

LegalTech 2013 – Making the most of IT

Regular readers of this annual report (and I am amazed as to how far it reaches) will know that it originated in 2008, because Charles Christian was unable to attend the Legal Tech show for that year, and asked me to contribute a report to the Legal Technology Insider. Rather than just present my own individualised view of the event I started a tradition of requesting contributions from everyone I met and spoke with in New York. This year again, Charles was unable to attend, but took things a step further by passing my details on to all the PR companies ~~hounding him~~ requesting some of his time, which meant I got to meet with some very interesting individuals. The downside was that, though it exposed my information gathering, to a much more catholic reach than normal, there was an unexpected leavening of bland "*most important gathering of the IT world, all acting in perfect accord to bring peace, harmony and litigation support to the Western world...*" PR speak in my in-box. Happily, however, there has also been the normal input of spikey and real world comment, some of it attributable and some of it off the record. My most grateful thanks to all contributors, any errors are mine, and mine alone.

In pulling together the various themes of the article I was struck by the very fact that there was no outstanding moment/technology/event of the show, but that we continue to see the evolution of software and processes, hence the punning on making the most of it and IT in the article's title. That being said, there were the odd gems buried within the information overload, and I think, some real portents of changes to come. For me, the key mind set in which to approach the event is to regard the show itself as the Edinburgh festival, which has to occur in order for the far more exciting "Fringe" to exist. I suppose the key question is how long the centre can continue.

Millnet's Charles Holloway had this to say about attending; "*Legal Tech is a melting pot. What I like is the possibility to meet people from all over the globe. I met up with eDiscovery providers and lawyers from Australia, Hong Kong, Singapore, India and Canada as well as the US.*" Mind you he also was honest enough to say; "*During my third Legal Tech I found myself questioning the value of attendance*". I think by the end of the trip he had proved its value to himself again. First timer, Melanie Farquharson from 3 Kites Consulting thought; "*I had expected the conference to be big and for there to be a heavy emphasis on eDiscovery (eDisclosure to us) so those things didn't come as a surprise. However, it surprised me how much actual legal content there was in some of the sessions. I suppose it's because eDisclosure is so heavily affected by the detail of the legal discussions about the scope of disclosure and how the material is to be handled. I don't think you would get as much legal content in a legal technology conference this side of the pond – and in some ways we are the poorer for it.*"

So, take a breath, imagine you are in bonny Scotland, and lets canter through the various events to the far away skirl of the bagpipes.

First, as always, the feedback on the Hilton as a venue.

The most exciting news (for us very sad Hilton veterans) is that the 20 minute wait for the lifts has finally been sorted by the expedient of dedicating specific lift banks to banded layers of floors. The depressing news that went with this, was that the in-lift commercials are still ubiquitous in their clamour, though one vendor did sponsor a 30 second picture of a beach with accompanying wave sounds. Pity I can't remember who provided the "moment of calm". However, what the Hilton gives with one hand, it takes with the other, and in spades this time around. The hotel restaurant was being refurbished, which meant that the already limited seating area in the lobby was halved to provide an alternative dining venue. Very quickly the demand for somewhere to meet led to PA's, interns and seasoned delegates camping out in chairs for hours, shuffling out for their people to use them for an hour, then scuttling back on a "hot bed" policy to sit in it, until the next meeting. At times the lobby resembled nothing so much as an airport after serious delays, with people sat on floors, railings and window sills. It does make you wonder if the hotel really cares a fig for the conference delegates, or is content to carry on bleeding them dry until eventually they revolt and vote with their feet.

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Of course, for a price, there were suites and meeting spaces within the conference area, but the persistent trend for off-site locations continues. Unified's Ben Hammerton (a first timer) thought *"The apparently increasing shift from 'trade floor' to 'suite' is a great one, and long as it can be married to the event without killing it, then perhaps the symbiotic relationship is the only way for the show to carry on being a success, I for one wouldn't have gained anywhere near as much from the show without them."* This is a sentiment heard (and acted on) every year, I and a number of correspondents spent a fair proportion of our time outside the Hilton in demonstrations, briefing and general catch-ups.

Ben and the author also spotted at Registration at 08:45 on the first day, (15 minutes to keynote) that the queue for the first booth was very long, but if you walked to the far side of the end booth of three, it was down to 3 people, with a very efficient lady processing her "line" exceptionally quickly. Perhaps the lemmings were just there for the freebies.

