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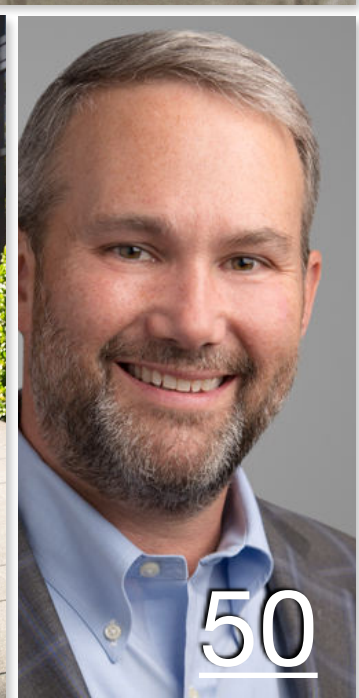
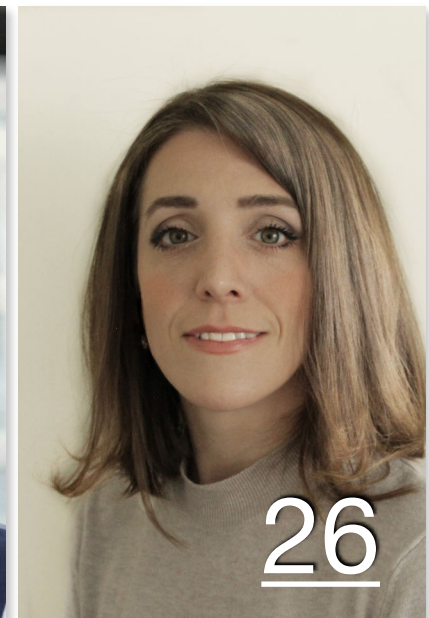
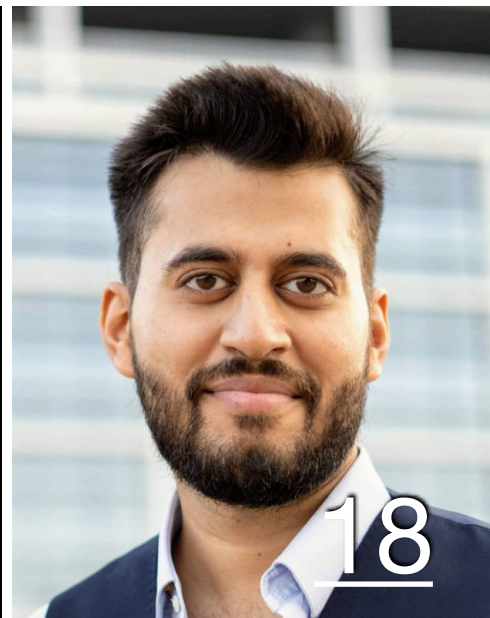
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Transforming Worlds: A GC and a legal tech founder's overlapping journey in legal design

An interview with Jessica Didrikson & Denis Potemkin

Other contributions by: Namit Oberoy , Chiara Lamacchia, Gina F. Rubel, Melissa Rogozinski, Steve Fretzin, Marco Imperiale, Colin McCarthy, Anusia E. Gillespie, Ari Kaplan, Peter Callaghan, Deisha Vazquez, Cash Butler, Jeff Kruse, Richard G. Stock, Alexandra Varla, Rasmeet Charya

Business of Law



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Transforming Worlds

A GC and a legal tech founder's overlapping journey in legal design

An interview with Jessica Didrikson & Denis Potemkin





Jessica and Denis, as an introduction maybe you can tell us something about yourself and your profession. About the things you do on a day-by-day basis, your activities in the legal sector and so on. And how did you meet?

Jessica: I serve as the General Counsel of Personal Banking at Nordea, where I have the pleasure of leading the Personal Banking Legal team. Our primary objective is to provide comprehensive legal support to Personal Banking, focusing on all aspects of the customer journey. This includes establishing and nurturing customer relationships, handling specific customer cases, re-

solving disputes and contributing to product and service development.

Last year, during an encounter at FLW (Future Lawyer Week), I had the pleasure of meeting Denis, whose profound statement, "Content eats culture for breakfast," left a lasting impression on me. This encounter proved to be the beginning of a valuable connection. Following our initial meeting, we continued our discussion, and I shared with Denis the ongoing efforts of our team improving our Terms and Conditions.

Denis' insightful questions and perspectives pushed us to raise the bar in our approach to

legal design. It became apparent that we needed to reevaluate our methods, starting with a clear understanding of our purpose. Delving deeper, we recognized the paramount importance of placing the customer at the core of our endeavors, rather than relying on assumptions or guesses about their needs and expectations.

Embracing this newfound customer-centricity, we embarked on a transformative journey to enhance our legal design processes. By aligning our practices with the genuine requirements and desires of our customers, we aim to create more meaningful and effective solutions for them.

Denis: I am an in-house lawyer turned consultant, turned legal tech founder. My business and mission is to make contracts (and other legal documents) more human, accessible and better at doing the job they are intended do: which is usually all about building relationships and getting stuff done - in the right way. I do this as founder of Majoto, a contract design and automation start-up, and as Head of Innovation at LexSolutions, a London legal consultancy.

At Majoto, we are solving the biggest problem in contracts: that the real users of contracts don't understand them. We're solving it by focusing not just on process efficiency, but on the contents of these legal documents and how they are communicated. We do this by turning traditional wall-of-text contracts into clear, on-brand visual documents (known as "designed" contracts), which are proven to be easier to understand than traditional wall-of-text documents. Designed contracts speed up

deals - reducing time-to-contract by 50-80% - and build trust. We can then put them into digital workflows for legal teams and business users. In fact, Majoto is the only document automation solution that can build automated workflows with visual legal documents.

When I met Jessica, her passion for innovating and making a real difference was very apparent and I love people who want to walk the talk. I was glad to help Jessica's team move the needle and impart some of the "Majoto way" - which is all about using design thinking to pick low-hanging fruit while laying a foundation for real scalable change. We are former in-house lawyers so we have a very practical approach to legal design. We're also a technology company which means automation and scalability are core to what we do. And finally we're creative rule-breakers who love to challenge ourselves and our customers to push the boundaries of what's realistically possible!

Jessica, how do you see the role of Legal at Nordea and what's different about your approach?

Jessica: Our team remains dedicated to driving positive change within Personal Banking, leveraging legal design principles that stem from purpose and empathy. This exciting evolution has the potential to revolutionize the way we approach legal matters, ultimately benefiting both our valued customers and our organization.

As we continue this path of progress, we are grateful to Denis for inspiring us and igniting a passion for customer-centric Legal Design. Our commitment to fostering a culture of

continuous improvement ensures that we remain at the forefront of delivering exceptional legal support.

Furthermore, it's my understanding that Nordea has gone through a significant transformation, in how Legal interacts with the Business. Could you possibly say something about the reason (the "why") for transforming? What are its key elements?

Jessica: In our pursuit of providing seamless legal support to the organization, we have undergone a remarkable transformation - shifting from conventional advice channels restricted to office hours to an array of automated, scalable solutions accessible 24/7. This metamorphosis has empowered us to meet and interact with our customers around the clock, ensuring legal accuracy and building trust through proficient advisors capable of addressing customer inquiries without delay, free from manual interference.

Key Elements of our Approach:

24/7 Availability: At Nordea, we recognize the significance of being legally correct at any hour. By providing continuous support, our customers interact with advisors well-versed in the necessary competence, facilitating smoother experiences and fostering trust.

Efficiency and Focus: The shift towards automation has enabled our legal team to concentrate on core issues and strategic initiatives. By automating repetitive tasks and inquiries, we ensure that lawyers can devote their valuable time to addressing complex legal matters and making informed decisions

with significant financial implications.

Enhancing Customer Experiences: Our legal support aims to create better customer experiences. By combining legal expertise with a customer-centric approach, we facilitate relationships and trade, offering seamless interactions that foster loyalty and satisfaction.

Building the Brand: Legal compliance and brand alignment go hand in hand. Our commitment to keeping legal practices in line with the brand identity ensures a cohesive and trustworthy image that resonates with our customers and stakeholders.

Internal Legal Support:

Boosting Operational Efficiency: We strive to deliver legal advice that is not only accurate but also easy to understand and apply. By making legal support available 24/7 through automated solutions, we expedite decision-making processes and promote streamlined operations.

Time Optimization: Our focus on automation allows us to liberate valuable time for our legal team. This, in turn, empowers them to concentrate on key business initiatives, contributing to the bank's overall growth and success.

Prioritizing Complexity: With automation handling routine tasks, we can allocate more resources to tackle intricate legal challenges. By navigating unknown territories and addressing complex issues with precision, we safeguard the bank's interests and maintain our position as a strategic partner to the business.

Is there a model that you apply to achieve this optimisation and to keep innovating?

In the Personal Banking Legal team, our Learn-Innovate-Automate model is the foundation of our evolution. Continuously seeking knowledge in legal development, industry trends, and legal technology keeps us at the forefront of innovation. We translate our learning into meaningful advancements, consistently striving to enhance our practices and create better outcomes for the organization and our valued customers.

This is how the model breaks down:

Learn: we seek to understand our customer's need, to assess how we do things now and understand where are the gaps and opportunities for improvement. At the same time we make sure we keep our finger on the pulse of what's happening in the regulatory and business worlds.

Innovate: we try to improve our processes, documents and ways of working, focusing first on simple solutions and using legal design, before we're thinking about technology.

Automate: With the 2X habit, we seize opportunities to automate processes whenever a task is encountered for the second time. This practice reinforces our commitment to efficiency, enabling us to concentrate on driving innovation and adding strategic value to Nordea's business operations.

Denis, where does Majoto come in this transformation process? Why does “innovating through content” play such an important role?

Well, there's some interesting research out there, about how top organisations behave, and what it takes to transform businesses that are not performing well. I'll try to distill the essence of it. To get better (or transformative) results in anything you do, you need actions that create better results, right? So far so obvious. But to get people to act in successful new ways, they need to have **beliefs**. Having beliefs means believing that you can succeed, that your actions can make a difference.

That means being motivated. And it also means having values that you share with others: a common purpose as a team or organisation.

So how do you get these beliefs?

So many organisations including legal teams think that it comes from top-down edicts: “we will do things differently, we will innovate”. But real change can't come from top-down. To get there, you need to give people the right **experiences**, so that they can form the beliefs that lead to the actions, that lead to the results. Experiences are those daily things they do and see others do. And they are also the stories they tell and hear from others.

So how do you create these experiences and stories?

Well, it starts with **behaviour**. People must start to do things differently to change their own experiences and those of others. That way, you create **stories**, which leads to beliefs and then actions. A culture of innovation is beliefs, which are acted upon, which lead to better results.

So how does a legal team, that wants to innovate to perform better, create those behaviours and stories?

My view, which is also reflected in the Majoto design system, is that the best starting point for lawyers is to change the way they write and design content. Not starting with process or technology, but with content: the way you produce your documents, advice, reports, policies. Why content? Because lawyers are not taught to be experts in process or technology. But lawyers are meant to be experts in content. Lawyers are the kings and queens of content, it's core to what lawyers do. By transforming content (the language, look and feel of documents and advice), making it simpler, creating documents that people understand, you can start reducing or even eliminating a lot of processes and people problems. Then you can start looking at the more complex areas of process and technology, to deal with problems and improvements that better content can't fix.

That is what we mean by “innovating through content”. And it fits beautifully with Jessica's *Innovate-Automate* model. *Learn* is also at the heart of it because you can't improve anything until you understand the existing context, who the users are, and what are their needs.

Jessica: Well, legal design is a key component and enabler of our Learn-Innovate-Automate model. In fact, it's the “Learn” component that got us introduced to Legal Design.

Legal design is all about making legal documents and services more user-centric rather than lawyer-centric. It requires us to learn about users and to understand their needs.

A perfect match. We immediately thought about our approximately 10 million household customers – we do care about them but looking at our legal communication – no one could tell because the legal documents we put in front of them (for example terms and conditions) were too complex, full of legalese and focused too much on managing risk versus informing end users. We decided to do something about it and got started. We soon realized it is important not only for household customers but all customers, as well as all internal and external stakeholders and speaking partners.

Legal design then becomes a key part of *Innovate*. Since it starts with understanding users and then redesigning legal documents for them, it is an innovation tool that the legal function can control and own and bring to other functions. Another key component of legal design is simplifying things, which we have learnt is important to do *before* starting with process improvement work or with designing and procuring technology solutions.

Legal design also changes how we as legal communicate with the business, which changes perceptions, improves relationships, and gives the legal function a better seat at the table. Again, because we're doing things with our business colleagues much more at the front of our minds.

So: legal design has great value both in our internal legal support and external legal communication.

Denis: I would pick up on what Jessica said about simplifying things. Technology, while it can increase efficiency, often adds complexity

rather than taking it away. If you put poor, complex documents and processes through technology, you're only perpetuating it and making it faster, which can exacerbate problems rather than reduce them. It also increases the effort and cost in implementing the technology. For example, if you're going to automate your templates, but you have not made the effort to rationalize the number of templates and the number and complexity of template variants, you're creating a lot of unnecessary work in the process of setting up and automating those templates. Similarly, the more complex your documents are, the harder you will have to work to automate them, set up playbooks etc. And the resulting process is going to be hard for people to understand and follow, no matter how good your tech is.

Similar things can be said about the process.

It's actually very rare to see simplification as a top 3 objective of a project. At Majoto, we believe that simplicity should be at the core of any solution, and simplifying things should be a top objective. We're a technology company, but we're big believers in using legal design to simplify and rationalize legal documents first. We apply this ethos in how we develop our platform too: we solve as much as possible through design first, before building automation functions and workflows.

So legal design must be a core component for any legal team and any innovation programme.

What is the current situation at Nordea regarding this transformation. What has gone well, and what are the challenges going forward?

Jessica: Creating new solutions is easy. Changing the support culture is more difficult but with a lot of focus and consistency it is possible and the feedback we have received has been very positive.

Are other organisations doing the same thing? Is “user-centric legal documents and advice, through the application of legal design” gaining traction out there? Do people value this approach?

Jessica: I believe legal design is becoming a growing trend among companies and law firms around the world.

Denis: It is gaining traction, though there is still so much more to be done. I'm encouraged to see and hear about large multinationals who are in the process of redesigning their most important templates (in some cases this means dozens and even hundreds of templates). We also see an increasing interest in legal design on the part of law firms. However legal design is still relatively niche, many larger companies who have adopted it are still at the earliest stages of exploring it, and it has not made its way into the mid-market and SME space. “The future is here, it's just not yet well distributed” as Aldous Huxley said.

I think there are 3 key challenges that haven't quite been solved (and which we're focused on solving at Majoto):

1. Legal design is still very much an artisanal process: legal designers working to redesign documents on, using tools that are not well suited to it at all, and producing static documents. Legal design is too focused on individual projects, rather than

design systems and a design culture.

2. Legal teams are still too focused on process, technology and outsourcing as their got-to solutions for creating efficiency and reducing cost. Legal design is still seen as more exotic and unproven.
3. Document automation solutions are based on text editors and can't incorporate, or handle "designed" documents. There is a huge disconnect between the technology that companies are embedding versus what they're trying to achieve through legal design.

So, there's a problem of adoption, scale, and tools.

How do you increase awareness and get people more engaged? How do you do it on a scale?

Denis: Increasing adoption and enabling scale requires the legal innovation and technology community to bridge the gap between legal design and technology, legal designers to create scalable design systems rather than individual projects, and legal teams to demonstrate the effectiveness of legal design as a first-port-of-call innovation tool. Let's break this down:

Technology: so much of legal tech, and especially contract tech, is built around existing ways of doing things: text editors (equivalent to Word) and asynchronous collaboration based on red-lining (equivalent to mark-ups shared by email). This perpetuates conventional wall-of-text documents and adversarial

modes of negotiation. The adoption of generative AI risks perpetuating this because it makes it easier to do things the old way. Contract technology must challenge users to adopt new, better ways of working rather than just making old ways more efficient. It must incorporate legal design at its core. Majoto does that, as does a small number of other products (like Juralio, a project planning and collaboration tool).

Scalable design systems: in my experience, legal teams tend to focus on individual projects, for example taking a simple agreement and redesigning it as a proof of concept. What usually happens after that, is nothing. The ROI is unclear, the embedment is patchy, and it proves difficult to translate the adopted design to other documents and processes. Things stall, there is little budget and other priorities take over - and nothing much else gets done for another year. Instead, legal teams must treat it as an ongoing journey, creating foundations and design approaches that can be applied to multiple projects and enable multiple contracts to be redesigned - initially in a light touch way - but with incremental advancements. In practice, this means starting to apply consistent design patterns across many documents and incrementally improving structure, language and adding more design.

Demonstrating effectiveness: I intentionally use "effectiveness" rather than ROI, because it's broader and allows for more qualitative criteria. ROI is tricky with legal design because so often the "as is" is not measured so it's hard to measure improvements. I believe that trying to measure the "before" and "after" can be useful but can also be a huge distraction

when in fact the advantages are patently obvious: shorter, simpler documents that people understand will clearly have positive impact on process, costs, as well as relationships and individual wellness. Doing legal design smartly can also enable legal teams to bring results faster than process or technology projects, especially as it's a solution that the legal team can drive and do the bulk of the work for. If legal teams understand the power of legal design and learn to do it well (especially with the help of people who have done it before), the business will always love and support it.

Do you think that Law Schools understand the need to change the traditional curriculum or at least give more attention to design thinking and other innovation approaches?

Jessica: It seems quite many universities offer classes in legal design by now.

Denis: It is great to see law schools starting to teach legal design and technology. The challenge here is how to make it practical. I'm not a big believer in teaching theoretical legal design.

Legal design is a real-world solution that needs to be discovered and practiced with real-world problems. It needs to be a learn-on-the-job thing. When we teach legal design at Majoto, we don't teach theory or process or tools, we take real projects and work on them - the legal design techniques are taught and absorbed during that process. In that sense, when we teach, we take real problems and it's not that different to our real-world work-

shops and design process. Law schools should do more of that.

I'm also a big believer that you don't need to be a trained designer to do legal design. Of course, a legal designer can do things with a document that your typical lawyer simply can't. But I strongly believe that all lawyers can and should practice legal design in their day-to-day work. Sending to your procurement colleague a traffic light risk report instead of a long-winded email is legal design. Creating a contract with key terms at the front handling all the key commercials, is legal design. Creating a new legal document by starting with a content map or conceptual matrix in a Miro board, rather than 'frankensteining' an old precedent, is legal design. Anyone can do this if they have the right mindset and are exposed to a few tools and techniques to get them inspired and started.

There is a lot of discussion ongoing about disruption in the legal market: a big bang against incremental change. Some say the legal market is on the verge of a disruptive force that will have a huge effect on the market. Then again, others say change will be an incremental process and the market will evolve naturally. What are your thoughts on this?

Jessica: I think change is happening also in the legal industry, but we are in many aspects still only in the beginning of this journey. An ocean of opportunities.

Denis: Well, they said that blockchain will change everything, then the metaverse.

Now it's generative AI. I don't think the legal market can or will be disrupted in a big bang way: it's too complex and risk averse, and there are too many vested interests in keeping things changing only slowly. The biggest on-the-ground changes in legal have come from new business models, and relatively simple technologies like e-signature. But I do think that real incremental change is happening and will continue to happen, and its ultimate result will be dramatic. It does still need plenty of good stewardship and hard graft. It needs a bigger focus on simplifying things rather than making them more complex. It needs a bigger focus on design as a way of solving problems and paving the way for easier implementation of technology.

Imagine a world where all legal documents are half the usual length, written in plain English, are more user-friendly and more accessible to different cognitive abilities and disabilities. What a difference that would make to deal cycles, access to justice, trust in lawyers and trust in businesses.

I think that legal design has the capacity for a big bang change - especially if technologies are brought to bear in the right way - but slow adoption and risk aversion are going to slow things down. I'm hoping that Majoto - and people like Jessica - can play a part in speeding it up!

What's your top message to other GCs reading this article and interested in exploring legal design?

Jessica: Try not to be limited by what you know and what you are used to working with.

“Learn->Innovate”. Old tools will hold you back; new tools can take you to the next level. I have a great example of this from our work with Majoto, when we were challenged to simplify the structure of one of the documents we were working on. We realized we had too many headings and a structure that made sense to lawyers but not necessarily to our end users. With Majoto's help, we used a dynamic agreement map to restructure and simplify the information architecture of our document collaboratively in real time - reducing our headings to just four human-readable phrases. Doing that exercise in Word would not have let to such a great result - it was the visibility of the structure in the map and the ability to play around with it in real time that enabled us to achieve a much more radical result. It's just one example we experienced, of using different tools to get next level results.

Finally, a note about mindset. Lawyers say: we don't own the products and the process: they are owned by the business; but business says we don't understand a word, it's legal and it's untouchable. Legal must take the initiative. It's up to Legal to take the initiative to close the gap between lawyers and business. And legal design is a great way of doing that.

