

LegalTech 2012 - Allvision Review

Well this article did start with the optimistic words of *"It's February and it is cold outside, it must be about time for the annual review of LegalTech from Allvision"*, but thanks to the very unwelcome gift of a nasty viral infection from New York, it has taken a bit longer than normal to pull this review together. In the spirit of better late than never, we press on. As ever my thanks to the various people who provided responses, some are mentioned below, others preferred to hide their frankness behind anonymity, they provided the "raw" material for the document. Any errors are mine alone, and the opinions reflect my personal take on proceedings.

This is the 5th report and the 8th consecutive year that I have been at LegalTech and I thought it would be useful to cast an eye back over that period, as well as weaving the feedback from this year's event into the report. There are a host of other reviews and round-ups on line, one should always take in the commentary from Chris Dale, who has several article on LegalTech and its implications at his [website](#), and Charles Christian's [Orange Rag](#) focusing on the slightly more technological aspects. I feel my remit is to provide the overarching view of all aspects of the show and by pulling together the strands from my pools of contributors give a mosaic of opinions, standpoints and commentary that imparts a general feel for the event.

In re-reading my previous reports I was struck how the first in 2008 reflected the culmination of several years of growth and general "buzz" about the legal IT industry. In contrast, by 2009 what (in hindsight) was an unsustainable bubble had been well and truly burst and there was a more cautious looking ahead to an uncertain future. The 2010 report had quite a military flavour, the language reflecting the testing times we had come through, but with more positive thoughts for the future. Last year commented on the really testing times of the previous 12 months, however the consensus was that the quality of delegates was steadily improving, though the quantity continued to decrease. The flavour of this year, is very much the storm has been weathered, and that users are actually bringing their cheque books (well the electronic equivalent) with them, though numbers continue to fall. Even the weather over the years has (in a thermometer sense) had its ups and downs, with more down's than up's. There is the extreme of last year's freezing cold plus six foot of snow, and the balmy 15 degrees C this time around.

Over the years, the number and composition of the UK delegate group has expanded and changed, with various contributors progressing from being last year's "newbies" to a more seasoned participant in the maelstrom that is the event. For example Millnet's Charles Holloway, in his second year of attendance, has become far more discerning in what sessions and booths he attends, with far more interaction with people taking place in one on one encounters, though as (lots of meeting are in bars), alcohol intake goes up, at least that was Charles' excuse and he was sticking to it.

In carrying out my review of the historical material and the emails from my various "sources" I came to two main conclusions that will intertwine through the rest of the document, and these are as follows. First in terms of the technology and changes within the marketplace (both the vendors and the wider community they operate within), a quote kept coming to mind;

"Not as much happens in one year as you think, but a lot more happens in five."

The second strand concerns the event itself and here, after pondering for a while, I had a kind of "eureka" moment whilst talking about the various impressions people had reported. In my view LegalTech is increasing becoming like my amorphous understanding of the Edinburgh festival (formed without any of the inconvenience of actually attending it), in that it is the "Fringe" activities which are more vibrant, quirky and related to the real world. The main Festival/LegalTech show is necessary to support all the Fringe activities, but it is not (with the odd exception) where the "action" is. So with those two thoughts in mind, let's go through the show and what came out of it.

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As far as I am concerned the three keynote speeches normally follow a pattern of at least one bad, one average and one worth attending, sadly this year from my viewpoint there wasn't anyone I wanted to listen to. The opening speech on ethical business practices from a General Counsel for Microsoft was blighted by a PowerPoint failure of monumental proportions, that was only outdone by the droning poor delivery of bland material. Jack Bond from Dewy & LeBoeuf LLP found it interesting but "*..did not really bear any relations to the purpose of LegalTech*".

I have no feedback on the Tuesday session discussing how technology has transformed the world, as none of my correspondents could equally be bothered to listen to rehashed material.