For my regular readers, you will be happy to know that the ladies running the world's slowest coat check have still avoided the Grim Reaper and are pottering in their own sweet way. However, the indifferent barman spotted last year has moved on to pastures new.

In terms of the overall conference it was the normal mishmash of good, bad and downright ugly. First the good bits, and in particular the app for both Apple and Android devices that was published for the first time. It seems that I was the only one (of my contributors) who downloaded it. A very useful window on the show, its contents, vendors and the social media side, (reminiscent of the ILTA version for their show, but there are only so many ways to skin this particular cat). No-one else has mentioned it, and yet I found it very useful, so credit where credit is due.

I also thought that the Wi-Fi coverage was much improved. I was able to get signal throughout the conference and show floors as well as down in the lobby area. Admittedly I was only using it for emails, LinkedIn updates, tweets, and the odd round of Words with Friends, but it was fine for my use. I was about to say, that this and the App were good signs the organisers were listening. Then came an anonymous contribution that said; *"The Wi-Fi provided by LegalTech was abysmal – it never worked well and sometimes not at all. Demos around the Hilton and in the ALM Lounge crawled very slowly or were completely halted. I think in order to keep people coming back, they are going to have to address this for next time."* Now, I think there is a difference between my "casual" use of the network for light traffic and the needs of the vendors, but it is obviously something that still needs to be worked at.

In diary terms, the show days both this year and next were/are Tuesday – Thursday. I can understand next year, as it is one of those occasions when the conference falls after the Super Bowl weekend, (and conventional wisdom has it that not many people in America want to travel on that Sunday, even for LegalTech), but I wasn't sure what the rationale was for the slot this time around. The pro's and con's even themselves out. A Saturday flight is the cheapest day to travel on, but you have two extra hotel nights to find in New York, which is notoriously expensive. By going out on a Monday and back on Thursday you can re-claim weekends with family, but it does mean the whole week is taken out of work. Overall I think it's a slightly negative factor, and may be one of the many reasons the numbers of the "Brit" contingent were down this time. Indeed, Huron Consulting Group's Nigel Murray's traditional Sunday Brunch came under threat of low attendance, though the numbers firmed up towards the end.

Nigel also noted that there were a lot of job hunters, as 2012 has been a year of winners and losers within the (mainly US based) service providers. He commented that; *"A lot of providers have slimmed down their staff, and those who do not have the best reputations are going to struggle to find decent employment within the industry. The good news (for all except those*

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hunting) is that the quality of people will get higher – with a commensurate rising of overall quality standards."

It is in the area of the Keynotes and the educational programme that there was the biggest contrast between the "official" and PR blurb that I saw, and the real life feedback. The happy shiny world of bigger, better, faster, higher (sorry that was the Olympics) that was the official propaganda, was not reflected in the more world weary realistic tone of comments.

Normally one out of the three morning sessions is good, and this year they had lunchtime ones as well, but (with one exception) nothing caught my eye. Indeed the opening keynote by Ted Olson, former US Solicitor General, on the Supreme Court of the United States, was judged by Charles Holloway as; *"..interesting in a nerdy lawyerly way but was little more than a bunch of statistics"*. Someone else quipped; *"..it was an interesting history of the US Supreme Court, but had absolutely nothing to do with Tech. It was all Legal and no Tech!"*. The final contributor on this topic said; *"While empirically interesting, his talk had nothing to do with legal technology – at all. In fact, Ted said he preferred a yellow pad and pencil and had to go to his grandchildren for technical advice. This was a strange note to start the conference on – showing us what we're all up against with lawyers resisting tech adoption, I guess, but it didn't set an inspiring tone or provide useful information for the topics relevant to legal technology "*

Sadly the much trumpeted final keynote from the New York Police Chief was downgraded to an Deputy FBI director and "what to do after a cyber-security breach", not that I planned to go to it, but those making a special effort to attend for the promised closing plenary would have been disappointed.

The only keynote I did make it to was sold to me as "The Power of a Crisis: Remaking the Habits of Lawyers", presented by Charles Duhigg from the New York Times and author of the accompanying book about habits. The first half hour was a fascinating exploration of what habits are and how, by changing just one key behaviour, a person or an organisation can break the straightjacket of the rest of its habits and re-align them in a new direction. The key impetus to change is brought upon by crisis, and I'll think we'd all agree that the legal profession is facing somewhat of a crisis.....and on that cliff-hanger Mr Duhigg walked off the stage. I was not alone in feeling I'd missed the second half of the presentation. Melanie Farquharson added; *"I went to the habits keynote session and had the same feeling as you – it was just getting interesting when it stopped"*. Charles Holloway noted that; *"I had exactly the same reaction as Andrew (shared by those sitting around me too) that it was just getting interesting when it came to an end. Did I miss part 2?"*. Mind you, Melanie downloaded the book and I bought a physical copy, so it worked in terms of a book selling event, just not too sure if he ever had any intention of making it relevant to the legal world.

