

# 2022 Directory of LEADING LEGAL TECHNOLOGY AND PROJECT MANAGEMENT SOLUTIONS

## CCBJ



**Corporate Counsel Business Journal**

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# From the Editor & Publisher

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We are thrilled to present our 7th Annual Directory of Leading Legal Technology and Project Management Solutions, formerly the In-House Guide to Tech, from CCBJ. Over the years, this guide has served as a solution for our many readers who look to bring new and innovative solutions into their corporate environment. We are incredibly fortunate to have access to many subject matter experts who represent any number of industries and solutions within the legal ecosystem.



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Email me at [kcalve@ccbjournal.com](mailto:kcalve@ccbjournal.com) with any questions, comments, or suggestions you may have!

A stylized, handwritten signature in white ink, appearing to read 'Kristin Calve'.

Kristin Calve  
Editor & Publisher

# The General Counsel Report 2022 Leading with Endurance Through Risk, Culture and Technology Challenges

*FTI Consulting*



## **FTI Consulting**

FTI Consulting is an independent global business advisory firm dedicated to helping organizations manage change, mitigate risk and resolve disputes: financial, legal, operational, political & regulatory, reputational and transactional. Individually, each practice is a leader in its specific field, staffed with experts recognized for the depth of their knowledge and a track record of making an impact.

For the general counsel, endurance is now the name of the game in leadership. Endurance is described as the ability to exert energy and remain active over a long, sustained period of difficulty or unpleasantness while at the same time resisting, withstanding and easily rebounding from trauma or fatigue. It's a quality that isn't developed overnight, but rather requires prolonged training, discipline, practice, strength, steadiness and patience.

*"As general counsel, I am being sought out for business model and strategy advice. Also, in connection with COVID-19 and as we try to grapple with returning to work, there is more of a need to adapt to an environment of flexible thinking and collaboration. As a result, the management of the job is introducing a new working environment in how we interact with each other and navigating wellness challenges."*

The demand that emerged in 2020 and 2021 for GCs to shift from their core responsibilities to strategic leaders across health and safety, technology adoption, employee development, diversity and other key initiatives served as a crash course in endurance training. This evolution in the GC's role was covered extensively in previous editions of this joint annual examination of in-house legal environments and trends, The General Counsel Report, from FTI Technology and Relativity. For example, in the 2020 report, it became evident that the GC was no longer merely a risk mitigator, but rather a valued contributor to the organization. This was called into action during the pandemic and in 2021, when the GC absorbed a wide range of new duties.

FTI Technology and Relativity engaged Ari Kaplan Advisors to lead the study again for 2022, interviewing 30 GCs (between July 7, 2021 through August 19, 2021) from a range of industries about their roles and providing a year-over-year analysis of how their responsibilities are changing during turbulent times. Most notably, the findings revealed that the trials of the past two years were critical in empowering legal teams with the endurance they'll need to face a myriad of emerging expectations and challenges that will soon dominate their time and resources.



In a three-part series, *The General Counsel Report 2022: Leading with Endurance Through Risk, Culture and Technology Challenges* covers three key areas of what can be described as a triathlon of challenges grouped into three distinct areas or events. Each demands endurance that will require CLOs and GCs to expand their breadth of understanding and accelerate positive change. Each installation of the report will share in-depth insights across:

1. **The Widening Landscape of Risk Management:** The risk profile is rising dramatically for organizations of all sizes. GCs are increasingly concerned with a wide range of intensifying risks for which they are primarily responsible, including persistent data risks, expansive regulatory enforcement and privacy and security issues. Unfamiliar risk vectors are arising as well, including new types of employee-related disputes and ESG (Environment, Social and Governance) considerations.
2. **Culture Development and Team Management:** The GC has become an official leader in company culture and employee matters, whether HR sits within their department. This relatively new responsibility is one that GCs in our survey tend to embrace with enthusiasm, and many expressed their personal investment in helping support their people, drive engagement and contribute to progress in hiring and retaining more diverse talent. Still, even with their optimism, this role will require GCs to invest increasing amounts of time, energy and persistence to meet their goals.
3. **Technology Activation:** Most - 87 percent - GCs are involved in technology buying decisions. They carry responsibility for the deployment of tools across their organization and within their legal

department, as well as planning for broader tech-driven initiatives. They must also keep a pulse on the technological competence among their in-house professionals, outside counsel and litigation support teams, while overseeing training and education initiatives that improve technology optimization.

### The Widening Risk Landscape

The spectrum of risks organizations will navigate in the year ahead has become hazardous. GCs are concerned with the impact of emerging data sources on everything from data privacy and security to compliance and e-discovery workflows. Creating strong governance with respect to data protection and preventing fallout from a data breach



is another key area of focus, as is the belief that global regulators will become more active and stringent. The challenges that COVID-19 presents to the workplace, employee well-being and company financial performance continues to fall under the GC purview, and how the organization will meet ESG benchmarks has been added to the list of risks the GC must address.

60 percent of GCs indicate concern over mounting risks. One GC said, “The problem is that there are multiple areas of tremendous risk. One is on the employee side because retention affects legal, especially if HR reports into legal. Employee retention and engagement, including responsiveness to D&I and cultural issues...[Also], you cannot oversell the issues of data privacy, coupled with cybersecurity, which both are associated with data protection. It is not if, but when a breach will occur...”

Oddly, while new areas of risk have emerged on the GC radar, some that should continue to be top of mind - such as IP loss or theft among remote workers - have dropped off. Additionally, when looking at year-over-year comparisons between 2019 and 2021, feelings of preparedness for key risks declined in every category. This suggests that with an elevated role and an expanding risk landscape, GCs are shifting priorities to give adequate attention to every issue.

### Data Privacy and Security

Data protection is a clear mounting threat in the view of 46 percent of GCs, and many shared similar sentiments to one GC’s comment that, “Data privacy and cyber, from regulatory, reputational and ethical perspectives, are top of mind.” Confidence, however, has not aligned with awareness. While in 2019, GCs felt reasonably well prepared across data privacy, information governance and security, scores have declined steadily, and most areas are rated at a moderate or low level of preparedness.

