

Handbook of Legal Tech



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The Handbook of Legal Tech

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Foreword

The legal industry stands at the precipice of a technological revolution. As legal professionals, it is incumbent upon us to comprehend this confluence of law and technology to maintain our competitive edge and relevance in today's rapidly evolving world. This book serves as an outstanding resource for those in the legal profession who aspire to broaden their understanding of legal technology, from the rationale behind it to its practical implementation, and the wider implications of burgeoning legal tech trends.

Part I delves into the rationale underpinning legal tech. The authors not only raise the question, “Why legal tech?” but also furnish persuasive arguments to demonstrate the indispensability of legal tech for the future of the legal industry. Moreover, they scrutinize the intricate relationship between technology and law, examining the ways for technology to enhance various aspects of legal practice, and the ramifications of the escalating influence of technology on the legal sector.

Part II provides a deep dive into the practical aspects of legal tech, proffering pragmatic advice and insights into diverse legal technologies. Ranging from document automation to litigation analysis, the authors furnish invaluable guidance on capitalizing on legal tech to achieve superior legal outcomes. The book encompasses a wide array of legal technologies, such as eDiscovery, legal research, legal operations, contract management, and artificial intelligence. Furthermore, the authors probe the potential role of blockchain and NFTs in the realm of legal practice.

Part III investigates broader issues pertaining to legal tech that extend beyond its practical applications. The authors analyze the ethical dimensions of legal tech and the ramifications of technology on access to justice. They also delve into the challenges of embracing legal tech in a field that has historically been resistant to change and provide valuable insights into the trajectory of the industry.

With enough knowledge and experience under their belts, the innovators who contributed chapters to this book have crafted a compelling book that provides informative and inspiring reading for legal professionals who wish to remain at the vanguard of legal tech. They impart invaluable insights into

the most recent legal technologies, practical advice on harnessing these technologies for optimal benefit, and thought-provoking contemplations on the wider implications of legal tech. This book also includes suggestions for supplementary reading and learning more, making this book a solid resource for those keen on delving deeper into legal tech.

This book represents the diversity of thought and experience that defines the legal tech space. The stories, the experiences, the lessons learned in each chapter together will help you enrich your comprehension of the nexus between law and technology. As I have long written about and spoken about, legal tech is for everyone. Technology should be something to be embraced and not feared. It is my sincere hope that this book and its insights will help you welcome technology and use it to help you work smarter and not harder.

Colin S. Levy

Executive summary

Technology is everywhere. Its presence is undeniable. The legal industry, steeped in history and tradition, is not immune to the changes brought about by technological advancement. No facet of the legal industry can escape or ignore the increasingly important role of technology in the practice of law. Yet, technology can overwhelm, confuse, or downright intimidate many.

The *Handbook of Legal Tech* provides guidance from many of the leading figures within the legal tech space on the different parts of law practice being enhanced and improved by technology. This book is aimed at lawyers both in-house and in private practice globally who have an interest in legal tech and wish to learn more about how it will impact and enhance their work.

Technological advancement and innovation accelerate at an unprecedented pace and so the legal profession is faced with an urgent need to adapt to the rapidly digitizing world. While legal tech itself is not new, the speed of change has created a sense of urgency for the industry. Our opening chapter, by legal innovation and NewLaw strategist, Naomi Thompson, delves into why it is imperative for the legal sector to prioritize digital transformation in order to redefine its value proposition, both as in-house legal counsel and in practice. By embracing legal tech, legal professionals can position themselves as strategic advisors to help organizations navigate the evolving business landscape and to seize the opportunities presented by the digital era.

Zack Barnes then takes us through the history and evolution of legal tech, from the pre-technology era through to digitalization to automation and algorithmic intelligence. In chapter two, and by looking to the past to bring us to the future, Zack brings us to the present day, and Part II.

