

Future of Technology and the Practice of Law: Five Trends Lawyers Can't Ignore

Moderated by: Loretta Ruppert

Presenters:

*Christopher T. Anderson – LexisNexis
Attorney, Product Manager, Pilot and Dad*

*Jack Halprin – Google
Recovering Litigator, ESI Guru and Head of Ediscovery*

LegalTech New York - January 30, 2013

Christopher T. Anderson



Christopher Anderson, J.D.

Product Manager for LexisNexis Firm Manager™, LexisNexis

- Mr. Anderson is the Product Manager for the LexisNexis® Firm Manager™ application in Cary North Carolina.
- Firm Manager is a web-based practice management system that keeps the attorneys and staff of small law firms connected to all the details of their clients, cases, matters and firm business.
- Christopher has presented at various State Bar associations, Law Bulletin Ethics Conference, National CLE conference, ABA TECHSHOW, and draws several hundred to webinars where he presents various topics, including running a law firm; effectively using technology and leveraging staff; and technology and trends.

Formerly:

- Managing partner of a full-service law firm in Georgia.
- Assistant district attorney in New York City, and in Georgia
- Associate General Counsel and Director of Client Services for RealLegal, a legal software company.

Mr. Anderson is a graduate of Cornell University, and received his Juris Doctorate from the University Georgia School of Law in 1994. Christopher Anderson is admitted to practice in the federal and state courts of New York and Georgia.



Jack Halprin

Head of eDiscovery, Enterprise, Google

- Jack works to ensure the Google legal team has the tools, technology and capabilities to ensure discovery obligations are met.
- Jack serves as a member of the team working on the internal records management and information governance program
- A frequent speaker and author, Jack's areas of interest include information governance, risk management and compliance.
- Jack is actively involved in The Sedona Conference, is a member of the Advisory Board at the Georgetown eDiscovery Institute, and is a former member of the Electronic Discovery Reference Model (EDRM).

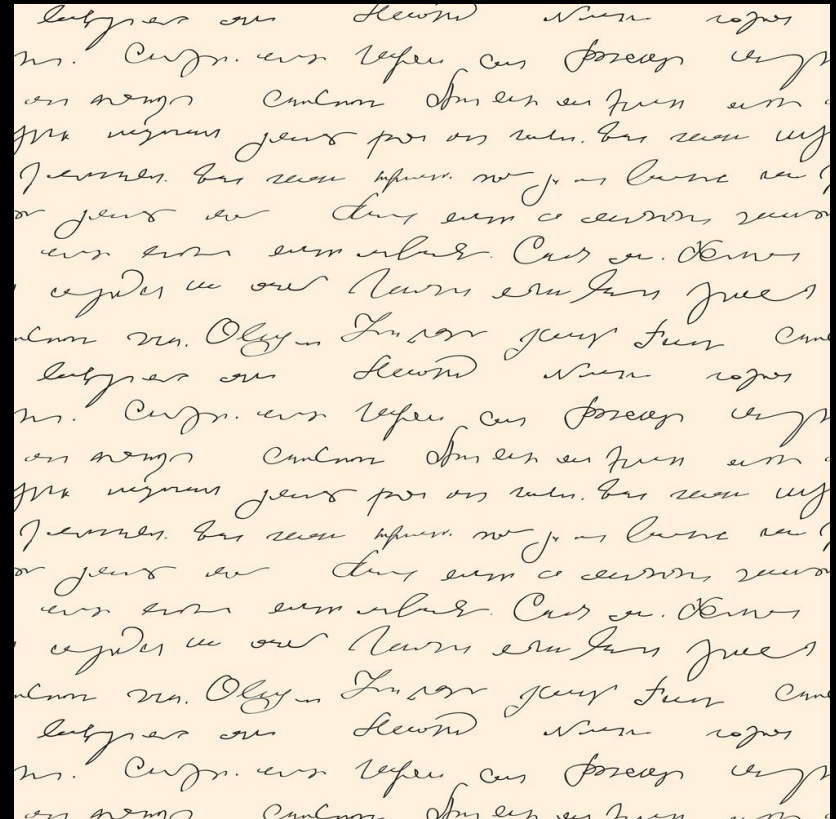
Formerly:

- Vice president, eDiscovery and compliance, with Autonomy
- Sr. Product Manager/Product Marketer with Guidance Software
- Litigation Associate at Haight, Brown & Bonesteel.

