

Demystifying the subject of **legal technology** and **innovation**

Identifying the facts from the fiction and understanding what is important
2019

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Technology and innovation - the what, how and why

We are aware of the noise in the legal sector on the topic of technology and innovation and the resulting fear of missing out (aka FOMO). The message is clear: there is an increasing trend of complexity becoming the norm and law firms, start-ups and tech companies selling their own products and not solutions. The abundance of legal technology and the increasing hype in the market have become a burden for in-house legal teams who are increasingly looking for simplicity and pragmatic solutions.

In September 2019, we organised our annual GC Forum roundtable event in London with a focus on 'FOMO around legal technology and innovation – identifying the facts from the fiction and understanding what is important to you'. The primary objective of this highly interactive workshop was to hear our clients' own accounts of their experiences in an effort to demystify this subject and attempt to differentiate the facts from the fiction.

Through our GC Forum series, now in its second consecutive year, we are seeking to cultivate an environment where our clients have a platform to share their experiences and relevant insights, and to discuss ideas about what the future looks like or might look like. Our impact, as external counsel for the most dynamic and forward-looking companies, is most profound when our efforts contribute to helping our clients to drive positive change for the future direction of their businesses.

In this report, we have sought to summarise the key issues that emerged during the roundtable discussion at our 2019 GC Forum event. Given that our GC Forum events are always held under the Chatham House rules, we have not provided specific examples and have kept the report confined to themes.

We have highlighted the key themes that emerged from the discussion at the GC Forum. We have sought to provide some tips and "dos and don'ts", and some suggested simple solutions when considering any investment in technology.

We hope that this report will help to better inform in-house legal teams, internal stakeholders and relevant operational departments on this topical subject and we would welcome the opportunity to continue the dialogue with our clients who would like to further engage with us in this space

Last but not least, we want to leave you with one message – do not be afraid to #bringbackboring and do not have any fear of missing out!



Andrew Jenkinson
Reed Smith London Office
Managing Partner

What is all the hype about?

In a few words...

Innovation has become a buzzword, but is the fear of missing out justified?

Technology and innovation are frequently referred to as the 'go-to' solution for every problem and future project for in-house legal teams. As with every new trend and market disruption, initially there is hype about what is 'out there', how it can be used and at what cost. This is when in-house counsel are placed under pressure to consider what technology they should invest in, to help address the problem.



Many questions arise for in-house legal teams in this context:

Do I have the right and most efficient systems?

What should I do to prepare the business for the ever-increasing changes?

Am I on the right track?

Are robots really taking over the role of lawyers?

What should I do to prepare the business for the ever-increasing changes?

We seek to find the answers to these and many other questions through our GC Roundtable Series. The reality is that if we don't understand technology, we probably don't understand its impact and power over the different ways we can work. But it is also true that tech should enable us to do our jobs better and more efficiently but not replace the role of lawyers.



Based on individual experiences and the feedback shared by our clients at the roundtable discussion, we identified five key messages:



1. Just start

Legal departments shouldn't *"be afraid of starting small, even if it's not perfect"* because waiting around for perfection means the opportunity to innovate can be lost. Clients say that *"part of the issue is that our needs are constantly changing – what's good for our needs at the beginning may not be good five years down the line."*

A quick prototype or proof of concept is an important step on the road to solving a problem, and provides a solid foundation to evolve the solution as requirements change. After all, *"you still need the basics to be able to understand the whole picture and what is actually relevant."*



2. Collaborate - Work together

In today's environment, it seems that lawyers are expected to be more than just lawyers and to have a wealth of knowledge in areas outside of traditional legal areas such as technology, project management and process improvement, and at the same time to continue to work with specialists from such areas. To make the most of the skills of those involved, legal departments should *"opt in to have a tech person for tech things and a lawyer to do legal work."*



3. It is not always possible to solve the entire problem all at once

Linked to key message one: *'just start'* on new innovations and ways of working, our clients note that *"you can't get around the whole problem because it constantly changes form"* and that *"we spend so much time trying to solve the whole problem instead of looking at solving just 70 per cent of it. If you solve 70 percent, the remaining 30 percent might follow later."* You do not have to find one solution to solve every problem.



4. Lawyers are still important

Despite the increasing focus on technology, the role of lawyers will always still be important. Clients note that, *"it requires a legal background and analytical thinking when it comes to implementing large scale projects"* and that *"lawyers who are wedded to their ways are worried that tech will label them valueless. But skills are locked to practices and industries and are very specialised."* It appears that robots show no signs of replacing lawyers yet.



5. There is a lot of hype, but less meaningful adoption

In line with the findings of the recent Law Society Lawtech Adoption Report, clients say that *"technology has caught up, and now our legal teams have suddenly gone 'what about legal?'"* Notably, innovation will only become relevant to legal departments if it is important to the business: *"If it is not front of mind for management, it is not front of mind for legal. Legal would start to see it as an issue when the business starts seeing this as an issue."*

The Reed Smith GC Forum series

This Reed Smith GC Forum is part of a series we have developed and designed to create a platform for general counsel, senior legal department team members and senior management representatives to share experiences, discuss live issues and explore ideas for the future of legal service delivery.

