

Legal Tech

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Legal Tech



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Legal Tech

How Technology is Changing
the Legal World

A Practitioner's Guide

by

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Foreword

We can no longer ignore Legal Tech. Everyone is talking about it. At conferences, roundtables, meet ups and at all sorts of gatherings. We have lost count of the number of Blogs dealing with the topic. However, there is no comprehensive overview of digitalisation in the legal sector, otherwise known as “Legal Tech”. In fact, it is probably impossible to cover each and every aspect of Legal Tech in a single book, but that is not the aim of this book. Instead, we want to address the implications of Legal Tech for the legal profession and the legal services market. We do not cover legal aspects by means of all regulatory hurdles Legal Tech still has to take. Even though the phenomenon is still in its infancy, we can already observe a number of diverse effects that Legal Tech is having on legal practice, which in turn gives us an idea of where the journey is headed. In addition to providing some general conclusions on digitalisation in the legal market, we will principally hear from practitioners on how Legal Tech is currently being employed, and how it can be used in the future, thus demystifying the term “Legal Tech”. In this way we will see how, with the help of technology, legal work and access to justice can be improved, becoming cheaper and more accessible for a greater proportion of the population. We are convinced that Legal Tech will improve the legal system for everyone; for the general public, for lawyers, and for the judiciary.

The focus of this book is therefore on the legal profession, whether in private practice or in-house. In this book lawyers will find concrete guidance and examples of how to establish and implement a digitalisation strategy. Of course, this is not a fool-proof formula, rather a collection of experiences that the authors of this book have made as practitioners and advisers. Legal Tech providers have also contributed to this book. One can of course dismiss their contribution as “product placement”, but actually we can learn a great deal from their real-life examples of how Legal Tech has been implemented in practice, and what problems Legal Tech is designed to solve. We believe that this practical perspective is what our readers need to gain inspiration for their own digitalisation processes and to solve everyday problems with Legal Tech. Therefore we hope that after reading this book, you not only have a good overview of Legal Tech, but also sufficient practical information for your future journey into digitalisation.

This book is the international edition of a book published in the German language in Winter 2017 (which also had a number of chapters in English). The success of the German publication, and the number of requests we received from our colleagues and friends from around the world for an English version of the book, inspired us to publish an international edition. This book is not however a simple translation of the original version into English. Many chapters have been updated to cater for the international market, and we are delighted to have procured additional chapters from new authors. Finally, we have also introduced Country Reports, in order to provide you with an overview of the global scene in Legal Tech.

We are very grateful to all our authors for their contributions. Not only have they been prepared to share their knowledge and experience with us, but also to update or write their chapters within a very short time period (which is of course typical of the Legal Tech scene). Without their help, such a comprehensive and up-to-date book would not have been possible.

Foreword

Finally, many readers may be surprised to find that Legal Tech is being addressed in a book – an analogue medium. Of course it is correct that Legal Tech is developing so fast that information can quickly become out of date. On the other hand, our input on the topic is more than just information, it provides insights into Legal Tech which will remain relevant for some time to come. If you want to find out quickly about up-to-the-minute developments in Legal Tech then you can visit the homepage for this book <http://legal-tech-buch.com>, or stay tuned on <http://www.legal-tech-blog.com/>. Homepage and Blog are the ideal companions to this book.

Last but not least: We are very grateful to our sponsors LegalZoom. We see this sponsoring as an appreciation of our work and that of the authors – and as confirmation that we are apparently on the right market. Without our sponsor this book would hardly have been possible.

We welcome your feedback! Please write to us at markus.hartung@law-school.de, micha.bues@law-school.de or gernot.halbleib@law-school.de

Berlin, July 2018
Markus Hartung

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Introduction

What to expect from this book

In this book you will find many different aspects of Legal Tech. This short introduction is designed to take you through the book, and explain what you can expect. 1

In the first part (Part 1, “The Digital Transformation”) you will find a description of digitalisation in the legal market from the editors of this book. Beginning with the fundamental aspects of Legal Tech, definitions and categories, followed by an account of the challenges and success factors of digitalisation, and finally concrete guidance on how to create a digitalisation strategy for law firms. 2

In the second and third parts we will take a look at Legal Tech in law firms. Our observations are split between large commercial law firms, including the large accountancy firms (Part 2, “Legal Tech and Big Law”), and small to middle-sized law firms on the other (Part 3, “Legal Tech in Small and Medium Firms”). Rather than discussing general theoretical accounts of how Legal Tech is implemented, we will look at very specific examples of how certain law firms have already put Legal Tech into practice. This covers everything from the automation of internal processes, communication with clients, the use of artificial intelligence, establishing a “digital mind-set”, to setting up internal “incubators” for Legal Tech Start-ups. From these accounts it becomes clear that Legal Tech is not only a privilege of “Big Law”, but also something from which small law firms can benefit, if they seize the opportunity. 3

Mark Cohen introduces Part 2 of this book. He describes the historical background and the evolution which we have gone through, especially since the financial crisis, so that we can better understand how we have got to where we are today. At the end of Part 2 he writes the Clearspire Story. A story of a revolutionary Legal Tech Law Firm, which, years ago, rose as spectacularly as it fell. If Legal Tech today has a lot to do with hope, then this case study shows us that even promising ideas can founder. Given that in the USA failure is the key to success, and as the author aptly points out, we can use this story to teach us what an entrepreneur or law firm manager should do today, or at least be aware of. 4

Legal Tech plays an equally important role in companies as it does in law firms. This is the topic of Part 4 (“Legal Tech Goes Inhouse”). Again, we will see real-life examples from legal departments and from Legal Tech companies that provide in-house teams with technology-based solutions. 5

Law firms and legal departments, together with other new players on the market, are all part of a new ecosystem, which we describe in Part 5. In this part we deal with online dispute resolution, legal publishers and universities, and we describe a very modern approach employed by the Paris Bar, in which they establish their own incubator to promote innovation and Legal Tech within the profession. 6

Part 6 deals with technology itself. Here you will read about “legal machines”, automated document production, artificial intelligence and Blockchain. 7

The Country Reports can be found in Part 7. The reports show how, despite differences between countries, Legal Tech has become truly global. This part, whilst providing a good view of the current state of play (although it is still to be expanded), also offers you the opportunity to get in contact with the representatives and to learn from one another. 8

- 9 Finally, the epilogue presents two chapters – considerations on how the legal world could look like when lawyers join forces with the machines, and four theses on the future, or assumptions about how it could be. You will not otherwise find a chapter telling you exactly what the future holds, because no one knows. However, our authors have looked into the future and have described what the next developments in Legal Tech might look like. Legal Tech is such a diverse topic that there is no single response to the question “what will happen next?” What we do with all the possibilities offered to us by Legal Tech, that is really up to us.

