

## LegalTech 2014 – Almost a Snow Show

Another year, another LegalTech, another missive from the generous host of people who contribute to this document, with a light editing touch from myself. It's the seventh year of the report, and as in previous occasions I was partially standing in for Charles Christian who (in his own words) "*was recovering from one of those pesky Heart Attack things*" and thus not able to travel. That meant I have again been working with PR companies to meet some fascinating (non-eDisclosure) people, as well as my focus on the litigation support side, with its equal share of interesting and thought provoking individuals. Thankfully this time around, there has been much less of the bland feedback I received in 2013, with the emphasis being on real world, occasionally spikey, comment, some of it attributable and some of it off the record. As ever, my most grateful thanks to all contributors, any errors are mine and mine alone.

When I sat down to plan out the article (and yes, there is a lot of planning that goes into this), I was reminded of one of the concepts expounded by Chip & Dan Heath in their excellent book on marketing called "Made to Stick" (which you can get on Amazon [here](#)). They talk about the "Curse of Knowledge", by which they mean the difficulty you encounter, when you know so much about something it's difficult to get the message over, as you are assuming that everyone understands the basics of your proposition and you go straight to the more advanced aspects of the issues. After a decade of attending the event, I thought I should question some of the assumptions I make about the show, the ground rules for this article and the more commonly accepted truisms within the whole of the legal IT industry as well as the world of Litigation Support. As needed, I'll show **an assumption in bold text**, and then explore it in more detail.

My first assumption is; **LegalTech draws an international and US wide audience**. The punning title of the article refers to the effect the US weather had on both the build-up to the event and days thereafter. To put the point into context, the show took place on Tuesday to Thursday, with most people flying into New York on Monday. There were significant snow storms along the US East coast on Monday, a relatively clear day on Tuesday, inches of near freezing rain on Wednesday and back to cold but clear on Thursday.

The Monday snow caused quite severe delays with people recording up waits of up to 12 hours as their flights were constantly cancelled and re-scheduled. Yet once they were there, they were there, so you would have thought there would be little difference between the numbers on Tuesday and Wednesday. Yet, for a surprisingly significant number of people, the horrid weather on Wednesday caused them to stay away. Mind you, we are talking "lakes" of freezing water at every intersection that could only be surmounted by either a) wearing waterproof footwear, or b) getting at least one foot soaked through as you tried to skip through the icy liquid. Most of the people who had travelled into the show had not packed wellington boots / galoshes / thigh level waders and so ended up taking option b). So where had the no-shows not come from? One of the attendees who had sight of a pre-show delegate list noted that; "*Of the 7,000 names, a number (who were known to me) were not attending, and roughly 4,500 came from New York or its surrounding suburbs.*" Big Hand's Eric Wangler commented that; "*day two was noticeably affected (at least in the morning hours) by the unfavourable, and very messy weather that made even crossing the street a treacherous affair. This might also be an indication that the show and its attendees are a little more regional/local than the promoters are likely to want admit.*"

So my assumption is partially correct and you certainly get a cosmopolitan flavour from the people you meet, but it's a little bit more dependent upon the local populace than the organisers would have us believe. The one bonus from the inclement conditions is that they seemed to wipe out the elderly, doddering, scavenging "vultures" of LegalTech who Hoover up all the goodies without even an acknowledgement of your presence behind the stand.

We pause before the main part of the report for me to re-iterate my analogy that the mind set in which to approach the event, is to regard the show itself as the Edinburgh festival, which has to occur, in order for the far more exciting "Fringe" to exist. Jerome Raguin from Lex Connect comments; "*LegalTech it seems has gone from an "event" to a "destination". So much happening around it, in the Hilton but also surrounding hotels, exhibition halls and private suites, also restaurants & dinners in a 1 mile radius.*"

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Speaking of the Hilton, let's give it our annual review as a venue.

The good news is that the queues for lifts are still at manageable proportions and no-one was complaining of a 20 minute wait. The sadder news is that the bar staff are still as slow, surly and stupefied as ever, and the cloakroom wait (or "coat check" for our US readers) was at its normal 10-15 minutes at busy times. Many people commented on the lack of places to meet each other, with one first time supplier attendee rueing the fact they had only rented a room in the Hilton and not a suite. The demand for somewhere to meet leads PA's, interns and seasoned delegates camping out in chairs for hours, shuffling out for their people to use them for an hour, then scuttling back on a "hot bed" policy to sit in it, until the next meeting. At times the lobby resembles nothing so much as an airport after serious delays, with people sat on floors, railings and window sills.