### Quick Look: Expanding Areas of Risk

	2021	2022
<b>Privacy, data protection, security and/or data risk</b>	65%	46%
<b>Compliance and regulations</b>	Not Mentioned	36%
<b>COVID-19 business and work-force implications</b>	19%	17%
<b>Technology modernization</b>	Not Mentioned	3%
<b>IP loss</b>	16%	Not Mentioned

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

### Year-to-Year Comparison: Risk Preparedness

*On a scale of 1 (low) to 5 (high) how prepared is your organization for the following?*

	2020	2021	2022
<b>Data privacy laws and regulations such as GDPR and CCPA</b>	4.02	3.29	3.27
<b>Information governance and data remediation</b>	4.03	3.26	3.20
<b>Emerging data sources (social media, cloud-based file sharing, collaboration apps, etc.)</b>	3.77	3.00	2.90
<b>Cyberattacks</b>	3.23	2.94	2.59
<b>AI and machine learning</b>	2.67	2.10	2.10
<b>Blockchain/ Crypto</b>	2.32	1.75	1.79

Many GCs interviewed said they see the shift to remote work as a driver behind heightened levels of risk and a decrease in preparedness. One said, “Information security and data risks haven’t changed, but have become more significant with employees working from home and the inability to implement the same controls as an organization could have while working from the office. Infosec risk is bigger than ever.”

### **Compliance and Regulation**

Concerns over increased regulation and antitrust enforcement were shared among 36 percent of the respondents. One GC said, “We have a changing landscape with the new administration in Washington, D.C. We are seeing more interest in regulatory inquiries, and whether from a business standpoint, SEC, antitrust, DOJ, or EEOC, we are noticing more activity.”

Another agreed, and when asked about the most concerning risk, said, “It has to be the increased regulatory scrutiny over the past couple of years. I just feel like everywhere we turn regulators, such as the SEC, are emboldened. It is that increased regulatory scrutiny combined with a hyper-vigilance around reputational risk that everyone seems to have.”

### **Emerging Data Sources**

While risk relating to emerging data sources such as collaboration platforms and cloud file sharing tools was not a topic of conversation during previous GC report interviews, more than one-third of GCs indicate high levels of concern about dealing with the explosion of emerging data this year. Emerging data sources are introducing a myriad of challenges for GCs in their approach to risk management, across costs, efficiencies, data privacy, information governance, compliance monitoring, security and e-discovery processes. And, in parallel with the

rapid growth of the data footprint and related risks, preparedness for dealing with it is on a steady decline, with many GCs struggling to regain organizational control over their data following the shift to remote work.

One summed it up as, “This area is evolving so fast. Our data maps change frequently, and teams are constantly adding new applications. We have a good vendor management program, but the way our data is shared... how our systems interact...and our employees collaborate continues to change.”

### **Ongoing Pandemic-Related Issues**

Just as COVID-19 has shifted through variants, so too have the business, legal and compliance risks associated with the pandemic. In 2020, GCs were thrust into what many described as embracing a chief medical officer role, focused on how best to support the health of their employees as well as the rapid shift of their workforces to remote environments. Now, some are worried about how the ongoing effects of the pandemic will manifest in supply chain issues, liability and labor disputes. Many are also trying to strike a balance between remote work and in-office policies, in conjunction with weighing and rolling out vaccination mandates. One said, “We are on the cusp of mandating vaccination to return to an office. This is an iterative issue.”

“The biggest change is how much more dependent the company is on legal’s involvement in ever-changing laws and regulations related to COVID-19. When new issues arise that are dynamic and impactful in the world, companies will increasingly rely on their legal teams to navigate any issues that present risk.”

### **Environmental, Social and Governance (ESG)**

Another new issue emerged in this year’s study, with many GCs discussing their thoughts on the impact of increased demands for corporate responsibility relating to ESG. For

example, one respondent said, “I am increasingly worried about ESG. Data privacy is the top risk, but ESG is the top trending risk and rising rapidly because of exposure in the future for corporations.”

While not previously referenced in our report, this year, now multiple GCs interviewed list ESG as one of their primary risk concerns. Another respondent expressed concerns in not only how ESG requirements will impact business and reputation, but also how regulators will handle it.

“Environmental, social and governance issues are so critical because [ESG] is a key series of themes in which investors are interested and regulators are becoming stricter about the clarity of the auditing nature of your reporting on these issues. If you don’t report correctly on ESG, it could be considered fraud and I am increasingly worried about that.”

### Key Comments

- “It is becoming harder and harder to know how to protect your data or to allow people to be forgotten. It would be very helpful to have a federal standard.”
- “Data privacy is incredibly important, and I worry about the threat of breaching consumer data.”
- “You are at the mercy of what employees have built into their security at home. You also must be mindful of the reputational risks as well. As a GC, you need to have a process in place.”
- “There are a lot of unknowns. The sources of data are so disparate, and it is hard to track what comes into a company’s system. It is more confusing than email. Some of those systems are not fully aligned with a company’s system. For example, where do comments from a company’s Facebook page live? Often, this is an afterthought.”
- “Companies are not prepared for emerging data sources. As tools develop more quickly, you have to live with them for a while to fully understand the risks.”

### Inside Takes

- Data risks persist, and when looking at data from the last three years, GCs are feeling less and less prepared to defend against increased levels of data risk heightened by the shift to remote work and accelerated use of emerging data sources. Many fear a headline-grabbing data breach on their watch.
- The impacts of increasing regulatory oversight, stricter competition enforcement, new compliance requirements and a patchwork of global regulations are making it harder for GCs to fulfill their core risk management function.
- The pandemic is not over and GCs anticipate ongoing COVID-19-related risks across remote workforces, labor issues, vaccine mandates and more.

In 2022, the GC’s day-to-day of running a corporate legal department will be much like enduring a triathlon. Mitigating a rapidly widening landscape of risk is only one of several challenges GC will need to face with endurance in the year ahead. The subsequent installations of The General Counsel Report 2022: Leading with Endurance Through Risk, Culture and Technology Challenges will discuss additional insights across the people and technology challenges GCs and CLOs are currently facing or anticipating.

### Methodology

During July and August 2021, Ari Kaplan personally interviewed 30 GCs from predominantly Fortune 1000 companies. Nearly 57 percent have revenues that exceed \$1 billion, and 70 percent have more than 1,000 employees.

Most were in telecommunications and technology (40 percent); and 13 percent were from life sciences; 13 percent from manufacturing; with the remainder from construction, energy, retail, real estate, consumer products, R&D and advertising/marketing industries.

Visit [www.FTITechnology.com](http://www.FTITechnology.com) for Parts 2 & 3 of the Report.