The Wednesday talk was from Kevin Genirs, the former General Counsel of Lehman Brothers, and was an insider's view on the events that led to the financial crisis of 2008. Though not to my personal taste, two of my contributors found this topic gripping. Paul Longhurst from 3 Kites Consulting thought it a "*fascinating and moving account of something which we often read or hear about in terms of figures and schemes rather than the deeply personal side that Kevin portrayed*". Whilst Paul Mankoo from Unified said it was "*a well-structured and gripping personal insight into what is likely the biggest business/economic story of arguably the last 90 years and also what it is truly like to work somewhere when the size of the proverbial hitting the fan is beyond any individuals comprehension*". With hindsight perhaps I should have gone, but I still question the relevance of the topic to the broad theme of a Legal IT conference

The main, paid for, conference programme was almost universally ignored by my self-selecting sample group, though Charles Holloway from Millnet reported that Denise Backhouse of Morgan Lewis attended a number of CLE sessions that she thought were excellent. The overall view seems to be that there are some sessions which are significant for specific individuals, but you had to search for gold nuggets amongst a lot of "dross". Also the likelihood of encountering anything new after your first year at the show seems to exponentially decrease.

Continuing this theme, there was a significant sense of discontent from the non-litigation support element of the attendees. The Knowledge Management "crew" in particular were very disdainful of the educational offerings, with a number citing the depth and usefulness of the August ILTA programme as an example of what could be on offer. Mary Pat Poteet from Project Leadership Associates summed up views of many when she complained that LegalTech seems all about one topic, "*a shame really as there is so much more to legal technology than just eDiscovery*".

Harking back to one of my two central strands, it was the "fringe" (in this example the free) lectures that really sparked the positive feedback. As ever the ILTA session on Monday was packed full of vibrant material, with the normal components of end user input and presentation ensuring it stayed relevant and on focus.

Huron Legal's Nigel Murray (in his 17th year at the show) oversaw two consecutive sessions with the title "A GC's Nightmare – a US EDiscovery Request into Europe". The first part outlined the problems raised by the EU's attitude to data protection and privacy and its conflict with US eDiscovery requirements; the second part looked at practical ways to deal with the issues which arise. More than 140 people went to one or both sessions. Chris Dale has an excellent post describing the day [here](#). Putting my "historical review" hat metaphorically on for a moment, Nigel has regularly run these sessions at LegalTech, what has evolved is the composition of the audience and the reasons why they attend. From an original simplistic desire to find out why those pesky Europeans wouldn't hand over their data (or why the rapacious Yanks were asking for everything), the mood has changed to one based much more on mutual understand of each other's difficulties and how it is possible to resolve issues with forethought, cooperation and planning. However, I can strongly predict Nigel will be running sessions on this theme for a number of conferences to come,

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as there is still a way to go, and many new people entering the frame as the requirements for cross border data transfers become more commonplace.

There were other excellent sessions that I will refer back to as we progress through the rest of the report. There were a few in particular that seemed to crystallise a number of the topics being discussed into a coherent whole. Chris Dale ran a panel on the "Convergence of eDiscovery and Information Governance" with Craig Ball. David Cowen and Stephen Stewart that articulated the latest thinking on this topic. A Plenary session on "Man vs. Machine: The Promise/Challenge of Predictive Coding and Other Disruptive Technologies" with Maura Grossman, Ralph Losey, The Honourable Andrew Peck, moderated by Dean Gonsowski caused some intense debate, and an accusation that "*without empirical evidence, predictive coding is as trustworthy as Astrology*". A calumny soon discredited by the panel, but interesting in the vehemence that is being displayed by the opponents to this technology. Continuing on that theme, Simon Price from Recomind pointed out that his firm's corporate panel session featured three major companies; Google, Nationwide and Raytheon who had actually used the technology of predictive coding and understood the huge savings in cost and time that it brings. More on this as we get to the technology section of the report.

There was the usual raft of complaints about the facilities of both the Hilton and (as it also starts to strain to cope with the overflow from the main venue) the Warwick over the road. A common strand over the past 5 years has been how firms have focused on renting hotel suites away from the main conference floor and run briefing sessions in their own environment rather than at the booth. Organisations including FTI Consulting, Recomind, Access Data (Summation) and Nuix had up to three suites, fully booked with one hour slots from 9 through to 5 on all three days. Increasingly showing up on the exhibition floor is seen as a necessary evil rather than anything of great benefit, and a number of firms quite happily conduct all their business off site without any of the very expensive footprint in the Hilton. Paul Mankoo was amongst others in picking up the ever increasing trends to meet off-site, though he also commented on "*the true charm and one of the key benefits of LegalTech is the throwing together and ad hoc meetings/discussions between people in the industry that would not normally arrange to meet or speak with each other*".