Whilst not scientific, in our approach to organising a roundtable event which is highly tailored, focussed, interesting and fun (!) we have tried and tested a simple formula which seems to have worked for each forum.

In short, to ensure a successful event, we implement the following steps:



Listening to our clients through our insights programme



Individual prior phone interviews with the participants to ascertain their goals for attending the forum



Cutting through the hype through an in-depth analysis of the market and the current legal trends



Facilitating interactive discussions aimed at identifying challenges and lessons learned by the attendees



Creating a thought leadership piece encompassing the key learnings from the forum

We have identified four key themes from our latest forum around which our clients discussed their challenges and the lessons learned.

Data science

AI

**Start-ups and
incubators**

Machine learning

IT systems

Robots

Design and invention

Digitisation

Cloud

Process mapping

computing

Innovation

Automation

Document
management

Disruption

Technology solutions

Theme 1:

In-house legal teams' role as the architects of change



In-house legal teams are now more than champions of the law; there is increasing pressure for them to become enablers of change. Becoming more innovative and more technologically savvy can help them impact their organisations business and operations more positively.

Challenges

- Where to start when implementing a technology project or solution.
- Identifying good examples of how technology in the legal department provides value through cost savings, savings in terms or time or other lessons.
- Finding time and budget to properly explore new solutions and ways to become more cost-effective while achieving enhanced value through the use of technology.
- Understanding how innovation and technology fit together.
- Identifying opportunities for implementing automation.

Lessons learned

- When costs are an issue, consider reviewing and improving existing systems and processes, rather than purchasing new technology.
- Look at what your organisation's IT team already has in its stack and consider if anything can be repurposed. Collaborate with your law firm and ask if they can help you review and modify any existing tools.
- Innovation is not an IT project – it should be an evolving mindset which involves collaborating with teams across the business and law firms.
- Online portals allow instant access to information for global teams and enable in-house teams and external counsel to collaborate more efficiently and effectively.
- Automation frees up in-house legal teams from low value and commoditised work and allows them to focus on critical business issues.
- Large organisations and geographically dispersed teams are often looking to leverage the use of technology, making transition periods in mergers and acquisitions smoother.
- Consider what is important **vs** what is urgent and make this a key item at the top of your Board's agenda.
- By being openly committed to the innovation journey of the business, the board or management team can help in-house legal teams make significant advancements in this space.
- Take the time to understand the role of your department. Is it purely a legal function, or are you involved in project management or other areas of the business? Are there opportunities to be more involved in the business or vice-versa?

Focus: The role of law firms

- Collaboration between in-house legal teams and law firms goes beyond the provision of legal services. Partnering with your external counsel to design and implement a specific technology solution would be beneficial for both the in-house legal team and the external counsel team.
- In-house legal teams might want to consider leveraging the technology which its external counsel has in place already. Due to the due diligence that the law firm might have already carried out, the in-house legal team will have the assurance of the capabilities of the technology used by the law firm.
- External counsel can help in-house legal teams by sharing best practices, lessons learned and common pitfalls.

Case study 1: Adding value to our clients' litigation portfolio through a rigorously tested case management system

Reed Smith and Ricoh worked together to create a platform for Ricoh's employment case portfolio that houses electronic case files, event notifications and reporting tools.

The challenge

Ricoh empowers digital workplaces for its customers as well as its employees. As part of this focus, Ricoh was committed to transforming how it tracked employment litigation (which was previously tracked using Excel), filing and maintaining hard copies of materials – a time consuming and expensive process. Ricoh needed an efficient way to manage and track progress of its employment cases and claims in real time to benefit its legal, human resources, and risk management teams.

Collaboration

Peter Ellis, Chair of Reed Smith's Global Commercial Disputes Group, teamed up with the Ricoh legal department to spearhead the project. Reed Smith's client value and knowledge management teams worked closely with a Ricoh point-person to identify the challenges and generate solutions to capture information in a consistent and accessible system.

Solution

Reed Smith's own customisable extranet, ouRSite, was chosen as a case management platform. Working with Ricoh in an iterative process over the course of a year, we helped to develop an improved and highly effective case management system. The platform now functions as a portal to store key information and documents, enabling Ricoh to efficiently track employment cases and claims in real time.



Law firms and in-house legal departments can work together to find commercial solutions to problems that work beyond the implementation of a shiny new piece of technology.