My individual observation was that I spent a good 30-40% of my daytime outside the Hilton in coffee shops, the adjacent hotels of The Warwick, London and Sheraton as well as diners and the odd bar. If you do get invited to anything further away than a block or two, do remember that if the weather turns as nasty as it did on the Wednesday you can write off a couple of hours to get there and back again.

The Hilton had re-opened its restaurant after last January's refurbishment, but the steep prices certainly kept the author away from it, however the major cause for consternation amongst "veteran" delegates was the missing coffee company on the entrance to the second floor of the exhibition. Their slot had been taken by an Asian company called UBIC, who might have had an excellent message to impart to the attendees, but most were looking shell-shocked at the loss of their caffeine jolt. Hogan Lovells' Bill Onwusah and Matthew Davis have discussed the situation and offer the hypothesis that *"the Hilton didn't like the idea of free coffee at LegalTech competing with their new, paid for, coffee bar downstairs."* Despite the very welcome free coffee, I could never work out what business benefit the coffee vending organisation got from being at LegalTech, so it's probably a pragmatic call on the behalf of their sales Director, but I do like Bill and Matt's conspiracy theory.

The LegalTech App was back from last year in a new and improved version, and I found it invaluable. Of particular use was the ability to create your own programme where you could add educational sessions to the calendar and then slot in your own meetings. For someone like me, who had a number of suppliers to meet (not all of whom could cope with using the time zone capability within Outlook) being able to create my own 3 day personalised schedule and carry it around with me was perfect. You could also add events to the app on your phone and then sync them with the iPad version and vice versa. It looks as though the organisers have spent time and money listening to feedback and implementing it, so kudos where it is due.



You might have seen the updated Maslow Pyramid of human needs that is doing the rounds. It certainly epitomises my desperate search for a Wi-Fi connection wherever I am, particularly in New York where I don't want to pay for roaming charges on my phone/tablet, but need to play Angry Birds stay in touch. As a delegate I found the coverage improved from last year and had no issues with the service. Some suppliers had serious problems with the facilities within the exhibition hall and demo suites, but I was very satisfied.

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What of the main conference syllabus, where my oft stated assumption is that; **Apart for first timers, the educational programme isn't worth attending.** In exploring this statement, I've realised that it's a little self-serving, as I now find myself in a situation where I don't have much time to attend the Keynotes and other free sessions, let alone the paid-for presentations, and thus have come to scorn what I can't do. Barrister Damian Murphy, a first time attendee from Indiciium Chambers, was full of praise;

*"If you don't subscribe to Wired magazine you are an idiot" – I was already being accused of being an idiot as my first coffee of the day was barely settling down. We could only be in New York. It was an electrifying start as Jason Thomas of Thomson Reuters took the audience on a whirlwind tour of the dark web. Mother of Mercy, it is dark out there. In short, he exhorted lawyers to wake up to the technology as an enabler for change both good and bad. I am going to subscribe to Wired. I'm not going to buy bitcoins.*

*Each of the keynote sessions was presented with great skill and (where necessary) delicate tact (for example in Craig Ball's handling the judges' panel). Most importantly, each session was very interesting. The privacy talk in particular will stand the test of time – what a great idea to bring in a film maker (pulling down the walls of the privacy temple) and sit him next to a lawyer (building those walls).*

*In terms of the various tracks – I had trouble tracking them down but when I did I was once again impressed. Recommind's panel with counsel from Goldman Sachs, AIG and Google was a valuable insight into the workings and needs of these giants. Again the host, Dean Gonsowski handled his panel with subtle skill.*

Other people also singled out the privacy talk in particular as an excellent interaction. A personal opinion here, is that I think the revelations of wikileaks, and the on-going fallout from the Snowden whistle blowing have raised the US awareness of these issues, and they are now much less inclined to look down their noses at us "privacy obsessed Europeans". This was even before the news last week that Mayer Brown might have been "hacked" whilst working for a foreign government on trade negotiations with the US. I think this is a "snowball on top of the avalanche slope" moment, and the topic will run and run.

United Lex's Dave Deppe noted that "We came across many who had invested to attend the sessions", and he also noted that the "Cyber/Litigation convergence had a buzz". Amy Juers from Edge Legal Marketing said; "The keynotes appeared to be standing room only, but perhaps that is because the late arrivals didn't want to display their tardiness by finding a seat up front and so they stood in the back for a solid hour. Perhaps LegalTech should have attendants help find seats for these people...?"