Jack holds a bachelor's degree in chemistry from Yale University, a JD from the University of California, Los Angeles and certifications from the California, Connecticut, Virginia and Patent Bars.

Evolution of Technology Employed by Legal Practitioners

The Early Years



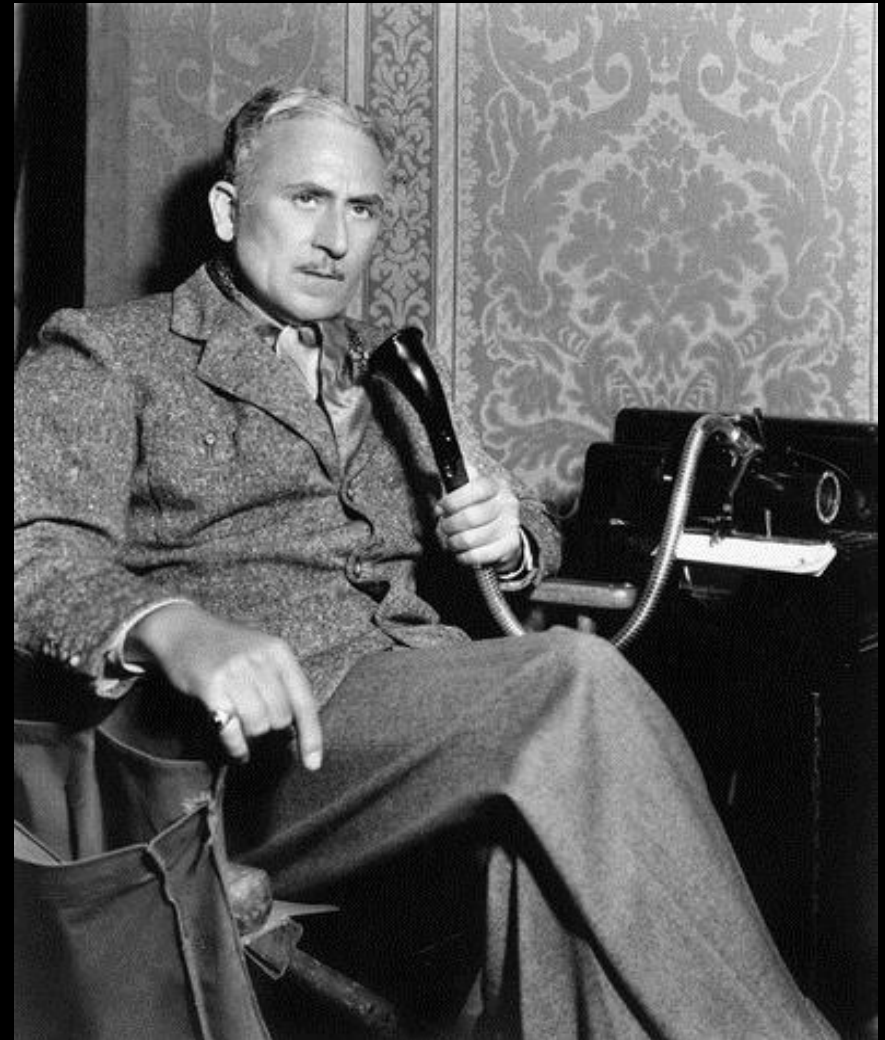
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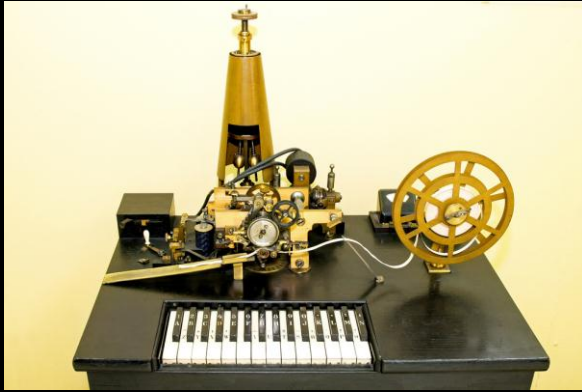