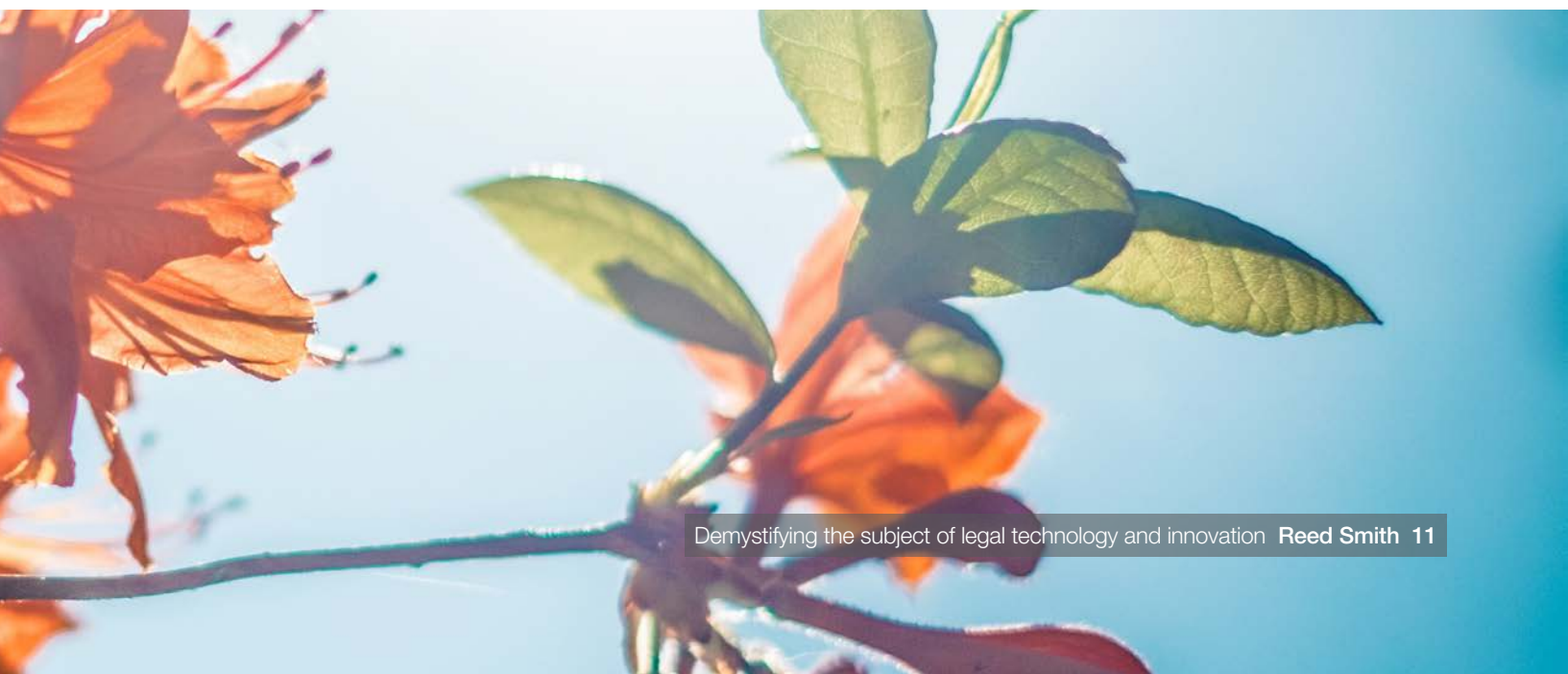
Two examples of how Reed Smith has collaborated closely with our clients to find commercial solutions:

Benefits

1. Access to **instant updates** which help to ensure areas of concern are quickly and easily identified and proactively managed.
2. A calendar for logging important dates in litigation and setting **electronic notifications and reminders**.
3. An **information hub** containing metrics and trends based on matter data.
4. **Individual access:** An automated access mechanism, making case information available only to nominated individuals.
5. **Bespoke:** Specific pages containing sensitive information for HR, risk management and legal teams.
6. **Generic information:** News, knowledge and events linking to hosted events by Reed Smith and articles about legal and business developments.

Results

1. **Elimination of paper:** More than 90 per cent of active paper files were eliminated; information is now accessible on ourSite, rather than maintaining hard copies. This in turn reduced reporting time by 67 per cent and reduced routine tasks, leading to increased efficiency.
2. **Access to real-time progress reports and data analytics:** These can be included in the legal department's management reporting.
3. **Improved collaboration:** The platform creates a collaborative environment by enabling better engagement between different parts of the business.
4. **Reduction of email traffic:** As key documents and information are included in the portal, it prevents the need for them to be sent by email.



Case study 2: Innovative and forward-looking contract support

Today's in-house legal teams need more innovative contract support. Reed Smith delivered exactly the type of innovative, customised contract lifecycle management solutions needed by the in-house legal team at one of our pharmaceutical clients, Eisai. We combined our expert legal services with a customised technology platform and innovative staffing solution to provide the Eisai team with the contract support it needed to enable them to operate effectively and efficiently.

