and A4S agree that investors, stakeholders and consumers organisations need to demonstrate that environmental, social and governance (ESG) principles should be at the heart of their decision-making. Both CLOs and CFOs have key roles in managing organisations’ risk, and there is arguably none greater than climate change. The World Economic Forum’s risk reports from the last few years have clearly shown increasing existential risk to the global economy posed by environmental concerns and our failure to adapt and mitigate climate change.

Most businesses recognise this. However, there is a lot of ground to cover to meet global ambitions, such as the UN’s Sustainable Development Goals.

The leadership of the CEO and board is vital, but when it comes to sustainability, the C-suite is only as strong as its officers. If the business community is serious about climate change, a seat at the executive table for CLOs and CFOs is no longer negotiable. The good news is that corporations come equipped with the leaders they need. But faced with “the final call”, leadership must act now. ●



## Four data challenges when conducting enterprise e-discovery data inventory

An important first step to help corporate counsel and their departments manage enterprise data more efficiently before litigation arises is understanding your organization’s data landscape to avoid subsequent potential pitfalls

**T**he challenge lies with the near infinite number of file types and variations within each type in which data can live. Every program and application you use creates different file types: email, chat, social media, planning, content-creation tools and so on. Different versions of the same program or application create variations of those file types and different formatting within each of these can create still more variations.

Here are four data challenges to discuss with your organization’s IT director, so you can begin a data inventory and put policies in place ahead of litigation, which will greatly reduce potential roadblocks.

### ● Fringes: legacy and bleeding edge

Have you ever cleaned out your cupboard and found that shoebox full of cassettes from schooldays? Businesses are no different. Many of their electronic files are stored as legacy file types which are no longer supported. A good

example is a company that needed to review files which were saved on eight-inch floppy disks. Knowing this ahead of litigation is important.

At the other end of that spectrum, being on the forefront of technology is great, but when it comes to preparing files for e-discovery, it can slow things down. Like knowing about legacy files, it’s also important to take note of recently developed software or applications your organization may use which creates unique file types.

### ● New data sources: mobile, instant messaging and social media

Mobile devices can be difficult when it comes to e-discovery for many reasons. They contain a large variety of file types and data intermingled with a lot of private information, which may be privileged. Extracting specific information can be difficult and imaging an entire device can be costly. This is why it’s important to have policies in place to determine how mobile devices are used for business purposes.

Organizations are also relying on messaging platforms – Slack, Teams and WhatsApp are good examples – and social media to conduct business. Data can usually be requested from the source company. For example, Instagram has a data request form in its privacy and security settings, but it can be difficult to put into a review-ready format. So knowing if these platforms are a potential source of data, should litigation arise, is important.

### ● Oddballs: unsupported data files

Besides the file types listed here, there are a myriad of other unsupported file

types which may come into play. A good example are CAD (computer-aided design) files used by an architecture or construction company. Because they are used every day by members of an organization, the fact that they may be difficult to process for review may not be considered in the event of legal action.

### ● Size matters: understanding your organization’s overall dataset

Besides knowing the file types your organization may use, knowing the size of that data is also difficult to capture, especially with the exponential growth of electronic information each year. Doing a data inventory will give you an idea of how much data is created for a given amount of time, as well as how much of that data may be ROT (redundant, obsolete, trivial).

### Don’t wait until litigation is imminent

It’s easy to get stuck in a “that’s the way we’ve always done it” mentality, but data-processing challenges shouldn’t get in the way of your legal team’s ability to understand the facts in a matter quickly.

To download a full pre-litigation data inventory checklist and learn more about how Ipro Tech helps corporations significantly reduce the cost and complexity of e-discovery with a hybrid approach of software, services and support, please go to [www.iprotech.info/Raconteur](http://www.iprotech.info/Raconteur)



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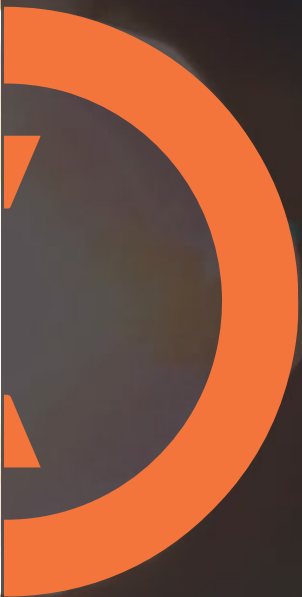
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