



RIDING THE WAVE OF DISRUPTION:

*Harnessing the Power of Technology
to Secure Success*

Technology – and the myriad tools that fall under its broad umbrella – is playing a major role in reshaping both the business and practice of law. Lawyers can no longer willfully turn away from the efficiencies and value that tech has to offer (though some are beginning to suspect that the reticence around the speed and innovation that the best tech tools offer has more to do with discomfort around abandoning the billable hour than anything else).

Even so, the tech train is leaving the station, and lawyers and the law firms for which they work must either accept the convergence of law and technology, or assume the risks that come with choosing to not get on board.

Trends Driving Technology Disruption

One of the biggest trends driving technology disruption in the legal industry is coming directly from clients themselves, as they continue to demand better outcomes at lower costs. This is true for attorneys in private practice as well as those in-house. Corporate legal departments are reacting by embracing legal department operations managers, for example, who bring skills and experience to the table to drive efficiencies and leverage technology in order to clear the way for their lawyers to focus on what they do best – practice law.

In private practice, says Colin Levy, corporate counsel at Salary.com and a legal innovation and technology advocate and commentator, technology has actually helped contribute to the trend, so it's a bit of a chicken-and-egg scenario in terms of what is pushing the disruption. "Technological tools have allowed lawyers to become more productive and more efficient," says Levy. "For the corporate law department, the emphasis on reducing spend has led to innovation and the deployment of new technologies to produce better work product and better outcomes."

Lawyers in general may be slower to adapt than perhaps those in other industries – as Forbes contributor Mark A. Cohen termed it in a January 2018 piece titled "Lawyers and Technology: Frenemies or Collaborators?" But while lawyers have historically had a "curious ambivalence" toward tech and all it has to offer, firms are nevertheless beginning to make some significant leaps forward in both the definition and delivery of legal services.¹

As an example, Levy points to law firm Greenberg Traurig, which recently launched the subsidiary Recurve, a global shared services platform. As the firm explains, the platform is intended to facilitate open collaboration among clients, trusted legal advisers and tech, staffing, space and other experts in services which support innovation, efficiencies and value in the delivery of legal services.² The goal is simple: to become the first third-party collaboration platform focused on innovation in the legal space.³

Redefining the Business of Law — and the Skills Lawyers Need to Work and Succeed

Legal tech is not going away (look no further than the eye-popping 713 percent growth in legal tech investments in 2018 as proof.⁴)

And lawyers are grasping that it is technology itself that has nudged the delivery of legal services toward building efficiencies, maximizing value for clients and, as demonstrated in Greenberg Traurig's efforts, a culture of collaboration. Writes Forbes contributor Cohen in another think-piece: "The impact of technology – unlike a law license to practice in a particular jurisdiction – is geographically agnostic (excepting rules surrounding data collection, privacy, etc.). This benefits legal consumers at a time when business is increasingly global."⁵ The legal industry was once dominated by a risk- and change-averse culture driven solely by lawyers looking out for themselves, Cohen writes. Yet technology is a "nucleating force" that is molding a new culture driven by data, results, problem-solving, diversity, process and other signals of growth and innovation.⁶

But what about the technology itself? Here are three technologies that are indelibly changing – even disrupting – the industry, plus a discussion on the critically important soft skills attorneys need in today's tech-affected industry.

1 Document Automation. "Legal process outsourcing, which has existed for some time now, was a signal that the industry was changing thanks to technology," explains Levy. "Now, document creation has blossomed into a major area where technology is leading the way. For example, one has a multitude of choices to automate the drafting, reviewing and even red-lining of [a number of legal documents]."

Like legal process outsourcing, document automation has been around for a long time, decades even. But the push to drive legal spend down while keeping outcomes consistent has shined a new light on document automation and what the future might hold. One of the biggest upsides to document automation? It leaves more time for client matters – making attorneys more productive, efficient (read: wasting fewer dollars doing manual tasks that can be accomplished using technology) and collaborative.

2 Artificial Intelligence/Machine Learning. There has been much chatter within the legal industry as to when and whether "robots" will eliminate the need for lawyers altogether. While many believe that will simply never happen – as human judgment and the learned experiences of attorneys are difficult for a machine to replace – there is some truth to the notion that machines will continue to take on tasks that were once accomplished solely by humans. The legal industry would be ill-advised to turn a blind eye.

What's perhaps most exciting about AI is that it can actually learn and carry that information into future decision-making in order to improve accuracy.⁷ As the online publication Digitalist reports, thought leaders in the legal space, including Fenwick and West co-founder Bill Fenwick, predict that AI's impact on the industry is in its infancy. In the piece, Fenwick says there is a possibility that AI could one day "instantaneously predict the likely outcome of most disputes."⁸ But the piece is also quick to point out that AI, at this point, isn't doing legal work per se, but providing factual

analysis that tips attorneys to trends that might be impactful down the line. Time and cost savings are just the icing on the cake.

3 Analytics. Data analytics in the legal space is defined as the use of data to make quantitative legal predictions that inform decisions – and it directly piggybacks on AI because it’s essentially an AI tool.⁹ It’s something of an understatement to say that lawyers are dealing with more data than ever before; it is, in fact, the nature of the world in which we live. Using tech tools (again, powered by AI technology) to analyze and mine that data to help make more informed decisions and unlock valuable insights held within will be increasingly important as the legal and tech worlds collide.