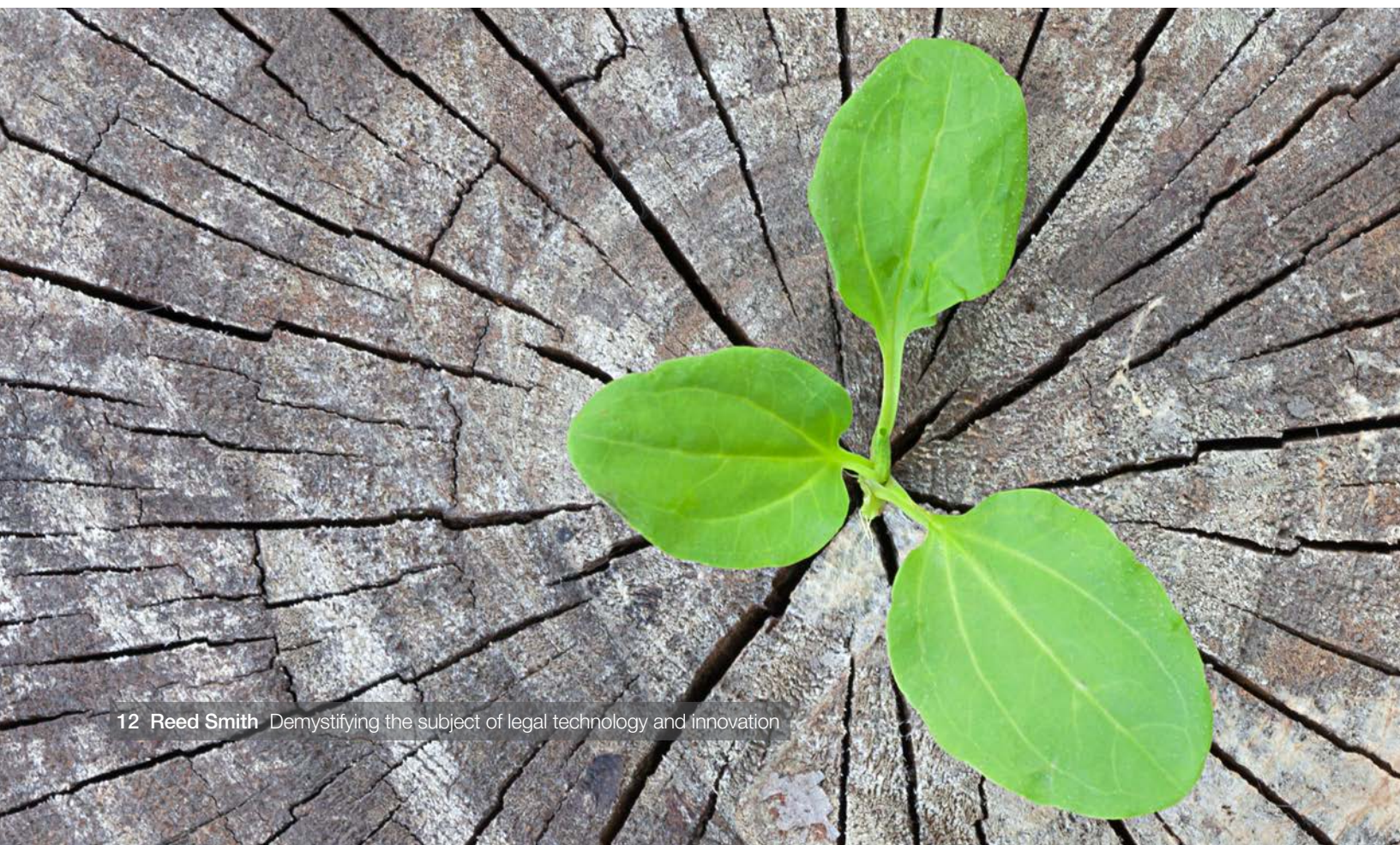
The challenge

Eisai's in-house legal team was processing over 200 research and development contracts per month and needed a practical solution to help it tackle its workflow efficiently and at competitive rates.

Collaboration

We do not believe in a one-size-fits-all approach to technology solutions; nor do we believe that technology alone will solve every legal challenge. Instead, we deploy a three-pronged method that brings together **people**, **process** and **technology** to help problem solving.

Reed Smith's practice innovation team and corporate partners worked with the Eisai's legal team to engineer a pragmatic process through organisation, automation and workflow within ouRSite. Both teams contributed to a 'playbook' of negotiated positions and clear standardised tasks that is available for knowledge sharing on ouRSite. Our Reed Smith global solutions team were trained to manage the demand and any fluctuations.