Before we take a deeper look at the rest of the program, it's worth mentioning some excellent work done by Inside Legal in creating a word cloud from the agenda, and more fascinatingly, comparing this with the previous two years. See their full article [here](#). For me the key point was that this year's buzz word/phrase of "Big Data", didn't appear at all in 2012. A "pinch of salt" fact, to arm yourself with, when faced with the inevitable deluge of marketing material about this hitherto unknown problem that urgently needs solving once it has been ~~invented~~ discovered. The other (sad) thing to note was that the words Customer Care have disappeared from last year; does that show what lawyers really think about their clients, or is it a reflection on the vendor's approach?

Like I've already said, I had no time for the educational programme, and (with the exception of a vendor or two, who was sponsoring the sessions and thus had to be there), not one of my correspondents went to a paid for session either. There were the normal claims it was a vibrant and relevant syllabus, but to my jaundiced eyes seemed to be the same material repeated by

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different companies on adjacent days. I also heard that the CIO event, which is normally the most interesting, was very "samey" this year. That being said, the value, as ever, was in the free briefings and seminars scattered throughout the days. A couple of people did mention the Kroll run session, in which Ralph Losey (from Jackson Lewis) and Jason R Baron (NARA) asked the audience to "review" documents via SMS input, in accordance with a pre-defined set of relevance criteria. As expected the wide variance in results led to a lively debate on how Computer Assisted Review can aid the process. But more of the CAR's in a bit.

It would be a fair criticism that I didn't attend anything, so how can I comment; of more concern for the organisers, I would posit, is that none of the possible "punters" who contribute to this article, felt the need to attend but all of us give the same advice, "Go to LegalTech, but don't bother with the educational programme". Having been caught in such a spiral, I'm not sure how the organisers can ever get out of it, and (appearances to the contrary) I don't like just giving negative feedback without offering some thoughts on how it might change, perhaps taking a look at the ILTA programme wouldn't hurt? On a final note I (and a lot of others) would be very interested in what the real attendance numbers at these educational sessions are, but such transparency is a long way off.

Whilst trying to gauge how the numbers are going, though the official line was that the "blogger's breakfast" on Wednesday morning was well attended, the inside information from someone at last year's and this, was that it was sharply down on numbers. They felt; *"The show needs to continue attracting top media and bloggers to cover it. ... LegalTech should be the biggest media event of the global legal technology year, so I hope ALM is doing all they can to court and invite media to attend the show and cover the announcements and products."*

Finally the comments within the "Twitterverse" seemed to be sporadic, not helped by the plethora of hash tags being promulgated by the different vendors. Again, it would be useful to see trends year on year.

Don Philbin from Picture It Settled (of which more in a moment) thought; *"as a first timer, the show seems to be the meeting spot for legal technology above all else. Big name presentations are a plus, but most of the activity seemed to be off the program. But it wouldn't be there without the show, so give the producers credit for bringing everyone together. The show will move from eDiscovery to other technologies, but for now that is where the marketing dollars are being spent."* Mike Taylor from i-Lit Paralegals felt; *" Well for us it was a successful show, but the real question is how do you measure success at Legal Tech? Some people go for masses of meetings, others go for masses of product demos, others for off conference NYC law firm meetings, still others go for the number of parties!"* A final viewpoint was; *"For me LegalTech is all about meeting with friends and acquaintances you have not seen for ages and – of course, the gossip."*

As a background to the analysis of the show, there is a growing feeling from myself and other commentators, that the overriding requirements of proportionality and cost control are driving the changes and advances in the marketplace. That coupled with the drive for people to find solutions, irrespective of the label the software carries, saw a number of innovative launches and product developments. Let's look at a couple as an hors d'oeuvres, before the starter of know how and then the main course of litigation support.