So, in this area, I think I have to admit my assumption is wrong. There has obviously been a lot of work by the educational faculty to improve the quality of all the sessions, and having disparaged their efforts in previous years, it is only right I acknowledge a job very well done this time around, and, in true consultancy style, urge them to do the same again next year.

Next assumption; **There are always big announcements at LegalTech.** The question I have been asked the most since I returned has been; "Was there anything new at LegalTech?", or the variant; "What was your key finding at LegalTech?". Given this article normally comes in at around 10 pages, it's hard to boil it down into a 30 second sound bite, but I understand where people are coming from.

So, on this question I have to say that there were significant launches from both technology companies and professional bodies, but that overall it was a consolidation year. That brings me back to another constant theme in these reviews, the thought that; "Not as much happens in one year as you would think, but a lot more happens over three than you realise." I would characterise the improvements across the board as a move to Version 2.0 in many areas including; eDisclosure software, voice recognition, auto translation, the many forms of predictive coding (or Technology/Computer Assisted Review), the acceptance of cloud based offerings, the provision of managed services, user interfaces and physical displays, SharePoint 2013, pricing models and even the humble search functionality has quietly evolved. I'll come back to each of these further on in the article.

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In, what has become over the past four years, a regular element of the show, Inside Legal do an excellent job in creating a word cloud from the agenda and musing upon what topics are "hot" in 2014, and what has changed from previous years. See their full article [here](#). Two main points stand out for me. First, this was the year when a key focus of the programme was on Information Governance, and again, more on that in a minute. Second, last year's No 1 of "Big Data", (which had appeared from nowhere as it wasn't mentioned once in 2012) has dramatically dropped down the charts. To be fair it wasn't all marketing hype, (which was my slightly cynical viewpoint on its arrival last year) as the nuggets of truth underpinning the "spin", have been absorbed into the eDisclosure world, where they belong. The best analysis of "Big Data" I have come across is:

*"Big data is like teenage sex: everyone talks about it, nobody really knows how to do it, everyone thinks everyone else is doing it, so everyone claims they are doing it."*

Finally, before we look at the content, one last assumption on the overall show, **It's a social media feeding frenzy**. Here I echo the feeling of a number of commentators that the social media reporting is relatively poor. There always seem to be three or four hash tags that emerge rather than one clear "voice". A lot of the tweets are of the banal variety along the lines of "it was nice to see you at our stall" and I, for one, was far too busy to tweet anything of substance. I think the show is far too large and complex to follow via Twitter, and the PR "noise" drowns out any meaningful comment when it does appear. Amy Juers noted the other trend in this area "Media attendance was strong and there were a lot more cameras, keeping in trend with the next-gen marketing wave." The UK's own Chris Dale recorded a number of video interviews, as well as writing his thoughts on the show, check his site [here](#) for more details.

Now the biggest assumption so far; **LegalTech is all about electronic Disclosure/Discovery**. But it's not and to prove it, let's look at various areas before delving into the EDRM dominated world.

First I want to return to the topic of Information Governance, which over the years, at its core has increasingly "blended" with initiatives on Litigation Readiness/eDisclosure and Knowledge Management. A number of people commented on the different aspects within this area.

Matthew Davis thought; *"There also was an interesting development in that there was talk of using predictive coding outside of dispute resolution cases, namely, for information governance. The idea here is leverage technology to reduce the burden on the individual, which is often one of the weak spots of information governance. Here predictive coding would be used for data remediation (identify the junk); records classification (a general conceptual classification, rather than the granular 'document type' classification that is traditionally seen); and bad conduct detection (look for patterns of behaviour and thus preventing a dispute arising by stopping the circumstances ever developing). In my opinion, the latter is the future of this sort of technology and where it will ultimately evolve."*

Recommind's Nick Patience continues the theme; *"Information governance is here to stay and now it has its own industry consortium – [Information Governance Initiative \(IGI\)](#), which will create further opportunities for developing best practices in the area. The C-suite is behind in terms of understanding the importance of it, but that will come."* The launch of the IGI was one of the significant events I alluded to a little while ago. In its own words the IGI *"is a cross-disciplinary consortium and think tank dedicated to advancing the adoption of Information Governance practices and technologies through research, publishing, advocacy and peer-to-peer networking."* That is to say it a supplier led initiative supported by significant suppliers such as Equivio, HP Autonomy, kCura, Nuix, Recommind and ZyLAB, which aims to promote best practice in this area.