Benefits

1. **Increased collaboration:** Contract management in ouRSite has enabled all parties, i.e. Eisai, Reed Smith and third parties, to work together using the same secure portal, facilitating simple and efficient workflow throughout the entire contract lifecycle. It was initially designed to mimic Eisai's existing database so it was familiar to them and easy to use, and subsequently evolved into a highly automated contract management solution.
2. **Instant and easy access to all contracts:** our bespoke and in-house designed practical tech tool now manages all of Eisai's clinical trial contracts, provides them with immediate access at the press of a button, gives them continuous transparency and significantly reduces their contract turnaround time to a much improved time of less than 20 days.
3. **Transparency to the business:** Eisai's in-house legal department provides instant metric reporting to its business units and they now have a fully searchable repository of over 5,000 contracts within ouRSite.
4. **Cost savings:** ouRSite has provided a cost-effective resourcing for Eisai to strategically outsource a large portion of its commercial contract support function.

Results

1. **Simplified process:** Eisai now submits a contract request form electronically through ouRSite, assigns priority and includes all relevant metadata and special instructions.
2. **New alert system:** Once the contract is uploaded, the process is driven by a system of alerts, each notifying relevant nominated individuals that a contract is ready for them to look at.
3. **Efficiency:** The Reed Smith Global Solutions team follow the established protocols and playbooks, allowing the senior attorneys to focus on more complex issues, resulting in resources being allocated efficiently.

Since engineering the contract management platform, we have been able to deploy it to multiple clients in various industries and sectors. We have been commended by several clients for introducing a genuine and inexpensive solution to a thorny and traditionally problematic area of contract management, expanding efficiencies for not only Eisai, but numerous other clients.



Theme 2:

Building a data-driven strategy

Mastering your organisation's data plays a key role in getting effective legal strategies in place.

Challenges

- Understanding how data can help the legal department and how they can use data effectively.
- Comprehending what kind of data is useful, whether specialist data is needed and how to collect and capture such data.
- Knowing the right data questions to ask.
- Having the time to collect data.
- Identifying where technology can assist with GDPR compliance: in particular with cases where information is sensitive and protecting clients' data.

Lessons learned

- Harvesting the right data when addressing the challenge of improving processes is key.
- Collecting data takes time and involves structuring information and processes that may not currently be structured. Structuring data is the first step to many new innovations such as document and process automation.
- Working with your law firm could help to identify the most appropriate data to collect and how to interpret that data.
- Mastering your data and sorting out processes can help to avoid potential disputes in the future.
- Reviewing and cleansing all existing data could help to spot issues which were previously unidentified.
- It does not require advanced technology to gather data and to present meaningful visualisations. Start small by using existing spreadsheet tools which your company may already have.
- Take the time to understand your business' data strategy, including where data is stored, for how long and who has access to such data. Work with your business's data specialists, where possible, to identify solutions, and with your IT teams to help identify where current systems may already be collecting data automatically.
- In-house legal teams need to use data as an instrument which reinforces their role as an enabler of the business.
- Using data insights can help to solve problems and to create opportunities, for example to deliver faster transactions more quickly, to avoid litigation, to open new communication channels or identify new areas of business.

Key tip

Think about what you want your entire contract management cycle to look like in the mid and long term. This will help you shape and evaluate your current systems and processes.

Focus: A word about contract management

Contract management continues to be one of the 'hottest' areas in legal technology. If considering implementation of a contract management tool and automation, clients should ask themselves:

- Where are our documents?
- What is our current process to collect, capture and input relevant data about our contracts? How long is it?
- Do we own the contracts database?
- Who needs to have access to our contracts? What is the role and responsibility of each key individual?
- Where are our contracts stored? Is our system efficient enough to accommodate the team's and organisation's needs?

Theme 3:

Smarter processes, not more tech tools

Understanding and mapping the legal team's internal processes is just as important as technology. It will help clients understand the problems they are trying to solve and offer new insights into the way they work.

Challenges

- Scaling solutions in a complex organisation that contains a number of self-contained silos.
- Knowing whether solutions offered by artificial intelligence are genuine and useful.
- Assurance that any legal advice provided by technology is correct.
- Engaging in process mapping of common processes.
- Knowing when engaging in a change to a process is worth the investment of time and money.
- Integrating new technology and processes with legacy technology and processes.
- Understanding the types of document collaboration portals law firms use or offer.