Part II looks at the how of legal tech and begins with a chapter on eDiscovery by Cat Casey, chief growth officer at Reveal Brainspace. Cat tracks the evolution of Discovery to eDiscovery and beyond, breaking down the amendments to the Federal Rules of Civil Procedure that helped build eDiscovery. She then demystifies the eDiscovery process and electronically

stored information, followed by a breakdown of the tools of the eDiscovery trade, from the most basic to AI-powered and cutting edge. She then digs into legal and ethical considerations with a focus on specific case law and eDiscovery mistakes and how to avoid them. The chapter concludes by looking to the future of eDiscovery.

In chapter four, Josh Blandi, CEO and co-founder of UniCourt, discusses why law firms and legal departments should care about legal data, legal research, and legal analytics. Josh argues that firms and in-house counsel should be taking advantage of advances in legal data, legal research, and legal analytics because it is in their own best business interest and because their clients and business partners expect them to be looking to the future of law to remain relevant, competitive, and capable of providing strategic, data-driven legal services. He begins the chapter by laying out a common set of definitions for these legal terms of art, and then details prominent use cases for each, including leveraging legal data in the insurance industry, the impact of legal research on online businesses, and using legal analytics for business development and risk management. Josh closes out the chapter by detailing the vibrant legal ecosystem that law firms and legal departments have at their fingertips, concluding that those who invest in improving their data infrastructure now will be better positioned to succeed in the evolving business of law.

Chapter five, on contract lifecycle management (CLM), is a breakdown of contract processes and systems using a practical lens informed by real world experience. Tony Thai, CEO and chief engineer at HyperDraft, goes through the steps of how to analyze an organization's need for a system, the scoping and design of a system for a particular use case, and the ultimate implementation of a system. Without performing a deep dive into every phase, the goal is for readers to walk away with a basic framework they can use for their organization. There is no one-size-fits-all approach to analysis, design, or implementation of a CLM system, but this is a good place to start.

Chapter six looks at document automation. Dorna Moini, CEO and founder of Gavel, discusses how document automation has transformed from a critical internal law firm technology to a way to build client-facing legal products that transform a law firm's practice. The chapter starts with a brief history of document automation, which explains how the technology has been critical for internal operations and the rise of its use over the years. She then explains the tactical components of automating legal documents within a firm, spelling out the toolkit you have as you automate your practice. This section will be critical for any firm that is starting out with document automation or upgrading to a more robust tool. Finally, Dorna

discusses the client-facing features that a document automation tool can have and the rise of the “legal product”. This discussion is critical in the face of a growing gap in access to justice across the United States and beyond and encourages legal professionals to deliver legal services to the masses in a scalable way for their practice.

Chapter seven is on alternative dispute resolution (ADR) and is authored by Rich Lee, CEO and co-founder of New Era ADR. One of the most dynamic areas in legal technology is the world of alternative dispute resolution, he argues. As a much-needed alternative to our overburdened court systems, there are substantial opportunities to improve the process and technology behind ADR as it exists today. Doing so can bring about wide-ranging positive change that saves people and organizations massive amounts of time, money, and acrimony while bringing many positive societal benefits, from greater accessibility of our justice systems to less acrimonious disputes.

Chapter eight then looks at lessons from a legal tech start-up. Daniel Farris, founder of NMBL Technologies, examines legal industry trends that have led to the rise of legal ops and the increased adoption and reliance on technology products in the legal industry. Using the prior decade as a guide, Daniel identifies the key trends and drivers that guided him and his co-founders in NMBL Technologies to create Proxy, a legal workflow management SaaS product. Primarily, though, this chapter focuses on lessons learned by Daniel and the NMBL Technologies team in creating Proxy and bringing it to market. Concepts like Last Best Experience, the value of Integrations, Minimum Viable Product, and how to sell to lawyers are explained and the chapter provides anyone seeking to enter the legal technology space or build a new product with a useful guide and some valuable recommendations to increase the likelihood of success.