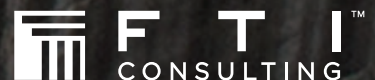


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# Fact Crashing Speeds Up Dispute Resolution

*Dan Regard, iDS*



## **Dan Regard**

Dan Regard is an electronic discovery and computer science consultant with 25 years' experience in consulting to legal and corporate entities. A programmer and an attorney by training, Mr. Regard has conducted system investigations, created data collections, and managed discovery on over a thousand matters. He is responsible for the development and implementation of case and matter strategies that leverage technology in litigation and investigations.

### **CCBJ: Dan, can please explain “Fact Crashing” for our audience?**

Dan Regard: Fact Crashing, as a portmanteau, refers to the use of digital facts, data, and records to crash litigation. It's a term borrowed from construction project management which means accelerating focus on one part of a project to the overall benefit of the entire project.

What does that mean in the context of litigation and discovery? We have found, over the last 25 years – and increasingly in litigation today – that focusing on alternative sources of structured data – digital facts – can rapidly accelerate the resolution of disputes. That's how you “crash” litigation.

As a methodology, Fact Crashing identifies the sources of data that might be informative for a set of investigations or disputes. How do you qualify and prioritize data those sources? It's important to prioritize data because we've moved from a world of scarcity of evidence to a world of abundance. This is important. For those of us trained in jurisprudence, we were taught how to deal with a few pieces of core evidence, how to authenticate them, move them through the system, present them, and tie them into the narrative of claims and defenses in a case. All of our discovery rules, while infamously generous in the United States, are really focused on acquiring what is often seen as a finite set of evidence. We crossed a turning point 10 or 20 years ago, but we're only realizing the implications now. There is more evidence out there than we have the resources to deal with – and more evidence than we need to deal with.

The changes to the rules of proportionality cannot have come at a better time because today we truly have more data than we should deal with. Nonetheless, there is some amount of data that is proportionate to the needs of case. It's informative and it'll help us resolve the factual aspects, and sometimes the legal aspects, of a claim or defense. Fact Crashing helps us identify a broad universe of potential data sources and how can we qualify the accessibility,

the cost, the reliability of these data sources, the ease of using them, their economic profile, as well as their legal reliability. We can rank those and come up with a preservation plan, a collection plan, and an analysis plan to address the issues that really matter.

**That leads into my next question. Talk about what is discoverable and how the Federal Rules of Civil Procedure play into this aspect of litigation.**

Under the broad interpretation of the rules, anything that's recorded and informative toward a factual question or resolution of a dispute is potentially discoverable. That's a layperson's definition. We can go into Rule 26 and see what the formal rule definition of it is, which is how we look at it. If it was recorded and it's reflective, relevant, responsive, non-prejudicial, non-privileged, it's discoverable. That provides a scope of inclusivity, and a few exceptions that can move things out.

What does that mean for an automobile accident? Discoverability might concern your calendar for a specific day? What were you planning to do? Where were you going? Where did you come from? Where would you have gone next? Were you driving urgently? Were you not driving in a rush? That provides insight.

Next, what does the vehicle say? Do you have a black box in your car that tracks your carburetor, your speed, your gas, your use or non-use of the brake? Do you have GPS that can triangulate your speed, your location, your destination, your point of origin? Are there RFID chips embedded in the paint that allow people to understand where you've left or picked up paint traces? Are there traffic cams that show the accident from afar? Are there taxis with dash cams that went by? Were there potential witnesses on the street? Have we done a geofence of

Twitter or Facebook to see if anybody posted messages with GPS locations that would put them close enough to the accident to be an eyewitness? Did they actually post anything about the accident itself? Does your cell phone have an accelerometer that indicates whether the car accelerated or decelerated prior to the accident?

All of these are potential sources of contributory information, but some may be more accessible than others. Even in a world where we're creating more and more digital information, all information is not equally

accessible. Pulling the accelerometer information off the chip embedded in your phone is a very difficult technical process that can be extraordinarily expensive. That information may or may not be informative and contribute to the overall analysis of how the accident happened and who's at fault.

We should also look at the light timing sequences to find out from the computerized system that controls the streetlights which light was facing which direction at what time prior to the accident, assuming those clocks are in line with your GPS clocks and your vehicle clocks. So, we have different sources of information, some of which are in control of third parties. Some are very technical to access. Some we have tools to make access easier. Taking all of that into consideration, we can work out a data discovery plan that highlights the sources that are most affordably accessible, most reliable, and least subject to misinterpretation or inadvertent modification. We can come up with an overall discovery plan.

There is more evidence than we have the resources to deal with – and more evidence than we need to deal with.



That's how discovery has changed in a world with multiple sources of data. Some of this is in our control, some is in the control of third parties. Some we're aware of, some we're not aware of. Some of it persists, some of it lasts only milliseconds. This can create a data rich environment. But you'll never get access to some of it. We like to joke that NSA may be monitoring cities and may capture, through satellites the actual accident that happened, but you're probably never going to get that video.

**What is the optimal order of operations or procedures for dealing with these varying types of data?**

That's where crashing comes in. Historically, discovery has been very expensive, and it's become even more

expensive because we've created more and more documents and documents are expensive to work with. We can use AI, TAR, clustering, threading, offshore coding, onshore coding. All these are great techniques that are very economical, but at the end of the day, the volume of documents continues to increase at a rate that seems to outpace the efficiencies gained by technology. So discovery is and remains expensive and will become more expensive going forward.

As a result, most parties conduct exhaustive motions practice before they move into discovery. We haven't conducted any actual discovery depositions yet because of the expense. But if we live in a world where there's a different type of evidence, a transactional digital record



that does not require humans to read it in the classic sense because it doesn't have the ambiguity of language, it has objective hard numbers and values like timestamps and date stamps, we don't need teams of people to review these documents. They're not subject to privilege.

That evidence becomes much more economically accessible, and we have found it can become so economically accessible that there's an argument for dealing with it before one engages in an extensive motions practice. That helps reframe how one litigates a challenge. Do you go through motions practice for months or even years until you have exhausted every remedy, or can you look into the facts and come up with a quick assessment? If there's not a problem, you may have a shortcut to dispute resolution. If there is a problem, you still have the option to pursue your motions practice with a revised sequence. And changing the sequence can have a dramatic effect on the overall cost and time involved in resolving disputes. That's the crashing part.

#### **How do you identify actionable data, and how do you work with verbal data versus other forms of structured or unstructured data?**

Well, again, there are some techniques for identifying what we've referred to as actionable data or action data – data that is available, abundant, mechanically captured, oftentimes instrumental (captured by instruments). It's not dependent upon human data entry. It's more methodical, more consistent, more accurate. That type of data can exist in a multitude of locations. We've identified techniques for reviewing a given environment for sources of data. We do drive-alongs and ride with employees to see the systems with which they engage. For example, you may use your badge to swipe into your building, but

you may not think about your smartphone's automatic connection to your office Wi-Fi.