Having been sceptical of the phrase, I do have to report that I encountered an application that did indeed tame "Big Data". My definition of the term is a significant collection of "bits" of information that just form an amorphous mass, unless you have specific tools to mine them. One such implement was Picture It Settled from the eponymous software company run by Don Pilbin that helps skilled practitioners in the all-important end of arbitration, which is the single day where you try and negotiate a settlement without either side blowing the deal. Different people adopt varying

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strategies, some open proceedings quite early in the day to allow time for many rounds of bargaining, others play games of financial "chicken" in an attempt to ramrod through their offers at the last possible minute.

Don's team analysed all the "rounds" of negotiation across all the different courts in the US, for all the different states/jurisdictions, for the different types of litigation, well over 10,000 cases. They also called in psychologists to look at the behaviours people adopt when bartering to and fro. All of this combines into an application where you set up the initial parameters of venue and arbitration type, and the highs and lows of the settlement figure. As the bids flow, you key in the value and the time they were made. You start with a grid of 8 hours on the vertical axis and money along the horizontal line, after a couple of rounds of bidding you start to see a V extending down (over the next 50 negotiating moves) towards the end of the day with a "fuzzy" intersection around an area of probable agreement. Not a substitute for experience and knowledge, but an aid that shows you the parameters you could work within and increase, (or reduce) the final settlement without "blowing" the deal. Only for US at the moment, but we discussed the UK implications for settlement negotiation, in say the volume businesses.

Another interesting development came from talking with Ray Zwiefelhofer, the President of World Software Corp who for 25 years have been producing Worldox, document management software. A very successful area for them has been the legal sector, however, last year they were called into a client site because their normally excellent product was running slowly. On investigation, they found the cause to be the thousands of client documents a lawyer had loaded into the system, so they could "just read the emails". (Followers of my blogs, procurements and public speaking will recognise these key words as an oft stated requirement of lawyers that up until now have been addressed by providing low cost entry to litigation support systems). Information nowadays is held electronically, and passed by clients to lawyers in that format, why should clients have to suffer because the lawyer's systems do not provide a quick and easy way of looking at the data, and seeing if there is a case to answer?

Ray has listened to the end users and produced a plug in module that enables users to store the clients' documents so they can search and read them, without compromising the security and speed of the main document management system. How long before we see something similar over here? On a personal note, I think you have a big circle to square, as the fundamental objective of a DMS is totally opposite to that of litigation support system, One allows you to have many versions of the same document, the other works on the principle of an inviolate original that can be produced untouched as evidence. However, if you don't give people the tools they need to do the job, like water finding its way downhill, they will find ways to achieve their objective that you never even dreamed about, The pressure of "I just want to read the emails" is building and will not go away, I feel there are rich rewards to the organisation that solves the problem and provides an easy solution.

There were a couple of other excellent conversations I had with people, but they are firmly under the remit of litigation support and I'll come to them in a moment. Let's pause and savour an amuse bouche of non eDiscovery news.

Ann Hemming from ACH Legal was again hunting around the exhibition for the vendors not involved in eDiscovery. She found Handshake in probably the most inaccessible corner of the show. However the poor location did not seem to have any effect on their sales, as the stall personnel were particularly buoyant and incredibly busy with both implementations of FAST, and offering their SharePoint solutions to clients. They were finding a very fertile ground for the SharePoint products amongst those clients who have suffered at the hands of Thompsons' rather puzzling recent "end of lifing" decision on the Hubbard One - One View product range.

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Lexis and Westlaw were also both taking the opportunity to showcase their new search enhancements and their latest integrations with Word.

Many providers are now also starting to offer more sophisticated agreement checking tools to help to automate some of the tedious processes involved in review and drafting. Christy Burke spotted *"Best Authority 3 – the Table of Authorities software from Levit & James – was great as well – people's eyes were popping out of their head at how fast the software works."* The potential impact of 2013 was also under discussion with some vendors planning services around upgrades and training.

Recommind were also on the ascendency in their other business area, and are very busily sowing up the enterprise search market in the US, which has turned into a bit of a 2 horse race between themselves and FAST.

The main highlight of coming to LegalTech for Ann is the Knowledge Management (KM) day, held the day after the exhibition, which is always a very worthwhile event. This year's themes included mobile working and the impact that is having on Intranets/Portals. Firms are creating an Apps approach to serve up portal content on a self-service model. Interestingly the idea of a customisable portal interface has been around for decades, but generally lawyers didn't really take to customising portal pages for themselves. However in the age of mobile working the concept is having a renaissance.