Chapter nine, by Tom Stephenson, vice president, Legal.io, looks at legal operations. The modern era of the corporate legal operations profession has witnessed a significant transformation in recent years, with companies increasingly recognizing the need for a more strategic and proactive approach to managing their legal functions. As a result, the role of legal operations professionals has become increasingly crucial in ensuring that legal departments operate efficiently and effectively. Corporate legal operations’ six core functional elements include people operations and strategic planning, knowledge and risk management, outside counsel and external initiatives, financial planning and spend analysis, technology and data analytics, and project management and practice operations. Overall, the profession represents an exciting and dynamic field, with a wide range of opportunities for legal professionals to contribute to the success of their organizations. This chapter

explores these core functional elements of legal operations, examining their importance, the skills required to succeed in each area, and the latest trends and best practices. Tom also explores legal operations professionals' challenges and opportunities in the modern business world and the skills and expertise required to succeed in this critical function.

Chapter ten, on Artificial Intelligence, is penned by Joshua Walker, CEO at Aleph Legal. Joshua argues there are three primary functions of AI to the practicing lawyer (and, for that matter, for anyone impacted by law). These are:

1. Information extraction;
2. Analytics and predictive modeling; and
3. Generation.

Information extraction is the leveraging of AI to figure out what has happened in the past – whether in legal policy, doctrine (e.g., case law), procedure (e.g., litigation), and/or relations (e.g., contracting). Analytics and predictive modeling leverages that empirical (and attendant doctrinal) data to detect patterns and model risks (positive or negative). Generative AI includes tools that generate legal text. For example, these are tools that can create contracts, pleadings, summaries, briefs, etc. For some reason, #3 is rarely rooted appropriately in #1 and #2. This chapter introduces all three legal AI forms, documents what can go wrong, and provides tactical advice for optimizing legal results.

In chapter 11, Olga V. Mack, vice president and CEO at Parley Pro, looks at blockchain and blockchain-enabled applications in law. Blockchain is a distributed database that allows for secure, transparent, and tamper-proof transactions between two or more parties in a peer-to-peer (P2P), without an intermediary, manner. Its applications are endless, and it has the potential to revolutionize many industries, including law. Olga's chapter acts a guide for lawyers who want to understand blockchain, how it could be applied in law, and how it can enhance law practice. First, it explains blockchain, how it works, and why you want to use it. Second, the chapter examines the following application: much more intelligent contracts and contract analysis, streamlined payments in legal instruments and litigation and settlement, intellectual property, a chain of custody, and DAOs. This exciting new industry can allow you to completely change your career and become a leader in this unexplored territory. Keep an eye on blockchain, says Olga. It just might be the next big thing in the legal industry.

Part III concludes the book by looking at broader issues in legal tech.

Chapter 12 on legal tech ethics is by Jan L. Jacobowitz, founder and owner of Legal Ethics Advisor. As the legal profession continues to emerge

from the pandemic environment, technology remains an integral part of the practice of law. Many lawyers continue to work remotely, and video conferencing has become a core component of lawyering. But what are the legal ethics implications of all this technology? Lawyers who do not understand the connection between ethics rules such as competence, communication, and the use of technology in a law practice may find themselves tripping on ethical landmines. Conversely, lawyers who understand both the rules and the benefits of technology can employ it to contribute to the competent, successful practice of law. Jan's chapter explores legal ethics and technology in the contexts of individual use, outsourcing, and social media to provide a roadmap to assist lawyers in ethically embracing technology, employing its benefits, and avoiding ethical landmines.

Chapter 13, by Natalie Anne Knowlton, co-founder of Access to Justice Ventures, looks at technology's role in legal justice. The justice system, says Natalie, was designed for use by attorneys. The majority of people navigating the system today, however, are without legal assistance. This chapter discusses the critical role of legal technology in efforts to increase access to justice for the many who need it. It begins by setting out the broader context of the justice gap and by exploring the amorphous terms "access to justice" and "legal technology". Then, the chapter explores select trends in the evolution of access to justice technology tools, including the shift to accessible and deployable legal information, the emergence of end-to-end case management tools, and the productization of legal services. Finally, the chapter considers some of the challenges in designing tomorrow's tech-enabled justice system. Here, Natalie discusses deepening digital divides, limitations on market-based technology solutions, and regulatory uncertainties.