Simon Price was puzzled by the continued business rationale for the coffee "stand" on the second floor, though in its defence it has been the saviour of many a hung over, jetlagged delegate struggling to stay awake through another PowerPoint marathon. Your author thought the prize for the slowest Hilton employee should go to the incredibly aged lady working in the coat check room. Charles Holloway nominated the barman in the main lobby who spent an hour on Sunday evening "polishing" four glasses with a dirty cloth rather than help his colleague serve the roomful of thirsty Brits, especially galling when said "service" was operating a snail like pace at best. However, as nominated by Senior Master Whitaker (and family) plus a host of others over all the past 5 years, the award for most slowest facility within the Hilton easily goes to....the lifts! Waits of up to 20 minutes have been recorded as they struggle to cope with the inevitable peaks of demand at certain times of the day, and more than one observer has been driven from the Hilton to book elsewhere in frustration at the delays.

The conference facilities themselves hardly seem to have evolved (with one noticeable exception). There is still a distinct lack of Wi-Fi outside the main conference area, no sign of an iPad or smart phone function to plan your working day (both of these points in distinct contrast to the excellent ILTA conference), and a steady trickle of scavenger delegates that like the poor "will always be with us", only in this case they are looking to stock up on as many freebies as they can. The choice of prize for the raffles over the years shows a trend that was picked up in another thread of the feedback, that is a steady rise of the infiltration of Apple into the workplace. The first couple of shows were dominated by iPods as the goodie of choice, with a brief interlude one year for the first

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Kindles, but then the iPad burst onto the scene and has remained as the desirable offering ever since. This does reflect the way in which the younger generation within the user base is changing working patterns and challenging the manner in which corporate information is consumed and delivered. More of that in a bit.

The one element that changed quite significantly this year was the Cyber Café area. Gone were the cluster of PCs for people to access their emails, etc. with only a couple of devices available. Instead, the enterprising sponsor of the facility provided a localised Wi-Fi network so that people could connect with their smart phones and tablets and carry on as normal. If that is how people wish to connect, you would have thought the conference organisers would be providing this kind of functionality. But then we end up back at my Edinburgh festival analogy and one wonders how moribund the main event can become, before the fringe activities find some other home to group around.

I think the final summary of the past five years is that the conference is good for first time entrants to the marketplace, but once you go beyond that, it is the rich seam of events and briefings outside the main area that will be the most rewarding. If you want to get maximum benefit from the event, allocate some time to strolling around, to see who you bump into and what new things are being talked about, but also have some semi-structured periods when you go off-site for more detailed briefing and networking events. Above all, don't underestimate the benefits of having a large group of similar minded people in the same place for 3 days.

The organisers of the event are working with ILTA to run the UK Insight event in May, and it will be interesting to see how that starts to stack up against its New York big brother.

So what of the meat of the show itself. As normal, I want to look at the non-litigation support elements before I delve into the 56% that the booth numbers for eDiscovery suppliers represent.

In terms of the desktop, the lesson of the past 5 years is that most firms decided to skip past Office 2007 and go straight from 2003 to 2010. 2010 implementations have spawned a whole raft of technology and training innovations capitalising on the new opportunities the software provides and on the constant challenge of retraining. Ann Hemming from ACH Legal reported on an interesting conversation where one participant was bemoaning the disbanding of the Microsoft vertical Legal sector group, only for another person to point out that as Microsoft own the desktop, as far as legal is concerned, it was a bit of a no brainer to re-deploy those resources. Add into this an observation from Charles Christian some months ago that the legal market comprises some 7% of MS Office sales and the rationale for a dedicated group starts looking very thin.

The trend over the past 5 years has not been so much about the "native" functions within Office (though that is changing with the latest document comparison and collaborative authoring functionalities), and more about Office and SharePoint being used as a launch pad for other applications/initiatives such as practice management software and knowledge management portals as well as an alternative Document Management System. SharePoint as a full DMS is still in its infancy and it will take a lot to dislodge the hold Autonomy have on the market, but SharePoint in the KM environment has gone from strength to strength, with my reports over the years marking the progress from people talking about potential projects, through to presentations on delivered solutions, and it's not just for the huge firms either. Many smaller firms are now using SharePoint as a Portal and collaboration tool, Ann Hemming is overseeing two such initiatives in the UK, so this is certainly an area which has delivered on the initial "hype".