My personal viewpoint is that the US is slightly playing catch-up in this area, which is not to say that the IGI is an excellent concept and a very solid worthy contribution to the debate. In May of this year IQPC hosts its 9<sup>th</sup> annual Information Governance and eDiscovery Summit (more details [here](#)). I've been to each one, and over the years have seen the agenda, and the audience, evolve from two very distinct and separate days into a single intermingled whole. The UK banks are also investing heavily in early data assessment tools behind their fire walls, so that they are much more prepared for the next regulatory scandal investigation that might break around their ears. I agree with Matthew Davis and think that this is the future of this kind of technology and therefore confidently say; **2014 is the year of Information Governance**.

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On a related topic, let's look at the issue of Cybersecurity. I met with Eric Gonzales from UnitedLex (a US based company with strong ties to the UK supplier Unified) used the show to launch Questio, their consultancy led, managed litigation support service. We talked about the more recent trends of security breaches and how organisations could prepare for when (not if) such a thing occurred. UnitedLex's focus was on the preparation beforehand of a reaction plan, as well as the provision of tools, techniques and (if needed) personnel to help implement the plan when a breach happened.

This leads to the query that should law firms be concerned about this? Two points here. One of the more recent Snowden revelations was the assertion that the law firm Mayer Brown was "hacked" by the NSA whilst the firm was representing Indonesia in trade talks with the US. Add to this, that most UK law firms have been quietly approached by the appropriate department to let them know that they are a designated target by certain overseas organisations (sub-text some of whom might well be government sponsored).

On a personal note, whilst in New York I met with one individual whose credit card had been compromised in the latest of a set of US breaches and was undergoing the pain of having all his cards re-issued. I returned to England to find my online account with Tesco's was one of those that had been attacked (though not broken into) and I had to re-set my password with a much stronger version. This is the world we are living in and it all adds up to a need to plan for such things and be able to implement that plan when needed.

Turning to the world of knowledge management I met with Ted Theodoroploulos and Eric Byrd from Acrowire, an organisation that provides business consultancy based on technology centred on SharePoint and .net applications. Their main area of work for law firms is the customisation of SharePoint to meet business objectives in the areas of Knowledge Management (KM) , business processes and (increasingly) putting services into the "cloud" so users can access them anywhere. They resonated to the Version 2.0 theme, in terms of the functionality provided by SharePoint 2013, which represented a significant move forward in many areas, not least of which was the far easier integration with .net applications. As first timers at the show they were a little overawed by the scale of the whole thing, but contacted me afterwards to confirm what an excellent opportunity it had provided, for them to meet with possible suppliers, network with current and (more importantly) potential clients, and sound out the availability of suitably qualified staff.

An aside here. Eric Byrd was *"Finding it extremely hard to find mid-level technical people. It's a "seller's market" at the moment."* Yet Eric Wangler noted that *" There also seemed to be an unusually high number of people "working the show" in search of new employment opportunities, not sure what that means for the present or future but it was an interesting dynamic and noticeably different this year."* I think the two Eric's were talking about two different types of employment areas, but LegalTech is certainly a place to be if you are interested in finding a new role.

Whilst we are talking about the "softer" skills of law firms such as KM and Business development, let's also touch upon the world of Legal Project Management. Dave Cochran from Planet Data (of which much more in a while) had this to say on the topic; *" One of the areas that never received the focus it should have at past LegalTech's, was the role of project management and its impact and effect on a legal team's success before and during a trial. Whether at a supplier, law firm or corporate legal department, the role of an experienced Project Manager cannot be understated. I began to see more emphasis on this role during a Legal Project Manager working session I attended at Legal Tech. This was a private session, but the attendees were all Practice Support Managers, Directors, etc. from law firms and corporate legal departments and the discussion centred on the role of a project manager; how to utilize their skills; how to develop their skills and how to hire an experienced project manager. It was an impressive group and they shared their thoughts on what needs to be done to continue the development of this important position. I believe we will see more of this type of discussion in the future.* This reinforces my Mea Culpa plea on the quality of the educational programme, though I would offer up the defence that it was a private session. Jared Coseglia from Tru Staffing Partners identified that *"the requirement for project managers has exploded in the US"*, perhaps we are finally seeing law firms starting to run matters as projects, and the practice as a business.