In chapter 14, Zach Abramowitz, founder of Killer Whale Strategies, explores the rise of law firm tech businesses and the advantages they have over traditional legal tech start-ups. He argues that starting as a people business, such as a law firm, provides a significant advantage in terms of having a built-in client base and go-to-market strategy, as well as minimal change to customer habits. Zach discusses the importance of focusing on customer outcomes rather than pushing new technology on lawyers who may be hesitant to adopt it. He acknowledges that there are some who are skeptical of law firms venturing outside their core competencies, but he points out that start-up founders often have to do things that don't scale in order to get to a point where scaling becomes possible. Overall, Zach is optimistic about the future of law firm tech businesses and believes they are built on solid foundations.

Chapter 15, by the book's editor, Colin Levy, takes a look at legal tech adoption. The legal tech landscape continues to shift, thanks to technology. However, many technological investments end up underutilized, leading to financial, resource-based, and trust-related consequences. To overcome the challenges of shelfware and resistance to change, legal professionals must embrace innovation and adapt to new methods, while also considering the human element in technology adoption. Encouraging change starts with establishing trust and understanding the perspectives of users and stakeholders. By focusing on the human impact of technology, demonstrating its benefits to individuals, and providing necessary support, legal professionals can encourage the adoption of legal tech. Creating a culture of innovation, prioritizing open communication, and celebrating small wins can also facilitate better adoption and lead to a more efficient and effective workplace.

Our final chapter is by Richard Tromans, founder of Artificial Lawyer. This chapter looks at how the legal innovation ecosystem has evolved and what has been driving this development, before the book concludes with a short section on further reading and resources.

About the authors

Zach Abramowitz is the founder of Killer Whale Strategies and an investor in disruptive legal start-ups. Killer Whale Strategies works with Am Law 100 firms, Fortune 500 legal departments, and other organizations looking to capitalize on the current wave of disruption sweeping the legal industry. Zach writes longform essays for Legal Evolution, publishes webinars twice monthly, and maintains an active newsletter on legal technology start-ups that reaches thousands of attorneys and entrepreneurs. He is regularly quoted in industry news on legal disruption and wrote a regular column for Above the Law from 2015-2019. Zach is an NYU Law trained attorney who practiced as an M&A associate at Schulte Roth & Zabel before leaving to launch a start-up. Prior to starting his legal career, Zach worked as a stand-up comedian and a producer for ESPN Radio.

The process of turning invention into something valuable is innovation and it relies on facilitators looking for ways to make hard parts of adoption work better, easier, more efficiently. **Zack Barnes'** career has focused on the creative solutions at the nexus of academia, industry, technology, and particularly law to help drive R&D teams towards the next solution.

Josh Blandi is the CEO and co-founder of UniCourt, a Legal Data as a Service (LDaaS) company that provides real-time court data and legal analytics you can trust. UniCourt's mission is to make court data more organized, accessible, and useful for Am Law and Fortune 500 companies. UniCourt's API-first approach empowers the combination of internal data with external litigation data to find new business opportunities, optimize litigation strategies and outcomes, and power innovative solutions. Josh is featured in the Class of 2023 Legal Rebels by the *ABA Journal* and the ABA Center for Innovation and is a Fastcase50 honoree. Under his leadership, UniCourt has received numerous awards including the Technology Award of the American Legal Technology Awards and has been recognized as the Overall LegalTech Data Solution Provider of the Year at the LegalTech Breakthrough Awards. As part of Josh's strategic vision to provide Legal Data as

a Service, he has assembled a diverse, global team across the US and India to unlock the potential of legal data.

Cat Casey is chief growth officer at Reveal Brainspace, helping lead innovation for legal technology solutions, and a zealous advocate for AI in legal. She is a thought leader and outspoken advocate of legal professionals embracing technology to deliver better legal outcomes. She has two decades of experience assisting clients with complex eDiscovery and forensic needs that arise from litigation, expansive regulation, and complex contractual relationships. Cat is a published author, keynote speaker, podcaster, and all-around advocate for upskilling legal professionals facing the dawn of an AI renaissance in law.