Evolution of Technology Employed by Legal Practitioners

The Early Years



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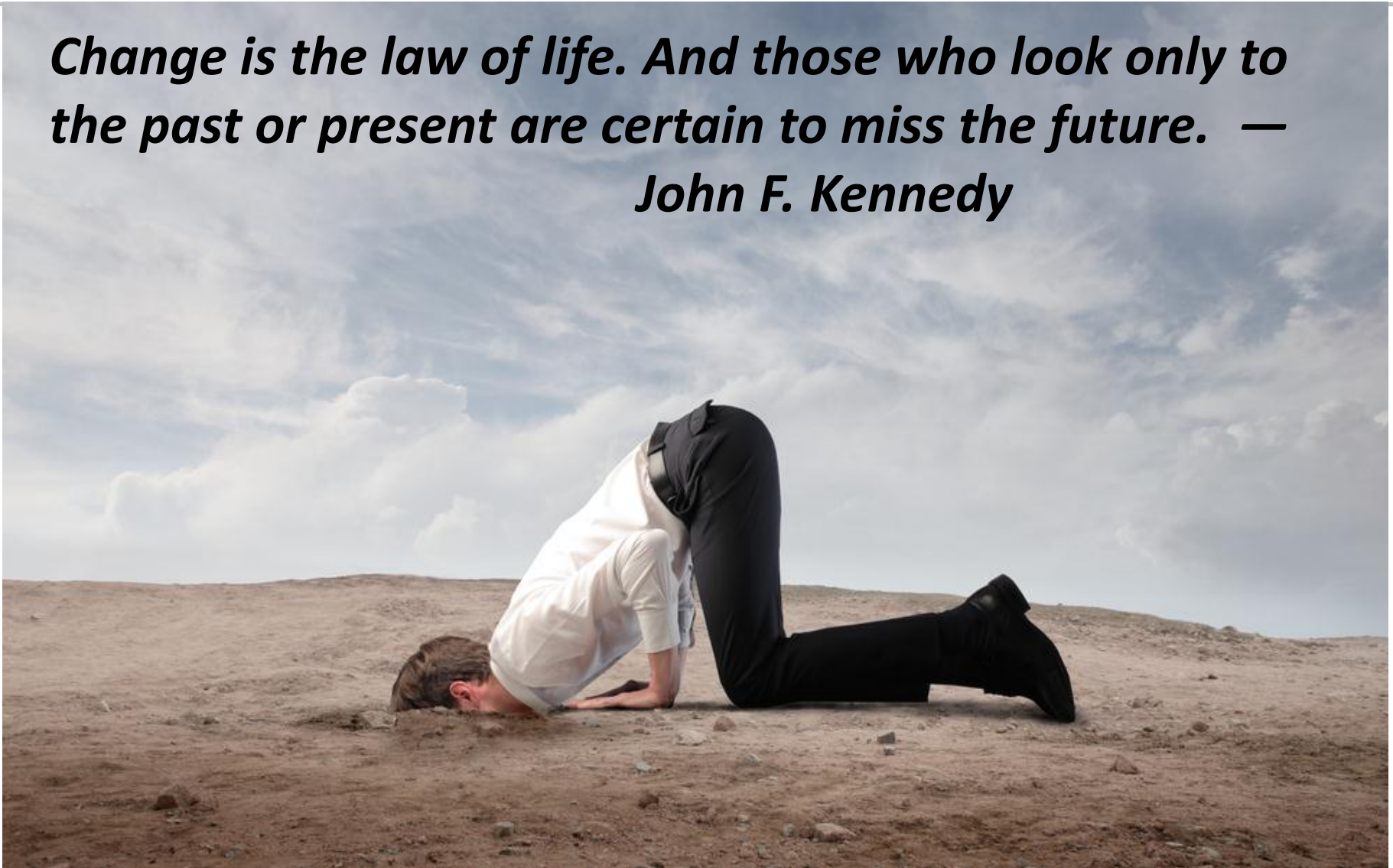