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Time to challenge another assumption, **As far as lawyers are concerned, the Cloud is a BAD THING.** I've put this in capitals to emphasise that there are so many definitions of the Cloud and services that are offered from it, that it is not surprising that people are overwhelmed and react by rejecting the whole concept. If I was cynical last year about the invention of the concept of Big Data as a sales and marketing ploy, I'm ten times more aggrieved about the Cloud concept. Suppliers have been offering services via off-site servers for decades, why the industry felt the need to start labelling it the Cloud is beyond me. Anyway, let's look at the evidence here.

Two organisations, Worldox and WorkShare who currently have Cloud based platforms announced at the show that they are providing an integrated solution to users. Worldox is a document management system, whilst WorkShare supplies document storage and collaboration, so it can be seen that there is a lot of synergy between them and a joint offering makes a lot of sense. The Acrowire team were also actively embracing the Cloud as a way of delivering their solutions for small to medium law firms (and let's remember that there are an awful lot of those in the US). In fact the whole concept of providing a range of services to firms via some form of a Cloud was at the heart of a number of products at the show, particularly if it involved a "Private Cloud", that is servers and space dedicated to specific organisations, so you can at least be sure that your information is staying within the national borders. I'd say that lawyers should not be put off by the use of the word Cloud, but should press suppliers a little bit more as to what they actually mean by it.

If the Cloud is the delivery mechanism, then the other topic that is often mentioned in the same breath is that of "managed services", by which I mean the provision of overall management of the products and services rather than just the delivery of the application, leaving you on your own to run the project. Litsavant's Mark Dingle noted that; *"Managed services/cloud provision was definitely a message that I saw several vendors pitching"*, whilst Dave Deppe thought that; *"Buyers seem to me moving away from the "transactional" model of procuring services and looking for providers that have that have broader portfolio of "end to end" service offerings that include people, process, technology. The managed service model yields a much more tangible economic business case while focusing on overall process improvement and greater efficiencies."* Finally, Jared Coseglia said that; *"Managed Services" is the phrase of 2014, with tremendous adoption rates in the law firm and corporate community. Iris Data Services has clearly established themselves as the market leader in this genre with many competitors following closely in their footsteps.*" We will hear more about Iris when we get to the section on eDisclosure, which is drawing ever closer.

I met with Andrew Goodman from Quislex, an organisation offering technical advice for using analytics (that's CAR to you and I) as well as managed review services. He is working both with magic circle law firms and directly with clients. As with the information governance there is an element running through this area of organisations not particularly buying the software and running it themselves but instead going down the route of having an established supplier for an end to end offering.

As well as penning this annual document, I edit a Buyer's Guide to eDisclosure systems and in the second edition, (which is due out any day soon and will be found [here](#)) there has been an increase in the number of organisations offering managed review services both within the UK and based off-shore. One of these, Exigent (UK and South Africa) chose the show to announce their partnership with Planet Data and their Exego product, more further down the article.

All right let's examine the elephant in the room here. **LegalTech is all about electronic Disclosure/Discovery.** It's not, but a big bit of it, is. Saving the best to last, what did the eDisclosure part of the show give us?

The other two significant launches were from Equivio who unveiled Equivio Zoom for Information Governance in the same week as the IGI, and Recommind's Axcelerate 5, which, after two years of work and 300 new features, justified the claim to newness. Mind you, one of Recommind's competitors passed the very bitchy comment that *"If the only thing Recommind is announcing is a move to HTML 5, I'm not impressed."* I'm going to file that one under "sour grapes" and leave it to Nick Patience to give Recommind's point of view; *"We always have a LegalTech party at the Top of the Rock, but this year's was different; it was a launch party for Axcelerate 5. Some 18 months in the making whereby we rewrote the application and user interface layers of our products from*

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*scratch – a bold commitment to the eDiscovery market – and delivered our next generation product on time. Early adopter customers have been using it for a few weeks and the feedback has been extremely positive. We've even had compliments from some of our closest rivals about the product who saw it at LegalTech!"*

Not to take the shine off the launch, but the next assumption is **Relativity is the King of eDisclosure products**. The short answer is that this is true.

Last year I was told by a very sincere sales person that they were winning a lot of business from former Relativity clients who were fed up with the pricing model kCura used. That might have been true, and we will return to the pricing debate in a bit, but for the moment, in terms of widespread acceptance, Relativity is very much the top of the crop. In the UK it was offered by 17 suppliers in last year's guide, this year it's going to be over 20, with one of them being Kroll who follow a number of suppliers who own their own software, yet are offering Relativity, "as so *many customers would like to use it*". For me the total domination of the marketplace was best reflected by the fact that the kCura booth was one of the smallest in the show, manned by two bored looking ladies armed with a single PC. Why bother to demonstrate your product when everyone else is doing it for you. Where kCura did spend their money, was on two stunningly good parties on Tuesday and Wednesday night which wrecked carnage amongst a number of supplier's salespeople. You all know who you are.