We don't realize the data trails we leave as we go about our lives. Most litigators, either from experience or through training, stick to documents, emails, text messages and social media postings. As a result, they are not looking at structured data when they get into discovery, they're postponing it to the end of discovery, maybe with an unspoken desire that they'll resolve the case before they have to touch any databases. If they don't know databases and are uncomfortable with them, it's a risk. So they postpone that risk. What suggest is not only that they should not put it at the end, but that there's also a good argument, in many cases, for making it the very first thing you deal with. Obviously, that requires different skill sets. It requires techniques and tools to deal with data and it requires a rethinking of civil procedure.

#### **Please discuss frame case issues as they relate to data.**

Someone asks a question such as, "Was reasonable care given to the patients at a senior living center?" Reasonable care sounds like an issue that can only be answered by the jury or the judge in a bench trial. That's correct, but there are precursor issues that can be identified by data if you frame your issues in terms of data. For example, what was the ratio of staff to residents? You can look at time and attendance records to determine how many people were on-site at any given time versus how many residents were in the center. That could give you an idea of staffing ratios, which can be compared to staffing ratios at other facilities to come up with an opinion of whether it mattered, whether it was sufficient, whether it met industry standards, whether it was best practices.

Likewise, you could analyze medication distribution. It turns out some of these extended care centers and hospitals use rolling carts that track the distribution of medication by patient and by pill. They barcode and track everything. We could look at water consumption to see if people had sufficient access to bathrooms. We could look at food distribution to see how they were fed. We could look at temperature controls to see what the climate was. We could look at HVAC settings to see if air was being pushed into the center or air was being extracted from the center, which has a dramatic effect on communicable diseases. We have a lot of ways we can look at reasonable care or standard of care through data once we put on those data lenses.

**What are the most pressing issues your clients expect to face in the next two to three years? Technology is evolving, there are new data sets, new ways to quantify or qualify. Where will they put their attention?**

The biggest challenge my clients have spoken about is employees unknowingly engaging systems that create data trails that may be informative, responsive and relevant to litigation. It's the emergence of a multitude of systems that can generate and even preserve or aggregate and maintain digital records creating a situation where you don't know what you don't know. That's an area of both risk and exposure, as well as lost opportunity to the extent the data would be helpful for a given litigant's position.

The other big challenge is data privacy. I work with several groups that deal with data privacy, domestically and internationally. I'm very aware of the sensitivities. In our current discovery profile, there is no objection to discovery in the United States because the information

is "private." In fact, one might argue the reason that you go to discovery and litigation to get documents is because the information would otherwise not be available because it is private. We have situations where companies are collecting data for parties who are not part of a litigation and it can be very personal to those parties. We have either explicit or implicit duties to protect that information, and we're looking for ways within litigation to make the information accessible and protected at the same time. That's going to continue to be a challenge.

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**We've identified techniques for reviewing a given environment for sources of data.**

**Is there anything you want to add?**

At iDS for the last 14 years, as well as in other groups that I've had the opportunity to work with over the last 25 years, data has always been a part of litigation. Today we're seeing more and more litigations with structured data and more and more structured data per litigation. These techniques are not new to us and we're proud to share them with other people. We think it will help raise the skill level across the bar – raise the bar across the bar, so to speak. This is the new frontier of skills needed for a well-rounded litigation team. These techniques for identifying, qualifying and prioritizing data sets today have to be done explicitly. But as we get more comfortable, they'll become, as with so many other aspects of discovery, part of the intrinsic and implicit way that we approach dispute resolution. It's going to be an exciting time over the next 10 years as we get accustomed to these new demands.

Looking for clarity on how to leverage  
your client's data as an asset and not a liability?



**IF SO, WE SHOULD TALK.**



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# Contract Management 3.0

*Mark Nastasi, CobbleStone Software*



## **Mark Nastasi**

Mark Nastasi is the Executive VP and founder of CobbleStone Software with more than 20 years of professional experience in the industry. He launched the first commercial contract software in 1995 named CMTS (Contract Management Tracking System). He has worked extensively with general counsel, paralegals, lawyers and legal professionals to help manage contracts better. You can reach Mark by email at [mnastasi@cobblestonesoftware.com](mailto:mnastasi@cobblestonesoftware.com).

**CCBJ: CobbleStone Software has been an innovator in contract lifecycle management software solutions for nearly thirty years. Please provide an overview of your organization and how it approaches the streamlining of legal operations functions?**

Mark Nastasi: CobbleStone Software's proprietary CLM software – CobbleStone Contract Insight® -- is web-enabled (SaaS) or deployed (on-premise) and used by many leading corporations, state and local governments and other regulated organizations worldwide. Our platform hosts more than three million contract transactions and billions of dollars in contract value. We have been providing contract lifecycle management software as a service longer than any other CLM software provider. CobbleStone Software is a Federal GSA vendor that is SOC 1 and SOC 2 compliant, reviewed by industry-leading analyst firms, and retains a continually expanding partner network for increased software integrations and business expansion. Through our close relationships, we continuously identify new ways to streamline legal operations with robust tools such as contract workflows, eSignatures, artificial intelligence with machine learning and dynamic contract risk assessment mapping solutions.

**How do CobbleStone's contract workflow features help corporate counsel and other in-house legal professionals?**

Dealing with contracts in both the pre-award and post-award stages can be challenging, especially when dealing with many internal and external stakeholders of ranging authority. For instance, requesting a senior lawyer to review a clause that a junior lawyer could have reviewed may cause workflow inefficiencies. These types of legal ops bottlenecks can not only breed inefficiencies but also exponentially increase contract administration risks by inadvertently excluding stakeholders from necessary contract tasks. CobbleStone's automated contract workflows with alerts and notifications can help solve these problems and increase contract lifecycle management efficiency.