Denis: I totally agree, in fact I believe that legal design and design thinking is THE way for lawyers to take that initiative. My top message: start your legal design journey now, to build those positive stories and ultimately the innovation culture you want. Make that a priority over and above technology (unless it's technology that is complimentary).

The best way to do this, to create and maintain

momentum, is to get help from someone who has done this before. This doesn't mean outsourcing it all to consultants. It means accelerating your progress by having someone teach you the techniques, help you with a great process and direction, keep you honest and deliver design output for those deliverables where the internal skills are not sufficient. The right support model can allow the legal team to learn, discover and maintain ownership, while being able to move things forward and being challenged to push the boundaries of what's possible.

Beyond that: build an innovation roadmap that puts design in the center, create a design system rather than redesigning individual agreements, and adopt technologies that support and complement what you're doing. That is going to bring the most sustainable results and ROI.

About the interviewees

Jessica Didrikson:

Jessica is General Counsel and Head of Personal Banking Legal at Nordea.

She is a former judge and entrepreneur who went into banking.

Jessica is passionate about law and making legal products, services and processes accessible and user-friendly. A proud leader and member of a team that has increased its service level by making legal advice available 24/7 through legal tech and legal design. Her guiding star is customer care.

Denis Potemkin:

Denis is a lawyer, legal designer/engineer and legal tech entrepreneur. Denis consults businesses on contract process improvement, is Head of Innovation at London-based ALSP [LexSolutions](#) and founder of legal tech startup Majoto ([majoto.io](#)), the world's first contract tech that can build and automate designed contracts.

Denis is passionate about design as a means of making legal processes and technology not only more productive, but also better at creating positive relationships and wellbeing. He writes about better contracts on his blog at [potemkin.legal](#) and on the Majoto website [majoto.io/blog](#).

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What true thought leadership means for lawyers

By Namit Oberoy, Founder and Principal of Sidebar



The term ‘thought leadership’ has become somewhat of an enigma. It’s like the word synergy — overused to the point that its real meaning has been obscured. It means so much that it means nothing at all.

In professional services such as law and consulting, much of the content that masquerades as thought leadership is nothing more than recycled, formulaic content that offers little in the way of genuine insight. In truth, many so-called ‘thought leaders’ today are simply parroting ideas that have been reiterated ad nauseam, or worse, presenting borrowed viewpoints as one’s own original thinking.



This isn't just a matter of semantics; it leads to real-world confusion. Law firms, for example, frequently allocate significant capital to what they mistakenly believe to be thought leadership. Similarly, it's not uncommon for lawyers to confidently assert that thought leadership 'doesn't work,' oblivious to the fact that their understanding of the concept is fundamentally at odds with what their clients are actually seeking.

This not only wastes financial resources but also perpetuates a cycle of mediocrity that, over time, erodes the firm's culture and tarnishes its brand. When a firm opts for formulaic content over true thought leadership, it risks being

perceived as a 'me-too' service provider rather than an industry leader — a perception that often persists beyond the initial engagement.

With so much confusion around the concept, let's take a moment to clarify what thought leadership really means.

'Thought' signifies the outcomes of mental activities like thinking and reasoning, while 'leadership' implies guidance. Together, they form thought leadership, which is the act of shaping people's thinking and inspiring action through one's ideas.

With this basic understanding in mind, let's

demystify what true thought leadership means, and how to distinguish it from run-of-the-mill content.

Below, I propose five criteria to help you do that.

Thought leadership goes beyond expertise

In professions like law, expertise is often considered the gold standard. So, it's common for us to conflate it with thought leadership.

Consider a barrister who is known for winning a number of high-profile cases, has a reputation for his grasp over legal theory, and a knack for navigating procedure. This is someone society sees as an expert.

In a field like law, experts excel at two kinds of knowledge: propositional, which helps them understand and apply the law, and procedural knowledge, which helps them navigate the law. For example, we might expect a corporate law expert to know the ins and outs of company law, precedents, and best practices (propositional), along with the practical skill to negotiate a favourable settlement for a client (procedural).

Thought leadership goes beyond propositions and procedures, and introduces a third “P” into the equation: perspective.

Thought leaders have a unique perspective into their field, which has been shaped by years of deep insight. This perspective allows them to see not just the trees but the entire forest, understanding the broader implications

and deeper meanings in their area of expertise. They approach complex issues with a nuanced understanding that most experts lack.

It's this ability to see things differently — and more completely — that sets a thought leader apart from an expert. Thought leaders are skilled at navigating between different perspectives, discovering hidden patterns, and synthesising them into insights. That's how they arrive at insights that are as innovative as they are effective.

While expertise is a prerequisite, it doesn't automatically make one a thought leader. The distinction lies in the ability to translate that expertise into a unique perspective that can shape public opinion and inspire change.

Take, for example, an attorney who not only excels in her practice but also actively writes and speaks about the need for legal reform, thereby influencing policymakers. Such an individual isn't just an expert, she's a thought leader.

Thought leadership is future-facing

Think back to the last ten business books you've read. While many of them might be New York Times bestsellers or even considered seminal works in their respective fields, you will not qualify all of them as thought leadership. Why?

Because, as a society, we've come to expect thought leadership to do more than just provide expertise or analysis. We expect it to offer a vision for the future — a roadmap of sorts — that helps us understand where we are, how

we got here, and most importantly, where we are going.

So, while the term "thought leadership" doesn't inherently imply a future orientation, societal and cultural expectations have evolved to associate it with forward-thinking perspectives.

Readers turn to thought leaders to make sense of complex, often unprecedented challenges. These challenges, whether they are legal reforms or societal shifts, are tinged with a sense of urgency and anxiety about what lies ahead. In the face of this uncertainty, we look to thought leaders because they have specialised knowledge and unique insights into areas that we don't. They serve as our navigational aids, shaping our thinking and guiding our actions.

For example, when new privacy laws are on the horizon that could drastically change the landscape of digital marketing, expert attorneys in data privacy can offer more than just a legal interpretation; they can provide a strategic roadmap. This foresight enables businesses to adapt their operations and strategies well before the new laws take effect, thereby avoiding costly compliance issues.

Similarly, in times of social upheaval or civil unrest, such as the Black Lives Matter movement or the #MeToo campaign, legal thought leaders can provide a framework for understanding our rights and responsibilities and offer actionable insights that ease societal anxiety.

Thought leadership is not safe

In the legal profession, neutrality often disguises itself as a virtue. Lawyers are trained to dissect facts and interpret statutes with a dispassionate eye.

While neutrality may be valuable in some situations, lawyers tend to bring the same mindset when writing and sharing their insights with the world, which does a disservice to their audience.

Neutral content refrains from taking a stance, expressing an opinion, or advocating or against a particular viewpoint. It employs what are commonly referred to as weasel words, like 'it could be argued' or 'reasonable', to couch statements in ambiguity and make broad statements without unsubstantiated claims.

While they may give the illusion of objectivity, all they really do is dilute the message and leave readers disengaged and emotionally unresponsive. The safety it brings comes at a high cost — of relevance, impact, and ultimately, influence.

Neutral content, devoid of personal insights or emotions, fails to connect on a human level. It becomes a sterile exercise in fact-reporting, lacking the richness that comes from individual perspectives.

Law blogs and publications are littered with this type of content. Often, a law firm partner and an associate will co-author an analysis of a recent case. They meticulously outline the case's context, facts, and arguments, only to

tuck a brief, almost unnoticeable opinion in the middle or at the end. Even here, the language would be laced with weasel words like 'it remains to be seen', diluting their impact.

True thought leadership is about offering a viewpoint that has the power to ignite minds and catalyse change. Content that leaves its audience emotionally numb and intellectually unengaged fails in this fundamental aspect. It may be safe, but it's far from being thought leadership.

Thought leadership is not scalable

I often work with lawyers who are eager to produce as much content as possible in the shortest amount of time. However, unlike more straightforward tasks like case summaries or fact-reporting, thought leadership isn't something you can churn out en masse.

Even within a law firm teeming with talent, only a fraction of attorneys can consistently produce content that qualifies as genuine thought leadership. This is because the very qualities that make thought leadership impactful — such as a unique perspective and the ability to shape public opinion — also make it inherently unscalable.

Sure, you can aggregate insights from attorneys across the firm, and even streamline the capture and organisation process through an efficient knowledge management system. But, the thinking and articulation will always require time; there's no shortcut to manufacturing wisdom. Even with the right culture and infrastructure, the quality of thought leadership will always be constrained by the

individual capacities of its contributors.

The dilemma here is between quality and quantity; you just can't have it both ways. Rushing the process compromises not just the quality but also risks burning out the attorneys capable of such deep work. These are often the same attorneys engaged in the most demanding billable work in the firm. Overburdening them with unrealistic content expectations will lead to burnout, affecting both their legal work and their ability to produce future insights.

So, what's the solution? The focus should not be on how to scale thought leadership, but on how to nurture it. Start by recognising the attorneys who have the potential for thought leadership and give them the space and resources they need. Implementing systems and processes like a knowledge management system, collaborative platforms, and mentorship programs can go a long way in achieving this.

While the idea of scaling thought leadership is tempting, it's 'hacky' and rather misguided. The value of true thought leadership lies in its scarcity and depth, not its ubiquity. The goal should be to cultivate, not commoditise, this invaluable asset.

Thought leadership is valuable

If a piece of content, no matter how forward-facing or eloquently written, fails to deliver value, it's useless. Likewise, if a perspective is unique but doesn't resonate with the reader, it's ultimately useless.

While it's tempting to focus on the 'thought'

aspect of thought leadership, emphasising groundbreaking or innovative ideas, the 'leadership' component is equally crucial and often overlooked. Thought leadership is not just about presenting new ideas but using those ideas as a vehicle to guide or direct the reader's worldview in a meaningful way.

The primary task of any thought leadership piece, then, is to change the way they sees the world. It's about shaping thinking, changing perspectives, and providing that proverbial 'aha' moment. This is the moment when a complex issue that has been gnawing at the reader suddenly becomes crystal clear. It's the moment when they 'get it.' The real measure of value is the ability to induce this transformative moment in the reader.

However, this is often the hardest thing to do for an attorney; it's often their Achilles' heel. Lawyers articulate their knowledge using their own linguistic patterns, frameworks, and thought processes. But readers, especially those not well-versed in the subject, approach the content with a different set of cognitive tools. This leads to a situation in which the expert has said a lot, but too little has been conveyed to the reader. When this mismatch occurs, the writing fails in its primary job: to provide value.

So, as groundbreaking as your ideas may be, if they don't make a lasting impact, they have failed in their core mission. The true test isn't just the brilliance of your ideas but your ability to resonate, transform, and guide. Anything less falls short of genuine thought leadership.

The role of thought leadership in the legal profession

As professionals, we're constantly being told to 'create content' and 'get ourselves out there'. Driven by the fear of missing out and a need for relevance, we find ourselves diving headlong into the social media game. Yet, we do so without a clear purpose, without having anything specific to say, and offering little in the way of genuine insight — all the while stealing time from our professional practices and detracting from our roles as business and practice leaders.

In a world fixated on likes and followers, true thought leadership is becoming increasingly rare. Yet, it's precisely what clients are seeking: succinct, well-articulated insight that helps shape their understanding of complex issues and guide their decisions.

As genuine experts, we owe it to ourselves to wake up from this marketing myopia and instead do what our clients expect us to do — share our specialised knowledge and insights to guide their thinking on the most pressing issues that keep them up at night.

For expertise-driven law firms, thought leadership is the most potent business development tool available today. Thought leadership elevates lawyers from mere service providers to trusted advisors, and profoundly impacts the dynamics of client relationships. The trust and credibility that thought leadership brings leads to highly tangible real-world outcomes, such as shortened sales cycles, reduced turnover, longer engagement, increased cross-selling, and overall more fulfilling and less draining client relationships. The most significant impact of

thought leadership, however, is on the firm's culture and brand. Thought leadership fosters a culture of deep work and intellectual rigour, training attorneys to think beyond the case in front of them. They learn to see the broader implications of legal issues, to connect the dots in a way that adds value not just to their practice but to the clients they serve. This culture becomes a virtuous cycle of excellence, attracting both talent and clients who value intellectual depth.

In the end, thought leadership is the highest form of service we can offer — to our clients, our firms, and society at large. It's not just about being the best in the world, but the best for the world.

About the author

Namit Oberoy is the Founder and Principal of [Sidebar](#), a legal marketing firm, and writes [The Business of Law](#) newsletter on Substack. Connect with Namit on [LinkedIn](#).



Renewing the Approach to AI, Innovation, and Law Department Performance

Level Legal and Ari Kaplan Advisors were honored to co-host a dinner for law department leaders at the International Legal Technology Association's 2023 Annual Conference. We discussed the practical application of artificial intelligence, the connection between the economy and innovation in legal, and the role of e-discovery in law department transformation.



Economy-Driven Innovation or Vice Versa?

- ▶ Law departments are identifying tasks to stop doing in today's constrained budget environment with limited staffing.
- ▶ The economy is accelerating innovation, which is no longer a nice-to-have because it saves jobs over the long term.
- ▶ Legal is not simply running like a business, but as one of the most successful and effective departments in the company.

Artificial Intelligence: Now an Outside Job



- ▶ Law departments are developing standards governing how outside lawyers and providers can deploy AI on matters.
- ▶ Creating a unified definition of AI is a challenge for some legal teams.
- ▶ Many in-house teams do not have a choice about whether to develop AI use cases; they are now a business imperative.

“Using AI responsibly can result in a higher quality of work.”



E-Discovery Is a Key Element of Law Department Transformation

- ▶ The current disruption in e-discovery affects priorities in litigation support.
- ▶ Expect a more robust disclosure requirement in the U.S. for the use of generative AI in e-discovery.
- ▶ Don't worry: AI will accelerate the eDiscovery process, enabling law departments to do more with less.



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Objection, your Honour! #Hearsay

By Chiara Lamacchia, Founder at lawrketng.com and withoutconsulting.com for her LBW series "The Legal Edge"



While growing up, I was constantly bombarded with "Objection, your Honour!" on TV shows like Perry Mason and Law & Order. These dramatic objections, though often exaggerated for entertainment purposes, play a crucial role in actual court cases. Lawyers employ objections to protect their clients' rights and ensure fair trials. In fact, lawyers are trained to use objections strategically to challenge the opposing party's arguments and evidence, and to protect their client's interests.

Objections are primarily used in a legal context. But... could we envision them in our everyday life?

The dynamics of an “objection”

In a trial, an "objection" is a formal statement made by one of the parties to challenge the admissibility or appropriateness of certain evidence or testimony presented by the opposing party.

The objection is typically made during a trial when a witness is being questioned, when an exhibit is being introduced, or when an argument is being presented. The objecting party must state the legal basis for the objection that explains why the evidence or testimony is inadmissible or irrelevant. Then, the judge will rule on its validity with the usual “Sustained” or “Overruled”.

Objections for everyday life

I find very fascinating the potential application of legal tools beyond the courtroom – in everyday life situations. Objections are no exception.

For example, we often make assumptions about people or situations that may not be accurate. By learning to challenge these assumptions and ask questions to seek clarification, and express disagreement in a respectful and constructive manner, we can avoid misunderstandings, improve decision-making, and foster better communication.

It can be also use on those many occasions when someone says something that is unclear

or confusing – an objection can be the right way to better understand their point of view.

At the same time, if you do not agree with another person's viewpoint or argument, objections are the best way to do so in a respectful and constructive way that can help foster better communication and understanding.

Also, just as an objection in court can be used to protect someone's legal rights, it can help protect our emotional and physical well-being in relationships and other interactions.

The principles behind objections, such as questioning, seeking clarity, and asserting boundaries, can be valuable tools for navigating various everyday scenarios.

Let the game begin: #Hearsay.

The Hearsay objection

“Hearsay” is a term used in the law to describe an out-of-court statement that is offered as evidence in court to prove the truth of the matter asserted in the statement. *Hearsay evidence* is generally not admissible in court, as it is considered unreliable and lacks the safeguards of cross-examination and oath-taking.

Example – Suppose that in a murder trial, the prosecution calls a witness who testifies that they heard the defendant's neighbour say, "I saw the defendant leave his house with a gun on the night of the murder." This would be hearsay evidence, because the witness did not actually see the defendant with the gun themselves and is relying on what someone else said.

In an objection on *hearsay grounds* occurs, the judge may sustain the objection and prevent

the testimony from being admitted as evidence.

It goes without saying that hearsay objections can be complex and technical and that there are many exceptions and nuances to this rule. For example, some statements may be admissible as non-hearsay if they are offered to show the speaker's state of mind, rather than the truth of the matter asserted.

Hearsay for everyday life

You might not realise but we frequently encounter situations in our everyday lives that resemble the hearsay phenomenon seen in the legal realm.

It is the typical “friend of a friend” situation – individuals repeat information, they have heard from others without witnessing it firsthand, merely relying on what someone else said.

Every day we may experience hearsay in the form of rumours, gossip, or unverified information shared on social media or in casual conversations.

If you live a life of hearsays, you might be living in a dangerous bubble of misinformation. The evidence you are surrounded with might be unreliable because it is second-hand, based on rumours, or simply fake news.

- A colleague is telling you that they heard around about a co-worker planning to leave the company
- A friend is telling you they heard the new Italian restaurant in town has a terrible service
- An acquainted is telling you that someone

on TV explained how vaccines are ineffective and dangerous for your health

- A stranger quote a politician sharing data about the large number of immigrants and the increase in crime rates

Misinformation spread quickly and easily. Imagine someone spreads a rumour about a particular product being harmful, based on something they heard from a friend who heard it from someone else. This rumour may spread rapidly through word of mouth or social media, even though there is no credible evidence to support it. We all know how this can snowball.

Without verifying this information, you tell another person, who tells someone else, and soon the rumour spreads throughout your social circle. We've all been there at least once.

The Pitfalls of Hearsay

In our interconnected world, information spreads at a rapid pace, often through various channels and sources. One such source is hearsay, which involves receiving information from someone who was not directly involved or present in a situation and relaying it to others. However, the pitfalls of hearsay must be recognized and acknowledged. Relying on hearsay can lead to detrimental consequences due to its inherent limitations and the potential for distortion. Hearsay should be approached with caution, considering its lack of firsthand knowledge, susceptibility to distortion, absence of accountability, potential for spreading misinformation, and unreliability for decision-making.

1. **Lack of firsthand knowledge:** Hearsay involves information that is passed along from someone who was not directly involved or present in the situation. This introduces a level of distance and potential inaccuracies in the information being conveyed.
2. **Potential for distortion:** any piece of information can easily be distorted or exaggerated as it gets passed from one person to another. Each retelling introduces the possibility of errors, biases, or misinterpretations, leading to a distorted version of the original information.
3. **Lack of accountability:** With hearsay, it can be challenging to hold anyone accountable for the accuracy of the information. Since it often originates from unidentified or unnamed sources, it becomes difficult to trace the information back to its origins or verify its reliability.
4. **Potential for spreading misinformation:** By relying on hearsay and passing it along without verification, there is a risk of perpetuating false or misleading information. Hearsay can quickly spread through social networks, leading to the proliferation of inaccurate or baseless claims.
5. **Unreliable for decision-making:** Making important decisions based on hearsay can lead to poor judgments or actions. Without verified and reliable information, it becomes difficult to assess the credibility and accuracy of the claims being made.

Again, relying on hearsay can have detrimental consequences due to its inherent limitations and potential for distortion. The lack of firsthand knowledge, potential for distortion, absence of accountability, potential for spreading misinformation, and unreliability for decision-making make hearsay a risky foundation for forming opinions or making important choices. As critical thinkers, it is crucial to approach hearsay with scepticism and seek corroborating evidence from reliable sources. By doing so, we can navigate the information landscape more effectively, make informed decisions, and contribute to a more accurate and reliable exchange of information in our everyday lives.

The importance of Fact-Checking

Regardless of which pitfall you focus on, the underling work to do through a hearsay objection is fact-checking. It involves verifying information from reliable and credible sources, seeking primary sources whenever possible, and cross-referencing multiple sources to validate claims.

If you cannot access directly the source, rise your level of awareness: keep in mind that this could be a weak piece of knowledge and therefore you should not base your entire opinion on it.

By being aware of the hearsay objection and its relevance to misinformation, we can develop critical thinking skills and learn to evaluate the reliability of information we receive. We can also challenge others to use reliable sources of information and avoid being misled by fake or inexact pieces inputs.

When you focus on the hearsay awareness, you would recognise that the information is second-hand and potentially unreliable. Instead of spreading the rumour, you could use critical thinking and investigate the rumour for yourself by reading online reviews, talking to people who have visited the restaurant, or even trying the restaurant yourself.

Evaluating the credibility of the source, being sceptical, and applying critical thinking skills are key elements in fact-checking. By fact-checking, we can make informed judgments, avoid perpetuating falsehoods, and uphold the integrity of our beliefs and decisions.

