

The age of tech has arrived

Eliose Hardy

16 December 2020



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Working from home and having to digitalise office spaces in light of covid-19 restrictions means lawyers must embrace technology in their work and their departmental structures, rather than fear it.

Covid-19 has changed everything – not least the way people work. In the last five years or so, in-house counsel have been preparing to incorporate technology into their way of working: but speakers at LACCA’s Virtual Series said that in-house counsel couldn’t “prepare” anymore. They must act now or risk their business falling behind the competition. “The digital transformation isn’t coming; it’s arrived,” said Sebastian Palacios, commercial and digital transformation attorney for Microsoft.

Automating processes

The start-up scene has capitalised on the gap in the market to help make the lives of lawyers much easier for years. “Lawtechs” – start-ups that create technology-based products and services to improve efficiency in the legal sector – have flooded the market with new and innovative tools. Unsurprisingly, they have been popular with legal counsel looking to implement tools to tackle the region’s notoriously difficult litigation landscape and traditionally paper-based workloads.

Global immigration firm Fragomen is a good example of a business maximising workloads using technology – an example in-house counsel might like to follow. Earlier this year, the immigration firm acquired SimpleCitizen – a digital immigration forms and visa solution software. It creates a less bureaucratic and paper-based system which is far more effective for clients.

The programme enhanced the firm’s workflow process by providing a technology-based user experience, moving cases through the entire immigration process using artificial intelligence (AI). It also allows Fragomen to collect and store information in a more efficient manner, bolstering its on-demand reporting and hugely decreasing the time it takes to put cases together. “The lesson to learn from all of this is rather than fearing this change, we should instead reap the benefits that are happening in this tech revolution,” said Fragomen’s San José-based partner Leonor Echeverria.

Some companies are embracing the change. Microsoft has clearly reaped financial benefits from a worldwide uptake of its chat and collaboration platform Microsoft Teams, which is part of its one-stop shop service Microsoft 365. But workforces across the globe using Teams to work remotely have benefitted from the practicality of this kind of communication channel, which has been indispensable to in-house teams and businesses looking for efficiency during the pandemic. Microsoft 365, which offers Word, PowerPoint, Excel and OneNote services, allows in-house counsel to save documents, spreadsheets and presentations and collect their work in one place.

“It’s more than Office; you can use PowerPoint to do data analytics and [create] predictive tools for litigation... you can make workflows and analyse the budget you are spending and fees you are charging – you can use this tech for any task,” Palacios explained.

This kind of technology has transformed the work of in-house counsel. “The benefits are huge. You can now do lots of work previously outsourced internally. Law firms will obviously also be hugely affected by this. As for legal departments, they can “self-service” – downloading software for contract management and writing NDAs,” added Palacios.

An intelligent move

Using the right technologies doesn’t just speed up legal processes; it also helps in-house teams carry out more meaningful work. Analytics software can be used to identify trends when it comes to legal decisions. Cognitive intelligence software enables corporate counsel to analyse legal precedents which can prove invaluable for lawyers working on repetitive litigation cases. “This can be used to analyse past decisions and to acquire knowledge – computers can essentially think similarly to human beings based on previous data,” said Daniel Sibille, regional senior compliance director and deputy compliance officer at Oracle.

AI takes this one step further, analysing large amounts of data and proposing legal decisions and solutions for corporate counsel to take. It can also automate contract risk and mitigation management by detecting errors or questionable clauses in contracts, allowing in-house lawyers to focus on those issues before they become a serious problem. Some examples of software include Watson – which is widely used by tech company IBM – and Luminance. “Analyses, audits and in-progress cases can be made so much quicker with predictive AI software,” said Echeverria.

Adapting to change

Despite the benefits, panellists acknowledged reservations lawyers might have when embracing technology in their way of working. It's often in lawyers' nature to view change with caution, and even though remote working during lockdown has accelerated the prevalence of technologies among forward-thinking legal counsel, some in-house teams are hesitant to change the status quo. "Tech is shifting the cultures of companies and law firms, and lawyers have to adapt," urged Palacios.

The key to adapting, agreed panellists, is for legal teams to shift and change their departmental structures to account for the presence of technologies automating some parts of their work. "Think of a pyramid. At the top are senior partners, then outside counsel, then young professionals at the bottom of the pyramid," Sibille outlined. GCs tend to hand over very complex and highly specialised tasks to the appropriate external counsel, while legal strategy and high-value matters are often covered by the in-house team. With the help of technology, however, in-house counsel can leave the more repetitive tasks to tech tools and begin working on even more complex strategic matters.

Technology provides opportunity for junior and senior lawyers to work on more meaningful responsibilities. "With tech, a whole new layer is created and people can move up the hierarchy," said Oracle's Sibille. "When you talk about the new skills that lawyers need in the face of tech, you have to analyse the legal landscape and see how it has evolved."

There are other considerations when adopting more technology in the legal department. Organisations should ensure that the business has security to protect the information it stores. With the covid-19 pandemic, most businesses are working from home, with many employees using their own personal devices to carry out work. With lawyers and staff relying on online communication platforms to contact colleagues and clients without the proper protections in place, tech threats loom larger than ever. "Accountability is so important," said Palacios. "Companies need to think about how they are using this tech."

To be accountable, in-house counsel and companies need to be transparent with how they use data and information – this means having the correct policies and defined terms and conditions in place. Tech users both internal and external to the company must know the rules of the game so there is no foul play. “Companies need to tell clients what sort of tech they are using – AI is not legislated, so we need to be transparent,” said Palacios.

Embracing the technological revolution might be a hard pill to swallow for in-house counsel stuck in their ways, but panellists agreed it is essential for lawyers who want their companies not only to survive, but also thrive in the new normal. “Using tech is about enhancing the work you do and reaping the benefits – how can you expect to get through without it?” concluded Echeverria.

Panellists also discussed the most effective ways to handle labour disputes arising during the covid-19 pandemic; how best to approach crisis management; and top tips on how to reduce regulatory risk for businesses in regulated sectors.