Another key strand in this area has been the on-going competition between LexisNexis and West Law, with the advertising battle certainly being won by LexisNexis and their video screens with

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blaring 90 second film loops dominating the main reception floor. As Jack Bond put it "*the noise of the Lexis' commercials was successfully challenged by Nigel Murray's electric blue and red trousers, which I'm sure were much louder, even for a shorter period of time*".

In 2010 Ann Hemming summarised the contest between the two as a fundamental difference in design philosophy. Westlaw had been working on streamlining the design of their search screens and improving the user experience but remained with a branded site design. There were a lot of nice new features and a much cleaner look and feel for the new product but it was still intrinsically the same. Lexis took a very different approach, instead of trying to own the desktop, they worked in partnership with Microsoft Office and integrated both search and display into the main Office applications. For many years there have been debates about the best way to integrate legal and business research into the day to day work of the busy lawyer and finally we saw a real difference between the two vendors. This was seen as a strategic change in the legal research marketplace and we predicted that the war will be won on how users react to the choice before them. Many firms US firms are now rolling out the Lexis Office integration and can see that this will bring major benefits for the future.

It will be interesting to see what Westlaw's response will be. WestKM has become a de factor standard in the US and the very impressive improvements in search it has delivered has meant that Westlaw are well embedded in KM stateside (as well as in the UK). However, Lexis are going to be first to have a collateral in the Word ribbon and other desktop applications, this will give them a significant advantage in embedding use of their materials into law firm practice in the future. It will be interesting to see if Westlaw respond. At a separate KM event held on the Thursday after LegalTech, KM managers reviewed their top priorities for next year, many were around document automation, and business process improvement. This would suggest that Lexis is right to invest in their Office integration.

A steady thread over the time period has been the background rumbling about outsourcing. The main evolution in this area has been the increase of firms divesting themselves of back office functions to other organisation within the same country, or at least a nearby state. So though the outsourced firms in India and South Africa have done a steady business in both the provision of litigation support services and (as the digital technology improves) dictation and office services, there has also been a rise in in-sourced options such as Integreon working with CMS Cameron McKenna, or Herbert Smith setting up its litigation support services in Ireland. The five year report card would probably score this area as C/B and comment on steady progress without too many upsets, but nothing spectacular.

Finally, in terms of the other types of software services for law firms, Paul Longhurst thought that "*The overriding impression I took away from the event was that legal IT in the States is, if anything, behind the UK in many areas (although I suspect not in litigation support). I think this probably reflects the greater economic pressures on firms over here pushing IT teams to use technology to find greater efficiencies in order to bolster profits*". An interesting viewpoint and one that could be justified given the much bigger "pool" that software vendors operate within, allowing the survival of poorer quality programs and inefficient practices in some organisational areas, but my personal viewpoint is that the economic climate of the last 2-3 years has hit everyone hard, and a lot of this kind of thing has been driven from the marketplace. Still, it is the contrasting views that make writing this report so interesting.

The final thread on this side of things is the slow emergence over the five years of information management (be it called Records Information Management, or Information Governance) from the dusty back office into a more mainstream role. Matthew Davis from Hogan Lovells LLP thought that "*the convergence of information governance and electronic disclosure, driven primarily by*

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regulatory matters and EU data protection, should see the KM people still have a place at LegalTech." The challenge for the organisers will be to entice them through the door. As I mentioned before, the panel moderated by Chris Dale in this area had a vibrant and engaged audience who gained a tremendous amount from the material being discussed on stage. I think this is one of those slightly "slow burning" trends that I referred to, and over the years we can see distinct progress being made in both the technology that supports it and the strategic vision from corporations to bring the initiatives into the mainstream of business development and not a footnote on the monthly board room agenda.

Let's turn now to the main technical thrust of the show, the litigation support element. What have been the major changes in this area over the past five years? In order to answer my own question I looked back as what has been the "hot" topic over the past five shows, which, if anything has proven that after years of trying, you too can become an overnight success.