Wrapping up

Objections, including the specific example of the hearsay objection, play a vital role in the legal system to ensure fair trials and reliable evidence. Although objections may seem confined to the courtroom, the underlying principles can be applied in our everyday lives to combat misinformation and enhance critical thinking.

By challenging assumptions, seeking clarity, asserting boundaries, and fact-checking information, we can navigate through a sea of hearsay and contribute to a more informed and truthful society.

By employing these principles, we can protect ourselves and others from the spread of unreliable information and make decisions based on reliable evidence.

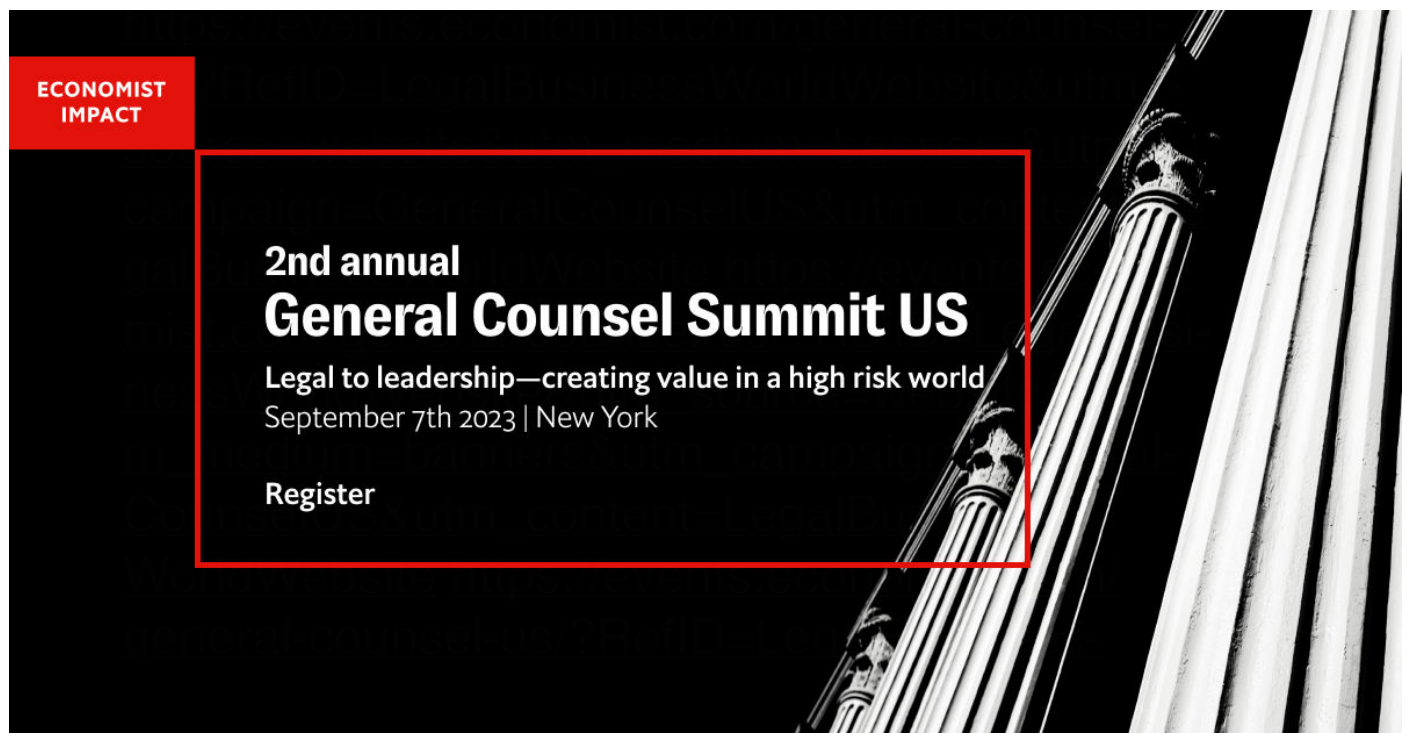
Therefore... "Objection, your Honour!"

About the Author

Chiara Lamacchia is a consultant in legal, marketing & legal forecasting, working in corporate strategy for global organisations across different sectors, after an LL.M. from Bocconi University (Milan, Italy) and an MSc in Marketing from Edinburgh Napier University (UK). Chiara is the Founder of lawrketting.com and withoutconsulting.com, promoting the adoption of ground-breaking ways of using the law for innovation and competitive advantage.

Besides, among other things, she authored and published the [book](#) "Lawrketting – What Business Never Realised About Law", introducing the concept of “lawrketting” through a unique combination of law, business, marketing and innovation.

- > Connect with Chiara on [linkedin.com/in/chiaralamacchia](https://www.linkedin.com/in/chiaralamacchia)
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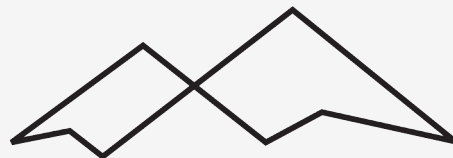
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WEDNESDAY, SEPTEMBER 20, 2023

10am-1pm Registration

12pm-1pm Lunch

1pm-5pm Program

6pm-9pm Dinner

KICK-OFF KEYNOTE: Resilience

Dave Rozelle, Director Of Operations, South Carolina Department of Veterans' Affairs

Author, Back in Action

FRAMING SESSION: Scaling Your Legal Team

Akshay Verma, Director, Head of Legal Operations, Coinbase

Susan Packal, Head, Global Legal Operations, Atlassian

ROUNDTABLE DISCUSSION

PANEL DISCUSSION: AI and Technology's Role in Legal

Moderator: Llyod Johnston, CEO, Chief Legal Executive, LLC

PANEL: Phyllis Turner Brim, Deputy General Counsel, Innovation and Brand Protection, HP

Leo Murgel, SVP & COO, Legal and Corporate Affairs, Salesforce

Casey Flaherty, Co-Founder and Chief Strategy Officer, Lex Fusion

DINNER at Bacara

THURSDAY, SEPTEMBER 21, 2023

8am Breakfast

9am-5pm Program

6pm-9pm Dinner

KEYNOTE: Unstoppable

Rich Bracken, Emotional Intelligence Expert

FRAMING SESSION: Knowledge Management

Rebecca Bullard, Director, Global Legal Operations & Innovation, Former NBC

ROUNDTABLE DISCUSSION

FRAMING SESSION: Harnessing the Power of Data

Erik Perez, Central Legal Operations Officer, Legal Services Global Operations, Shell USA, Inc

Charisma Starr, VP, Legal Discovery Technology Strategy and Innovation, JP Morgan Chase

ROUNDTABLE DISCUSSION

LUNCH

KEYNOTE: Impact of Interpersonal Trauma in Legal

Maria Parker, Trauma Informed Care & Insight Consulting

Greg Kaple, Principal of Legal, Regulatory & Compliance Strategy, Kaiser Permanente

FREETIME

DINNER Ocean Terrace

FRIDAY, SEPTEMBER 22, 2023

8am Breakfast

9am-1pm Program

FRAMING SESSION: Optimizing Tech Stack

Rajan Gupta, Senior Director Legal Technology & Operations, Synopsys

Sadia Ali, Senior Director Legal Operations, UST

ROUNDTABLE

PANEL DISCUSSION

Moderator: Kevin Cohn, CCO, Brightflag

PANEL DISCUSSION

Jonathan Johnson-Swagel, CLO Operations Manager, Uber

Angela Mendenhall, VP Legal Operations, Convoy

Sarah Starr, Director of Legal Operations, Generate Capital

CLOSING Final Announcements & Wrap-up

[Go to the Website](#)

Implications of Generative AI in the Legal Industry and the EU AI Act

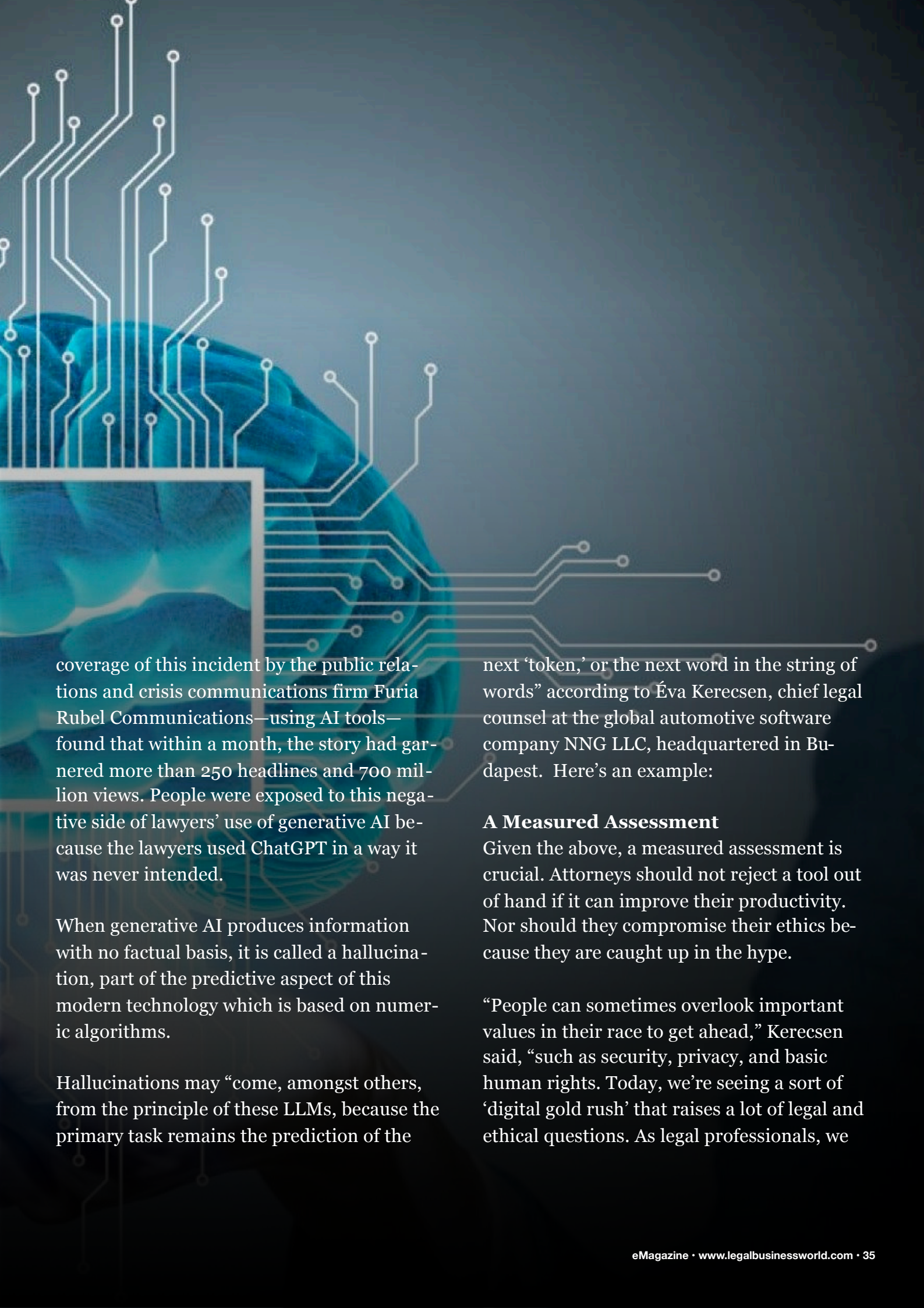
By Gina F. Rubel, CEO and general counsel of Furia Rubel Communications, Inc.



The applications of generative artificial intelligence (AI) in the legal industry are evolving at a pace that has both inspired and alarmed the legal world. In conference rooms everywhere, attorneys are discussing the ways generative AI will affect law firms and in-house legal departments.

Many legal professionals view various forms of AI, including generative AI Large Language Models (LLMs) like ChatGPT, as a time-saving tool that offers a good starting point for their substantive work, much like a better pole position offers an advantage in a Formula-1 race.

Others focus on instances like the New York case in which a litigator submitted to the court a ChatGPT-generated brief littered with fake citations to authority. An analysis of the media



coverage of this incident by the public relations and crisis communications firm Furia Rubel Communications—using AI tools—found that within a month, the story had garnered more than 250 headlines and 700 million views. People were exposed to this negative side of lawyers’ use of generative AI because the lawyers used ChatGPT in a way it was never intended.

When generative AI produces information with no factual basis, it is called a hallucination, part of the predictive aspect of this modern technology which is based on numeric algorithms.

Hallucinations may “come, amongst others, from the principle of these LLMs, because the primary task remains the prediction of the

next ‘token,’ or the next word in the string of words” according to Éva Kerecsen, chief legal counsel at the global automotive software company NNG LLC, headquartered in Budapest. Here’s an example:

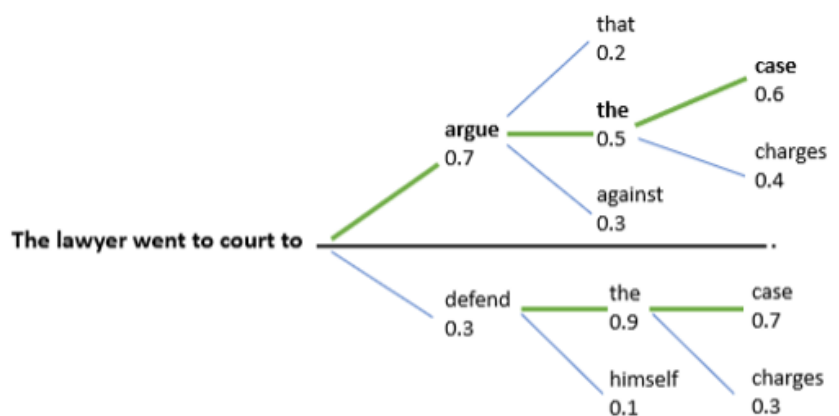
A Measured Assessment

Given the above, a measured assessment is crucial. Attorneys should not reject a tool out of hand if it can improve their productivity. Nor should they compromise their ethics because they are caught up in the hype.

“People can sometimes overlook important values in their race to get ahead,” Kerecsen said, “such as security, privacy, and basic human rights. Today, we’re seeing a sort of ‘digital gold rush’ that raises a lot of legal and ethical questions. As legal professionals, we

have an important role in ensuring that these human values and rights are not forgotten amid rapid technological advances.”

In addition to serving as NNG’s chief legal counsel, Kerecsen has a private technology practice. These dual roles ensure a keen awareness of the risks and benefits of AI.



Kerecsen divides the risks into three categories:

1. Security – everyone wants to know AI tools are safe.
2. Trade secret and confidentiality issues.
3. Copyright and intellectual property issues.

On the positive side, Kerecsen sees three main benefits of AI tools developed specifically for the legal market:

1. Efficient review of documents.
2. An efficient filing system to facilitate due diligence, filter documents wisely, and respond to specific questions.
3. Quick preparation of summaries for meetings.

European Regulation

Of course, one way to balance the risks and benefits is sensible regulation. In June 2023, the European Parliament approved the European Union [Artificial Intelligence Act](#), an important step toward making the act law in the EU.

Kerecsen said the AI Act is a way to “protect human values and European citizens.” If the act becomes law, this will not only affect companies based in Europe but any company providing AI services to European citizens.”

The AI Act uses a risk-based approach, placing AI tools into four different categories.

First, AI tools considered to be unacceptable risks will be banned in Europe.

For example, Kerecsen described the Social Credit Scoring (SoCS) system operating in China, which may affect various rights such as travel, education and financial credit. Such types of practices are “going to be banned in Europe to protect human rights and human values. I absolutely agree with this approach. The regulatory body must protect the citizens.”

The second category in the AI Act covers tools considered highly risky. Kerecsen explained that, depending on the sector, users and developers in this category will have to comply with specific requirements.

“The management and operation of critical infrastructure such as transportation or health-care fall into this category,” Kerecsen said.

For example, if drivers opt to use systems based on AI algorithms—say, a self-driving car—the software developer and the car manufacturer will need to make an impact assessment as well as register the AI.

Some NNG products may fall into this category, noted Kerecsen. “This is going to be a huge administrative and evaluative undertaking.”

The third category is limited risk, which includes LLMs like ChatGPT. For this category, “the main rule is transparency,” Kerecsen said. “Those who develop and use ChatGPT [or other similar generative AI tools like Jasper or Bard] have to disclose that the content was generated by an AI tool and have to publish summaries of the copyrighted data used for the training.”

This category is likely to give rise to a whole other conversation as governments, companies and creative professionals wrangle with the issue of fairness in the context of the copyrighted materials AI developers use to train their large language models.

Kerecsen explained that those who do business in Europe and want to use limited-risk AI will face a complex situation: “On top of the AI Act, the companies must comply with the **GDPR** (General Data Protection Regulation). For example, if we put client data into ChatGPT, we not only have to comply with the transparency requirement, we have to properly document the legal basis for handling the data and comply with the recommendations of the bar associations.”

The fourth category of the AI Act is low and minimal risk, which carries no obligations.

Human Evaluation

Despite the complexity, Kerecsen believes generative AI can be used responsibly and as a useful tool. “It can research, summarize and help lawyers write an email or memo on a certain topic.”

The tool may help clients conduct AI-facilitated research. They may come into a meeting well-prepared as long as the client is also aware of the technologies’ limitations and risks.

On the other hand, clients may reach erroneous conclusions. “This may be due to a hallucination or the lack of legal structure and thinking,” Kerecsen said. “You may have the wood and other materials, but if you are missing structural elements of a house design, the house will collapse.”

This analogy also emphasizes the importance of human evaluation. While some worry that legal jobs will disappear with the onslaught of generative AI [and other AI tools], the fact-specific nature of the work and the need for human eyes likely mean this anxiety is ill-founded.

“Some people may prepare and research using AI, but these tools will never win a case for you,” Kerecsen said. “They will never negotiate a contract in a way that you would like. Large language models can be great tools to facilitate our everyday work, but they will never understand human reasoning and humanity, feelings,

and emotional intelligence that play into a case and its outcomes.”

Any practicing attorney knows the human element is critical. AI can't build client relationships. AI cannot opine. AI cannot reason. AI has no empathy.

Often, a client's goals and motivations stem from human feelings. “Sometimes it's anger,” Kerecsen said. “Sometimes they just want to win or be made whole. It's important for the lawyers to understand what's behind the dispute.”

Moreover, an attorney may need to counsel a client to settle a high-risk case, prudent advice that a machine is unlikely to provide.

The human touch makes for better lawyers with distinctive characters. While it may only be a matter of time until a company comes out with a large language model that's built on emotional intelligence, Kerecsen questions whether AI can ever have true emotional insight or connection.

Leveraging Large Language Models

As an initial matter, attorneys must remember ChatGPT and its counterparts were never made to be a case research tools.

“These are a general tool, and not meant for legal research,” Kerecsen said. “Everyone needs to test its capabilities, its functionalities, and the potential legal implications.”

Attorneys need to acknowledge the limitations of large language models and always verify the

information, but not everything an attorney does has to meet the strict standards of a court. A tool like ChatGPT can be an enormous time saver for tasks that are not substantive client matters.

If, for example, an attorney has only a short time to prepare for two speaking engagements, each specifically tailored for a unique theme and audience, AI tools can help. While they may not generate all that much useable copy, the tools can give the speaker ideas – a starting point. And most find it is much easier to edit a draft than start with a blank page.

Policies and Guidance are Key

Given that large language models were trained using information scraped from the internet, flaws are bound to surface. Kerecsen advises companies and law firms to establish specific generative AI use policies. Firms should follow the recommendations of their local bar association regarding attorney-client privilege and rules on confidentiality and privacy.

Unfortunately, law firms—especially large ones—tend to be reluctant to adopt new policies because the process can be contentious. The partners need to remind themselves that it's no different than a policy regarding the use of email or social media. These guidelines are necessary to protect the firm, its clients, and its employees.

Without such a policy, bad things can happen. Kerecsen offers Samsung as an example. When the company's employees used ChatGPT without guidance, they inadvertently exposed trade secrets. Samsung reacted with a

temporary ban. While Kerecsen doesn't think a ban is the right approach, the incident demonstrates the need for internal regulation of AI.

Some law firms have banned the use of large language models and other tools rather than doing the work necessary to adopt them safely, a measure that may prove short-sighted.

To enjoy the benefits of AI while deftly managing the risks, the legal profession needs to stay abreast of the latest developments and best practices. Professional social media platforms like LinkedIn are often a good source of information on the latest tools and policy discussions. Attorneys can also attend conferences and webinars and listen to podcasts.

A firm's service providers may be good sources of assistance. Furia Rubel, for example, recently launched a generative AI resource center that is updated daily to reflect the rapid pace of change.

"I'm excited about AI," Kerecsen said, "I feel the enormous potential and I see how it facilitates my everyday life. I'm so happy to be able to use it, but I also see the dangers and risks."