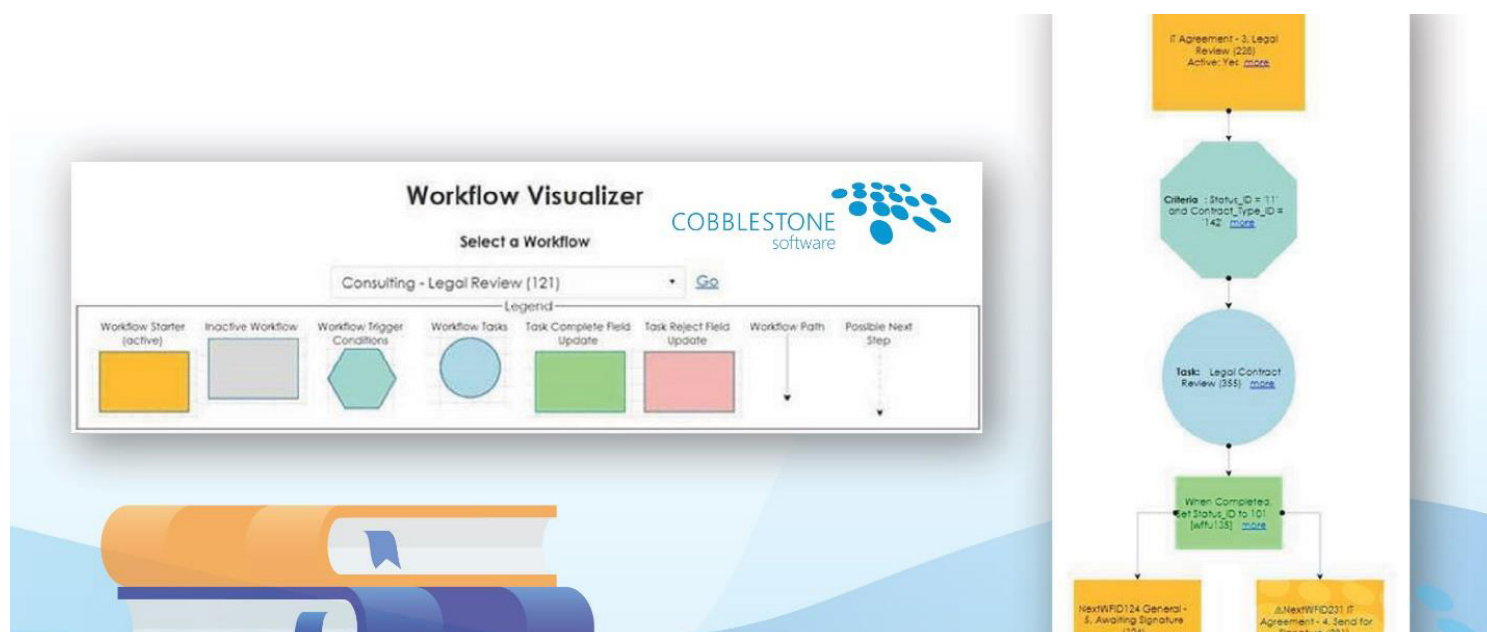
CobbleStone Contract Insight allows organizations to configure contract workflows with notifications and alerts. Stakeholders, including corporate counsel and paralegals, can be assigned to specific tasks and receive notifications for completion. Once a task is completed, the assigned stakeholders can be notified within the preconfigured workflow to complete the subsequent task. Organizations can also assign clauses to necessary stakeholders, who can be notified whenever a specific clause is modified.

Post-award contract compliance and obligation notifications can be assigned to necessary stakeholders to encourage timely anticipation and follow through with counterparties and to encourage post-award contract compliance. Upon a contract's upcoming renewal date, internal and external stakeholders can be promptly notified. Additionally, organizations can receive on-screen alerts and recommendations in real-time via preconfigured notifications for increased contract visibility. Internal stakeholders can also leverage AI-based contract management software tools to help identify areas of

opportunity to leverage upon a contract's renewal for further risk mitigation and increased return on investment.

**We understand CobbleStone's industry-leading eSignature tool - IntelliSign® is being employed by thousands of legal professionals as their go-to electronic signature software solution. How does this tool expedite legal operations and support internal clients?**

Gathering the required signatures for a contract can prove difficult, especially when signees are in different locations. Considering signatures finalize contracts and propel their execution, this highly anticipated step in legal operations can be delayed with manual wet signatures that can waste time and paper-based resources. Fortunately, IntelliSign can make signing contracts a breeze by empowering signees to sign virtually anywhere at any time - with the proper electronic device and adequate internet access. Additionally, our mobile app, a key CLM software differentiator, offers added convenience for our users to sign remotely and request signatures from third-party



signees via email. We've found that this solution helps legal professionals cut their send-to-sign time by 20 percent.

**Please talk with us about your artificial intelligence engine – VISDOM®, which we understand is designed to help corporate counsel and other legal professionals manage their contracts effectively. What makes VISDOM AI an essential tool for legal operations?**

Remaining current with the latest document language can prove challenging – especially as laws and regulations change. Corporate counsel can encounter legal ops setbacks when manually sourcing the latest contract language – particularly clauses. CobbleStone's VISDOM AI can empower corporate counsel by supporting automated contract assembly and revision. VISDOM AI with machine learning can be configured to recognize specific language – including clauses and phrases – and offer insightful language recommendations. Such recommendations arise from CobbleStone Contract Insight users' language libraries. Additionally, VISDOM can help extract metadata that can be leveraged to support legal routing, contract abstraction, amendment recommendations, approvals and more. Machine learning can feed CLM software the necessary data to agilely evolve with changing environmental variables and algorithms. While artificial intelligence does not replace the counsel of a licensed legal resource, AI can reduce some of the tedium and offer intelligent possibilities from which you can choose. Rather than waste time unnecessarily, VISDOM can help streamline legal operations functions with and offer critical insights – yielding unparalleled corporate counsel confidence.

**CobbleStone Contract Insight CLM Software helps general counsel, corporate counsel, paralegals and other legal**

**professionals manage and mitigate risk with dynamic CLM software features. How do CobbleStone's risk management tools assist and improve legal operations?**