Lessons learned

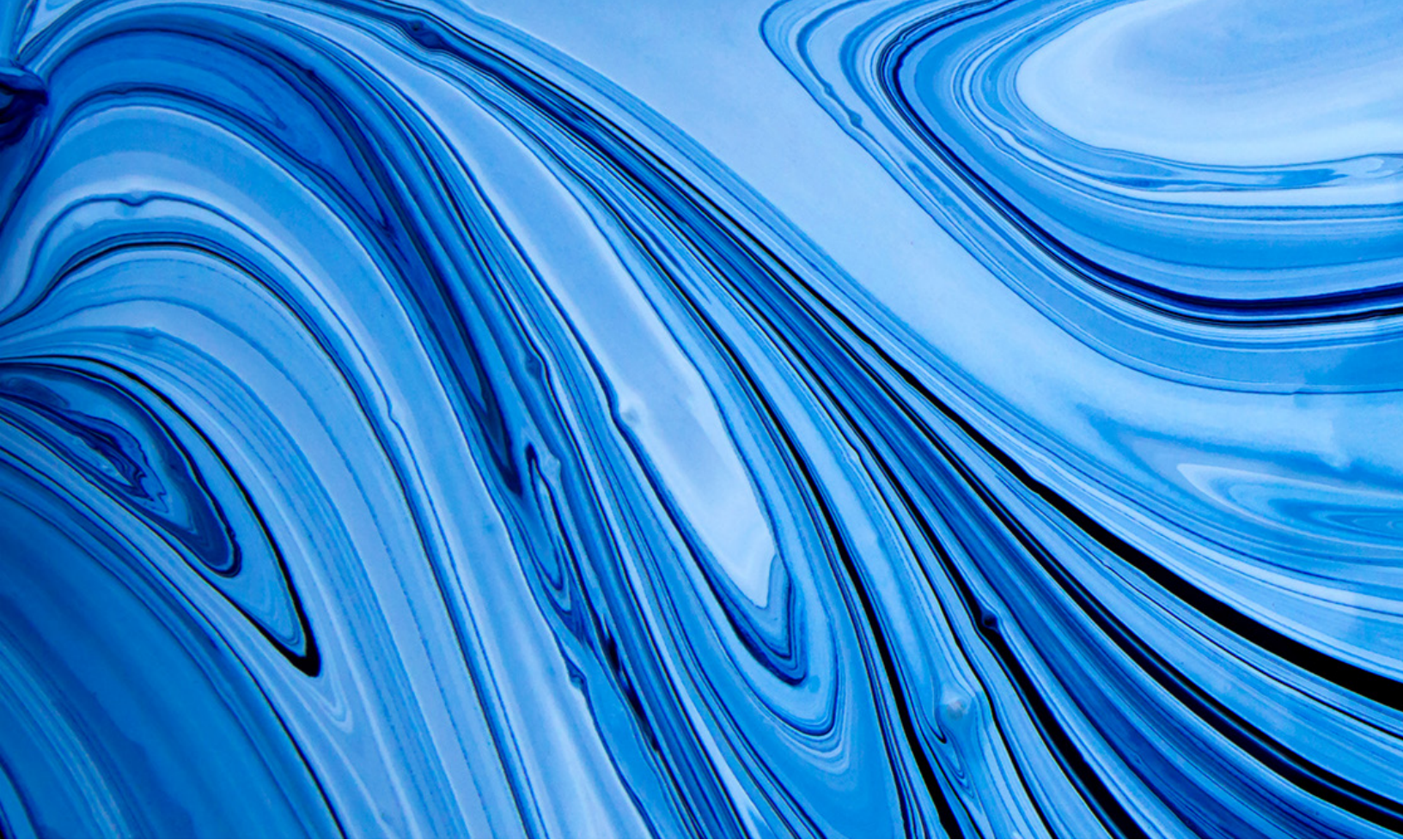
- The transition period in implementing new technology and keeping it up to date could be very burdensome for in-house legal teams. In some instances, considering alternative solutions (such as outsourcing to specialist vendors or teaming up with external counsel) could be extremely beneficial.
- Collaboration between legal teams and tech specialists could translate into quicker and smarter solutions.
- Technology is meant to make working processes simpler. However, we often see poorly designed new technology platforms add to workloads, not reduce them. Consider how technology fits in the process and business environment.
- Future legal service delivery could be better offered by people understanding the different processes and being able to co-create - the reason why we created Reed Smith Global Solutions.
- Process mapping is not a secret formula. It simply involves taking a singular process and noting – honestly – every step. Post-it notes help as often clients find that they will need to move the steps around.
- The general rule is that technology should be delivered in a simplified way and that any **new process or feature should remove at least three old tasks**.
- In-house legal teams should aim to solve all issues at once. Identify one problem at a time, and consider technology as one of the potential solutions.
- The best approach is to test a potential solution in a small environment and then scale it up, if successful.

Focus: The ‘shiny object syndrome’

We are all familiar with it: the new technology tool that promises to deliver the world and save time and money. However, to be able to maximise the investment in technology, in-house legal teams must also have the required resource to integrate the new solution with existing systems and to help maintain and update their systems to ensure its success and to obtain maximum benefit.

Avoid the temptation of buying and implementing new tools and systems in order to respond to the pressure from your internal stakeholders. Sometimes the answer could be a much simpler one and could lie in better use of existing IT systems. Take time to work through the steps to implementing any new changes.