In 2008 we saw the emergence of "early" everything, be it case assessment, data collection, or identification of case themes. In alphabetical order, software from Clearwell, Digital Reef, Nuix and Relativity stormed into everyone's consciousness. The following year, the mantra on everyone's lips was "move to the left", an acknowledgement that the focus of software, organisational initiatives and cost savings was very much on the initial stages of identifying and collecting data with companies moving significant functionality within their firewalls, that is under their own control rather than relying upon law firms or vendors to deliver their requirements.

By 2010 it was all about "cloud" services, which to this cynical observer has always seemed to be nothing more than a marketing re-invention of the concept of getting someone else to host your data. Last year there was great sense that predictive coding (and even artificial intelligence) was waiting in the wings, and this year, there was a new three letter acronym in technology assisted review (TAR) or even Computer Assisted Review (CAR). What was clear was whether it was called TAR or CAR, the majority of lawyers did not have a clue how to drive it and were still very suspicious of the concept. However, these individuals did have much more of a whiff of Nero fiddling as Rome burned, or a Canute trying to hold back the waves, there was a general feeling that the tipping point had been reached and the technology was in the mainstream no matter what the objections were.

If I had to pick a topic for next year's theme, it would be functionality for the collection, preservation and interrogation of social media data, an observation also shared by Adam Hawthorne of the NCG Group. Companies such as X1 Discovery were offering their toolkits for extracting data from Facebook, LinkedIn and Twitter (and looking for a UK distributor), other vendors were well advanced in building their own tools. By next year it will have ceased to become a differentiator and will be up there as one of the checklist of functions all "good" litigation software should have.

And in looking at that list of common functions, it is here that we do see the most evidence of how things change dramatically over 5 years. In one previous report I used the analogy of the combustion engine, which in principle hadn't changed how it worked since the Ford Model T, but as a result of incremental improvements over the years, today's propulsion units had no resemblance with those of 60 years ago. As well as features within software becoming commonplace, there has also been a steady expansion in the scope of the programs, breadth as well as depth. Over the period, there has been two main "camps" of functionality, both of which have improved themselves and some participants that have tried to move into the other's area.

Before I dive into these, a brief interlude on the topic dear to everyone's heart, the cost. There was a general consensus that the current per GB pricing model was under tremendous strain, with Joel Tobias from CY4OR wondering "*how long the per GB model is going to last*", and Paul Mankoo

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ruminating that " *the general consensus seemed to be that the per GB charging model has its days numbered and that clients are looking to continue bringing technology in house either via a traditional CAPEX model or a hybrid managed service model in conjunction with a support agreement with a supplier*". Whatever the outcome, I think there are some challenging times ahead for vendors and designing new pricing models will be one of those almost behind the scene changes that will have as much significance as any of the technological advances I'm about to talk about.

For the purpose of my personal analysis of the marketplace I'm broadly dividing the software offerings into two rough areas; Litigation Support (Kroll's Ontrack Inview, Epiq's Documatrix, Access Data's Summation, kCura's Relativity and others) and Early Case/Data Assessment ECA (Nuix, Clearwell and Digital Reef). Both sides of this divide have made great strides over the past 5 years, from 2008 when the point of interest was how Unicode compliant they were, through to today when all have analytic tools, can plug in audio indexing and search (Nexidia being the main product of choice here, and the personal favourite of Hogan Lovells' Matthew Davis and the author), and have a depth and breadth of interfaces and functionality. I'm putting to one side the more forensic data collection companies as they also have progressed, but tend to be the bedrock that the other two areas stand upon.

There are organisations that make the most of having the "best of breed" in both areas harnessed together, whilst others attempt to provide functionality across both (quite disparate) sets of requirements. So FTI Consulting have embedded the trail blazing ECA software of Attenex into the litigation support tool Ringtail, the only trouble being that they have taken an age to do so. Autonomy have widened this approach to buying and re-tooling document management in iManage and litigation support in Introspect, whilst Recommind steadily win customers for their broad suite of products. In the other camp, firms like Access Data has their suite of data collection and processing tools alongside a re-vamped Summation, a number of vendors have plumped for an ECA offering alongside their litigation support tool of choice, in all areas there has been a dramatic improvement in the software functionality, with more of the same to come.