Assessing contract management risk within a myriad of contracts can be challenging without visualization and prioritization. Whether corporate counsel are dealing with ten or ten million contracts, identifying and prioritizing risk factors can prove challenging when sifting through words and other data variables within pages of documents. Identifying risk can prove arduous without a centralized and graphical risk opportunity and assessment tool. CobbleStone Contract Insight offers risk assessment and OFAC search mapping tools to graphically visualize risk within documents for comprehensive risk contract management. Rather than corporate counsel needing to manually sift through contract records for risk variables, they can leverage a visualized graph that can plot contracts based on their identified risk score – yielding a holistically visualized risk analysis of active contracts that can help prioritize contract risk factor decision-making. Corporate counsel can also analyze how a contract would perform with hypothetical risk variables and exposure within a risk assessment matrix – further helping corporate counsel and other stakeholders prepare for prospective happenings. Legal professionals can leverage CobbleStone's visual contract risk assessment matrix and statistical data analysis to identify negative, neutral or positive facts about contracts within a centralized platform to help improve their overall contract strategy. Moreover, stakeholders can receive message alerts that notify them if a contract incurs a value of a pre-determined percentage greater than the average contract within their contract database. To promote accountability, CobbleStone users are afforded a usage percentage score that elucidates the percentage of risk assessment tools used – and how the

usage of risk tools can be improved. CobbleStone Contract Insight also offers a robust Office of Foreign Asset Control (OFAC) search graphical risk tool to help corporate counsel identify if their contracts, vendors, employees and other entities comply with OFAC's national sanctions list. This graphical risk visualization allows corporate counsel to identify a contract's OFAC compliance both in the pre-award and post-award stage – increasing comprehensive risk mitigation. Software users can preconfigure rules to notify them in virtually real-time if a current contract meets or exceeds a specific OFAC Search percentage – allowing for swift risk mitigation before it becomes untenable.

**How will CobbleStone's unique CLM software tools pave the way for legal operations success. What does the future look like for product development and innovation in this area?**

We are committed to continuing to develop new features and provide future-minded contract management solutions. We recently released CobbleStone Contract Insight 17.10.0, which offers our clients powerful oversight of online document editing processes for third-party negotiations, advanced workflow automation with mergeable templates for notifications and alerts, next-level workflow status oversight at a glance with visually engaging calendars and automated creation of new records from contract request records – to name a few. We release multiple software updates throughout each year to support ongoing legal operations' digital transformation that can encourage continuous contract lifecycle management success.

Additionally, as contract redlining processes continue to transform digitally, we excitedly forge ahead in streamlining CobbleStone users' contract redlining and negotiation processes. CobbleStone Contract

Insight centralizes the contract negotiation process with holistic oversight. Rather than corporate counsel needing to communicate with disjointed platforms, source updated

contract language manually, play email ping-pong with attached documents and leverage other divorced processes, CobbleStone can help streamline what usually takes the longest time of the contract lifecycle in a centralized

system. Our future-minded CLM software allows for workflow configurations, including clause ownership assignments, task escalations and approval routing. To virtually ensure the right stakeholders remain abreast of language changes for review, they can receive notifications of language modifications of contract areas for which they are responsible. Such changes can trigger notifications to clause owners for review. Rather than work with disparate contract versions, stakeholders can work concurrently within a centralized, web-enabled location, including seamless connectors for document collaboration in MS Office 365 and Google Workspace. Stakeholders can receive configured email notifications of comments and applied changes to review within the centralized contract redlining location. As legal operations experience increasing digital transformation, corporate counsel can rely on CobbleStone Software to support their journey ahead with a CLM software provider backed by nearly three decades of experience and driven by innovative vision.

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**We are committed to continuing to develop new features and provide future-minded contract management solutions.**



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# Why Cloud? Why Now? Welcome to the Future of E-discovery

*AJ Shankar, Everlaw*



## **AJ Shankar**

AJ Shankar is the founder and CEO of Everlaw, a cloud-based e-discovery technology company based in Oakland, California. Prior to founding Everlaw, AJ graduated from Harvard with an AB in Applied Mathematics and Computer Science and received his Ph.D. in Computer Science from the University of California, Berkeley.

### **CCBJ: Why should corporate legal teams consider an in-house e-discovery cloud solution?**

AJ Shankar: The corporate e-discovery landscape largely depends on outsourcing work to service providers and outside counsel. In the early days of e-discovery, legal professionals would routinely purchase managed seats for review from service providers because of the expertise and infrastructure required to collect, process and host data.

Though on-premises software used to dominate the market, the corporate e-discovery landscape now has many cloud players with a software-as-a-service (SaaS) model, enabling more organizations to shift e-discovery operations in-house. There are now cloud-based solutions (which automatically process and spin up review instances) that have alleviated many past pain points with on-premises software.

Simply put, the cloud is the future of in-house e-discovery. Cloud-based solutions provide corporate legal teams unsurpassed efficiency, security, collaboration and perhaps most importantly, control over their litigation process. There are various reasons why corporate legal departments should consider bringing e-discovery in-house with a cloud solution.

One specific benefit is the efficiency gains from immediate access and availability to documents. Unlike on-premises solutions, teams can access documents without going through a VPN and are not susceptible to local network outages at the office. The cloud has a lot of redundancy, meaning a fallback within the architecture, that allows a business to continue as normal when there are disturbances in IT operations.

Additionally, shifting to a cloud-based in-house e-discovery solution allows users to control their data and litigation and reduce security risks in a way that would have been impossible just a few years ago. When leveraging a third-party vendor, organizations must

first copy the data and then give it to the third party. By copying the data, it exists in multiple places and adds risks of exposure of sensitive information. As a result, the risk of a security breach is higher when an organization does not fully control the data. Data security and privacy are also increasingly regulated at both the state and federal levels, so demonstrating control over access to personal data is critical to ensuring compliance and avoiding penalties or litigation.

Cloud-based e-discovery solutions are also just a smarter way to work, offering dynamic collaboration between teams that not only saves time but results in higher quality work. This is especially pertinent given that more teams are working remotely, and there's a greater need to collaborate while not in the same office.

**CCBJ: When is the right time to invest in a cloud platform?**

The tipping point should come very early. In the past, many buyers purchased e-discovery software in a one-off fashion, waiting until an emergency forced them to buy the tools from a service provider they often needed at the last minute. However, this “one-off” approach typically leads to waste and inefficient processes. This can be a stressful situation, having to make decisions in short order about technology that the team could be using for months, if not years, for certain matters.

Shifting e-discovery in-house, or keeping as much in-house as possible, enables companies to handle matters immediately and with greater efficiency. Legal departments can create efficient processes by enabling re-use of work products, creating a team of institutional experts, and mitigating redundant, obsolete, and trivial data. If in-house corporate legal teams use a tool like Everlaw at the outset of even a preliminary investigation,

they get immediate value. With the click of a button, you upload the data and immediately have a new matter up and running. And then, as the data and matter scale up, you can scale magnificently.

As you dive deep into the data, there may come a point where you say,

“Look, I’ve got to engage with outside counsel.” Investing in a cloud platform from the outset will allow you to do that seamlessly. Your outside counsel can come into the system and immediately start collaborating with in-house counsel using everything they’ve learned as a starting point for their exploration. They

can also communicate much more tightly with them as they go through their process. They all work together towards that common goal with minimum repetitive work but a maximum injection of your areas of expertise. The right time to invest in the cloud is early, not when you hit a threshold where you need to all of a sudden commit major resources.