As Bill Onwusah said; " *It's starting to look as if you can't do business unless you can also offer Relativity.*" I'd put kCura in the position of being the Microsoft of the eDisclosure world, which is a double edged sword as we all know how hated Microsoft became, as people strived to outdo their products. I would always advocate that if you pair Relativity with a product such Nuix, you do have a very powerful combination of software functionality.

The depth of the eco-structure that exists around Relativity was demonstrated when I met with Advanced Discovery who demonstrate their suite of culling/reporting/management products that wrap around the core Relativity offering. The demonstration was a bit of an academic exercise as they have yet to find a UK distributor, but it served to show how a very good living can be made by supplying products that enhance the core Relativity functionality. There were two main areas of interest for me. The first was their Early Case Assessment (ECA) product "Advanced FirstLook" which works by ingesting the text and meta data of ESI, but not the rest of the item, so only bringing about 20% of the data volume into the ECA environment. Once in, the tool has some very impressive abilities which enable you to cull the material down and identify the ESI items you want to bring into Relativity. Overall the approach offers significant cost savings as opposed to using Relativity in its standard form. The other fascinating area was in the realm of predicting costs as you start looking at the data, using the experience of past projects to give estimate for all the stages of the project. Finally, even the humble search functionality had been dramatically improved with a seamless integration of the stems and synonyms from Princeton's Dictionary, or as I called it "*search on steroids*", with word counts, document hits and unique document hits all at your fingertips. Impressive stuff.

Relativity might be the King, but is it the best product? Here we return to my proposition about version 2.0 of eDisclosure software. Relativity and a number of other products represent a very solid Version 1.0, with a number of features now being offered by all the software organisations and the only differentiation being in the R&D that has gone on in the area of user interface and analytic graphics. Mathew Davis again; "*There was no real innovative technology on show, with developments focussed on polishing or maturing existing functionality. Many tools seemed to be concentrating on improved/tablet compatible user interfaces and greater use of visual analytics.*"

I would postulate that there are Version 2.0 products available, with features or philosophies that set them apart from the Version 1.0 crowd. What follows is a subjective list of software that, for me, stood out. I'm going to have a quick look at Catalyst, Planet Data/Exego, Intella and, last but, by very no way, least cicayda. Two are available in the UK, two are exploring their options.

I met with John Tredennick the founder and CEO of Catalyst and its eponymous product, which is not yet in the UK, more's the pity. What was impressive about his demonstration was not the functionality per se, though that was very, very good, it was the fact that it was live on 23 million records, yes twenty three million and it was as if it was a few thousand or so. One of the Version

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2.0 features I particularly like was the ability to create a single "alias" for a set of email addresses and then search using the alias. What can I say, it's my inner Geek coming through.

In a follow up conversation after the show John mused upon where his software was gravitating towards and concluded that; *"Big Data is being looked at by Big Law and becoming Big eDiscovery within sectors such as energy (gas & oil companies) and financial (banks, brokers, etc.). The need for information governance tools that can cope with enormous data sets is what is driving their requirements, and we are here to meet those needs."* John's company is based in Colorado, one of the American States that has recently decided to legalise the use of marijuana, so he won the prize for the best giveaway in the form of packets of cigarette rolling papers with the inscription "See what the buzz is about". You can see what the buzz is about [here](#).

The other product which has yet to find a UK supplier is Planet Data with its Exego tool. However they did use the show to announce their partnership with Exigent the South African based LPO who in turn have publicised relationships with Pinsent Masons and RPC, so perhaps it won't be too long before we see it on these shores. Exego is based on Planet Data's own processing engine with patented technology, and has a number Version 2.0 features. It is capable of forensic examination of data, including information that has been "cut and pasted" into Excel spreadsheets. It copes much better than other products I have seen, with "compound" ESI items, for example a Word document with an embedded Excel spreadsheet, or a PowerPoint reports with underpinning Excel tables, both of which examples I have encountered in previous projects. Like the Advanced Discovery search function, Exego has built a dictionary into its Keyword functionality, and also has a similar concept of a Dashboard overall project management view. See more for yourself [here](#).

Let's look at two products that are available in the UK.