One of the products that has come to dominate the marketplace over the past four years has been kCura's Relativity with a number of the features it first offered being incorporated into competitors' products because "*Relativity does it*". In an interesting reflection of how far and fast this product is maturing, the whole "ecosystem" of Relativity systems is now large enough that there seems to be market opportunities for people to make a living by providing plugin software to the main product. One such offering is from [LitSavant](#), Mark Dingle's company and is called Conformity. Essentially a sophisticated workflow and logic checking tool, it allows sophisticated end users (or people with some help from Mark) to set up a series of coding rules that (from the author's own experience on other large projects with different software) make a significant difference when ensuring quality control across large data collections and coding exercises. It will be interesting to see the progress of this over the next year, and if any other "add-ins" arrive. Like I said, the indication there might be enough of a market to support secondary applications as fascinating as the tool itself, though the product does seem to hold great promise.

Another strand of significant development over the period has been in user interfaces, with the previously mentioned influence of the tablet (iPad) products and their touch screen/swipe hands on approach bleeding through into many products, as well as the general adoption of a more "Web 2.0" style of approach. Some, such as Access Data's re-write of Summation and iConnect's launch of Xera, showed a total bottom-up re-work. For other's there were mutterings that the sign changes were more "*re-arranging the deckchairs on the Titanic*" than any kind of significant overhaul. The Xera product proved to be another marmite area. Some, such as Chris Dale loved the new interface and the iPad capabilities, while others cited perceived issues with the previous generations of

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iConnect software, one quoted an overheard comment that it was likely to be a "*company killer*" and they didn't mean the opposition. Interesting to see where they are next year.

Putting the area of litigation support software to one side, what of the advances in Early Data/Case Assessment technology over this timeframe and what predictions can we take forward? My personal view is that it is far harder than it seems to "bolt on" litigation support technology to an ECA tool and that Clearwell has made a reasonable fist of it, but ultimately is in great danger of falling between two stools. Nuix on the other hand has focused on what it does well and has steadily picked up clients who like the "does exactly what it says on the tin" approach and are quite happy to seamlessly connect it with the litigation support tool of their choice. Despite a number of years of trying, Digital Reef has not really gained a foothold in the UK market and seems in danger of becoming a very distinct "*also ran*" in this race. Jack Bond picked out the Global Preview tool from First Advantage as one he would watch, but I think it will mainly be a head to head between Clearwell and Nuix for the UK market for the next few years, with the main competition coming from the ECA offerings moving over from the Litigation Support side of things. Certainly Kate Paslin from Access Data would put her product into the initial evaluation line up, whether the marketplace will, is an interesting conundrum to ponder over the next 12 months.

I want to take brief look at how various mergers and acquisitions have changed the landscape, with a number of the smaller UK service provision companies being absorbed into Accountancy practices to give them the internal capability to offer Litigation Readiness to their corporate clients. Also the two super tankers that are LexisNexis and Westlaw have put litigation support far more firmly at the heart of their strategic direction and have put the products and people in place to help in their continued drive to own all aspects of the legal desktop. I use the super tanker analogy deliberately as it takes time for such organisations to agree a strategy and then put the pieces required together, but when they do get it right, there will be a very formidable marketing and sales machine that will reach out to far more law firms than the other litigation support vendors can dream about. I think "*more of the same, but faster*" would be my broad brush thought for the next year in this area.

In terms of brand new technology on offer at the show, I normally have a rule not to talk too much about offerings until they have been there for at least 2 years, but wanted to break my self-imposed rule as I and a number of others were very impressed with the Palantir stand that was (to techy eyes) "*very sexy*". The software is a platform for information analysis across a myriad of data sources. Those of you with a Lord of the Rings background would have instantly got the reference to the seven Seeing-stones initially used to communicate around Middle Earth. As Empire (a film magazine) readers have just voted Aragorn, the main character in the films, as the world's "sexist" character, there were a number of hopeful looking women (and wistful well-dressed young men) hanging around the stand, but to no avail. Putting aside the whimsy of speculation about their product's name, it is interesting that this type of high level analysis capability (originally from a government/military background) is moving across into our area. It shows the emphasis is moving beyond "raw" processes of capturing information and then crudely filtering it with keywords, dates and people's names, and into the more esoteric, high level analysis of what we know, and that (without technology to help us) we don't even realise we have in our grasp.