About the Author(s)

Gina F. Rubel, Esq. supports corporate and law firm leaders with high-stakes public relations, reputation-changing initiatives, crisis planning and incident response support, including high-profile litigation media relations. As the CEO and general counsel of [Furia Rubel](https://www.furiarubel.com)

[Communications, Inc.](https://www.furiarubel.com), she leads the agency to support professional service firms. She is the host of the On Record PR podcast and the author of *Everyday Public Relations for Lawyers*, 2nd Edition. Email: gina@furiarubel.com; Website: www.furiarubel.com LinkedIn: <https://www.linkedin.com/in/ginafuriarubel/>

Éva Kerecsen is Chief legal counsel at NNG LLC for almost 10 years, Éva Kerecsen is an experienced legal professional with a passion for ensuring transparent and compliant operations in the dynamic world of technology.

Éva oversees approximately 800 legal issues per year, spanning copyright, e-commerce, IT law, employment law, commercial law, and data protection.



Éva holds a Bachelor of Law from Pázmány Péter University, Faculty of Law, a master's degree in information technology law from the University of Pécs and is currently studying data protection law at Eötvös Lóránd University, Faculty of Law. With a keen focus on bridging the gap between law and technology, Éva is a sought-after expert on the intersection of legal issues and technological advancements. Email: eva.kerecsen@nng.com Website: www.nng.com LinkedIn: www.linkedin.com/in/eva-kerecsen-398ab383/

Former LCA innovation head launches 'human centric' legal design and innovation consultancy

Leave a Comment / Documents & Contracts, Knowledge Management, Latest News, Wins & Deals, Workflow/Business Process Management / By Caroline Hill - Editor-in-Chief / 5 September 2023

The former head of innovation at Milan law firm LCA Studio Legale, Marco Imperiale, has launched a consultancy focused on legal design, innovation and legal wellbeing. Imperial

An Interview with Marco Imperiale, Founder and Managing Director at Better Ipsum

By LBW Editorial Dept.



So first of all, why Better Ipsum?

Like most of the beautiful things, it started off by chance. I was working on my personal website with a friend of mine who is a designer, and I noticed the classic Loren Ipsum template.

Then my perfectionist instinct came in, and I thought, am I able to make it better? I stopped for a moment, and I noticed that the name Better Ipsum was everything I was looking for. Latin, but international. Cathy sounding. Easy to remember. I checked for previous uses with trademark specialists, and they gave me the green light, so here we are.

The logo, as you can imagine, is related to the Fibonacci sequence and the golden ratio.

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Leader, Innovator and
Harvard Researcher
starts new

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5, 2023, 4:28 PM EDT
Marco Imperiale, who most recently served as head of
an law firm LCA, announced on Monday the launch of a new
based on legal design,....

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roducing Better Ipsum, a
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My obsession for Leonardo, renaissance, and
objective parameters of beauty is a good part of
my personal and professional background.

Can you tell us about your team?

We are an interdisciplinary, international team,
of lawyers, designers, psychologists, and ex-
perts of digital transformation. The majority of
us are women, and it is an element I stress
every time I can.

As for now, we are fully remote, which means
that we work from wherever we want. Just to
give you an example, a member of our team
lives in the United States but is Sweden-based,
while another one lives in the United Kingdom.
Moreover, we are working on a free vacation

policy. I asked myself what kind of company I
would have performed the best, and I tried to
implement this kind of approach in Better Ip-
sum. I also have to say that all our decisions are
the consequence of long conversations about
pros/cons of every aspect.

From a practical perspective, some of us are
part of a core team, while others are joining on
a project basis. The idea is to share best prac-
tices, improve our methodology, and create a
unique approach for a positive evolution of the
legal field.

That said, we are currently in a phase of expan-
sion, so write us if you think you have the will-
ingness and the capability to join our mission!

Professione e Mercato

Better Ipsum, la prima realtà
internazionale dedicata a un approccio legale
umanocentrico

Why humancentrism?

Because I believe that the legal world and the legal profession are facing a revolution, and it is totally up to us to understand if it is going to be an evolution or an involvement. The use of technology, which should be our best ally, is becoming for some of us an enemy or something to be afraid of, and the waves of exponential innovation, which should represent an element of excitement, are creating frictions and communication barriers.

Moreover, in all these years in the legal field, I noticed that most of the innovation work tends to focus too much on the tools, and too less on the adoption. Lawyers are not taught how to speak with developers, designers, and engineers, and we are pretending them to be fully performant on new and complex technologies. Moreover, we forget that their mind is already focused on several tasks, including billing hours, replying to hundreds of email, managing the resources, developing the client base, etc.. Maybe some of them, and I think about legal professionals in the IT or privacy field, are more into legal tech and innovation, but what about the others? I guess it's time to stress the human touch...

What kind of services you are providing?

It's a wide amount. Basically, everything related to human-centrism. Legal Design, of course. But also legal innovation, legal wellbeing, and ESG in the legal field.

From workshops to pure consulting, from tools to bespoke services, we aim to be a long time-partner for those who are committed to ride the wave of innovation.

Our goal is becoming the one-stop shop regarding performance improvement, better processes, and sustainable living in law firms, legal fields, and institutions. The kind of player you would ask for reflections on added value brought to the clients, team purpose/focus, and engagement of the Gen Z, but also for social reports, internal policies, and support for digital transformation. As you can imagine, I could go on.

Just to provide you an example, the last requests we have received are a work on client feedback, a legal design project, and a mindfulness seminar. The combo sounds unusual, but if you scratch the surface, you'll see a clear connection among all the dots.

Why do you think that the legal world is missing the human element?

This is not an easy answer, and it would probably take me an entire university course to analyze all its nuances.

A part of that is related to the way legal work is developed. Billable hours, law firm structure, internal and external pressure, difficult tasks that require thoughtful advice in a short amount of time, lack of preparation regarding non-legal skills.

Another part is related to lawyers' mindset. We are pessimists, distrustful, backward thinking, and ontologically adverse to innovation. We complain about stress, but we consider it a necessary part of our lives. Burnout is something to be proud, sleeping disorders are the norm, and our main goal is being busy, rather than focused.

Then we have several other issues. A general fear of the unknown, a feeling that something has to change but the incapacity to intervene on that, difficulties to understand the next trends in the legal profession and what will be the legal services of the future...

If you mix all these aspects together, you have undeniably a killer combo.

You have multiple experiences in the legal field. What are the main differences between being a lawyer, a head of innovation and a consultant?

I guess there is a quick way to answer it and a more articulate one.

If you want the short answer, in one case you are acting from the inside, and in the other one, you are acting from the outside. Moreover, as a law firm professional you are working for only one player on a full-time basis, while in the other one, you can have a majority of players on a part-time basis.

That said, and if you want to dig deeper, the analysis can be more articulated.

First of all, it is a matter of perception. As a law firm player, other lawyers will see you as a competitor, and it will be very hard for them to share their insights, which you truly need to improve processes. I also have to say that the perspective radically changes when law firms become not just competitors or colleagues, but a revenue stream.

Secondly, in-house teams will always be skeptical about lawyers providing legal tech tools, le-

gal design projects, or ESG work to law firms. It is not even a matter of offer quality, because great lawyers can provide top-notch services even in fields like legal design, ESG, or legal tech, but if your core business is different, it is quite difficult to be perceived as a credible player.

Lastly, I guess that there is an element of commitment. When I became obsessed with the evolution of the legal field, I did not have problems stopping working as a full-time lawyer to become a head of innovation. And now, that I see the need for a broader intervention, I did not have problems quitting my law firm job to start a consultancy and work from the outside. If you really believe in something, you need to go all in and risk. As a Harvard professor told me, showing can be better than telling.

How things are going so far?

We have been lucky enough to get significant traction, despite the recent start. I guess that all the work done in previous years can make us stand out in terms of reputation, quality, and vision.

In a short timeframe, and also checking the numbers, we will evaluate if opening business units in UK, US, Middle East, and Asia. A part of me believes that – despite the cultural and practical differences – lawyers tend to face similar challenges.

That said, we are already able, through our net of consultants and specialists, to provide services in all the major jurisdictions. The idea was starting already with an international mindset, an international array of clients, and

an international vibe. I guess we are perfectly on track.

And how about your future plans?

Apart that promoting Better Ipsum, working with clients on challenging projects, and hopefully improving the legal business and the legal profession, I would like to stress the value factor.

We aim to attract and work with clients who share our values, our mission, and who are ready to walk the walk with us. Hopefully, we will only work with players that are truly committed in making the extra step in terms of innovation and sustainability. And this is why we are also working to become a benefit corporation.

Final notes?

Well, I guess that most of the professionals in the legal world are experiencing that something needs to change. An easy answer would be, quoting Jerry Maguire: *“Call us, and help us to help you”*.

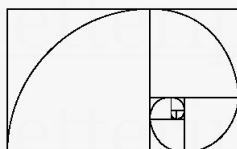
But that’s just marketing. My hope is that all the professionals of the legal field, including law students, will become agents of change. As professionals, and – even better – as human beings. To me, that would be even more satisfying than founding a successful and remunerative business.

About the Interviewee

Marco is the founder and managing director of [Better Ipsum](#), a consultancy focused on legal design, legal innovation, and legal well-being. He is also a frequent keynote speaker (100+ national and international events).

A true legal design and innovation pioneer,

Marco wrote (with Barbara de Muro) the first Italian book on legal design and lectured the course on legal design at the Harvard Graduate School of Design. At Harvard, where he graduated as Fulbright Scholar, he also worked as visiting researcher.



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How to Use Client Personas to Develop a Content Strategy

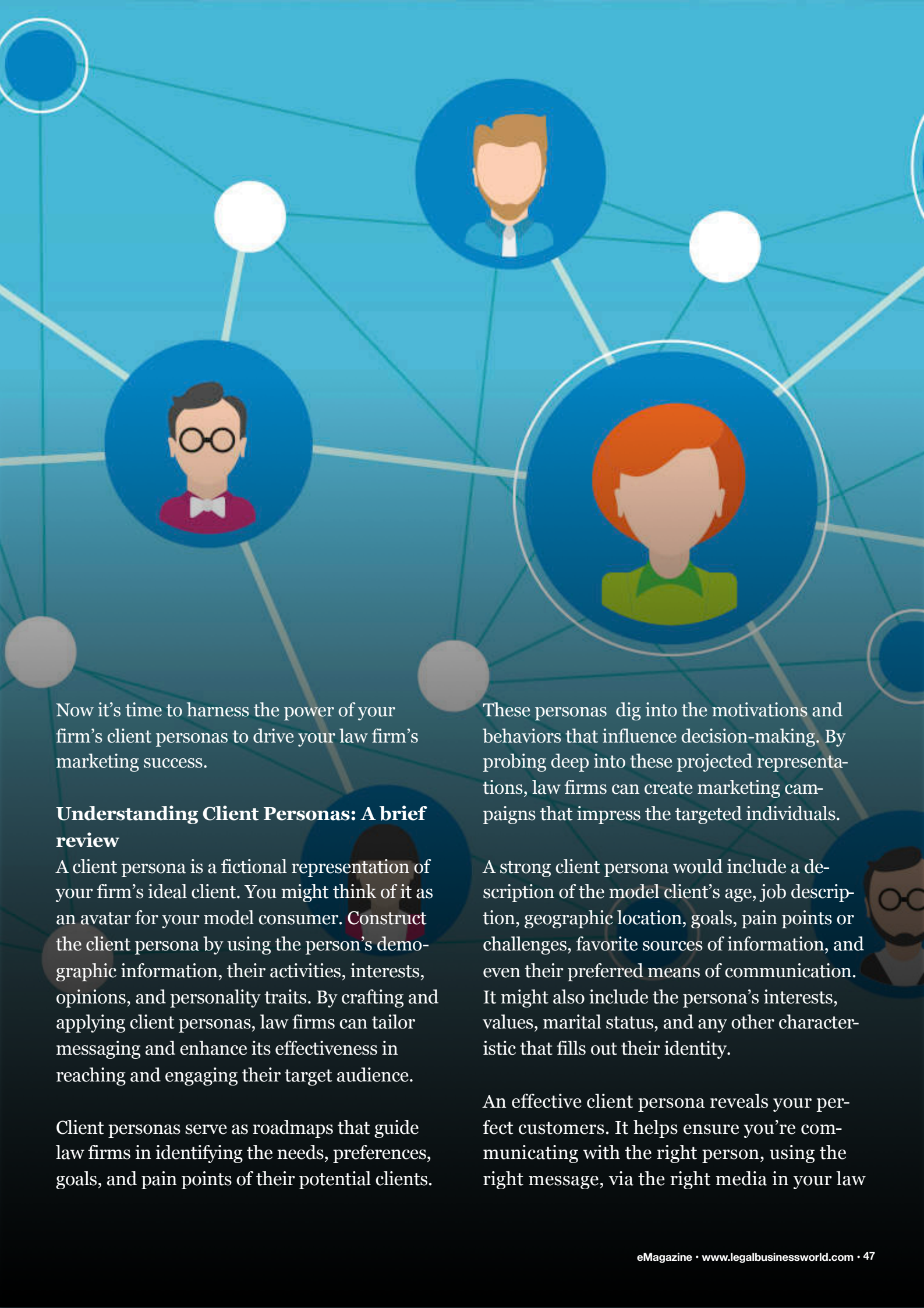
By Melissa “Rogo” Rogozinski, former litigation paralegal, legal technology sales executive, guest speaker, CLE presenter and trainer, and entrepreneur



In a business landscape driven by technology and a remote work environment, law firms are seeking innovative strategies to elevate their exposure and connect with potential clients in more meaningful ways. Creating client personas is an effective way to increase the success of your marketing strategy.

In our [last article](#), we provided a step-by-step guide explaining how to create potent client personas. As [Steve Fretzin commented](#), “Most lawyers don’t take the time to do this but should. ‘Know your audience,’ as they say.”

Client personas enable your firm to visualize the model consumer of your services and better target those prospective clients who are more likely to engage your law firm to meet their needs.



Now it's time to harness the power of your firm's client personas to drive your law firm's marketing success.

Understanding Client Personas: A brief review

A client persona is a fictional representation of your firm's ideal client. You might think of it as an avatar for your model consumer. Construct the client persona by using the person's demographic information, their activities, interests, opinions, and personality traits. By crafting and applying client personas, law firms can tailor messaging and enhance its effectiveness in reaching and engaging their target audience.

Client personas serve as roadmaps that guide law firms in identifying the needs, preferences, goals, and pain points of their potential clients.

These personas dig into the motivations and behaviors that influence decision-making. By probing deep into these projected representations, law firms can create marketing campaigns that impress the targeted individuals.

A strong client persona would include a description of the model client's age, job description, geographic location, goals, pain points or challenges, favorite sources of information, and even their preferred means of communication. It might also include the persona's interests, values, marital status, and any other characteristic that fills out their identity.

An effective client persona reveals your perfect customers. It helps ensure you're communicating with the right person, using the right message, via the right media in your law

firm marketing. Don't waste time, money, or energy trying to engage people who have little interest and are not ready to hire your firm. Taking time to define your audience will minimize wasted resources and reduce your frustration by allowing you to provide solutions to those facing corresponding problems.

Harnessing the Power of Your Client Personas

Sources of Information: The first step to consider in developing a content strategy for your firm's client persona is to determine the appropriate communication channels. Focus on the platforms where your target audience is most active to ensure maximum visibility and use a multi-channel approach.

If your prospects rely on websites, [LinkedIn](#), or online research for knowledge resources, then blogs, videos, podcasts and case studies will be of interest. A persona who seeks training on products or services will attend conferences and webinars, so consider securing a speaking or panelist engagement at these events. Also, stay top-of-mind by incorporating nurturing campaigns using monthly email newsletters with resource links, events, and industry updates.

By delivering content demonstrating your law firm's value through your model client's preferred information source, you ensure that the customized message is delivered to the most receptive audience.

Type of Content: The second step to developing a targeted content strategy is to determine the purpose, type, authorial voice, and narrative voice of the content you will create.

The purpose of your content can be brand awareness (blog article, social post, an-

nouncement, press release), generating demand (email campaigns), generating leads (case study, white paper, paid ads), or enabling sales (brochure). The purpose and type of content will determine which authorial voice (casual, professional, journalistic, subject matter expert), and narrative voice (first person, second person, third person limited/omniscient) is best to use in your writing.

Customized Messaging: Now that you know the sources and type of content your personas are searching for, the third step is to tailor each message so it addresses the specific goals and pain points of each persona. A well-honed client persona will identify several core interests and challenges that will catch the attention of your target audience.

For example, if your target client needs legal counsel to win approval of an unpopular zoning change to convert a commercial office building into residential units, then write content that provides three to five steps on how to overcome that challenge. Or, if your firm handles mergers and acquisitions, your content should explain how to best perform due diligence measures and the importance of drafting complex contracts. Incorporate your firm's expertise as the solution to that challenge without providing legal advice or coming across as a sales-pitch.

Integrated Marketing Tech: Your website, webforms, social media, email campaigns, and CRM database are essential tools that collect data and provide insights from your marketing efforts. We refer to these tools as "martech" or the "tech stack."

It is critical to collaborate with someone who

knows how to properly set up the tech stack, integrate the tools, design automated workflows, and centralize that data collection. Doing so will allow you to pull analytics reports that show engagement and reveal potential business opportunities you did not know existed otherwise. Analytics also provide valuable insight that may inform slight adjustments or more focused advancements to your strategy.

Continuous Refinement and Adaptation

Client personas and your related content strategies are not static entities. They should evolve as your firm's target audience changes and grows. Regularly review and update your personas and analytics insights based on new data, feedback, and market trends. Flexibility and adaptability are key to ensuring that your marketing strategies remain relevant and effective.

Using client personas as an essential element of your law firm's content marketing strategy can yield significant benefits. By understanding the

unique attributes, goals, and pain points of your potential clients, you can create tailored content, messaging, and engagement strategies that connect with your target market. This personalized approach not only enhances your firm's marketing effectiveness but also establishes a strong foundation for building lasting client relationships and sustainable thought leadership.

About the Author

Melissa “Rogo” Rogozinski is a former litigation paralegal, legal technology sales executive, guest speaker, CLE presenter and trainer, entrepreneur, and a 2016 ACEDS eDiscovery Person of the Year Nominee. She is a regular contributor to LegalTech News, Law Journal Newsletters and Legal Business World. At [RPC Strategies](#), she leads a “Dream Team” of consultants who specialize in legal marketing and sales strategies for law firms and legal tech vendors.

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WHAT'S THE SPECIAL OF THE DAY?


It should be your Law Practice

By Steve Fretzin, President Fretzin, Inc



What do you say when someone asks about your profession. Do you begin to list off all the various types of legal matters you handle on a day-to-day basis. Is it possible this may be confusing to the person asking? In today's competitive marketplace it's more challenging than ever to know everything and be recognized when your knowledge is a mile wide and an inch deep. When a new legal matter arises, will it be referred to you or to someone who is well recognized in the legal community as a specialist?

Becoming a "specialist" can be a scary proposition as your messaging and marketing efforts change to accommodate this new direction. The obvious fear is giving up some potential business by speaking and marketing openly about only your new focus.

A photograph of a silver and black pen lying diagonally across a white notebook page with a light blue grid pattern. The notebook is placed on a dark green, textured surface. The pen has a clear cap and a small label near the tip.

While most of these fears are not grounded in reality, most generalists are worried about the possible loss that may occur when making the transition.

In working with hundreds of attorneys, we regularly discuss the ups and downs to becoming a specialist. If the timing is right and you are well prepared, it might be the best way for you to stay relevant, while also growing your practice and obtaining additional financial security. That being said, it's one thing to be "known" as a specialist versus "identifying oneself" as a specialist. It's always better to be considered an industry specialist and leader rather than having to advertise that information.

Take a moment and think about two of the

most successful attorneys you know. Really, close your eyes for five seconds and get their names in your head. I would bet dollars to donuts that at least one of the names you thought of was someone who is highly specialized. It should come as no surprise that an attorney who builds a reputation around being great at one thing is memorable to you. The reality is that when you build a reputation in one industry, market or vertical, your practice can grow more quickly than you ever thought possible. Of course, a number of elements need to be in place before taking this leap. Here are a few things to think about before making the switch to becoming a specialist:

#1. You need to be the best at what you do. Whether you are a litigator or a labor &

employment attorney, nothing is more important than being skilled at your craft. When thinking about specializing, be sure you have the baseline skills and experience to succeed in one particular area of the law. It might make sense to get at least 2-3 clients under your belt in a particular area to test it out and see if specializing in one area makes sense for you.

Achieving notoriety as a specialist may take months or many years to achieve. The important thing is that you eat, sleep and breathe within the space that you've chosen.