Daniel Farris is founder and CEO of NMBL Technologies, Inc., a legal technology company specializing in legal workflow management and automation. He is also an attorney at global Am Law 100 firm Norton Rose Fulbright, where he serves as partner-in-charge of the Chicago office and specializes in technology transactions, privacy and data security, intellectual property licensing, and commercial contracting. Daniel has a Masters of Science in Information Systems from DePaul University and a Juris Doctor from Loyola University Chicago School of Law. Before entering the practice of law, Daniel was a software engineer and network administrator. He now counsels companies large and small on technology creation, implementation, adoption, licensing, and use. His practice is highly technology-enabled, focused on client experience, efficiency, people, and process. As a legal tech founder, Daniel is working to enable the adoption of legal ops and support digital transformation in the legal industry.

Jan L. Jacobowitz is a legal ethics, social media, and technology expert who is the founder and owner of Legal Ethics Advisor. Jan provides legal ethics consulting, expert testimony, opinion letters, and CLE training to law firms and legal organizations. She is a past president of the Association of Professional Responsibility Lawyers and the co-chair of its Future of Lawyering Committee. For over a decade, Jan was the director of the Professional Responsibility and Ethics Program (PREP) at the University of Miami's School of Law. Under her direction, PREP was a 2012 recipient of the ABA's E Smythe Gambrell Award – the leading national award for a professionalism program. She continues to teach professional responsibility as an adjunct professor at Miami Law. Prior to devoting herself to legal ethics consulting and legal education, Jan practiced law for over 20 years. She began her career as a legal aid attorney in the District of Columbia, prose-

cuted Nazi war criminals at the Office of Special Investigations of the US Department of Justice, and was in private practice with general practice and commercial litigation firms in Washington and Miami.

Natalie Anne Knowlton is the founder of Access to Justice Ventures, LLC, empowering entrepreneurs who are developing scalable access to justice solutions. She formerly served as a regulatory advisor and the director of special projects at IAALS, the Institute for the Advancement of the American Legal System. She is committed to bringing deep empathy to the court users' experience and in pursuit of that goal employs legal and empirical research and analysis, facilitates collaboration among stakeholders, and engages in national outreach and advocacy. Natalie is in the 2023 class of American Bar Association (ABA) Legal Rebels, and is listed among the ABA Legal Technology Resource Center's 2022 Women of Legal Tech. She sits on the Justice Technology Association Board of Advisors, was a judge for the American Legal Technology Awards (2021-2023; Access to Justice), and co-founded the Denver chapter of Legal Hackers.

Rich Lee is the CEO and co-founder of New Era ADR and is the former general counsel of two fast-growing VC-backed technology companies, Civis Analytics and Livevol.

Colin S. Levy is an experienced lawyer and legal tech expert. Throughout his career, Colin has seen technology as a key driver in improving how legal services are performed. Because his career has spanned industries, he has witnessed myriad issues, from a systemic lack of interest in technology to the high cost of legal services barring entry to consumers. Now, his mission is to bridge the gap between the tech world and the legal world, advocating for the ways technology can be a useful tool for the lawyer's toolbox rather than a fear-inducing obstacle to effective legal work. Colin is a sought-after writer and speaker. He is often asked to be a guest on legal tech podcasts, contribute to articles, blog posts, and other types of content published on various law outlets, and enjoys interviewing leading leaders in the legal and legal tech spaces.

Olga V. Mack is the vice president at LexisNexis and CEO of Parley Pro, a next-generation contract management company that has pioneered digital negotiation technology. Olga embraces legal innovation and has dedicated her career to improving and shaping the future of law. She is convinced that the legal profession will emerge even stronger, more resilient, and more

inclusive than before by embracing technology. She shares her views in her columns on Above the Law, Forbes, Bloomberg Law, Association of Corporate Counsel (ACC) Docket, MIT Computational Law Report, Newsweek, and Venture Beat. Olga is also an award-winning general counsel, operations professional, start-up advisor, public speaker, adjunct professor, and entrepreneur. Olga co-founded SunLaw, an organization dedicated to preparing women in-house attorneys to become general counsels and legal leaders, and WISE to help female law firm partners become rainmakers. She lectures at Berkeley Law and has received numerous awards for her work, including the Silicon Valley Women of Influence, ABA Women in Legal Tech, Make Your Mark, Corporate Counsel of the Year, and Women Leaders in Technology Law. She is a fellow of CodeX, the Stanford Law Center for Legal Informatics, and a fellow of the College of Law Practice Management.