Ann and her KM colleagues had some interesting discussions on how different firms are approaching legal project management and in particular the monitoring of budgets. One firm described the way they approached this by carrying out a very detailed analysis of work breakdowns in order to analyse budget costs and increase efficiencies. In order to do this they were analysing their "big data" - the email traffic and documents created, as well as the normal activity codes and time recording input. Plotting this, allowed them to create more accurate budget ranges for transactions, spot the deviances and the potential for streamlining processes. Ann thought that most delegates there were ready to kidnap the guy who had created this analytical model, and chain him in some darkened corner to do the same in their own firms.

In terms of Legal Project Management (LPM) implementation, firms who can, are building dedicated project management functions which are "allocated" to matters, while everyone is also focussed on embedding LPM skills in legal teams. Some innovative firms are also involving clients in designing their LPM initiatives. Melanie Farquharson commented; *"I also heard more talk about Legal Project Management at the conference than I had for a while, which is encouraging for me as someone who's been banging on about it for ages. It was suggested that possibly law firms have cut back all the costs they can and now the only way to protect their profits is to deliver their services more efficiently. A slightly contrary note was sounded in one session where it was suggested that the e-billing data clients now receive is enabling them to look more closely at who's doing what in the law firms and object to work being delegated down to a more junior level. Some grown-up conversations are going to be needed – if the client wants a particular outcome for a predictable (fixed) fee, are they going to have to leave law firms with discretion as to how they staff the work."*

Other sessions discussed how social networking inside the firewall was helping to improve knowledge sharing, there were sessions on enterprise search and on matter management techniques.

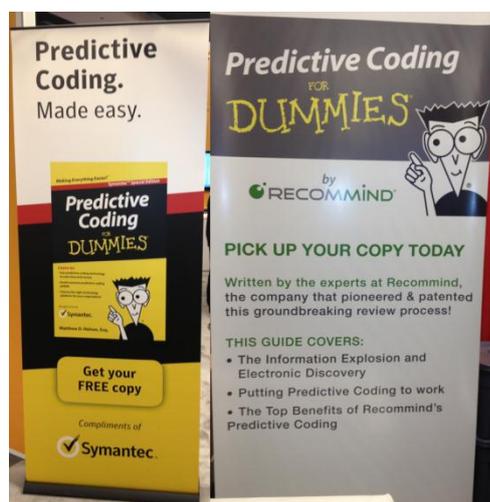
It was also the first time Ann heard the US KM community talking seriously about the impact of the PLC US service which is obviously gaining ground. Normally KM starts and stops with West KM but now PLC services are becoming a part of the toolkit. Assuming the Thompson acquisition

of PLC goes through Ann thinks we may well see a major initiative on KM from West /PLC next year.

The gossip at the session was partly around what was happening with Autonomy and in particular IUS. There were rumours that the IDOL integration was being “rethought” and a lot of interest in what would happen to the iManage / IUS product suite. A similar allegedly tacit acceptance of migration issues has been swirling around IntroSpect for some time as well. HP is a large company with significant resources, and will be keen to address and shortcomings, perceived or actual. The Autonomy stand at the show was very large, slick, and had a great coffee bar, but whenever the author went past it, there did not seem to be many punters with the sales staff.

On to our main course.

In terms the litigation support area, one of the interesting elements (in my mind) was the Asian dimension. There have been firms offering fully multi-lingual services for Chinese and Japanese for a while, but this time around there was firm called "AOS Legal Technologies" which provided full eDisclosure collections throughout Japan. Add to this the work going on in the Hong Kong and Singapore courts (as regular readers of Chris Dale's blog will know about [here](#) and [here](#)) and it is clear that the Pacific Rim going to be much more important in 2013, and not just as the title of Guillermo del Toro's next film (Have to get one film reference in each year).



A dominant theme in litigation was the on-going debate on predictive coding. If Big Data was this year's buzz word, Something Assisted Review was last's. But just how well has it fared? As you can see from the photo, it is so popular there are two "Dummies" books on it, from opposing companies. There were a handful of common points referred to by a number of people. First it is ubiquitous, and now every product and its dog is claiming a CAR capability. Just how many are effectively deploying it remains to be seen.