A good example of this occurred when I was badly injured in a plane crash back in 1996. That's right, I survived a plane crash. During my recovery from looking like a human pretzel, my father, a now retired attorney, put me on the phone with Bob Clifford of Clifford Law Offices in Chicago. He chose Bob Clifford because he is well branded as the leader in aviation and personal injury litigation. We didn't speak to any other lawyers because who could possibly be better?

Being the best at what you do and building a strong reputation around that specialty can make obtaining new clients very easy. However, as you probably know, it takes real effort and conviction to build a specialized practice.

#2. Choose the right industry or vertical that's a fit for you.

The easiest and most time effective way to develop a 'niche' is to leverage the work you've already done in one particular area. It may make sense to target specific people, companies or issues that will allow you to draw out more work. For example, if you've worked with textile manufacturers and enjoy the work,

be sure to target other textile companies in your area.

You can do a search on google or LinkedIn to identify the people and companies to call on. Try to leverage your existing clients and strategic relationships to obtain introductions to these business owners if possible.

As an example, you could call up your client in the industry and say, *"I know you've been happy with the work I've done for you over the past few years. I am looking to help others in the same area. Who are you friendly with in the textile industry that I should be speaking with as well?"* The key here is to develop a great relationship with your client to ensure that he/she is open to making these types of strategic introductions. Think about it this way. If you had the best dermatologist and someone had a nasty rash, wouldn't you feel great making the introduction?

Another easy way to find the right specialty for you is by asking yourself, "What am I truly passionate about?" If you care about something, it drives you to become more involved. For example, one of my clients is very passionate about animals and is now focusing on working with dog shelters and veterinarians. She joined the shelter's board and is routinely interacting with prospective clients for her practice. She is wowing them with her ability to solve problems and is routinely asked legal questions from the board members. These inquiries turn into business meetings and eventually new business. She's doing all of this without working harder than before as the new originations roll in. Finding a 'niche' that you are passionate about can make your legal career

much more meaningful and enjoyable. You will also have a greater chance of meeting prospective clients, as you will be interacting with them on a more regular basis.

#3. Find a space, where there is space.

Be aware of your market and niche' and who else may already be there before committing to a specific specialty. While you may have vast experience in commercial real estate for example, there may already be too many lawyers in that area to easily separate yourself from the pack. Do your research and try to find a segment of real estate that isn't as fully saturated. It might also make sense to branch off into other areas of law to ensure you have your eggs in a few different baskets.

When the recession hit in 2008, many real estate lawyers were hit pretty hard. One of my clients saw this as an opportunity to learn estate planning as a backup plan to real estate law. This ended up being a great fit as he was able to leverage his real estate clients and personal contacts to help set up estate plans for everyone he could. Now that real estate is back, he has doubled his book by focusing on both practice areas.

By studying the competition, understanding the marketplace and the amount of business generated in a particular area or niche', you can better hedge your bets when selecting a specialty.

#4. Look to the future.

A few years ago, I had the great pleasure of interviewing Jerry Maatman of Seyfarth Shaw to learn a little more about his successful practice. One of the key elements to his amazing

achievements as an attorney came from his thirst for knowledge within his area of Labor and Employment. He voraciously read everything he could to better understand what was coming down the pipe to see how he could leverage it to build his practice.

He describes in his interview, the 1992 legislation for the Americans with Disabilities Act and how he got ahead of the law to be seen as the premier expert on the subject. He effectively packaged a "Survival Guide" for companies to better deal with the changing laws and regularly spoke on the subject before anyone else. By being a forward thinker, he locked-in his success and was repeatedly hired as the expert on ADA law by some of the largest companies in America.

Deciding and executing on specialization can be a game changer for you as a practicing lawyer. For those who are worried about missing other business opportunities because of specializing, who's to say you can't take on new business in other areas? However, by focusing your outbound marketing on one thing, you'll have the opportunity to build your brand name much more quickly than staying a generalist. If you do your research, pile up a couple of strong clients and speak with "intent" about your area of focus, only good things will happen for you.

About the Author

For more information about FRETZIN, Inc. and Steve Fretzin, please go to www.fretzin.com or email Steve directly at steve@fretzin.com

SUMMIT BY THE SEA

How Legal Operators grew from a website to a full service community with a unique summit on Legal Operations

An interview with founder and CEO of Legal Operators Colin McCarthy LL.M.



Colin, you already have a community, a magazine, articles on the website, ebooks, and webinars. How did you come up with the idea of organizing a venue as Summit by the Sea?

The decision to organize Summit by the Sea was a deliberate and strategic move, driven by a clear vision to enhance our community's experience. We already had a thriving online presence with a community, magazine, articles, eBooks, and webinars, but we recognized the need for something more.

Our goal was to create an unparalleled opportunity for legal professionals to come together, connect in person, and address industry challenges head-on. We understood that while



digital resources are valuable, there's immense power in face-to-face interactions. By organizing Summit by the Sea, we aimed to foster deeper connections among industry peers, provide a platform for discussions on common pain points, and facilitate the exchange of insights and advice. Additionally, the event allowed us to bring in keynote speakers from various fields to share their expertise and shed light on the latest industry trends.

We saw Summit by the Sea not just as a standalone event but as a hub within our community, a place where professionals could gather periodically to collaborate, learn, and strengthen relationships. Furthermore, we recognized the demand for

smaller, more intimate conferences that offer a focused, less overwhelming experience. In essence, our decision to create Summit by the Sea was born out of a clear understanding of our community's needs and a commitment to providing them with a valuable and transformative experience. It reflects our confidence in our ability to deliver a unique and enriching event that complements our existing digital resources.

The first edition was overall very successful. What did you learn from the first venue and were there outcomes from which you had a slightly different expectation?

Absolutely, thank you for the question. I'm

delighted to reflect on the success of our inaugural Summit By The Sea and share some insights.

The overwhelmingly positive feedback from our participants in the first edition of Summit By The Sea has been truly gratifying. It reaffirms our belief that there was a genuine need for an event like this in the legal community. Here's what we've learned and the key takeaways:

1. **Connecting Industry Peers:** The feedback from participants underscores the value of meaningful connections within the legal technology and process implementation space. We learned that there was a real appetite for an event that brings together professionals responsible for driving innovation and efficiency in their organizations.
2. **Effective Roundtable Discussions:** The positive response to our roundtable discussions was particularly heartening. It was clear that participants found these sessions to be a valuable platform for sharing insights and advice. This reinforced our belief in the power of peer learning and open dialogue.
3. **High-Quality Speakers:** We were pleased to see that our selection of keynote speakers from various fields resonated with our participants. Their positive feedback on the caliber of speakers confirms that our approach to providing diverse perspectives and industry insights was well-received.
4. **Intimate Conference Environment:** Participants appreciated the intimate nature of

the conference, highlighting that it allowed for more genuine networking and learning experiences. This reinforced our decision to maintain a smaller scale event, focusing on quality interactions rather than quantity.

5. **Stunning Location:** The mention of our stunning location as a positive aspect of the event was a confirmation that our choice of venue added to the overall experience. It reinforced our belief that a picturesque setting can enhance the overall impact of the event.
6. **Tangible Takeaways:** The feedback that participants came away with practical ideas they could implement in their businesses and organizations was a testament to our commitment to delivering actionable insights.

In essence, the feedback from our participants closely aligned with our expectations and objectives for Summit By The Sea. It validated our belief that there was a demand for a conference that combines networking, learning, and genuine connections in a unique and intimate setting. While every event has areas for improvement, we are confident that we are on the right track to continue delivering exceptional value to the legal community. We are committed to building on this success and making each edition of Summit By The Sea even more enriching and beneficial for all participants. Thank you for your support, and we look forward to seeing you at our next event.

There are a lot of summits that one way or the other focus on topics around Legal Operations. What makes the Summit

by the Sea stand out and what is the difference with other events?

Absolutely, Summit by the Sea is indeed a unique and exceptional event in the landscape of Legal Operations, and I'd like to explain why it stands out without diminishing the value of other ventures in the field.

What sets Summit by the Sea apart is our unwavering commitment to providing an unparalleled experience for our participants. We understand that the legal industry is saturated with events and summits, and that's precisely why we've taken a distinctive approach to ensure our event truly shines:

1. **Exclusive Audience:** Summit by the Sea boasts a select group of decision-makers from some of the world's largest and most influential companies. The caliber of our participants is unmatched, and their presence elevates the quality of discussions and networking opportunities.
2. **Priority on Value:** Our participants genuinely value the experience at Summit by the Sea, and they prioritize attending. This is a testament to the unique value they find in our event, and it speaks to the caliber of the content and connections we provide.
3. **Content Excellence:** We pride ourselves on delivering content that is not only on point but also highly relevant and actionable. Our focus is on providing real-world solutions and insights that participants can immediately apply in their organizations.
4. **Peer-to-Peer Learning:** Unlike traditional

conferences that often rely heavily on panel discussions, we prioritize peer-to-peer interactions. We believe that the most meaningful insights come from those who are actively shaping the industry. Our approach ensures that participants engage in genuine, valuable discussions.

While other events certainly have their merits, we've intentionally crafted Summit by the Sea to be an exceptional and unique experience. We do not seek to disparage other ventures, but rather, we aim to provide an alternative that complements the existing landscape. Our event is about quality over quantity, substance over superficiality, and real connections over casual encounters.

In essence, Summit by the Sea is the embodiment of what a truly exceptional Legal Operations event should be. It stands out by offering an exclusive, value-driven, and peer-to-peer experience that is cherished by our participants. We are confident that our approach not only sets us apart but also raises the bar for what a legal industry summit can achieve. We look forward to continuing to deliver on this promise in the future. Thank you for your trust and support in making Summit by the Sea a remarkable success.

This is the second year you've organized Summit by the Sea. What were your main drivers to organize this venue again?

The resounding success and overwhelmingly positive feedback from our inaugural Summit by the Sea were the main drivers behind our decision to organize this event for the second

year. We believe in building on our achievements and continuing to provide an exceptional experience for our valued participants.

What is your goal with this second edition and when is it in your opinion successful?

The key to a successful summit, in my view, lies in several critical elements. First and foremost, it's about fostering genuine connections and meaningful interactions among participants. When attendees leave with valuable new relationships and insights, we know we've succeeded. Secondly, the content must be relevant, actionable, and thought-provoking. Our goal is to provide attendees with knowledge and ideas they can immediately apply in their roles. Finally, the event must maintain its exclusive, peer-driven nature, ensuring that participants continue to prioritize and value their attendance.

With this second edition of Summit by the Sea, our aim remains steadfast: to build on the success of the first year and elevate the experience even further. We want participants to leave with not just a different mindset but also a tangible plan for enhancing efficiency and driving innovation within their organizations. Success, to us, means that participants depart with a network of valuable connections, a wealth of practical insights, and a renewed enthusiasm for pushing the boundaries of legal operations. It's our commitment to delivering an event that consistently exceeds expectations and continues to be a must-attend gathering for decision-makers in the legal technology and process implementation space.

Is the summit only for professionals working in the field of Legal Operations?

Absolutely, while Summit by the Sea primarily caters to professionals in the field of Legal Operations, we also extend a warm welcome to General Counsels and Attorneys. We believe that leadership transcends job titles, and if someone sees themselves as a leader in their domain, we wholeheartedly invite them to join our discussions and expand their network. In fact, we actively encourage diverse perspectives and expertise at our table, as we believe this diversity enhances the richness of our conversations and the value of the connections made during the event.

Our philosophy is centered around the idea that innovation and progress often emerge from the intersection of different roles and backgrounds. By bringing together professionals from Legal Operations, General Counsels, Attorneys, and other leaders, we create a dynamic and inclusive environment where ideas flourish, and collaboration thrives. So, whether you're deeply entrenched in Legal Operations or bring a unique legal perspective to the table, if you're committed to growth and expanding your network, Summit by the Sea is the perfect place for you to be.

What can attendees expect?

Attendees can expect an exceptional and transformative experience at Summit by the Sea. This event is not just another conference; it's a unique opportunity to connect with industry peers, gain valuable insights, and leave with a renewed perspective on legal technology,

process implementation, and legal operations. Here's what you can confidently expect:

High-Caliber Networking: You'll have the chance to connect with decision-makers from the world's leading companies, including General Counsels, Attorneys, and Legal Operations professionals. The quality of networking is unparalleled, fostering genuine connections that can be instrumental in your career.

Relevant and Actionable Content: Summit by the Sea is all about delivering content that matters. You can expect thought-provoking discussions, peer-to-peer learning, and insights from top-notch keynote speakers. Every session is designed to be relevant, practical, and immediately applicable to your role.

Unique, Intimate Environment: Unlike large, overwhelming conferences, Summit by the Sea maintains an intimate atmosphere. This ensures that you can engage deeply in conversations, share insights, and build relationships without feeling lost in the crowd.

Diverse Perspectives: We welcome professionals from various legal roles because we believe that innovation thrives at the crossroads of different expertise. Expect to gain fresh perspectives and ideas from a diverse group of participants.

Inspiration and Renewed Vision: By the end of the event, you'll walk away with more than just knowledge; you'll have a different mindset and a concrete plan for enhancing efficiency and driving innovation within your law firms and legal technology.

In essence, attendees can confidently expect

Summit by the Sea to be a catalyst for personal and professional growth, a platform for building invaluable connections, and a source of actionable insights that will positively impact their roles and organizations. We are committed to delivering an exceptional experience that consistently exceeds expectations.

Can you tell us a little bit more about the keynote speaker on this 2023 edition?

Dave Rozelle will be joining us at the Summit with an inspirational message that embodies the theme of resilience. His remarkable journey and story are a testament to the power of the human spirit to overcome adversity.

As a former military leader who commanded troops in Iraq, Dave faced a life-altering moment when a landmine exploded under his Humvee, resulting in the loss of part of his right leg. However, Dave's response to this challenge was nothing short of extraordinary.

After being evacuated home, he embarked on a year-long rehabilitation process. Within just eight months, Dave participated in his first triathlon, a testament to his unwavering determination. He not only became a proud supporter of the Challenged Athletes Foundation (CAF) but also a source of inspiration for countless others.

One of the most remarkable chapters of Dave's journey was his return to command his unit and deploy to Iraq once again, making him the first service member to return to a combat command in modern times after such a significant injury. His resilience and leadership shine through in this accomplishment. Dave's journey also led to the creation of CAF Operation Rebound, a program that supports injured service

members in their quest for healing through sports. He serves as a role model and mentor within the program, further demonstrating his commitment to helping others overcome challenges.

Dave's achievements extend to the realm of sports, where he took on the Ironman Triathlon World Championship in Kona, Hawaii, significantly improving his time from previous races. His dedication to sports and his personal journey highlight the incredible healing power of determination, resilience, and a positive mindset.

In his keynote address at the Summit, Dave will undoubtedly inspire attendees with his story of triumph over adversity and the importance of resilience in facing life's challenges. His message is a testament to the human capacity to overcome obstacles and emerge stronger, and we are honored to have him as a keynote speaker at this year's event.

Why did you choose to organize the venue in Santa Barbara and not one of the bigger cities like Vegas, L.A. or your hometown San Francisco?

I chose to organize the venue in Santa Barbara because it holds a special place in my heart. I spent seven years living there when I first came to the U.S., and I wanted to share the beauty and serenity of this place with my colleagues and peers.

Santa Barbara isn't like the bustling cities of Las Vegas or Los Angeles. It's a coastal gem known for its stunning landscapes, proximity to the ocean, and breathtaking views of the

Santa Ynez Mountains. This environment sets the stage for more meaningful connections and conversations.

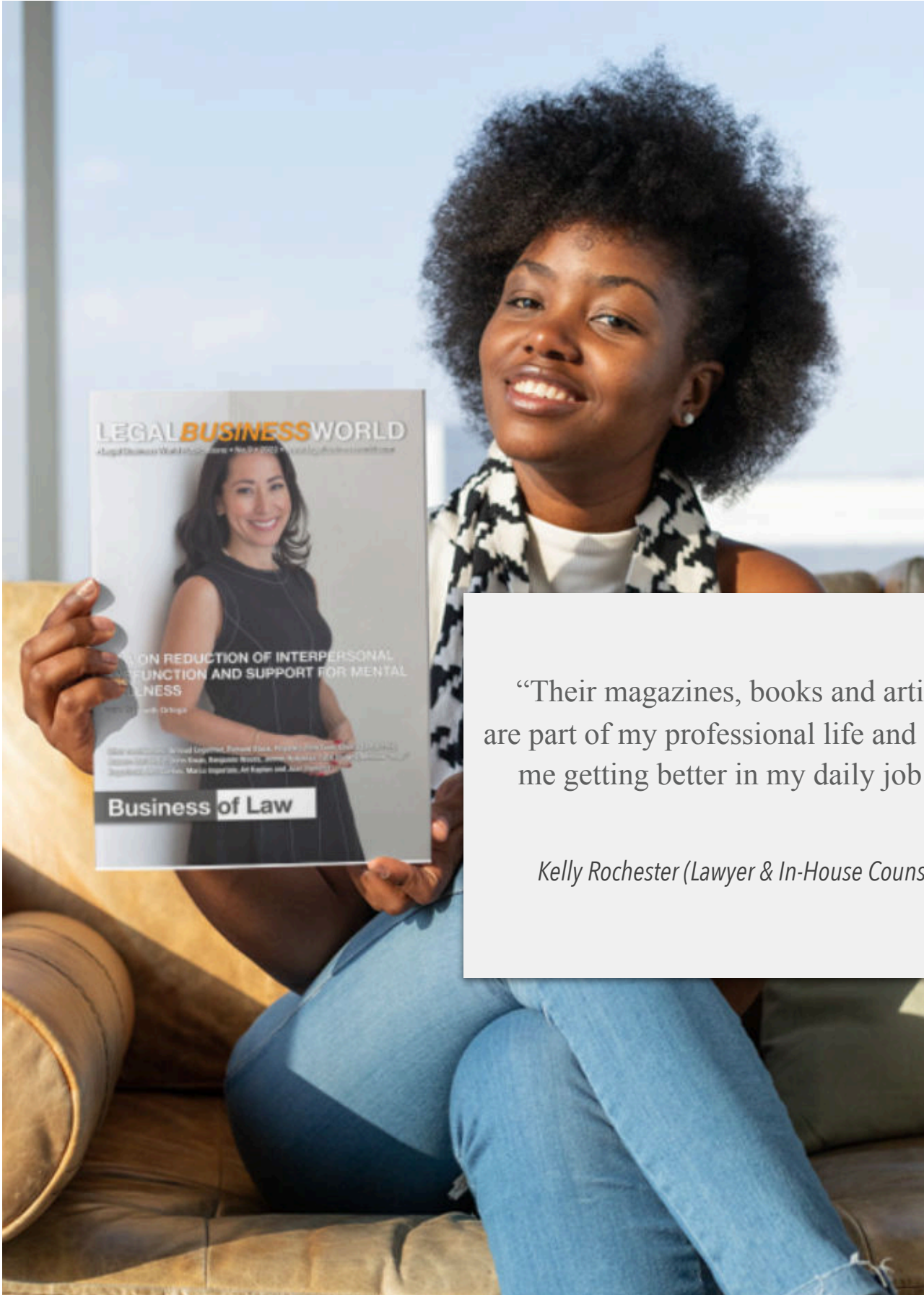
Beyond the conference sessions, Santa Barbara offers an environment that can inspire creativity, relaxation, and a sense of renewal. It's not just about hosting an event; it's about creating an unforgettable experience that leaves attendees with lasting memories and a deep sense of connection.

In the first question we already mentioned a full portfolio of products for LegalOps professionals. Are there any more services or products for LegalOps professionals foreseen in the future?

Go to www.legaloperators.com to a full list of the best legal technologies on the planet. Check me out on linkedin where I speak and talk about all things Legal Operations. Legal Operators will be in over 20 cities around the world in 2024. Become a member today to receive our ezine, attend our webinars or be invited to our notorious in person events.

Colin, Thank you for your time and this interview and we will certainly attend your Summit, and are looking forward meeting peers, thought leaders and other experts during this event.

See the agenda of Summit by the Sea on page 30 or go to the event website <https://shworldwide.com/sbts23/>



“Their magazines, books and articles are part of my professional life and help me getting better in my daily job ”

Kelly Rochester (Lawyer & In-House Counsel)

6 Essential Skills for Modern Lawyers: Navigating AI's Impact

By Anusia E. Gillespie, Chief Strategy & Growth Officer at SkillBurst Interactive



In a virtual gathering that transcended borders and bridged time zones, a perceptive law student from the University of Namibia Law School voiced a question that echoed the thoughts of many aspiring legal minds:

“With the rise of generative AI increasingly capable of performing legal tasks, is now still a good time to go into law?”

The virtual café, held on August 9th, 2023, was seeded with a dual sense of curiosity and apprehension about the unknown – an uncomfortable sentiment that has been coursing through the legal industry. In fact, on that same day, renowned legal journalist, Bob Ambrogi, published an article entitled: Law Librarians’ Conference Reflected Legal Industry’s Uncertainty about AI and the Future. [1]



In response to this student's query, many in the legal community might respond with a resolute "Yes," coupled with a profound "AND."