Dorna Moini is the CEO and founder of Gavel, a no-code platform for building document automation and client-facing web applications for the law. Prior to starting Gavel, Dorna was a litigator at Sidley Austin. There, in her pro bono practice, she worked with legal aid organizations to build a web application for domestic violence survivors to complete and file their paperwork, which led to the idea for Gavel. Dorna is on the Legal Services Corporation Emerging Leaders Council and is a member of LAFLA's advisory board. She was named an ABA Legal Rebel and a Fastcase 50 honoree. She also teaches the Legal Innovations Lab at USC Law School.

Tom Stephenson is vice president and legal operations evangelist at Legal.io, an enterprise marketplace for legal talent and technology. He has spent over a decade focusing on helping legal departments run smarter and faster during periods of hyper-growth while implementing right-sized technology to provide meaningful data about how legal teams work. As well as working alongside global law firms, legal tech vendors, and corporate law departments, Tom is passionate about education and advocacy within the corporate legal operations ecosystem. A graduate with a Master of Legal Studies from the University of Illinois, Tom regularly speaks as an authoritative voice on innovative legal operations strategies that drive efficiency, innovation, and transparency within an organization, including at Harvard Law School.

Tony Thai is the CEO and chief engineer of HyperDraft, a technology company that powers law firms and legal departments with AI-powered document and workflow automation software. Tony is a veteran attorney who has practiced at many of the world's most prestigious law firms and

in-house at multiple large technology companies. Prior to his legal career, he was an enterprise software engineer and serial entrepreneur. He was recently recognized as a Fastcase 50 Honoree, serves as an adjunct professor at USC Gould School of Law, and is a legal and business advisor to a variety of technology companies.

Naomi Thompson is a legal innovation strategist working at the intersection of business, law, data, and technology, published author and prolific speaker. Naomi is a results-driven and strategic-minded professional who has held several influential roles throughout her career. Naomi started as a corporate in-house lawyer and transitioned to strategy implementation and business operations in emerging markets, including as chief of staff in a leading, pan-African investment firm. Naomi's strategic objective is to use her business and legal experience to lead and accelerate the transformation of the legal industry. She has a wealth of experience in developing and executing legal transformation strategies. Naomi was appointed to deliver PwC's regional NewLaw strategy and, prior to joining PwC, Naomi was senior vice president for Exigent Group's regional EMEA Legal Solutions offering, advising both local and global organizations on legal department transformation initiatives. Naomi now consults with multi-national organizations on all aspects of their legal transformation strategies. Naomi serves on several boards, has a Master of Business Administration from Hult International Business School and a Bachelor of Laws degree (LLB).

Richard Tromans has worked in the legal sector for over 22 years. He started in journalism before moving into management consulting in 2008 with a focus on market change and providing strategic advice to the legal sector. Since 2016 he has had a focus on legal innovation and that year started Artificial Lawyer, the globally-read legal tech and innovation news and information site. He strongly believes that we have only just begun the journey of transforming the legal profession.

Joshua Walker is a serial entrepreneur and IP attorney. Previously, he co-founded CodeX: The Stanford Center for Legal Informatics and, subsequently, Lex Machina – where he served as CEO, chief legal architect, and chairman. He also led legal for Airbus SE, Silicon Valley, as general counsel and co-founder of A³, while leading advanced contract AI development. Now, as CEO of System.Legal, Josh continues to develop AI enterprise systems across legal, finance, risk, and governance for select clients. Josh received his A.B. degree, m.c.l., from Harvard College (Special

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