Vound Software are an Australian based company whose flagship is Intella, an product that focuses on what it designates "Forensic Search", and it sees itself as an alternative to Nuix and Clearwell, albeit a lot cheaper, and as good as, if not better, functionality. It didn't appear on the radar in last year's Buyer's Guide and yet popped up with two firms using it in the 2014 version as well as a number of other UK organisations. In the UK it seems to be the tool of choice for a certain type of forensic investigation organisation and yet to pigeonhole it as a small scale tool is doing it a deep injustice. Because of its appearance on the Buyer's Guide I made sure to track down Peter Mercer the MD of Vound to get a good look at the product and was not disappointed.

The visual interface to searching and analysing data is very impressive with a very powerful window on the social mapping/content analysis of the information. As you would expect it imports data from all the "usual suspects" of Outlook, Lotus Notes, images etc., but also has some good pattern recognition features (which are very useful in weeding out what we might euphemistically call "flesh toned pictures" that appear from time to time at the dirty bottom of your data collection trawl). The product has been taken in-house by the US company Sears in an information governance role (you see why I'm quietly confident about that **2014 is the year of Information Governance** claim). If you are reading this in the UK, you might well have the product pitched to you in the next few months and I would urge you to at the very least accept the demonstration. More details [here](#).

The other product that is also in the UK? That would be the quiet, unassuming, "don't rock the boat" organisation that is cicayda. (I know I'm pandering to stereotypes, and I wouldn't want to upset some of my international readers, but that pervious sentence, is what we Brits call "irony".)

In some ways like Intella, last year cicayda wasn't on my radar, but it has burst through over the past 12 months. Their product is good, very good and is a definite member of the Version 2.0 club, what really makes them stand-out is their focused marketing campaign. Remember I put Relativity as the number one and wondered if that was a dangerous place to be as people would be out to take it on? As the most vocal member of the "not-Relativity" club, step forward cicayda. Their blog is entitled "[Flipping the Gorilla](#)", their first conference last year, (which Charles Christian reckons contributed to his heart attack) was titled the "RelEvant" show. Are you getting the picture yet? See more, much more, about the product [here](#) and (like Intella) be sure to check it out in the UK.

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However, I've saved the biggest bone of contention or "full and frank exchange of views" until last.

In last year's article I discussed the proposition put forward by RenewData for a different approach to Computer Assisted Review (CAR), or Predictive Coding, where in essence they have a different engine under the bonnet of the CAR. This year it is cicayda's turn to take up the baton of an alternative option to the normal way of providing a CAR. If I used all of the material the cicayda team provided this article would have another 5 pages, so I'm going to dramatically paraphrase their arguments. They have drawn upon the expertise developed by the US military/intelligence organisations into data mining since the 9/11 terrorist attack. Rather than train a computer to recognise patterns in linguistic information, they have technology that can use sparse clues, analysis of interaction networks and other ways of conquering the known and unknown data characteristics to identify the key bits of data in a case. cicayda does not have a technical argument with CAR, more it is about efficiency. They would say that CAR works but there are alternative approaches that provide more efficiencies.

John Tredennick from Catalyst puts forward his thoughts on "[5 Myths about Technology Assisted Review](#)", whilst Roe Frazer the CEO of cicayda responds with "[We've Never Been Part of the Flat-Earth EDRM Society](#)". Makes the Sharks and the Jets look like a playground spat, expect this one to run and run.

I think the cicayda vision is best summed up by their Marc Jenkins; *" Right now, I can deploy analytical and/or automation tools to (1) shorten the time it takes to research a complex legal issue; (2) know what my opponents likely budget will be based on the company involved and the firm they have hired; (3) understand a range of likely outcomes in the matter based on its jurisdiction and presiding judge; (4) analyse the risks and costs of the litigation at an early stage; (5) discover the key documents faster than ever before; and (6) shorten the time it takes to create work product from the information gained. Further, I could know all of this at the case management conference or the meet and confer. Imagine a luddite lawyer coming across facing the guy with all this knowledge at an early stage."*

I'm going to repeat myself from last year here, and say that I do find all of this fascinating, but can't help but feel that this is still discussion on how to fight alligators, not on why we are draining the swamp in the first place. By this I mean that the majority of the lawyers I'm still meeting, have yet to be convinced of the efficacy of assisted review (or desirability of reducing the cash cow of the billable hour), let alone what technology is best suited to the task. BUT that view is changing and cicayda are a very welcome addition to the lobbying.