- Yes, it is a good time to enter the legal profession because the kind of once-in-a-generation change that generative AI represents creates opportunity, AND:
- The demand, complexity, and speed of legal work is accelerating. Technological competence, adaptability and learning agility, and curiosity are the critical skills that will enable you to use the most-cutting edge tools to both process routine work faster and harness data to best inform legal advice.
- "Human" skills, the ones that machines can't replace, are more critical than ever in any area

of practice. Creativity, humility, and emotional intelligence will inform how you collaborate, communicate, and connect with people – colleagues and clients – and determine your success.

In a June 2023 Law.Com article, Linda Novosel, chief innovation and value officer at Blank Rome, acknowledged that law firms will eventually adapt to the increase in AI technology, expecting that "roles will shift [and] skill sets will change." [2]

This begs the question – what is the mix of skills that rising attorneys need to succeed?

Law firms have long held the title as the premier training organizations for technically excellent

lawyers. Black letter law and practice-specific judgment are necessary, and no longer sufficient. Here are two drivers of change and the six related skills lawyers will need to excel in the age of generative AI.

Driver #1: Accelerating Complex Legal Work Requires Tech-Savvy, Adaptable, Agile, and Curious Lawyers

In 2021, EY Law and the Harvard Law School Center on the Legal Profession interviewed 2,000 business leaders across 22 countries with a focus the opportunities and challenges facing law departments and found that General Counsel expected workloads to increase by 25% over the next three years. [3] This prediction is coming to fruition now. The Thomson Reuters Institute’s Legal Department Operations (LDO) Index, released in October 2022, found that 65% of respondents indicated that the volume of legal work increased in the last year (while budgets remained flat).

Further studies show that not only is there more work, but it is also more complex work. The 2023 General Counsel Report by FTI Consulting and Relativity featured the chart below, showing year-over-year risks more than double in 2023, with regulations, technology, and related uncertainty a consistent theme throughout responses. [4]

Compounding this picture is the global experimentation with generative AI, a category of technology so game-changing that it has been compared to the advent of the internet.

The impact for lawyers is twofold: (1) how does generative AI impact my organization’s or client’s objectives? and (2) how am I incorporating these tools into my practice to adhere to my ethical duty to clients? On the latter query, Ed Walters, Chief Strategy Officer at vLex, emphasizes that “The North Star of the Model Rules is to protect clients, and where software plays a major part in ensuring quality

RISKS YEAR-OVER-YEAR

**As indicated by qualitative responses. Multiple responses allowed.*

	2021		2022		2023
Privacy, data protection, security and/or data risk	65%	Privacy, data protection, security and/or data risk	46%	Privacy, data protection, security and/or data risk	56%
COVID-19 business and workforce implications	19%	Compliance and regulations	36%	Compliance and regulations	40%
IP loss	16%	COVID-19 business and workforce implications	17%	Uncertainty, instability and geopolitical concerns	40%
		Technology modernization	3%	Employee and employment issues	26%
				ESG	20%
				Supply chain	13%
				Social and reputational risks	10%
				COVID-19 business and workforce implications	3%
				Technology modernization	3%
				IP loss	3%

representation, the Model Rules demand that lawyers use that technology.” [5]

Two recent Cambridge, Massachusetts based initiatives have sprung out of academia to help lawyers and broader society address issues related to generative AI.

1. On July 17, 2023, Harvard Law School and the Berkman Klein Center for Internet & Society launched the Initiative on Artificial Intelligence and the Law (IAIL) to “focus on new challenges and opportunities for the law created by the rise of artificial intelligence, from its potential enhancements to speed of legal practice and its aid to effectiveness for enforcement and adjudication, to broader societal issues such as consumer protection; investor protection; false advertising; privacy; misinformation; and discrimination and civil rights.” [6]
2. On August 3, 2023, the Massachusetts Institute of Technology (MIT) Task Force on Responsible Use of Generative AI for Law publicly released draft principles “meant to ensure factual accuracy, accurate sources, valid legal reasoning, alignment with professional ethics, due diligence, and responsible use of Generative AI for law and legal processes.” [7]

We are building the plane as we fly – determining governance and guidance on new technologies after they’ve been deployed at scale. This ambiguity is a new reality. As Jason Barnwell, General Manager for Digital Transformation of Corporate, External, and Legal Affairs at Microsoft summarized in a prescient November 2021 article:

“Multinational corporations are awash in a rising sea of legal complexity... Because our clients are pursuing value creation in increasingly complex business spaces accelerated by machines, the net impact on legal includes:

- *Increasing work volume*
- *Increasing complexity*
- *Increasing velocity.” [8]*

The only way legal teams can ensure that these pressures do not create an explosion is to find leverage through technology. This extends beyond corporate legal teams to their law firm and legal services partners. As a result, all lawyers – at law firms, in-house, or in newly fashioned roles – must be able to process work faster, find a way to practice through the complex and unknown, and perform better than technology. Here are three skills to do so:

1. Tech-Savvy. Modern lawyers need to be well-versed in the latest legal technology tools and platforms, and how they work. From AI-powered research tools to document generation software, a solid grasp of technology can streamline processes, produce actionable data, and position lawyers to provide more value to clients. The challenge many lawyers experience is knowing where to start – the legal technology market is fragmented and overwhelming – and ensuring that technology explorations are a good use of time.

You might start by (1) subscribing to a Legal-Tech blog – here’s a [list of resources](#) to consider, [9] (2) connecting with all internal resources and initiatives, reaching out to your Chief Innovation Officer, Chief Talent Officer,

or equivalent for a curated learning experience, and (3) engaging in external communities, such as [LegalTech Boston](#), for dynamic conversations that may help you think differently and discover new practical applications. [10]

2. Learning Agility and Adaptability.

This skill is all about “knowing what to do when you don’t know what to do.” As detailed above, the legal field is experiencing transformation. Lawyers must be able to quickly adapt to new regulations, technologies, and client demands. This means staying mentally agile and open to continuous learning and perspective-taking, inclusive of topics outside of your comfort zone. Harvard Law School has recognized the importance of this skill, offering the course titled: [Applying Adaptive Leadership to Thrive and Lead Change in Uncertain Times](#). [11]

3. Curiosity. Consider the “Google Maps problem” where people are so reliant on the technology that they cannot drive to their doctor’s office without turn-by-turn directions. Don’t fall into an AI-driven routine, you may get lost. Instead, “Get curious and invest the time to learn how you can offload tasks, but also use AI tools to inspire you and make you more inquisitive about the world beyond them.” [12] Ask questions about biases, predictive capacities, and the ethical implications for your clients. This is how you perform better than the technology; it’s how you shine with it.

Driver #2: Technology Adoption Heightens Importance of “Human” Skills

The second driver of change is the technology adoption itself. As Mark Cohen, globally recognized legal thought leader, eloquently stated in his July 27, 2023, Forbes Article, [Who Will Train Digital \(Legal\) Talent At Scale?](#)

“Another paradox of the digital age is that as reliance on technology increases, so too has humanity (soft skills) taken on heightened importance. They are increasingly valued at a time when change has accelerated; the path forward is less certain; and challenges are complex.” [13]

“Human” skills are thought to include strengths like empathy and relationships, though there have already been attempts to feign these with AI.

The computerized version of transference, with people attributing understanding, empathy and other human characteristics to software, is coined the “Eliza Effect” and has only grown stronger with large language models. [14] Colin Fraser, a data scientist at Meta, explains that these applications are “designed to trick you, to make you think you’re talking to someone who’s not actually there.” There are surely use cases for generated conversations, though it seems unlikely that they are positioned to replace meaningful conversations in the realm of a lawyer-client relationship.

Instead, consider the technology as “taking the robot out of the human and allowing humans to do what humans do best” offers Keith Farley, SVP at Aflac. [15] Get ready for a career of continuous improvement and experimentation as there is no finish line for “soft” skills.

Here are three skills that you should focus on developing and nurturing, consistently, adapted for legal from the May 28, 2023, Harvard Business Review Article, 3 Human Super Talents AI Will Not Replace.

1. Creativity. The results of the recent future jobs report out of the World Economic Forum reflect the increasing importance of complex problem-solving in the workplace, noting that creative thinking is growing in importance slightly more rapidly than analytical thinking. [16]

Why would this be the case? Because we now operate in a world of unknowns and uncharted paths – the way through is to fashion solutions to new problems. AI can help generate creative ideas, but the fact that we are tackling novel issues means that the underlying models will not be trained on how to solve the problem. Accordingly, human creativity is required.

Creativity boils down to mindset. Specifically, embracing a growth mindset versus holding a fixed mindset. “One of the elements of the creative process is our ability to...mentally let go of the ‘status quo’ and free our mind to examine things with fresh new eyes,” says Anthony Fredericks, Ed.D. in his Psychology Today article, How a New Mindset Can Dramatically Improve Your Creativity, which relies heavily on the work of Carol Dweck, a pioneering researcher in the field of motivation, why people succeed, and how to foster success.

The creative process requires a growth mindset – a belief in change, learning, and development coupled with the freedom to actively seek and evaluate ideas of every size and shape.

Lawyers who cultivate a growth mindset will outsmart their competition through creative client solutions when others would advise that the client has limited options; applications of longstanding law to new technological developments and other issues of first impression; and unbounded opportunities in methods of service delivery.

2. Humility: We can be proud of our achievements, and aware that we are not perfect. The question then becomes one of self-awareness – what should you start doing, stop doing, and continue doing?

You must “know thyself” and learn how to apply your talents amidst new and evolving technologies. The two mechanisms that can help you navigate this terrain and place your talents to their highest and best uses are: (1) self-discovery, and (2) meaningful feedback.

Your journey of self-discovery is personal – it might be friends, family, sports, religion, yoga, or a plethora of other activities that help you to become aware. At the same time, this awareness impacts your professional self. Organizations often try to promote this kind of self-discovery through leadership, communication, and wellness training.

The majority of Am Law 100 and 200 firms that subscribe to SkillBurst Interactive’s Professional Essentials library benefit from learning modules such as: *The Path to Leadership: Developing Your Executive Presence*, and *An Introduction to Mindfulness: A Must-Have Skill for Success*. Ask your organization’s leadership for trainings in this area as a step towards reflection, awareness, and a

continued humility towards improvement.

As a second step, you might ask your peers for feedback to inform your direction. Crowdsourced feedback will help you to target the highest impact areas for improvement. The challenge is that the legal profession – wherever you are in the ecosystem – has not mastered this meaningful habit. In fact, a key session at the 2023 Professional Development Consortium Annual Conference was titled, *(Actually) Creating a Culture of Feedback*, with a nod towards the unmet aspirations of the profession.

Speak with your professional development director or supervising attorney to determine the best method of eliciting meaningful feedback within the cultural context of your organization. You might also ask about training in this area to ensure you are returning the benefits of feedback to your peers. The most popular modules in the SkillBurst Interactive subscription library on this topic are on *Delivering Effective Feedback*, *Leading Productive Performance Evaluation Meetings*, *Five Steps to Writing a Performance Evaluation*, *Inviting and Embracing Feedback*, and *Successful Practices for Preparing Your Self-Assessment*.

3. Emotional Intelligence: AI is becoming increasingly capable of performing legal tasks, like drafting. This evolution is placing an unprecedented amount of legal research, data, and “know-how” into machines, meaning that the relationship component of being a lawyer – of being in client service – matters more than ever. Building connections, leading with empathy, and communicating effectively are critical.

Lawyers mostly live in email and other digital communications – which is a great place to start to be extra attentive not just in the content of your messaging, but also in the tone. Perhaps a matter-of-fact correspondence becomes more relational and contextualized; separating your communication from that of a generated message. Consider the fact that businesses have already sprouted to draft personalized email communications at scale, such as KalendarAI’s service powered by GPT4. [17]

The time is now to practice and evolve our digital communications to stand out amidst machine-generated content – to remind your clients and colleagues, at every step, that a human sits behind yours.

Modifying the tone of communications and leading with empathy – in person and digitally – can also help avoid conflict and deepen relationships, an important attribute when people have more and more alternative options to working with you.

To improve your emotional intelligence and ensure that you are the lawyer everyone wants to work with, consider trainings on topics such as: building relationships, communication skills, having difficult conversations, managing workplace conflict, and understanding conflict styles.

Conclusion

Yes, it is a good time to enter the legal profession amidst the opportunity that generative AI represents, AND – the mix of skills that rising attorneys need to succeed is evolving.

Today’s modern lawyers must be excellent legal

technicians, while also becoming tech-savvy, adaptable, agile, and curious about emerging technologies and demonstrating creativity, humility, and emotional intelligence with clients and colleagues, placing individual “human” talents to their highest and best uses amidst the machines.

The bar to successful practice is raised even higher, and the requirements may sound daunting. Fortunately, there are good people doing good work to help you succeed – you just have to ask.

Notes

- [1] <https://www.lawnext.com/2023/08/law-librarians-conference-reflected-legal-industries-uncertainty-about-ai-and-the-future.html>
- [2] <https://www.law.com/americanlawyer/2023/06/28/ai-will-threaten-law-firm-jobs-but-innovators-will-thrive/>
- [3] https://www.ey.com/en_gl/law/general-counsel-imperative-barriers-building-blocks
- [4] <https://www.ftitechnology.com/1/gc-report-2023>
- [5] <https://www.legalevolution.org/2022/09/q-is-proposing-an-ethical-duty-for-legal-innovation-worth-the-effort/>
- [6] <https://hls.harvard.edu/today/harvard-law-school-and-berkman-klein-center-announce-new-initiative-on-artificial-intelligence-and-the-law/>
- [7] <https://law.mit.edu/ai>
- [8] Barnwell, J. [Legal evolution is industrial evolution](#). Legal Evolution. (November 28, 2021).
- [9] <https://lawrina.org/blog/best-legaltech-blogs-and-resources/>

[10] <https://www.skillburst.com/legaltech-boston>

[11] <https://hls.harvard.edu/courses/applying-adaptive-leadership-to-thrive-and-lead-change-in-uncertain-times-2/>

[12] Chamorro-Premuzic, T. and Akhtar, R. [3 Human Super Talents AI Will Not Replace](#). Harvard Business Review. (May 28, 2023)

[13] Cohn, M. [Who Will Train Digital \(Legal\) Talent At Scale?](#) Forbes. (July 27, 2023).

[14] <https://www.theguardian.com/technology/2023/jul/25/joseph-weizenbaum-inventor-eliza-chatbot-turned-against-artificial-intelligence-ai?>

[15] <https://www.forbes.com/sites/joemckendrick/2023/05/07/rise-of-ai-also-raises-demand-for-creative-skills/?sh=73d771e62cda>

[16] McKendrick, J. [Rise Of AI Also Raises Demand For Creative Skills](#). Forbes (May 7, 2023).

[17] [KalendarAI | Sales Agents generates revenue by booking meetings or closing deals on autopilot](#)

About the Author

Anusia Gillespie is a lawyer, intrapreneur, and “maker” who is well-known for legal innovation, with seven industry awards received over the past four years. She is a published author with Harvard Law School Professor, Dr. Heidi K. Gardner, and recognized for her popular article, *Innovation as a Service and the Maker’s Matrix*. She now serves as the Chief Strategy & Growth Officer at SkillBurst Interactive, legal’s leading on-demand learning partner. Anusia's journey includes practicing law, program design and development in academia at

Harvard Law School Executive Education, building and leading innovation at Eversheds Sutherland (a top 10 global law firm), and driving in-house transformation at UnitedLex (a prominent legal services company).

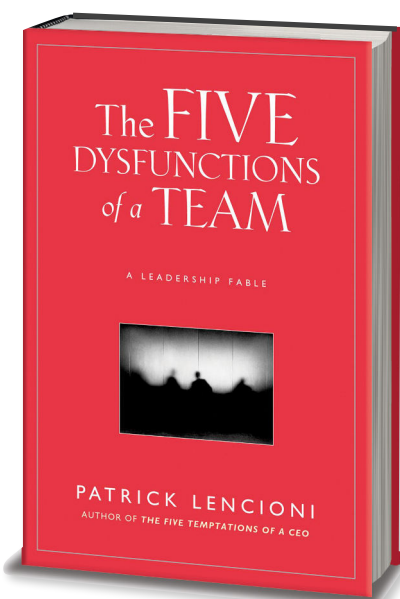
She is a 2019 Fastcase50 Award recipient, which honors “the law’s smartest, most courageous innovators, techies, visionaries, & leaders.” Her most recent knowledge product was recognized by Microsoft Legal as “the future of legal modernization” and won the Data Solu-

tion of the Year for Legal at the Data Breakthrough Awards in 2023.

Anusia earned her Bachelor of Science in Management from Tulane University’s AB Freeman School of Business, her Juris Doctor from Boston College Law School, and her Master of Business Administration from Boston College Carroll Graduate School of Management. She was appointed to BC Law’s academic law journal, the *Uniform Commercial Code Reporter-Digest*, and inducted into the Beta Gamma Honors Society.

Book Tip: The Five Dysfunctions of a Team

Kathryn Petersen, Decision Tech's CEO, faces the ultimate leadership crisis: Uniting a team in such disarray that it threatens to bring down the entire company. Will she succeed? Will she be fired? Will the company fail? Lencioni's utterly gripping tale serves as a timeless reminder that leadership requires as much courage as it does insight.



Throughout the story, Lencioni reveals the five dysfunctions which go to the very heart of why teams even the best ones—often struggle. He outlines a powerful model and actionable steps that can be used to overcome these common hurdles and build a cohesive, effective team. Just as with his other books, Lencioni has written a compelling fable with a powerful yet deceptively simple message for all those who strive to be exceptional team leaders.



Balancing Technological Progress, Generational Shifts, and Complex Business Dynamics in an Era of Unusually Rapid Change

Participants

18 | Chief Operating Officers 1 | CAO

10 | Executive Directors 1 | CEO

Median Firm Size

73 | Lawyers 140 | Professionals



Leadership Perspectives



“Not only were we keeping the spinning plates in the air before the pandemic, now someone has lit them on fire.”

Executive Director



“We are looking at how we can leverage artificial intelligence for automated document creation.”

Chief Operating Officer



“It is a really fun time to be a law firm leader as there is a great opportunity throughout the community to reshape firms in a post-pandemic era.”

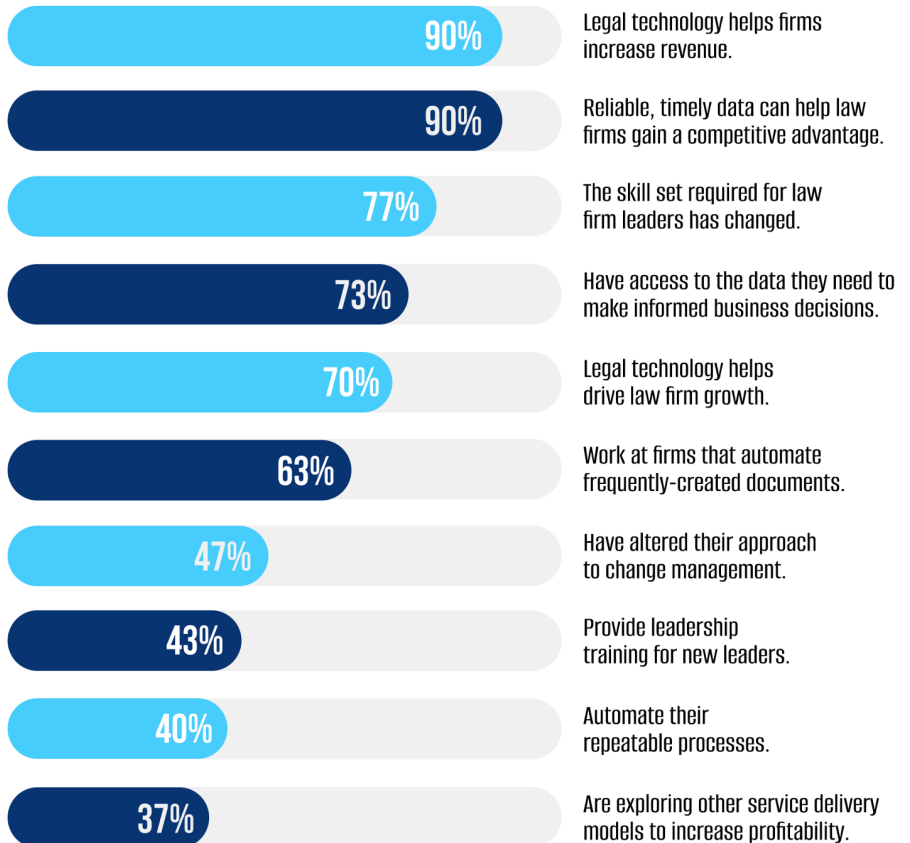
Chief Operating Officer



“What you don't measure, you don't manage.”