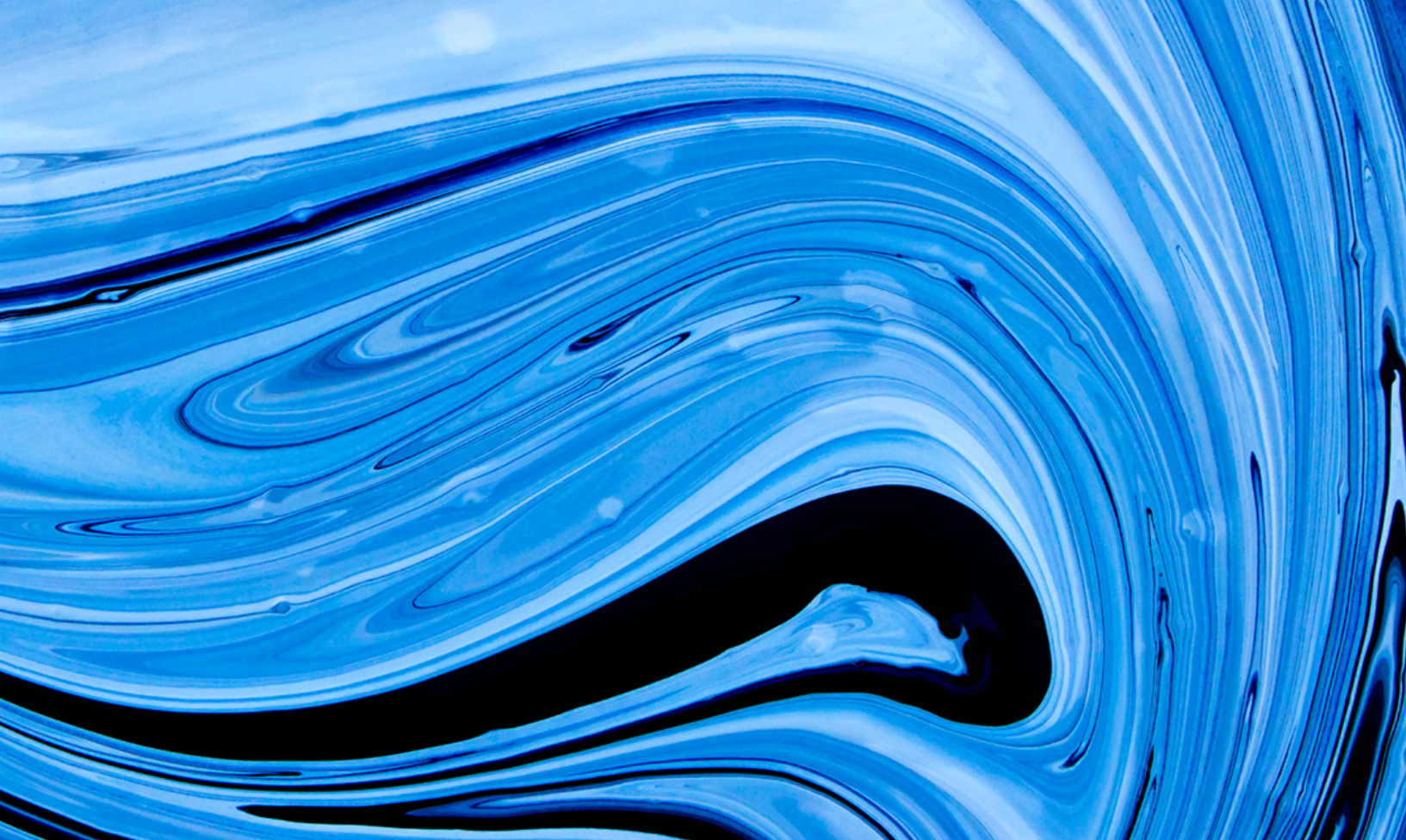
Theme 4:

Investing in people

In addition to introducing technology and improving processes, investing in people is vital to ensure that any new innovations are adopted and embraced and that in-house legal teams have the skills needed to help identify and take advantage of any new solutions.

Challenges

- Making sure that lawyers are engaged meaningfully and encourage them to be involved in the problem solving process.
- Combating fears that technology will replace the role of lawyers.
- Understanding what skills should be expected of a lawyer in the future.
- Ensuring the lawyers' continued career progression and ensuring up-skilling them forms part of their development.
- Making lawyers more flexible and adaptable.
- Considering how automation will ensure consistency and quality in the legal advice provided.
- Training and upskilling junior lawyers.
- Understanding the impact of the Solicitors Qualifying Examination (SQE) on legal education and the requisite training that trainee lawyers will receive.