The other issue that cicayda are involved in, concerns alternatives to the "per gigabyte" pricing model adopted by eDisclosure suppliers. For the last couple of years there have been rumblings (and more than just rumblings) about the unsustainability of this approach, but this year I think we will see a real breakthrough in this area. Dave Deppe on the issue; *" The market has to get smarter and it appears this is starting to happen. TPC or "Total Project Cost" is becoming the new measuring stick in procuring eDiscovery services. Simply focusing on driving down unit rates doesn't solve "the problem" which is the year over year compounding data volumes."* Remember what Jared Coseglia said in connection with managed services; *" Iris Data Services has clearly established themselves as the market leader in this genre with many competitors following closely in their footsteps."* What is it with Iris and why (other than bringing the price down), should lawyers be interested in what they have done?

Why? Because litigation support suppliers also grapple with all the problems of unknown project complexity and scale, which has meant their version of the "Billable hour" has been the concept of a "per Gigabyte" price. But they too are facing immense pressure upon costs and their pricing model. This is where Iris have stepped in. They tore apart the processes they use, broke them down into small measurable steps and built a software environment to control the whole thing from start to finish that can be run by anyone in their offices around the world. Instead of a "per Gigabyte" price they offer a fixed price to run a project, irrespective of how much data is involved, based on the number of people who provide the data. They found the key element within an eDisclosure exercise, that actually does determine how much work is required, and based their pricing on a cost per custodian.

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Now before I receive a wave of protesting emails from suppliers in both the UK and the US, they are not the only people offering a fixed price service, just the ones who seem to have really embraced the approach. One of the interesting elements of pulling together this year's edition of the Buyer's Guide has been the increase in UK based firms offering certainty of price. I would say to lawyers still muttering about how difficult it is to estimate the cost of a matter, let alone commit to a fixed price, that if Iris and others of their ilk can do it, why can't you?

One final thing for lawyers to worry about before we come to an end.

Another threat is personified by a gentleman called Casey Flaherty, who is an in-house counsel for Kia Motors, and spoke at LegalTech. Casey has taken upon himself the task of exposing within lawyers, what training professionals would call, "unconscious ignorance", that is the things you can't do, that you don't know you can't do. In Casey's case it is the functions of things like Word, Excel, PowerPoint and Access. He has devised a series of tests that he asks law firms to nominate individuals to take. If you know what you are doing with these applications, the tests should be completed within 40 – 60 minutes. No large law firm has ever passed. The best time has been around 3 hours, worst case over 6, with some participants literally being reduced to tears. Casey's fundamental point, is why should I pay for you to do things in an inefficient way?

Final assumption from a UK viewpoint. **It isn't worth my while to go to LegalTech.** Not perhaps something stated, but from the reduced numbers in New York, a reality nevertheless. I know a number of people read this article and consider it an adequate substitute for going across the Atlantic, which is very flattering, but I feel a flawed argument. Drew Macaulay from Consilio captured the argument so well I couldn't find it within me to cut any of his words;

*"I think I will leave others who probably spent more time at the "show" itself to comment on your questions. My thoughts are more to do with the value of Legal Tech at all. Many people in the industry question whether it is worth coming all the way over to the US when there are now a number of different eDisclosure/Information Governance/Forensics conferences in the UK and wider EU, and in the case of the law firms "we can just have vendors come in and do demos in our offices if we want to see a particular product".*

*It certainly isn't necessary for everyone in the industry. If your business solely involves dealing with UK litigation between UK law firms serving UK clients then it probably isn't necessary to network with someone who does the same thing as you in the US or Japan or Brazil. But if you happen to serve, as many vendors and law firms do these days, multinational clients who have matters that span multiple jurisdictions then the value is more easily realised. I found a scanning vendor for Hong Kong and Korea, spent some time chatting with a potential recruit for our Japan office, and got a quick download on US attitudes to predictive coding from a number of US lawyers.*

*I also spent some valuable in-person time with clients from across the US I had previously only dealt with via conference call and emails, who take those few days around Legal Tech as a chance to turn their attention away from the day job and take a good long look at eDiscovery technology and partners for future projects. Some are more diligent in their exploration of the exhibit halls than others and they may also question the value of attending LTNY, but I seem to catch up with them there year after year. And it turns out they like beer as much as I do."*

And if that doesn't sway you, Athenian's Neil Renfrew saw George Clooney at the première for the film "The Monuments Men", and the guys from Alllaw met with David Beckham.

See you next year?

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