Chief Operating Officer

Results



If you have questions, please contact Ari Kaplan at Ari@AriKaplanAdvisors.com.



Streamlining the Preservation and Collection of ESI from Microsoft Teams in E-Discovery

Ari Kaplan speaks with Peter Callaghan, the Chief Revenue Officer at Pagefreezer, a technology company that provides compliance and litigation support tools.

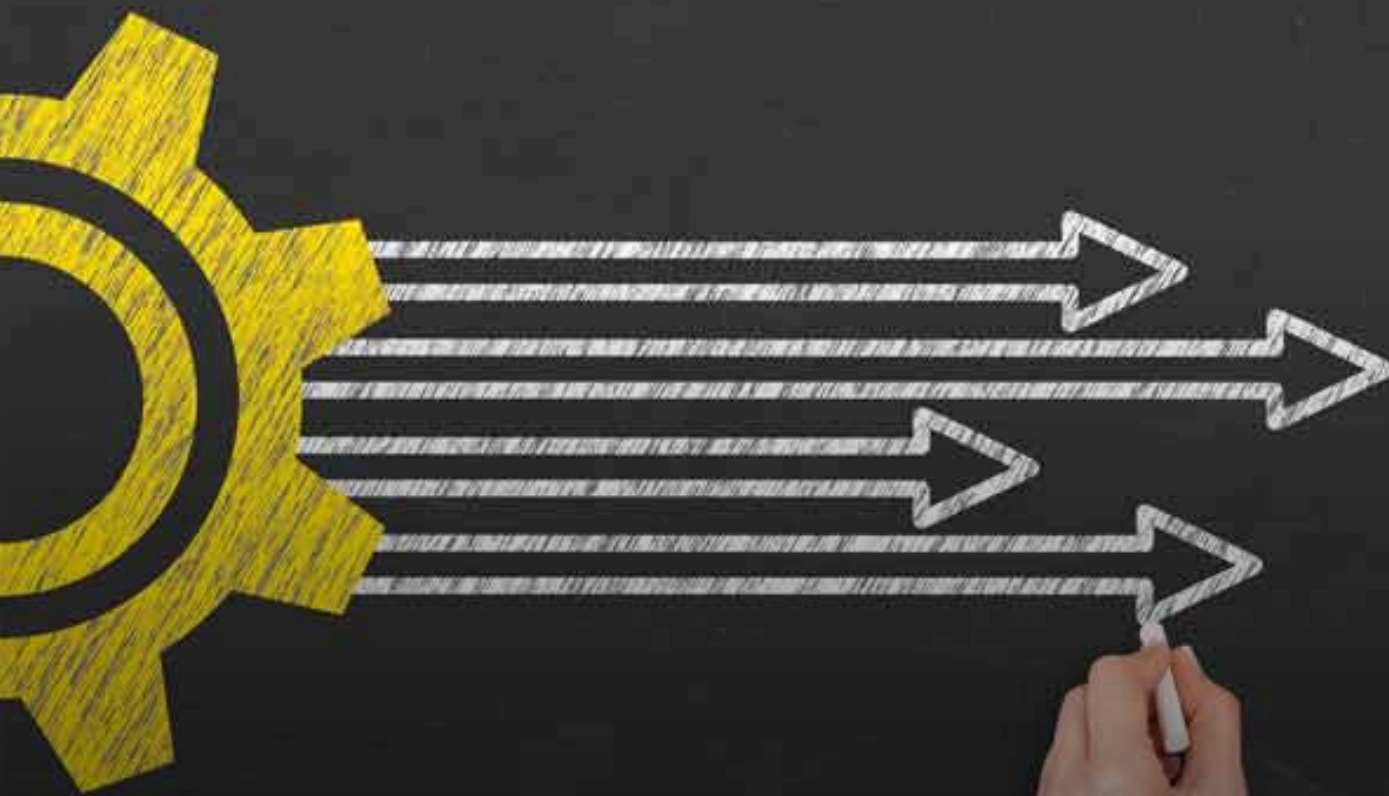


Ari Kaplan

Tell us about your background, your role, and the genesis of Pagefreezer.

Peter Callaghan

I've spent the past 30 years working with legal professionals in executive management roles to facilitate the adoption of new technologies driven by a desire to realize productivity gains and increased competitiveness. My role at Pagefreezer is as the Chief Revenue Officer, overseeing customer operations, marketing, sales, customer success, onboarding, and implementation. Our founder Michael Riedijk, moved to Vancouver, where he started Pagefreezer in 2009 after seeing a need for collecting website and social media data for legal and compliance



purposes to protect integrity online and enable people to pursue justice in an ever-expanding digital world.

Ari Kaplan

How have enterprise collaboration platforms like Microsoft Teams affected the way lawyers and legal professionals approach collecting and preserving electronically stored information?

Peter Callaghan

Email has historically been the one internal collaboration tool from which law firms had to pull information anytime for investigations or audits that required internal conversations, but that is no longer the only internal commu-

nication platform. Along with email, most firms have internal chat, collaboration, and file-sharing applications, with Teams being the most dominant. The collection process is often more complex than email. Teams, for example, has tight integration with Microsoft 365 and contains chats, channels, files, video recordings, and other items that make the collection of data more sophisticated.

Among other concerns, the varied ways in which users can interact, such as reacting with emojis reactions, or commenting directly on collaborative files, within Teams, makes it difficult to identify complete conversations with a basic search for a particular term. Ultimately, a large organization could have millions of

potentially relevant data points to collect and process in order to tell a cohesive story.

Ari Kaplan

How does Pagefreezer help legal teams address key e-discovery challenges?

Peter Callaghan

There are really only two automated options when collecting ESI from Microsoft Teams. The first is Microsoft Purview for E-Discovery. The second is a third-party integration tool like Pagefreezer. Purview integrates fully with Microsoft and excels at finding data within that ecosystem, but searching for data beyond the Microsoft suite remains a challenge. For instance, targeted collections within Teams will return search hits, but not any surrounding messages in a related conversation, so linked files are not logically connected to their corresponding messages. Also, each message archive is exported as an individual message in a PST format so it can be read only in Outlook. And PDF exports of Teams data are unavailable.

That said, Microsoft has a strong ecosystem of third-party tools like Pagefreezer to support Teams, which legal professionals can deploy with limited training as it is very intuitive. Pagefreezer has built-in searches that are incredibly powerful and require fewer clicks than a typical Purview exercise. Files can be reproduced in several formats including PDF and third-party tools can often integrate with collaboration tools outside of Microsoft for collections or investigations, such as Slack or Workplace from Meta. In addition to being much faster, Pagefreezer also

ensures that information being collected and reviewed is accessible in a dynamic and user-friendly dashboard that helps organizations understand the context and intent of the files under consideration.

Ari Kaplan

With the increased use of AI, where is the balance between automation and human talent?

Peter Callaghan

We see AI becoming instrumental in the discovery and early case assessment process, and believe legal professionals will be the quarterbacks behind the use of AI. Legal professionals will be tasked with defining the direction, strategy, and goals behind the use of AI tools. We also believe that AI will assist legal professionals with locating key records from petabytes of data and we see legal professionals becoming prompting experts in this new world. As AI continues to evolve, there is an opportunity for it to help with case strategy and pulling archives of specific historical case rulings to help influence the direction of an argument.

Ari Kaplan

How do you see e-discovery evolving?

Peter Callaghan

We are in the midst of an evolution of terms in terms of AI, and the introduction of automation to a major portion of the discovery process. Large-scale e-discovery technologies are already integrating with OpenAI or are building their own proprietary use of artificial intelligence within their platforms. We see AI

offering legal professionals the ability to reduce the amount of human effort needed to review and prepare for legal action.

Some law firms are already creating their own in-house AI tools, which can improve aspects of their legal work while maintaining client confidentiality. AI continues to help legal professionals comb through vast amounts of data more efficiently and we envision less pressure on teams as these technological shifts will lead to fewer record capture requests. At Pagefreezer, we are routinely evaluating AI and what it can bring to our customers. Based on their feedback, we see a solid role for it in all our solutions.

About the Author

Ari Kaplan (<http://www.AriKaplanAdvisors.com>) regularly interviews leaders in the legal industry and in the broader professional services community to share perspectives, highlight transformative change, and introduce

new technology at <http://www.ReinventingProfessionals.com>.

Listen to his conversation with Peter Callaghan here:

<https://www.reinventingprofessionals.com/streamlining-the-preservation-and-collection-of-esi-from-microsoft-teams-in-e-discovery/>



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The Value Series

Delivering Value by Developing Relationships

A ClariLegal interview with Deisha Vazquez by Cash Butler and Jeff Kruse



“People want to know that you care before they care to know what you know.” – Deisha Vazquez.

How do you build confidence in a legal department? How do you deliver value for your organization through the legal function? Deisha Vazquez knows precisely how to do both. You build relationships throughout the organization regardless of your title or role.

Processes, procedures, data, and technology usually get most of the attention when people talk or write about delivering value through legal operations. But Deisha takes a different approach. She is a dynamic visionary who leaves an indelible mark on the organizations where she has worked.



Deisha delivers value through the power of human connection. In short, Deisha is a people-first person.

For her, the key to providing value through the legal operations function is to build and develop genuine relationships throughout an organization. She has used this approach throughout her career and has found it especially helpful in her legal operations roles.

Building Relationships Has Led to Her Success

Deisha has been successful because her approach to legal operations centers on collaboration, empathy, and continuous improvement. She cares about people and takes the time to get to know her clients and what their respective needs are.

Her success is a reminder that people are the heart of every organization.

Developing Relationships is the Key to Legal Operations

Deisha has a gift for connecting with people. Although she describes herself as a “data nerd” who “loves process and loves technology,” she proudly proclaims that her “gift” is more with people.” As she explains, “The people part is the thing that helps me get the process and technology pieces done.”

One example of how Deisha approaches developing relationships differently is how she responds to the ubiquitous question of, “What do you do?” Instead of giving her title or profession, Deisha replies with a human-centric question. She asks, “Do you want to know *what* I

do, or do you want to know **who** I am because **what** I do doesn't make me who I am, but **who** I am makes me good at what I do?"

Building Relationships to Build Bridges

In both her previous and current roles, one of the keys to her success has been her ability to build bridges between teams and departments. Deisha notes that developing processes and procedures for the legal department impact "not only the legal department but the company as a whole because of all the pieces that the legal department touches."

Because the legal department impacts every part of a company, Deisha has made it a practice of "cultivating genuine relationships" with people throughout the organizations where she works. As she put it, "whether it is the person at the front desk, the admin next to you, the executive assistant, the IT department, or the CEO, it helps to build relationships with everyone."

Deisha has been exceptionally good at building those relationships. She understands that for the legal department to be successful, she must be "the connector of dots" between legal and the business functions like the finance team or the IT department.

Building Relationships to Effectuate Change

Deisha's proclivity to build relationships and connect the dots has helped her with change management. By artfully building relationships throughout the business, Deisha ensures that the people impacted by changes in the legal department are not only informed but that they are part of the process.

She uses that people-focused approach from the beginning. As Deisha believes that "change management is not a separate component of operations. It starts at the beginning. You should be thinking about change management at the assessment stage when you are getting a chance to meet people and getting to know their personalities." Deisha has been successful because "people will be more open to and less resistant to change if they have been a part of the process."

One of Deisha's guiding philosophies is that "people want to know that you care before they care to know what you know." Underlying that philosophy is her approach to partnering with her internal clients. Her goal is to "identify their pain points and understand what they would like in an ideal world as it relates to their function."

One example of her successful approach to change management came at a prior job. She was responsible for implementing a new contract management process and system. One of the company's best and longest-standing salespeople was skeptical of the changes suggested by the legal department. This salesperson had been with the company long enough to have seen many changes in personnel and processes in the legal department. This person "had lost faith in legal." As Deisha put it, "he didn't believe what I was selling."

She took it upon herself to develop a genuine relationship with this salesperson to restore faith in the legal department. She "dug into why he felt the way he did" about the legal department. She then addressed his concerns and "showed him how we rewarded the sales

team for providing us with all the information we needed and how they would get faster turn-around times.”

Through her approach, she turned her biggest skeptic into her greatest ally. Instead of resisting change, he became a leading advocate for the change management surrounding the new contract management process and system implementation. He helped bring other sales team members in line with the changes and even advocated for a pay raise and promotion for Deisha.

Building Relationships Requires Speaking the Right Language

Deisha describes herself as trilingual. She speaks “English, Spanish, and attorney.” In reality, though, Deisha speaks several other dialects of business. Through her innate ability to connect the dots and build relationships, Deisha speaks the language of finance, IT, sales, and marketing. She knows that “when you’re able to speak the language of your clients, you can make change happen.”

She also describes the need to be able to speak the language of the individuals who are “actually responsible for that task because, at a high level, the CLO or the VP of Sales might not know that this person is doing all of this manual work.” Deisha’s approach of getting to know the pain points of the people throughout the organization ensures that she is successful in driving change and delivering value to the companies where she has worked.

To Deisha, “speaking the same language” also requires understanding the different communication styles and preferences for different

people and different business functions.

As she put it, “Communication requires different styles and standpoints because everybody learns differently.” So, for some people, she has used quick reference guides; for others, she has used short videos or lengthier SOPs. She has successfully made change happen and achieved adoption by adapting to the specific requirements of the people impacted by the change.

Building Relationships to Generate Revenue

Deisha strongly refutes the idea that “legal is just a cost center.” She even rejects the idea that “legal is only for revenue protection.” Instead, based on her experiences, she has seen that “legal can help with revenue generation.”

To prove her point, Deisha described how she “helped close \$11 million of a \$23 million goal by getting it over the finish line to make it one of the company’s best years at the time.” Due to her efforts as project manager helping close the deal, “the attorneys on the other side” sent a note to her boss “to say how much it was because of me that the deal got pushed as far down the field as it did.”

One of Deisha’s fundamental strategies is to align her goals and the goals of the legal team with the company’s objectives and to ensure that her efforts and those of the legal operations function contribute to the company’s overall success.

Expertise in Building Legal Operations

Building out a legal operations function or a legal team is nothing new for Deisha. In her last position at an integrated dental services

organization, she had to rebuild the entire legal department. Prior to joining the company, all the legal professionals except the General Counsel had left that company. Deisha embraced the challenge of training for three positions in three days. However, within two months after joining the company as a temporary employee, the General Counsel who brought her on announced he was leaving. Deisha was left as the only person in Legal and was required to report to the CEO.

Within a short amount of time, Deisha proved herself, she gained the trust of her colleagues, executive management team, and negotiated with the CEO to become the first Director of Legal Operations. She rebuilt the entire team from scratch and sourced for the next General Counsel. Deisha grew the legal team from one person to seven.

Deisha recently started as the new Director of Legal Operations for Zelis, a growing health-care technology company that focuses on modernizing the business of healthcare. Deisha is the first Legal Operations professional to join Zelis, which just went global. In her new role she will follow her typical process of assessing company needs, current procedures, and existing technology to develop her “Most Important Tasks” (MITs) and set the strategy for building out the legal operations function at Zelis.

Disclaimer: The statements of the interviewees in the Value Article Series are opinions and observations of a personal nature and do not necessarily reflect the opinions and policies of their respective employers.

About the Authors

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He focuses on helping organizations by improving legal operations, eDiscovery, litigation & compliance. Cash is an expert in operations, legal vendor, pricing, and project management.



Digital Forensics and eDiscovery

A Guide to End-to-End Digital Investigations

This guide by Jelle Oorbeek is published at Legal Operators. We thank Legal Operators for sharing it with Legal Business World Subscribers.

PERFORMANCE

The Innovative Performance Management Framework

By Richard G. Stock, M.A., FCG, CMC, Partner with Catalyst Consulting

This is the forty-fifth in a series of articles about how corporate and government law departments can improve their performance and add measurable value to their organizations.



Responsiveness and hard work are not enough for law departments to capture and communicate the value of a law department. They are a poor way to manage expectations and not enough to sustain innovation. Moreover, it is not possible to become more strategic with a “retail” practice pattern. Too many law departments are collections of solo practitioners with up to 60 % of department time spent on matters and advice requiring fewer than 25 hours per matter. This typically correlates with high volume, low complexity work that is poorly leveraged.

Eleven Key Performance Indicators (KPIs) can be arranged in four groups: Client-Facing, Business Process Improvement, Talent, and Financial. Even though objectives,

PERFORMANCE MANAGEMENT

initiatives and priorities change every year, KPIs should remain constant over several years. With few exceptions, like “external counsel”, they are equally applicable to other operating and support business units in most organizations. Annual objectives (initiatives) and their targets should follow from each KPI and form part of the performance management framework.

Client-Facing KPIs

Strategic Impact

This KPI is designed to capture and communicate the contribution of a law department to the high visibility / high risk / high reward priorities of the organization as a whole or of one of its business units. A project or initiative should typically exceed 200 hours of lawyer time. Pri-

mary ownership of projects with strategic impact would be with the company’s executive leadership or head of a business unit and not with the law department.

Results

Over the last 15 years, less importance has been placed on client satisfaction with the law department than on outcomes or results as a KPI. Organizations and business units with tight deadlines and chronically insufficient resources care more about “getting the job done”. Selecting “Results” as a KPI for the law department tells business units and the organization that it is focused on securing results against set expectations rather than on process improvement. Performance against a Results KPI is not intended to capture and report on law department activity levels, such as number of opinions,

transactions, costs, *etc.* since these are part of operating practices.

Innovation

While a legal team can be innovative in much of what it does, and with all the initiatives it selects against the other KPIs, selecting Innovation as a permanent KPI shifts some of the priorities of law departments to more developmental and strategic contributions that are valued by clients/business units. These contributions should differ in content each year from those that fall under the Strategic Impact KPI and from the law department's other initiatives.

Business Process Improvement KPIs

Operating Practices

In the spirit of LEAN and Six Sigma methodologies, this KPI targets productivity improvements in the delivery of legal services. "Doing more with less" has been a mantra of all organizations for decades.

Reducing infrastructure, leveraging technology, simplifying processes, and reducing waste are the hallmarks of this KPI. Law department business plans and scorecards typically start out with many initiatives for this KPI because they are easier to control. However, each target must be significant and pass the S.M.A.R.T. test.

Service

Our discussions with business units over the years reveal, unsurprisingly, that they are often late and incomplete when requesting legal advice. Accessibility to legal services is rarely a problem. With the exception of the most com-

plex files, turnaround is the real proxy for "service". Professionalism, accessibility, and thoroughness are taken for granted and do not warrant KPIs of their own.

In order to drive innovation, and attention to strategic priorities, initiatives for the Service KPI target turnaround performance for both regular and complex work.

Technology

It is not usual to propose Technology as a stand-alone KPI. Some lawyers regard technology as a necessary evil. Law departments are late adopters of technology in day-to-day practice. Back-office functions are well accepted. However, there is evidence of passive resistance when it comes to its application to legal practice, the complete elimination of paper with its related infrastructure, and in quantum improvements to productivity and self-sufficiency for business units.

Talent KPIs

Knowledge Transfer

Lawyers represent intellectual capital to the organization. They must possess the right proficiency levels and configuration of knowledge, skills, and attributes (KSAs) aligned with corporate priorities. They must set professional and personal development targets which help business get done. Initiatives can be crafted that make the law department and individual lawyers more efficient and more effective as they develop from early to mid to late career.

Competencies

Working with an extensive compendium of "Competencies for Counsel" allows the General

Counsel and the Human Resources Department to build a profile of KSAs for the law department and set targets for individual lawyers that are focused and aligned with corporate priorities. Too many law departments fall prey to professional drift and fail to leverage the legal and technical talent that is available.

Financial KPIs

Total Legal Spend

As a way to communicate doing more with less, a law department should calculate the total cost (fees and disbursements excluding taxes) of external counsel for the company as well as the *fully loaded* cost of its internal legal and advisory services. The focus is on ability to manage all fees for external counsel despite the uncertainty arising from litigation, labor issues, regulatory, and commercial activity.

This KPI tests the ability to manage internal and external legal costs regardless of the budgets to which these are attributed.

Unit Cost

It makes sense to calculate the “effective hourly rate” for a law department by isolating the cost of legal work similar to what would be considered “billable” by a law firm. This excludes practice management time, administrative time and paid time away from the office for vacations, sick leave, statutory holidays,

etc. The total worked hours are then tabulated for the department and divided into the total direct and indirect costs of the law department, always excluding external legal fees and disbursements. The unit cost can be lowered by reducing administrative and practice management time as well as by reducing requirements for space, support staff and equipment.

External Counsel

Too few law departments manage to reduce the cost of external counsel beyond the traditional volume discounts. Measures such as law firm delegation protocols, legal project plans and budgets, and alternative fee arrangements will further reduce projected legal spend by at least 15% beyond projected levels.

The General Counsel can use the 11 KPIs to anchor an innovative performance management framework.