Evolution of Law Technology – The Future

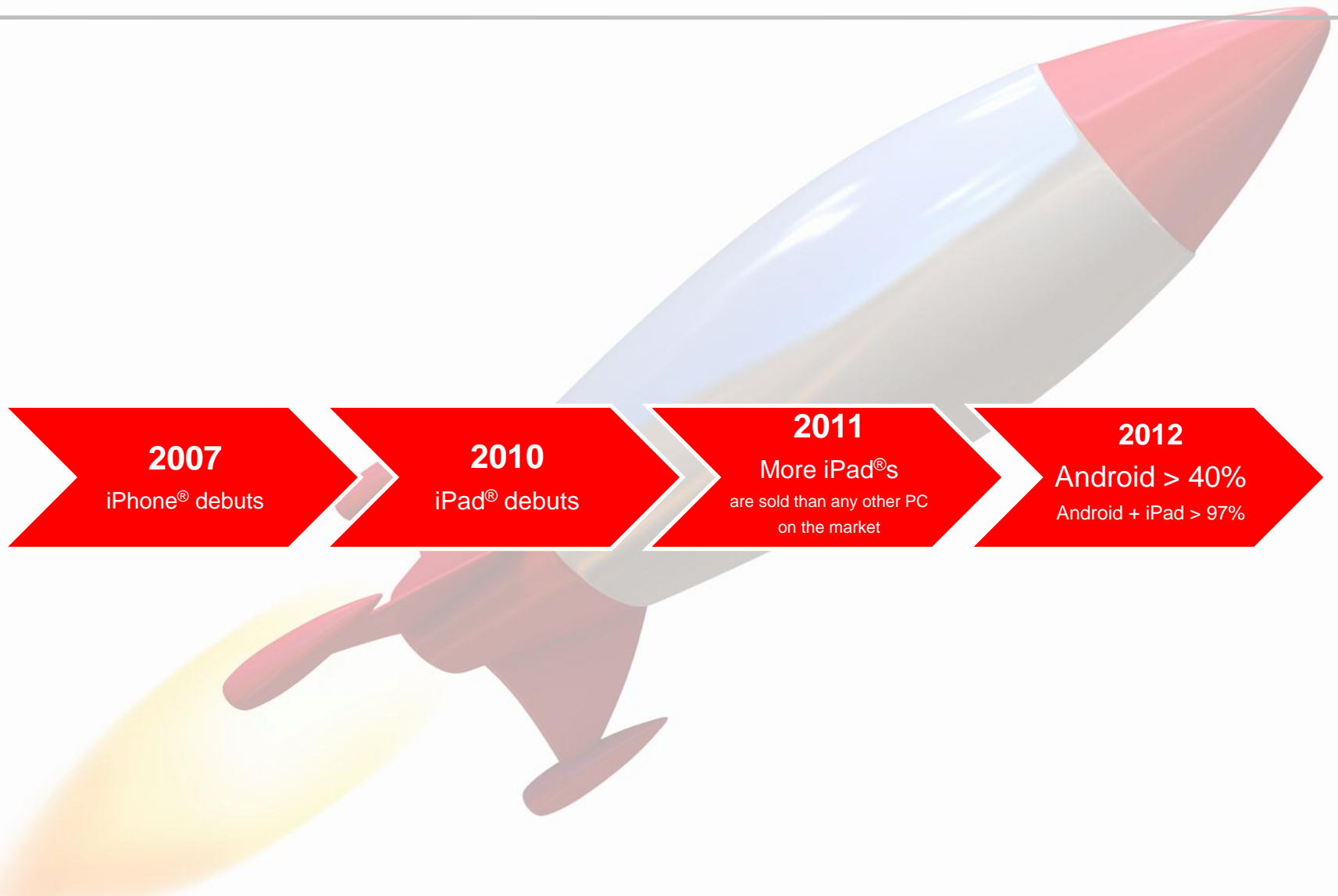


Technology and the Practice of Law

***Change is the law of life. And those who look only to the past or present are certain to miss the future. —
John F. Kennedy***



Acceleration of Change (the iPhone® example)



What are some urgent issues facing law firms that are forcing change?