Huron Consulting Group's Nigel Murray observed; *"Every Tom, Dick and Harry vendor were offering their own 'predictive coding' solution. I'm sure they are all well tried and tested, however I predict that in 2013, there a*

case reported where the predictive coding solution has neither worked the way it was supposed to – or indeed, a more likely scenario, the people using the software failed in their process." This was a vision of the future shared by Babs Deacon, Director of Strategic Consulting at the eDisclosure Journal Group who thought; *"Technology Assisted Review will remain a hot topic because increased adoption by case teams will mean a greater risk of errors due to unfamiliarity with predictive technologies and methods. Service and software providers are becoming sensitive to these risks, which is why they are all rolling out embedded workflows in their offering. I expect we will see more cases where parties use TAR and also instances where people screw up the processes through inexperience and need to claw back privilege items or amend a production."* Incidentally the eDJ matrix [here](#) is an excellent resource to explore/contrast all the available technological offerings.

I pondered the thought put forward by Babs and in my mind linked it to another observation made at a different conference. A majority of lawyers come from an Arts background, they last had to "do" mathematics at 16. They, in the main (though there are some striking exceptions to this rule) struggle with spreadsheets and figures, yet the underpinning basis of successful Computer/Technology Assisted Review is a good understanding of the statistical analysis of the results. Terms such as "precision" and "accuracy" have some very precise mathematical

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meanings, which it will behove lawyers to understand. The legal profession consists (in the main) of some very bright individuals who are used to either acquiring knowledge, or consulting experts where necessary. Statistical analysis is going to be an area where many lawyers are going to need help (good news for all those wandering round the exhibition for work). If you are going to drive a CAR, you need a mechanic who knows how to service it. So make sure you have a good mathematician on your team and not someone who got a B in their GCSE maths. But back to the review.

Kroll's Daniel Kavan mused about CAR, that; *"From the looks of it, many vendors were still pushing this as a key offering, and I think we are just getting to the point where it is beginning to be widely accepted by lawyers in the US as a defensible method of augmenting the document review process. I see no reason why in the UK we wouldn't follow this trend, which is what makes it interesting."* Hobs Legal Docs' Terry Harrison thought; *While TAR was the "big thing" probably 2 LegalTech's ago, is was still a recurring theme. To be more precise, workflows surrounding TAR; its defensibility and cost within prescribed solutions."*

My angle on the topic was to meet with Joe Garber from RenewData, a litigation support application that has a different "take" on the provision of CAR. In essence they have a different engine under the bonnet. Whereas the other vendors have approaches based on the use of artificial intelligence technology, either Latent Semantic Indexing or Bayesian, RenewData leverages language to understand content. (If, dear reader, your eyes are glazing at this point, bear with me. It is enough to know there are two ways of providing the end result, one that everyone else is using, albeit with two variants, and the RenewData methodology.) According to Joe, the language based approach gives you the same time and costs savings, but with the added benefits of knowledge extraction, transparency, reviewer auditability, and work product reusability. There is a press release [here](#), if you would like to find out more.

The proposition from Joe was that:

- Attendees are getting more educated on TAR / CAR.
- They are also beginning to re-evaluate the objective of document review and have begun to understand that its objective is really twofold: understanding what document may be relevant and understanding what those documents are about.
- They now understand that what they have in AI powered solutions and the limitations included therein – and are looking for an alternative that gives them a deeper understanding of the documents that are tagged as potentially relevant.

Bearing in mind, that this is a sales pitch, it was still thought provoking, and a stance that saw them getting a lot of footfall at their stand and in the separate demo suite. I do find it fascinating, but can't help but feel that this is still discussion on how to fight alligators, not on why we are draining the swamp in the first place. By this I mean that the majority of the lawyers I'm still meeting, have yet to be convinced of the efficacy of assisted review (or desirability of reducing the cash cow of the billable hour), let alone what technology is best suited to the task.

The other piece of technology I got an in-depth briefing on was Lateral Data's Viewpoint product. The catalyst for this demonstration was the fact that during 2012 Xerox bought Lateral Data precisely to get its hands on the software. Why the interest? Viewpoint is a good example of a "all in one" approach, that is, software that spans the range of the EDRM model in offering both Early Data Assessment (EDA) capabilities as well as Litigation Support tools. This is also a philosophy embedded within the AccessData software and its re-built Summation offering as well as the Recommind product range. Up until now, I have always thought that a combination of "best of breed" software, that is Nuix or Clearwell for the EDA part and then Relativity (or a competitor) for

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the litigation support side of things, would outdo the "all in one" approach. The basis of my stance, backed up by demonstrations and real world feedback, was that the research and development for the EDA element had a significantly different focus than that needed for the litigation support part, and that in trying to be "Jack of all trades", they were "Master of none". That is an attitude I have revised after this year's show.