**CCBJ: How does investing in an e-discovery cloud solution change the working relationship with service providers?**

Bringing an e-discovery platform like Everlaw in-house doesn’t mean that your relationship with managed services or legal service providers needs to change. Service providers continue to be a valuable part of the technology

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Cloud-based in-house e-discovery solutions allow users to control their data and litigation and reduce security risks in a way that would have been impossible just a few years ago.

+ services equation in e-discovery because they can provide deep technical and subject matter expertise and the sophisticated project management support you need to get the most out of your e-discovery cloud platform. With Everlaw's partners, they are the experts in managing and supporting the technology, so they can be a great channel to procure Everlaw combined with professional services. This, in turn, gives you much more flexibility in how you staff and support your legal operations.

**CCBJ: What are the key things to consider when considering an investment in an e-discovery cloud solution?**

Speed, security, adaptability, and support should be at the forefront of any evaluation of e-discovery tools.

One of the benefits of a cloud solution is the efficiency you gain from being able to handle higher volumes and a

greater variety of data types. Finding a platform that can give you that speed is key. With Everlaw, you can upload and start reviewing files in a matter of hours instead of days. We can handle up to 900,000 documents per hour, while simultaneously automating standard processing, such as error-handling, deduplication, deNISTING, OCR and imaging, as well as other helpful tools, like audio and video transcription and foreign language detection.

An e-discovery cloud platform will be storing sensitive data on your behalf, so you also want to consider a platform that has rigorous security measures to ensure your data is safeguarded. At Everlaw, data privacy and security are our highest priority. We have very robust certifications to ensure that your very sensitive data is fully protected. We're SOC 2 Type 2 certified to ensure customer data is highly secure, available and private and ISO 27001 certified for secure data center management.





And in the U.S., we're FedRAMP authorized on AWS GovCloud (U.S.) for our government customers to demonstrate our continued commitment to security and compliance.

I'd also suggest considering a provider with excellent customer support to help your teams succeed as they manage time-sensitive matters, big or small. With a 97 percent CSAT score, Everlaw's customer support team has a proven track record of providing superb customer service. You get unlimited support, onboarding assistance, and data migrations at no extra cost. This means our team is with you every step of the way to get you up and running within the first 30 days of onboarding and will continue to support and provide strategic guidance as your needs evolve. Additionally, users get free access to unlimited live and pre-recorded user training sessions, making it easy to

get answers to every question as they come up. Finally, finding a partner that prioritizes innovation is essential. In the last ten years alone, legal tech innovation has disrupted the practice of law, and legal professionals are trying to catch up.

The pandemic and subsequent stay-at-home orders have also made things more difficult.

We take legal tech innovation seriously and commit to a four-week product release cycle to continuously improve our platform and release high-impact features that elegantly solve core discovery challenges. By doing this, we can give users access to a platform that can be malleable based on their needs, even if their matters are simple or incredibly complex. The importance of aligning with a partner who's constantly innovating can't be overstated. The last thing you want is a platform that works for your 2022 needs but suddenly isn't scaling to meet your 2023 or 2024 needs.

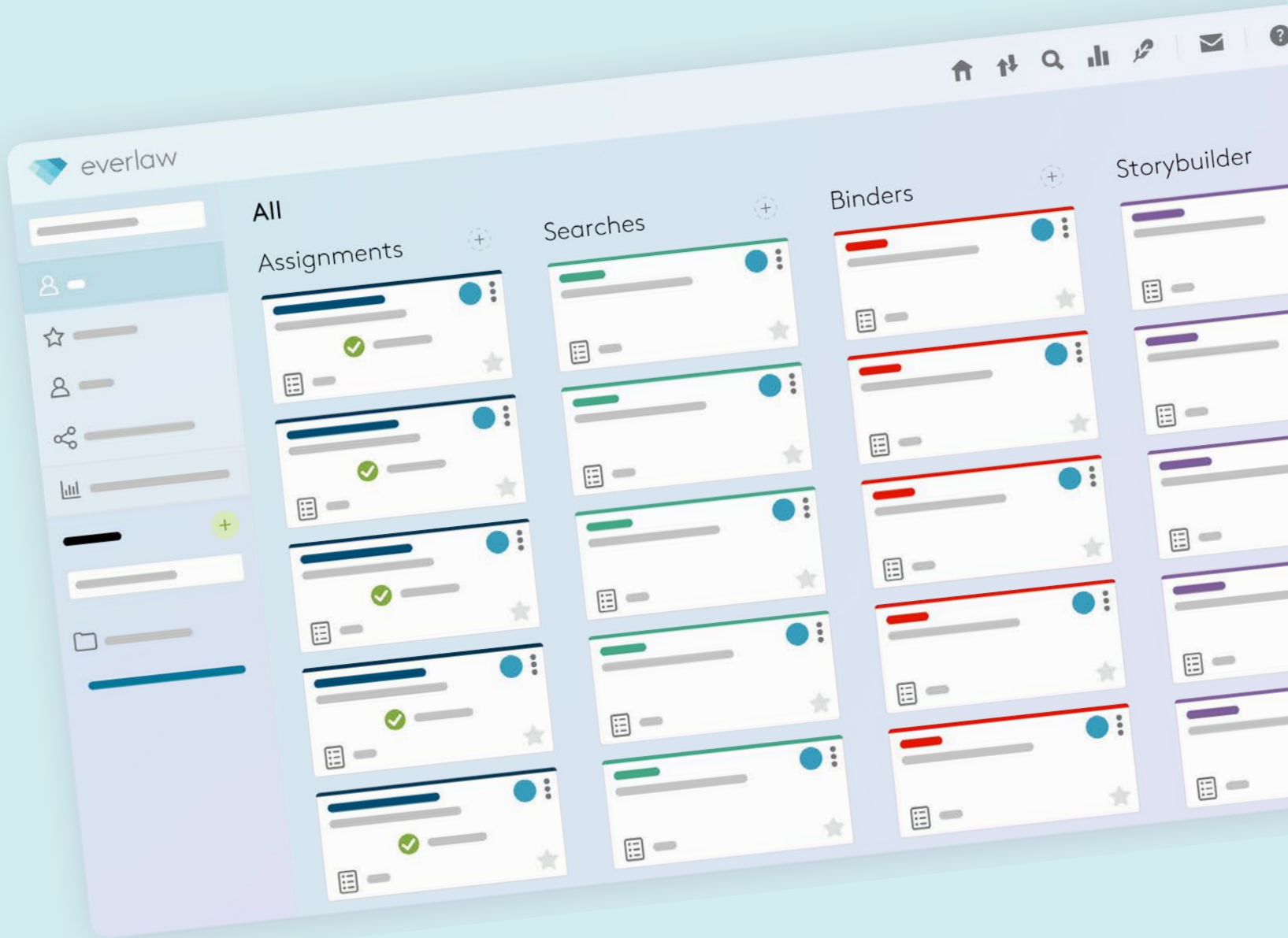
Ultimately, making an early investment in an e-discovery cloud solution with unsurpassed speed, robust security, and rapid innovation is transformative for corporate legal teams. The outcome is higher quality work at a faster output, minimizing repetitive work and maximizing expertise where it's needed.