The benefits of using analytics are many, from leveraging insights gleaned from the data to help chart courses in litigation (including selecting expert witnesses based on actual metrics from a pool far wider than the relatively small net individual attorneys can cast), to enjoying the very real cost savings that transpire when attorneys can be more efficient (computers can analyze documents far more quickly than humans). The granular analysis that analytics can provide, as explained in LegalTech News, is essentially limitless: want to know every time a particular expert witness was challenged, and why? Analytics can tell you.¹⁰

In the end, the best tools shed light on the connections between what might seem to be disparate data systems and help attorneys make better decisions based on those illuminated relationships. Levy points to products in the space – Elevate Services’ LexPredict and LexisNexis’s Lex Machina – that are positioned as such.

Soft Skills Hold Value. The skills lawyers need to succeed in the industry’s brave new world not only revolve around being functionally literate in tech tools that are re-molding the landscape, but also revolve around “soft skills” that have not always been synonymous with the profession. Attorneys have long been praised for their logic, analytical skills and ability to put emotions aside in order to make the best, most informed decision that advances a client’s interests. But the best lawyers understand that letting go of rigidity and embracing flexibility and collaboration will ultimately best suit their clients – regardless of the problems the newest technology can solve, automate or streamline.

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– Colin Levy, corporate counsel, Salary.com & legal innovation and technology advocate and commentator

“Lawyers must be willing to learn on the fly, be flexible, and be collaborative,” notes Levy. “Many tasks done by lawyers can now be automated, so lawyers cannot rely on doing the routine, the standardized, the repeatable anymore. This is why lawyers need to have a diverse array of skills... they are being asked to be partners to their clients and their advice needs to not just be legal advice. All legal advice is business advice and has to be thought of as such.”

Steps to Take Now

The bottom line is simple: adapt to technology and harness its potential – meaning, become truly data driven or risk losing competitive edge. On the client side, Levy says it starts with a conversation to gain a better understanding of client needs and desires, then adapt to fit those needs.

“This may require re-thinking of existing processes and procedures and making them more agile,” he says. “Technology can and will assist with this as well in terms of allowing for the delivery of more legal services, more effectively, and at a lower cost.”

Internally, becoming a data driven firm (i.e., harnessing key internal performance indicators, such as how much billable work is lost on a monthly basis to tasks that could be outsourced or handed over to a tech solution) takes work and commitment. It includes performing inventories, organizing what is in-house and selecting the right tech partners to take steps that result in forward momentum. Most important is recognizing that it’s a marathon, not a sprint, and that shifting toward a model that harnesses the power of technology and data takes real commitment to change.¹¹ In many ways, the future of law depends on it.

⁹“Lawyers and Technology: Frenemies or Collaborators?” Forbes, January 16, 2018. <https://www.forbes.com/sites/markcohen1/2018/01/15/lawyers-and-technology-frenemies-or-collaborators/#f44fe6722f17>

¹⁰“Greenberg Traurig Announces the Founding of “Recurve”: A First-of-its-Kind Global Shared Services Platform Transforming the Delivery of Tech, Staffing, Space, and Other Support Services for the Legal Industry.” Greenberg Traurig, June 11, 2019. <https://www.gtlaw.com/en/news/2019/6/press-releases/greenberg-traurig-announces-the-founding-of-recurve>

¹¹“Greenberg Traurig Announces the Founding of “Recurve”: A First-of-its-Kind Global Shared Services Platform Transforming the Delivery of Tech, Staffing, Space, and Other Support Services for the Legal Industry.” Greenberg Traurig, June 11, 2019. <https://www.gtlaw.com/en/news/2019/6/press-releases/greenberg-traurig-announces-the-founding-of-recurve>

¹²“713% Growth: Legal Tech Set an Investment Record in 2018,” Forbes, January 15, 2019. <https://www.forbes.com/sites/valentinpivovarov/2019/01/15/legaltechinvestent2018/#22cd5f5a7c2b>

¹³“Getting Beyond the Tech in Legal Tech,” Forbes, May 3, 2019. <https://www.forbes.com/sites/markcohen1/2019/05/03/getting-beyond-the-tech-in-legal-tech/#19800cef16fc>

¹⁴“Getting Beyond the Tech in Legal Tech,” Forbes, May 3, 2019. <https://www.forbes.com/sites/markcohen1/2019/05/03/getting-beyond-the-tech-in-legal-tech/#19800cef16fc>

¹⁵“How AI is Disrupting the Law,” Digitalist, April 3, 2018. <https://www.digitalistmag.com/digital-economy/2018/04/03/ai-is-disrupting-law-06030693>

¹⁶“How AI is Disrupting the Law,” Digitalist, April 3, 2018. <https://www.digitalistmag.com/digital-economy/2018/04/03/ai-is-disrupting-law-06030693>

¹⁷“Legal Analytics, the Next Frontier: How the Data-Driven Lawyer is Becoming Reality,” Legal Tech News, January 15, 2019. <https://www.law.com/legaltechnews/2019/01/15/legal-analytics-the-next-frontier-how-the-data-driven-lawyer-is-becoming-reality/>

¹⁸“Legal Analytics, the Next Frontier: How the Data-Driven Lawyer is Becoming Reality,” Legal Tech News, January 15, 2019. <https://www.law.com/legaltechnews/2019/01/15/legal-analytics-the-next-frontier-how-the-data-driven-lawyer-is-becoming-reality/>

¹⁹“Five Steps to a Data Driven Legal Practice,” Legal Executive Institute, July 31, 2018. <http://www.legalexecutiveinstitute.com/5-steps-data-driven-legal-practice/>