It is apparent that the functionality of products such as Viewpoint can successfully challenge the individual elements of the "best of breed" approach. A key component of Lateral Data's marketing is that they have won every Proof of Concept evaluation they have been involved in. Such real world feedback has to be acknowledged. We come back to one of the more central themes in this article, the client just wants this to be as simple as possible, and as they become more educated, so they question why the law firm/vendor is making such a meal of the process. Millnet's James Moeskops noted; *"..worth noting that all the main platforms are increasingly offering 'one stop' or at least aiming to do so (collection, processing, reviewing including predictive coding or whatever you want to call it and production)."*

There was also a deep backlash gathering momentum, about the per gigabyte charging model that some software suppliers enforce upon their re-sellers, with a couple of firms in particular being singled out for criticism. I think that the possible success of "all in one" products over "best of breed" will have as much to do with pricing models as it will with functionality.

How do I sum up this part of the article? In my mind, the Judiciary in both UK and US are moving toward encouragement of, if not mandating, the use of CAR, and it behoves lawyers to either learn how to drive said vehicle, or hire a competent chauffeur, continuing to use the horse and carriage of linear review (no matter how stylish) is not an option.

What other technology did I uncover?

One of the more esoteric requirements I have had in my list of litigation support functionality is the ability to provide an "alias" for emails when searching. The issue is the many different versions of an email account you get during EDA phase. Some tool interfaces allow you to tick all the different versions of that email when you run a query, but you have to reselect the variants each time you run a search. My (until now theoretical) requirement was for a single "Alias" you could map all the different versions to, and then run searches using the alias. The short version of this story is that Jo Sherman's eDT Toolbox does this and is, to the author's knowledge, the only package that does so. Sorry for the Geek moment, but my inner techie has to come out some times.

Finally I wanted to talk about the Nuix launch of their Luminare product. Not only was it in a venue with spectacular views of Central Park, the concept was quite ground breaking. Basically Nuix are taking their early data assessment tools and branching out into the market of Information Governance (IG). Their tools will enable organisations to embed IG policy into the DNA of their technology. So when, for example, a Word document reaches its 5 year point, you can use Luminare to find all copies of that document (and its close variants) wherever they are in the organisation and either quietly remove them, or at least contact their owners to see why they still have them. At no point do you delete any "smoking guns", just simply get rid of all the unwanted copies, before they come back to haunt you.

The evening started with an impressive video, which can be found on YouTube [here](#), and we then had an excellent talk by Barclay Blair on the total cost of owning unstructured information. I have been evangelising for years about the gradual cross-over between the disciplines of Litigation Readiness, Records Information Management and Knowledge Management, so it was a personal triumph to see such a well thought out and strategic move into this area. I think this will be a growing trend and we will see more cross-overs and harmonisation of product offerings across a

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much wider range of backgrounds. Back to one of the article themes, users just want their lives made easier, they don't care how it is done, nor what labels the products carry. One observer thought; *"Nuix Illuminate looks to be a very exciting solution for information governance. I think it's a game changer."* However there was a more cynical comment that; *"their talk of IG and Big Data is essentially an attempt at a "land grab" in circumstances where VC backed firms need to have a story to tell about future growth and opportunities."* Time will tell, so watch out for next year's update on this area.

A presentation I didn't make it to, but was attended by Chris Dale was the launch of the "Themes" product from predictive coding all-star Equivio. The application identifies salient themes in a document collection, allows a user to build a vocabulary of themes, and applies meaningful labels to them. Read more on the topic from Chris [here](#). Ben Hammerton was also at the launch and was impressed by the new technology.

What of other things to watch? Don Philbin picked *"Data-driven predictive analytics. TyMetrix is doing nice things with the billing data it has collected over the years."* Someone else offered the thought that; *"Review platforms like Relativity, Catalyst Secure and Digital War Room are getting better and better. Terry Harrison had two "likes" with; "Opus2 Magnum – Graham Smith's latest offering in his continued success story in this industry is clearly a great piece of work." "New software – the one I liked best was Intellidact. Capable of 'global' redactions and- even better, including handwritten text."* The digital audio software Nexidia was again mentioned by a number of people as a technology to be aware of. Finally Christy Burke noted that; *"Another topic I heard about a lot was defensible deletion. Babs Deacon of eDiscoveryJournal, Rich Turner of C2C Systems and Jim McGann of Index Engines were all talking about how important defensible deletion is these days for law firms and corporate legal."*

Let's just pause to take stock of the products mentioned last year, in particular two which have had very different fortunes. Chris Dale was very impressed by Iconect's Xera product, which despite the bitchy comments of some of the competition smarting over the perceived failures of previous eponymous iConect software, is going very strong. They are in negotiations with a number of UK vendors, so we might see it on our shores in 2013. Which is more than can be said for Kroll's Verve self-loading data initiative, which hasn't made it to the UK and seems to have quietly faded away in the US.