Disruptions Forcing Change

- **Alternative Billing (AFAs)**
- **Big Data & Discovery**
 - TAR
 - Predictive Analytics
- **Client's expectations around transparency**
- **Social Media**
- **The Cloud**
- **Change in Law Firm Business Model**



TREND 1: Alternative Fee Arrangements (AFA)

ALM-LexisNexis Alternative Fee Arrangement Survey May 2012

Managing Partners responded why they considered using AFAs:

- 1. Client Satisfaction**
- 2. Game Changer – align firm with client and risk sharing**
- 3. Firm Profitability**
- 4. Increase Client Value**
- 5. Be more competitive**
- 6. Made them be more efficient**



TREND 2: Big Data & Electronic Discovery

Big Data

- Big Data: “Collection of data sets so large and complex that it becomes awkward to work with” Wikipedia

IMPACT:

- New **FRCP Revisions effective December 1st** – Changing the way lawyers who practice in federal courts comply with e-discovery.
- Higher use of forensic specialists, e-discovery experts, data analysts

Electronic Discovery

- Electronic Discovery (eDiscovery) is process of identifying, preserving, collecting, processing, searching, reviewing and producing Electronically Stored Information that may be Relevant to a civil, criminal, or regulatory matter. (Maura R. Grossman and Gordon V. Cormack, The Grossman-Cormack Glossary of Technology-Assisted Review, with Foreword by John M. Facciola, U.S. Magistrate Judge, 2013 Fed. Cts. L. Rev. 7 (January 2013))

IMPACT:

- Electronic Discovery expertise is essential for most firms to compete in today's market
- More business are selecting legal representation based on RFP

TREND 2: Big Data & Electronic Discovery



Technology Assisted Review

- Technology Assisted Review (TAR), also known as predictive coding can be useful to **quickly, review and manage** large volumes of data when required to review that data for litigation and investigation.

IMPACT:

- With proper workflow and supervision, TAR can provide cost and time savings
- TAR can provide more accurate and more consistent results than document to document review

Predictive Analytics

- Early case assessment (ECA) refers to **estimating risk to prosecute or defend a legal case**. Global organizations deal with legal discovery and disclosure request for electronically stored information “ESI” and paper documents on a regular basis.”

IMPACT:

- Use of ECA Tools is changing the landscape for competition
- More business are selecting legal representation based on RFP

TREND 3: Client Expectations – The Age of Instant Information



Mi-fi/Hot Spots/Web searches



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Social Media is being used as business development tools

Social Media Is Big at Law Firms – And Biggest at the Smallest Firms

Mar 07, 2012 02:21 AM by [Samantha Miller](#) | 0 comment(s) 

Two recent surveys show that law firms are at the forefront of using social media as business development tools – and small law firms of 1-5 lawyers are even more committed than 500-plus lawyer megafirms to implementing social media in their marketing programs.

ALM Legal Intelligence, research division of American Lawyer Media (ALM), analyzed law firm social media use from survey responses of nearly 180 partners and legal marketing professionals at firms of all sizes in December 2011 and January 2012. The results were released February 28 in “Fans, Followers and Connections: Social Media ROI for Law Firms” (online at <http://www.almlegalintel.com/>). The key findings:

- Almost 85% of law firms use social media and networking tools, such as LinkedIn, Facebook and Twitter to attract prospective clients, and over 60% use blogs for the same purpose.
- Nearly 90% of firms make an important priority of integrating social media use with their marketing programs.
- Most importantly, nearly half of firms said that social media use generated leads or new matters from clients, while over 40% credited that use for new clients and matters.