Lessons learned

- Providing commercial legal advice is a form of art. Automated advice will not replace humans, as specialist knowledge will always be required and needed in both transactional and litigation matters.
- The lawyers of the future will be required to have a wide range of skills in addition to legal knowledge and expertise. For example, they will need to have more advanced IT skills and have stronger project management capability. However, they will also be expected to work more closely with other specialists within the business – no coding required!
- As the demands of the legal profession increase and develop, legal teams will continue to require and demand **more agile ways of working** while still responding to the needs of clients.
- Law firms and in-house legal teams will need to consider more creative ways of implementing a **successful and relevant** career path and professional development framework, considering lifelong learning plans and ensuring that junior lawyers still receive a solid basis in their training, especially when a number of tasks are automated.
- With the new SQE requirements coming into force from 2021, legal teams across industries and practices will need to revise their professional development and succession plans. These changes to the legal education framework in England and Wales provide an opportunity for new types of training for future lawyers.


Focus: The legal team of the future

With the increased focus on innovation and efficiency in the legal sector, there has been much discussion about what skillsets lawyers will need to possess in the future. There are a number of frameworks that serve to help outline the evolution of skills, such as the:

- **I-shaped Lawyer** – with a narrow focus on a deep understanding of their legal specialism
- **T-shaped Lawyer** – with a solid core of legal knowledge and a range of skills supplementing such knowledge
- **O-shaped Lawyer** – with a holistic set of skills encouraging openness, opportunism, originality, ownership, and optimism

The lawyer of the future





In addition to the skills on the previous page, there is an expectation that lawyers will work more closely with specialists in areas such as IT and project management in the future in order to be more adaptable and capable of providing solutions. It is envisaged that over the next decade, ‘human’ skills such as creativity and communication are going to be increasingly important along with the ability to monitor and evaluate the effectiveness of new technological solutions, and to use this knowledge to come up with original solutions to highly complex problems.

Identifying the facts from the fiction

Myth

“Tech can solve my organisation’s problems with efficiency.”

Reality

Consider reviewing your existing processes and then develop a solution which will take into account the skill sets of your teams, stakeholders and any budgets constraints.

- Start with a small environment.
- Consider the process rather than the tool.
- Prove that it works.
- Invest further to scale it up.

Myth

“A new system or tool will help to bring transparency in the way we collect, capture and store data.”

Reality

Amazing tech can be developed and implemented, but if we struggle to use it or don’t know how to maximise its use, it is a waste of money and effort.

- Review your existing systems as a preliminary step.
- Think about maximising how you use any existing technology rather than buying a new system, which might not necessarily be the answer.
- Consider whether any refresher training is required to ensure maximum return on existing tools.

Myth

“We just need to invest in innovation once and it will solve all our problems.”

Reality

Innovation is a mind-set and it could mean many things for different organisations. Consider what innovation means for your organisation and aim to include it in your organisation's strategy plan. Innovation in today's world means behaviour change, evolution and a new outlook. It's not a one-off project and if not considered carefully, any investment in innovation will not pay off.

Myth

“Automation creates the risk of less human involvement and therefore, weaker clauses in contracts.”

Reality

Automating parts of your team's legal output could save your team money, time and could in fact minimise the probability of human error and reduce risk. Consider using automation tools for areas of the work with standardised working practices and seamless products.

Myth

“Younger new joiners are tech specialists and will solve all our technology problems.”

Reality

Although new starters will provide an important new perspective to dealing with problems and formulating solutions, it is likely that they have little experience with the type of software that would be useful to your organisation, and will need just as much training as any other member of staff.

Our commitment

We are determined to go the extra mile to offer our clients real, commercial and transformational support with the primary aim to deliver tangible solutions. Through our Reed Smith transformation programme, we help provide a range of simple tools to help our clients address their critical business issues. In short, we have taken the next step with our transformation programme to genuinely partner with our clients beyond the delivery of the traditional legal services.

The Reed Smith Transformation Programme includes:

- Uncovering business insights and opportunities through our client insights programme
- Technology and innovation consultancy
- Corporate legal operations support
- Business skills training and workshops
- Professional coaching and mentoring





To continue with your innovation and tech journey, **continue your dialogue with us**

If you would like a more detailed discussion on the subject of technology and innovation, or if we can help facilitate a team meeting at our Innovation Hub in London, please contact:



Lucy Dillon
Chief Knowledge Officer,
London
+44 (0)20 3116 2742
Lucy.Dillon@ReedSmith.com



Roger Parker
Senior Counsel, London
+44 (0)20 3116 3512
rparker@reedsmith.com



Deven Vyas
Director of Client
Development, London
+44 (0)20 3116 2553
dvyas@reedsmith.com



Krasimira Stoyanova
Client Relationship Manager,
London
+44 (0)20 3116 2551
kstoyanova@reedsmith.com



Adam Curphey
Manager, London
+44 (0)20 3116 2568
acurphey@reedsmith.com



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Phone: +44 (0)20 3116 3000
Fax: +44 (0)20 3116 3999
DX 1066 City/DX18 London

ABU DHABI
ATHENS
AUSTIN
BEIJING
CENTURY CITY
CHICAGO
DALLAS
DUBAI
FRANKFURT
HONG KONG
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