Which leads us nicely into the final and most significant area of the report, that of Technology/Computer Assisted Review (TAR/CAR). As previously mentioned, after a number of years of gathering momentum, this was truly the time that the technology "arrived", dominating the conference programme and being the main theme on the litigation support stands. Since the show there have been significant developments in the USA, with the previously mentioned Judge Peck delivering a written Opinion which endorsed the use of TAR, (with all the normal caveats one would expect in such a document), but the fundamental principle is that endorse it he did. How will

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this change the industry? There are a number of analogies that spring to mind, but the overwhelming one is indeed of a steadily rising tide, (not a great Tsunami), but it is as if the flood gates have suddenly been opened a good few notches.

There are many pages that could be written about the subject, but for the purposes of brevity (and the knowledge this is fast becoming a very long article indeed), I want to focus on the main highlights of the technology. There are two main strands to what is on offer. First there is the approach of the software being trained by skilled human beings as to what is relevant, privileged, etc. which leads to (once the training wheels are off the software engine) a percentage evaluation of relevance to themes. Here the relatively easy bit is the review of the items with high relevance, and then putting in place the sampling mechanism to look at those with “medium” scores. In my mind, the big conceptual leap of faith for lawyers will be the acceptance of the fact that you reach a point at which you do not review the low scores at all. The key thing here is to emphasise the “Assisted” bit in the middle of the acronym. We are not proposing that the software takes over from the human, but that the lawyers get to drive the CAR. More of that in a minute.

It is in the second strand of the software that there is more uneasiness as Artificial Intelligence systems become more mainstream. Already we have the Stroz Friedberg product that can assign relevance or privilege categories by interpreting the electronic data within the available information. In the wings are “products” such as IBM’s Watson software. This has already won the Jeopardy game show in the US, and it is currently ingesting all available medical information to provide a “Dr Watson” tool for the medical profession, and it now has legal in its sights. Can you imagine an AI assistant that starts to not only review and group the data, but also pulls up precedents and possible strategic options to the case approach? OK, maybe not within the next 5 years, but within a decade perhaps.

Anyway, I think that it is very clear to see, that there is a large momentum behind the first CAR strand. The trouble is that a number of people commented on the problem “*that not a lot of lawyers can drive these CAR’s*”. I think the definite “takeaway” from this year’s show will be all about vendors acting as partners with clients (and by that I mean both law firms and corporates) not just suppliers. There will be a number of law firms who “get it” and realise the best way to drive a Formula One race car is by directing from the pits and not letting some well-intentioned novice get behind the wheel. There will be smaller firms who realise the cost of buying into these systems is not as prohibitive as they fear and will start to challenge the larger firms. And there will be the dinosaurs looking at the incoming climate changing meteor, and claiming it is all Astrology, not Astronomy. Finally there will be the corporates, at the heart of litigation readiness and information governance, under pressure from shareholders to keep costs down, and with general council and IT talking to each other, they may well quietly install internal systems and render external help superfluous.

As ever, a quick skip through the background to the event and the various social events and interactions that make up the lifeblood of the occasion. The combination of good dining and intelligent conversation remains a fundamental part of the experience, on a personal note we had a great conversation with our rugby loving Argentinean waiter at one of the venues and went to see the awesome new musical The Book of Mormon.

The various parties across the city offered a range of “entertainment” from the classy Recommind cocktails at The Top of the Rock with stunning views this time as opposed to last year’s fog bound event, all the way through the spectrum to the B-Discovery event which had “*A collection of middle aged men, crammed on a dance floor deafened by music their children might appreciate.*”

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Looking back I see that the numbers in the British contingent have steadily risen, though sadly with little additional lawyer involvement. What will it take to get our UK lawyers to take the technology seriously? I suppose the challenge is finding innovative lawyers, then thinking about how we lead them to water. Still there is always next year to look forward to.

Oh, and if anyone knows where Jonathan Maas went from, or to, in his 7 minute taxi ride at 01:00 (for which he has a receipt) he (and his expenses department) would be delighted to hear from you.

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