Mike Taylor had a very considered observation on the marketplace. He said;

"Gave a lot of thought to why consolidation of suppliers doesn't seem to be happening and it seems to me that clients tend to use technology that they are happy with and so if, for instance Kroll decided to buy company X that supplies Relativity, a lot of company X's customers would run for the hills as they like Relativity not Inview. I think this explains the pattern we've seen of smaller providers being swallowed up by consultancies and real "M&A" from a pure disclosure provider viewpoint. This also goes some way to explain why some service providers are trying to offer EVERYTHING that they can, a number now offer Clearwell, Nuix, Relativity and legacy proprietary review platform so that they can offer the preferred technology to clients. I think this spells a VERY LONG consolidation period."

Finally, there was quite a bit of comment upon the distinct drop in the number of "Brits" at the event, with a number of law firm litigation support personnel not making it to the event. *"The Brits were conspicuous by their absence. Most of the UK law firms did not fund their lit support managers this year and familiar faces were absent. As usual there were no UK law firms as far as I am aware and I thought general attendance was down." "It would be good to know why so few of the UK regulars turned up this year. Is there a single reason- Budget? Too much work to do? Or was this a set of coincidental abstentions." "My only other comment is that there was a notable lack of any? UK base in-house lit support staff. The word I heard is that to the extent people*

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wanted to come they were denied the budget. Is this a sign of the continued deterioration of UK firms' commitment to in-house lit support?"

My personal take on the situation was that some of them did not have any intention of attending, either because they have adopted (or had put upon them) a "year on, year off" approach, with this being the "off" show, or are saving their metaphorical budget firepower to justify going to the August ILTA show. Others (such as Charles) had understandable scheduling issues and work requirements. Whatever the reasons, we were down a significant number over the whole show.

After many years of singing the same song, even the most ardent supporter wonders if anyone is listening. Certainly it is worth a look every two years, so hopefully we will see some of the familiar faces back next years. As for lawyers from the UK, one would be tempted to say they were practicing with their coach and four, instead of test driving the F1 CAR, if it wasn't for the fact there are a significant number who are "getting" the technology.

I was not alone in reading Richard Susskind's latest book on the way out to the show. In **Tomorrow's Lawyers** Susskind identifies new roles that current entrants to the legal profession can expect to fill. Many of these; "Legal Knowledge Engineer", "Legal Technologist", and "Legal Project Manager" would seem to be tailor made delegates for LegalTech. This is the showcase for the technology they will need to master to be effective in these new roles, and perhaps we will see a rise in interest from the young bloods. It is worth remembering that even the Co-op looked at the legal software market and decided it was specific enough to buy the software and not build their own. Will it be a Dam burst of bright young technologically aware lawyers that will descend upon us? Hope so, even if they then will insist on going to the BDiscovery party, still best described as *"A collection of middle aged men, crammed on a dance floor, deafened by music their children might appreciate."*

On which note we do have to do a quick round-up of the various parties, most of which clash with each other on one of the two available nights. This is not to sound off about what a great time we had (though that is a pleasant side effect of the networking) but to highlight that you can meet more significant people in the Legal IT arena in 3 days in New York, than you can in three months in the UK. Ipro's "Go with the Glow" was enjoyed by a number of correspondents, as was the Nux launch, Worldox's 25th birthday party and Chelsea Office Systems 29th birthday bash. The author's favourite remains the Recommend Top of the Rock event, again blessed this year with clear skies and fantastic views as well great food, drink and company.

Finally we end with an anecdote from Terry Harrison, who was walking in Central Park, looked at the (semi) frozen lake and was horrified to see a young man walk out on the ice for some distance whilst his girlfriend took photos. At that point a burly female member of the NYPD walked past, stopped, and with hands on hips beckoned him over. The shamefaced young man stepped off the ice and the Police Officer asked where he was from, to which he replied he was French. The Bronx accented response was; *"Are all the people in France as stupid as you?"*

See you next year?

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