Trend 5: Cloud Computing

(n.) A style of computing in which

- Software
- Storage
- Processing Power
- Other Computing Services

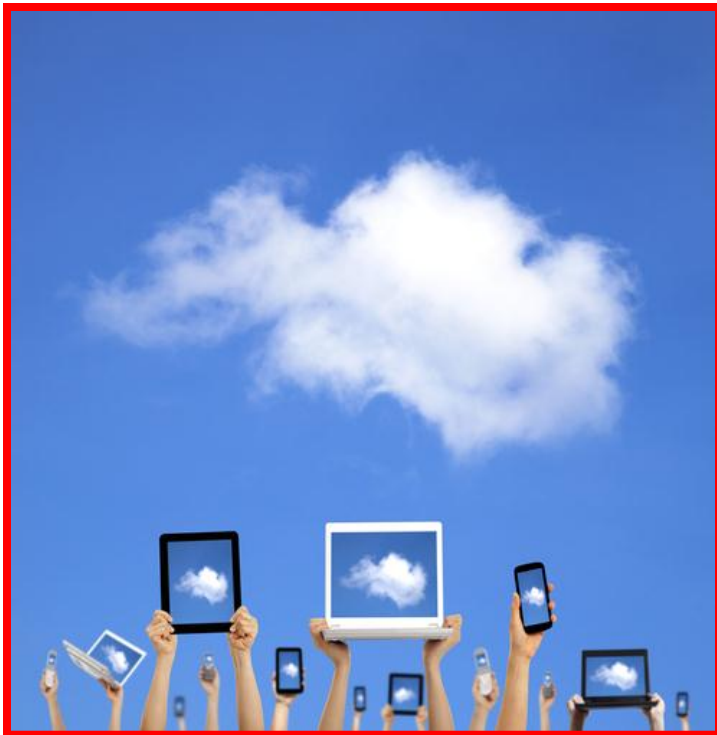
are provided over the internet and usually accessed via web browser or mobile application.



A Move to the Cloud?

Many businesses are already in the cloud, using SaaS, IaaS, or PaaS. Private, public, or multi-tenant, the move is accelerating.

Predictions for corporate adoption of the cloud:



SaaS office suites expected to grow 59% in 2012/ On average:

- 40% are currently using
- 34% are planning to use
- 20% are not planning to use
- 7% don't know.

- Skewed to smaller companies: 89% in next 12 mos vs 60% for large

Gartner: [Market Trends: SaaS-Based Office Suites Will Have a Slim Share of the Office Productivity Market by 2015](#); Published: 23 January 2012

Smaller law firms more eager for SaaS

- >50% of IT professionals serving firms <100 in favor (57% of consultants)
- 57% in firms >1,000 opposed

ABA Journal: [Should Firms Move to the Cloud? Legal IT Professionals are Split](#); Published: 1 February 2013

Considerations for the Cloud



Our Expectations:

- Custody
- Control
- Ownership
- Security
- Reputation & Reliability

Reality: Do your homework

- Analyze the options
- Understand the model
- Read the T's & C's!
- Data center ownership
- Underlying technology
- Testing & Independent Verification

Who to trust?



U.S. Data Centers



Cloud Storage and Sharing

Lots of Options, But Do your Homework

- Actual Terms and Conditions:
 - BRAND X will have no responsibility for *any harm to your computer system, loss or corruption of data*, or other harm that results from your access to or use of the Services or Software
 - BRAND X: If you add a file to your [Brand X] that has been previously uploaded by you or another user, *we may associate all or a portion of the previous file with your account* rather than storing a duplicate
 - BRAND Y: When you upload ... content to our Services, *you give Brand Y (and those we work with) a worldwide license to use*, host, store, reproduce, modify, create derivative works ... *communicate, publish, publicly perform, publicly display and distribute* such content.
 - BRAND Y: Your domain administrator may be able to ... *access* or retain *information* stored as part of your account [and] *restrict your ability to delete* or edit information... or privacy settings.

Changing the Business Model



- **Competition from above – Large law is shedding lawyers**
- **Competition from below**
- **Newly minted attorneys are not finding jobs**

Changing the Business Model

- **Unbundling of services being accepted in some jurisdictions**
- **DIY services are eating some traditional bread and butter**
- **Client expectations changing due to other industries**
- **24/7 Instant Response**



Technology Question

How much do you agree with the following statements about technology at your firm? (1,2, or 3 on a scale of 1 [strongly agree] to 5 [strongly disagree])

- Technology is a fundamental element of your business model
- The executive team is regularly involved in decisions about technology investment
- Reducing costs or improving efficiency through technology is high on the agenda of our partners/shareholders
- Driving business innovation through technology is high on the agenda of our partners/shareholders
- Business management understands technology
- IT management understands our business