About the Author

Richard G. Stock, M.A., FCG, CMC is the Managing Partner of [Catalyst Consulting](#). The firm has been advising corporate and government law departments across North America and around the world since 1996. For law department management advice that works, Richard can be contacted at +1 (416) 367-4447 or at rstock@catalystlegal.com.

Legal Design: How thinking like a designer can enhance privacy online

By Alexandra Varla, Business Lawyer & Legal Designer, Founder at Mindre | Legal Design Consultancy



In the digital era of AI, ChatGPT, the Metaverse and countless online platforms, would it be an exaggeration to consider that privacy is ‘under attack’?

In the online environment, the entry points where users are required to provide personal information are numerous and the speed of navigation is blistering, leading users to - slowly but steadily - losing control over their own data. This is not just the result of the data-driven economy we live in and the (often aggressive) marketing techniques deployed by digital businesses, but it is largely due to the lack of transparency and clarity in the information provided to users, combined with the disproportionate effort required to understand such information.

A man in a dark suit and tie stands at a podium, gesturing with his right hand towards a large, glowing digital display. The background is a deep blue with various data visualizations, including a large circular gauge on the left, a bar chart in the center, and floating numbers like '5.406', '3.798', and '0.857'. The overall aesthetic is high-tech and professional.

On the occasion of a privacy project assigned by a client, we interviewed a number of senior-level executives (covering a wide range of industry sectors from media & communications to the automotive sector and food & beverages), to define their level of understanding of privacy notices. The majority of the participants responded that they almost never read a privacy policy because it is lengthy and full of 'legalese' and that although they don't feel comfortable giving away too much data, they don't think it is worth the effort reading an entire privacy policy to discover their privacy rights.

We attribute such lack of transparency and understanding to two (2) main factors (although not exclusively): i. the complexity

of legal information & the limited capacity of the human memory and ii. the dark patterns and obscure design used by online platforms.

i. Complexity of legal information & cognitive loads

What is (or should be) the primary objective of a legal document? To convey information in a clear and comprehensible way that enables the readers to understand their rights, obligations and the actions expected of them.

Would that be the case with privacy notices online? Apparently, the answer is 'no'.

Traditionally, legal information - including

privacy notices - is conveyed in a manner that, instead of considering the characteristics of the people to whom such information is addressed (the 'users'), it rather focuses on the exact wording of the law and the use of technical terminology, very often 'sacrificing' the document's structure, logical flow and conciseness. The length and complexity of the legal documents has further increased over the years, impairing their readability, comprehension and usability. Interestingly, such complexity creates barriers in the understanding not just for users outside the legal profession, but also lawyers themselves.

The uncontrollable flow of data and information in the digital environment intensifies such lack of understanding, particularly in relation to privacy policies and terms of use that consumers accept when purchasing a product or service. Research has indicated that due to information overload, the length, technical terminology and complicated language of the legal documents, the average online user does not read and/or does not understand privacy policies. This is also associated with the fact that online users appear to have very low expectations when it comes to transparency and free choice. According to a survey conducted by Deloitte back in 2017, "the language of the vast majority of terms and conditions is understandably too complex for many. Given the absence of a choice, consumers don't consider these as a barrier to purchasing and accepting many forms of new technology". [1]

The above complexity and lack of understandability is enhanced by the fact that, as presented by John Sweller in his Cognitive Load Theory [2], the capacity of the human working

memory is limited and highly dependent on the manner in which the information is provided.

In simpler words, presenting information in a lengthy, complex manner would require additional, unnecessary effort on behalf of the user when reading a document, at the cost of understandability.

Developmental molecular biologist John Medina further explains that the human brain can only hold about seven pieces of information for less than 30 seconds. In a practical interpretation, Medina suggests that the brain can only handle a 7-digit phone number [3]. Similarly, psychologist George A. Miller reports [4] that we can store between 5 and 9 similar items in short-term memory at the most [5].

ii. Dark patterns & manipulative design

A screening conducted by the European Commission earlier this year indicated a staggering number of 148 (out of 399) retail websites making use of at least one 'dark pattern' - i.e., manipulative practices that are often known to push consumers into making choices that may not be in their best interest [6].

According to Amurabi, the legal innovation by design agency [7], 'dark patterns are manipulative design: misleading interfaces that manipulate users into choices they do not intend to make or materially impair their ability to make free and informed decisions'. In the context of privacy, Amurabi's extensive research [8] has indicated that dark patterns may include (indicatively) overloading users with a large amount of information and options,

blocking users from obtaining the information or managing their data, inconsistent or unclear design, making it hard for the user to navigate and hiding information.

As the exact opposite of transparency, dark patterns undermine the protection of privacy and free choice.

Transparency: the foundation of privacy

The data protection legal framework sets forth the requirements for the fair and lawful processing of personal data, introducing specific obligations for controllers (the person which determines the purposes and means of the processing of personal data) and processors (the person which processes personal data on behalf of the controller), ranging from the lawful grounds of processing and compliance with data subjects' rights, to technical and organizational security measures and processes for the handling of data breaches.

One of the core obligations for controllers – and the foundation of the data protection framework – is transparency.

The transparency principle requires that any communication addressed to the public or to the data subject be concise, easily accessible and easy to understand, and that clear and plain language and - where appropriate - visualisation be used [9], to enable users to clearly understand the full spectrum of the processing operations, as well as their rights as data subjects. The concept of transparency is, therefore, user-centric rather than legalistic.

And this is where legal design comes into play.

Legal design: an indispensable ally to transparency

Legal design is defined by Margaret Hagan as 'the application of human-centered design to the world of law, to make legal systems and services more human-centered, usable, and satisfying [10]'.

The legal design methodology is based on design thinking, 'a human-centered approach to innovation that draws from the designer's toolkit to integrate the needs of people, the possibilities of technology, and the requirements for business success [11]'.

As proposed by the Hasso Plattner Institute of Design at Stanford (Stanford d. school) [12], design thinking is a process based on the following five stages [13]:

1. **Empathize:** Understand the users to whom the product or service is addressed, their characteristics, their needs and pain points.
2. **Define:** Define the problem that needs to be solved.
3. **Ideate:** Focus on the defined problem and ideate innovative solutions to address that problem.
4. **Prototype:** Create a number of versions of the product or service, to identify the best possible solution for the problem.
5. **Test:** Test the solution and iterate to make the necessary changes and improvements to the product/service. This may also require

going back to previous steps of the process, to re-assess the data, the problems and ideas generated.

As a human-centric methodology that focuses on the user, legal design is an essential tool to enhance transparency and clarity in the context of privacy online. The goal of legal design is to ensure that the user actually reads-understands-acts and the process will not stop, unless there is tangible proof (through user testing) that such objective is fulfilled.

To draft a privacy policy (and any type of communication addressed to data subjects) according to the principles of legal design, one would start by building a solid understanding of the target audience, the users who would be 'tasked' with reading the policy. The next step would be defining the problem, the reason(s) why users don't read and/or don't understand the privacy notice. Next, during the ideation and prototyping stages, the team would work on a prototype solution, a first draft of the privacy policy, following the principles of plain language, information architecture and visualization – considering the average user's characteristics at all times (for example their level of education, average time spent online, professional background etc.). Finally, the prototype would be tested with actual users and improved to reach the necessary level of clarity and understandability.

Concluding remarks

Legal documents are rarely (if at all) attractive to readers outside the legal profession. The complicated language, unnecessary length of the document and the lack of visual stimulus, in combination with the working memory's

limited capacity and the emergence of dark patterns in the online environment, drive users away from important information that is necessary for them to maintain control of their privacy rights. Legal design is fundamental to overcome the challenges and create a human-centric privacy policy that gives the users a real choice in relation to their personal data and empowers them to exercise their rights.

Unusual as it may seem for a lawyer at a first glance, thinking like a designer could be the 'secret weapon' to defend privacy effectively in the ever-changing digital landscape.

Notes

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About the Author

Alexandra Varla is a Business Lawyer and Legal Designer, holding an LL.M in International Business Law from Queen Mary University of London. She is the founder of Mindre, a Legal Design Consultancy based in Athens-Greece that empowers legal professionals to work more effectively, improve user experience & increase client engagement, through the legal design methodology. As Mindre's head legal designer, Alexandra designs legal documents, services and processes that are functional, effective, and human-centric, with bottom-line impact for the businesses.

Alexandra also specializes in the fields of Legal Design, Legal Innovation, Digital Transformation, Data Protection, and Intellectual Property and works with clients in the creative industries (Fashion, Luxury, Wine etc.) as well as innovation and technology companies, providing them with custom-made solutions to protect their critical business interests. She is the founder of 'Tailored: Law & Business in the Fashion & Luxury Industry', a non-profit educational hub that promotes a productive dialogue between the creative industries and the legal world.

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AI is here to stay!

Is the legal industry ready with its building blocks?

By Rasmeet Charya, Lawyer and Strategic Advisor



Artificial Intelligence (AI) is here to stay, whether we like it or not. The pace of innovation has been very slow in the legal industry. The AI-enabled technologies are geared to drive innovation at a much higher scale and speed, undoubtedly unbundling and unfolding a huge opportunity within the legal space to enhance professional capabilities coupled with the potential to streamline legal operations, enhance efficiency, and provide valuable insights.

But let us understand if the legal industry is sorted enough when it comes to managing its data and streamlining its processes. These two are the building blocks for making effective and impactful use of AI. How will we use AI if the



building blocks or fundamental frameworks are missing?

Having worked on AI training assignments, I feel several building blocks still need to be developed and strengthened for successful AI implementation. Here is my take on pre-AI essentials that legal professionals need to be ready with before they think of implementing and using AI for desired results:

1. Data Structuring and Integration

The legal industry generates huge volumes of data, but much of it is unstructured, stored in different formats, and dispersed across various systems. To effectively implement AI, there is a

need for standardized data formats and better integration of data sources. Developing common data standards and protocols can enable seamless data sharing and analysis across different legal systems and organizations.

2. Data Quality and Annotation

AI models require high-quality training data. In the legal domain, ensuring the accuracy, reliability, and relevance of training data is challenging. Annotating legal documents, court decisions, and case laws for machine learning purposes is a very time-consuming and resource-intensive task. Establishing guidelines and processes for data annotation, as well as using tools for efficient data labeling and verification, can

contribute to improving the quality of training data. It is challenging indeed to bring data quality and annotation within the existing systems, and that is where the legal process designing can help lawyers, law offices, and law departments.

3. Explainability and Interpretability

AI algorithms often operate as black boxes, making it difficult to understand how they arrive at specific outcomes or recommendations. In the legal industry, explainability and interpretability are essential to ensure transparency, accountability, and trust in AI systems. It is therefore important to simplify the language of our documents, clearly define processes, define parameters, categorize, provide clear instructions, adequate reference text, and create cheat sheets that can define and have control over the outcome we are expecting from AI.

On the other hand, it will be pertinent to develop AI models/tools that will provide explanations for their decisions and generate outputs that can be understood and scrutinized by legal professionals.

4. Document Templating

As a standard practice, taking the time to prepare your templates before undertaking any legal projects or at the time of implementing any legal tech tools such as CLM solutions can yield significant benefits in the long run. It establishes a strong foundation for automation, ensuring consistent document output, reducing errors and review time, and enhancing efficiency within your document/contract management

process or for delivery of any legal services for that matter.

5. Data Ethics

In the existing legal tech space, mostly, there is close to no data available in the public domain that can be used to train AI from the legal industry perspective. This results in either using in-house documents or templates which is a tedious, time-consuming exercise, or resorting to unethical use of data.

The legal industry operates within a framework of laws, regulations, and ethical standards. As AI continues to advance, there is a need to develop ethical standards and guidelines for data mining and usage for AI training purposes, create standard legal data banks of contracts, compliance, case laws, etc. in collaboration with legal bodies globally that can be used by organizations and the legal tech providers to train AI ethically, ensuring compliance. Recently, [273 Ventures introduced Kelvin Legal DataPack](#) - a dataset containing over 150B tokens of foundational legal, regulatory, and financial text that can be leveraged to support organizations across their AI journey.

6. Data Sustainability

AI can play a significant role in enhancing data sustainability. The legal industry is a huge contributor to the global data explosion leading to immense data storage requirements impacting our climate. This can be controlled by improving data management practices and reducing data duplicity and waste within our legal practice and work. In addition, we can leverage AI to

facilitate, automate, monitor, and optimize legal data lifecycle management, resource consumption, ensure data sustainability and enable more informed decision-making.

7. Bias and Fairness

AI algorithms can inherit biases present in the data they are trained on, leading to potentially discriminatory outcomes. In the legal industry, fairness and impartiality are paramount. It is important to address bias in our training data, develop methodologies to mitigate bias in AI systems and ensure that AI does not perpetuate or amplify existing inequalities within the legal system.

8. Data Privacy and Security

Data privacy and security are critical concerns in the legal industry, given the sensitive and confidential nature of legal information. Implementing robust data privacy measures, encryption protocols, and access controls is crucial to protect client confidentiality and maintain the integrity of legal proceedings. It is important to ensure compliance with relevant data protection regulations, such as GDPR or CCPA, to ensure that no client, confidential data/ information is fed into AI engines, all data needs to be sanitized or consent taken from the data owner before use to train AI. Proper guidance and policy need to be created on the use of data specifically for automation or AI training and implementation.

Conclusion & Futuristic Approach

I discussed what the legal industry needs to do to adapt and adept to AI. Creating a solid

framework for the implementation of AI requires a consistent, organizational collaboration between legal professionals, technologists, and business teams. While policymakers and regulatory bodies are working at their end to address the larger legal industry challenges, legal professionals and practices can employ simple methodologies at their level and actively work to develop these building blocks to harness the benefits of AI. Legal professionals can take the help of legal tech consultants, legal design, and legal operations specialists to bring about changes to their existing systems to be AI-ready.

About the Author

Rasmeet Charya is a strategic advisor on legal innovation and technology, an Indian and UK lawyer by qualification, with 23+ years of experience across the legal industry - litigation, law firm, ALSP, corporations, compliance, and risk advisory.

She is a legal innovator with hands-on experience in developing and implementing transformation, innovation, and technology across organizations in her various roles as Chief Innovation Officer, Strategic Advisor, Head of Product Innovation, and many more.

She is part of global legal tech and innovation forums, a speaker, and a thought leader. With a deep desire to contribute to the legal ecosystem, she actively lectures, designs, and conducts legal tech and innovation courses for law schools to equip law schools and future lawyers with legal tech and innovation expertise.

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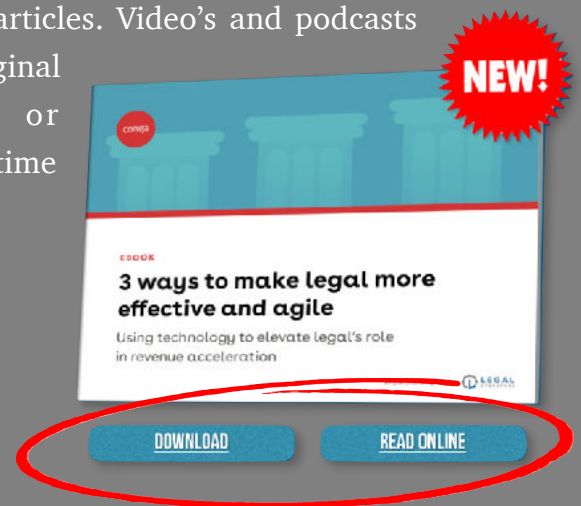
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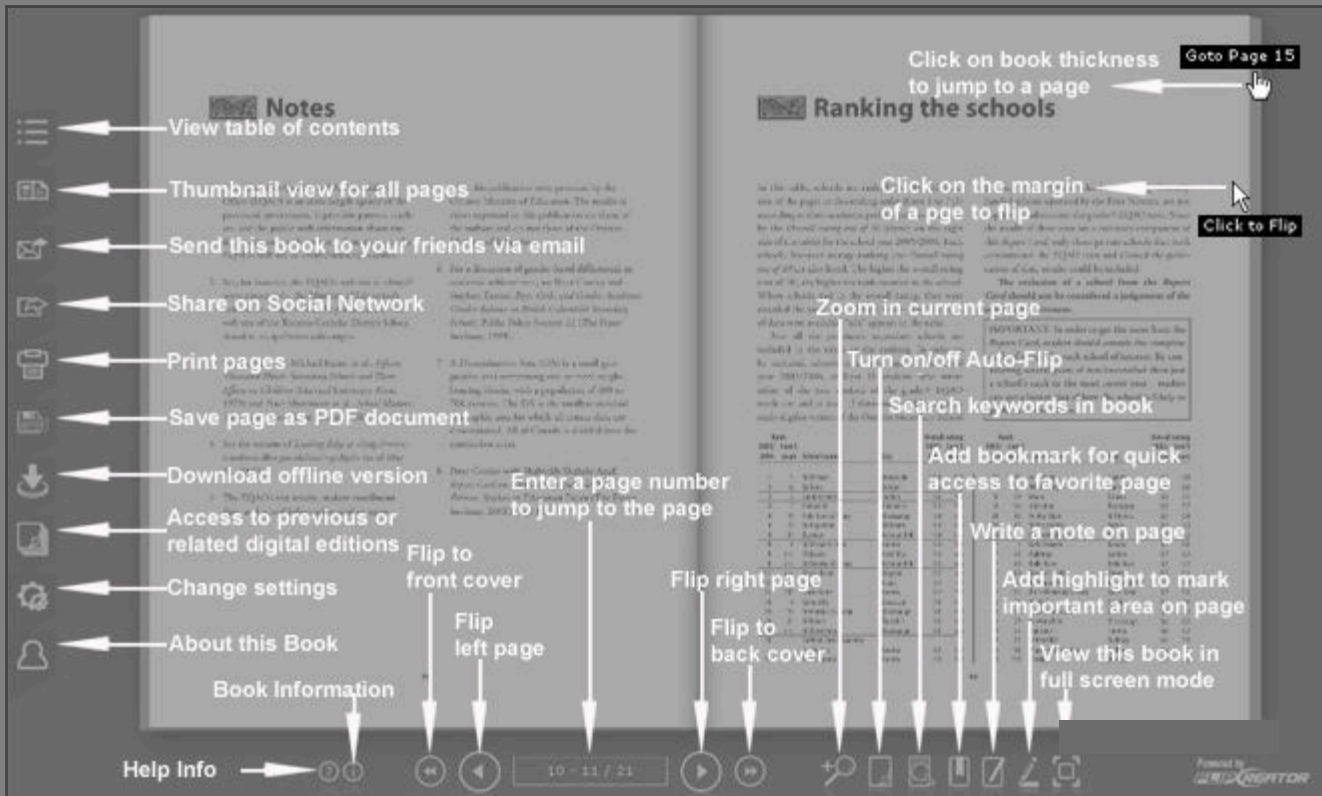
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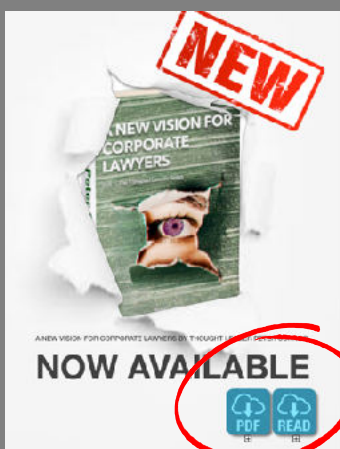


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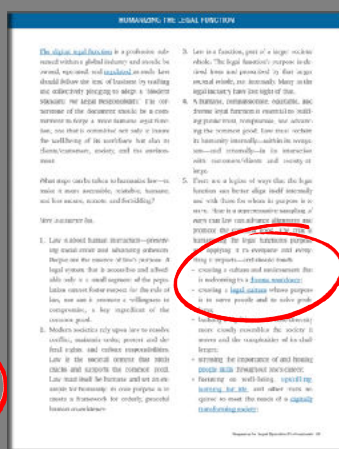
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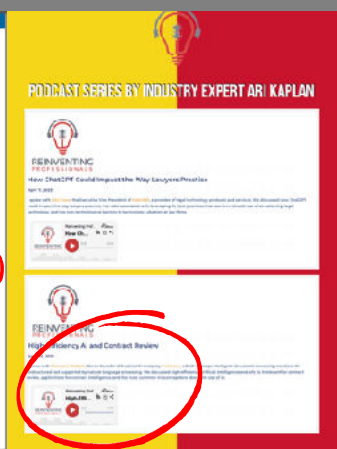
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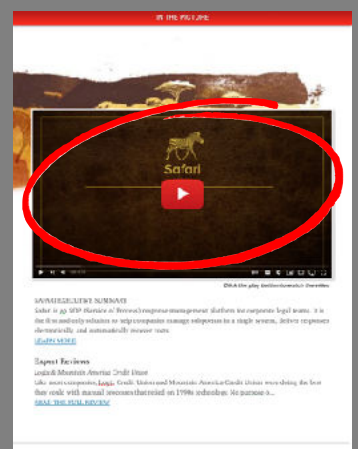
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