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**The importance of aligning with a partner who's constantly innovating can't be overstated. The last thing you want is a platform that works for your 2022 needs but isn't scaling to meet your 2023 or 2024 needs.**







## Everlaw is the most powerful platform for litigation and investigations

Everlaw is a cloud-based ediscovery platform that enables corporate legal teams and their outside counsel to collaboratively discover information, illuminate critical insights, and act on key evidence. Built with legal professionals in mind, Everlaw streamlines the ediscovery and investigations process by

automating tasks that previously required manual intervention. This means that in-house legal teams can leverage our technology to create greater efficiency in their workflows while ensuring consistency, lowering overall costs, and maintaining (and even improving) the quality of their legal work.

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# Tapping into Your Knowledge Assets

*Megan Ostling, iManage*



## **Megan Ostling**

Megan Ostling is a Legal Operations Manager at iManage, the company dedicated to Making Knowledge Work™.

Megan's business and legal background enable her to provide valuable strategic consulting to corporate legal operations teams.

The professionals within corporate legal departments (CLDs) might be the living embodiment of knowledge workers: people whose main capital is knowledge and whose line of work requires them to “think for a living.”

Like a variety of other organizations centered around knowledge workers, CLDs are under pressure to find a way to work more efficiently, innovate faster, and get the most from their employees' expertise. To get that edge and stay ahead, every resource counts – but in too many organizations, knowledge remains a valuable, yet untapped, asset.

There are several reasons why.

First among these is the challenge of simply finding documents. Knowledge workers report they spend an inordinate amount of time searching for specific pieces of content that are scattered and siloed across multiple systems. The information stored in documents holds tremendous potential, but that potential can't be activated if workers are too overwhelmed to make the most of information spread between disparate sources, or don't even know where to look.

Another key factor impacting the ability of organizations to truly tap into their knowledge is the remote workforce transformation that has taken place in the wake of the COVID-19 pandemic. Upwork estimates that by 2025, 36.2 million Americans will be working remotely, an 87 percent increase from pre-pandemic levels. And according to McKinsey, “the potential for remote work is highly concentrated among highly skilled, highly educated workers,” with the highest potential found in the finance, management, professional services, and information sectors.

Put another way, disruption has become the “new normal” for knowledge workers, and established habits have changed. It is clear that – in the emerging hybrid work model – decreased in-person interaction makes it vitally important for organizations to support collaborative knowledge work wherever possible.

### The traditional approach isn't cutting it anymore

While collaboration challenges affect any knowledge-centric organization, these challenges are amplified in the setting of a corporate legal department. The General Counsel, Associate General Counsel, Chief Legal Officer, and other members of the team must manage large volumes of high-value, regulated, and secure documents and emails – and do it in a way that is efficient, collaborative, and secure.

The approach to document management that exists within most CLDs, however, presents several problems, particularly for those that rely on older, legacy document management systems. For a start, traditional enterprise content systems are ineffective at saving documents and emails together in the appropriate context. This creates silos of information, making it difficult to get a complete picture of a matter or issue.

With information saved in multiple emails and documents, organizations struggle to drive efficiency or effectively repurpose information, and they can unknowingly incur security or regulatory risks. Additionally, the lack of a centralized repository makes sharing information internally with colleagues – or externally with outside counsel partners – more difficult than it needs to be.

Fortunately, the right technology can help CLDs address some of their top challenges around collaboration head on, making their lives easier in the process. Beyond facilitating better collaboration and unlocking valuable knowledge, a combination of tools and automation can minimize the time spent by legal professionals on mundane tasks – allowing them to reclaim more hours in their day to focus on higher value activities.

Here are three collaboration challenges that must be faced:

#### Creating a single source of truth for easy search

It's not uncommon for a CLD to experience multiple pain points around search and collaboration, particularly with regard to document searches wherein the goal is to identify and reuse legal precedent.

The solution is to seek out a document management system (DMS) that incorporates email management, powerful search functionality, and AI-based smart features that boost productivity. Fully integrated email management creates a single version of the truth by organizing documents and emails in the context of the appropriate project or matter. Meanwhile, advanced email management automates the process of saving emails to the correct location and makes the process nearly seamless to the end user, mitigating risk to the organization.

This advanced functionality provides a better, more modern user experience and empowers people to focus on doing their best work by improving their productivity. It also reduces risk, because matter-centric document organization maintains transparency of the original context of related materials.

Significant time savings are delivered via faster, better search results, while a greatly improved ability to reuse legal precedent strengthens the legal services role within the business. The enhanced work quality and efficiencies gained help to drive better business outcomes.

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Manage the  
mundane with  
technology that frees  
legal professionals to  
focus on higher value  
activities.



### **Providing security that doesn't impact productivity**

Cybercrime has increased 330 percent since the beginning of 2020, and cyber-attacks against legal departments of all stripes are taking place. This threat-filled environment makes the ability to collaborate securely of paramount importance.

At the same time, there is concern that security protocols and requirements can inhibit user adoption. CLDs understand that changing the work habits of a broad range of business users with limited patience for learning new technology can be challenging.

A DMS with an intuitive and easy-to-use interface is therefore a must-have to encourage broad user adoption – which helps ensure that valuable documents and emails are retained and secured. The ability to automate governance and audit capabilities minimizes disruption to user workflow, further encouraging successful adoption.

This approach provides a single, secure project location to manage content that is fully governed, trackable, and

audited, providing a key advantage over other frequently used options for collaborative document exchange.

### **Enabling global collaboration**

Operating a CLD with a national corporate presence is challenging enough – but in a global organization the level of complexity is compounded, raising the stakes even higher. The type of legacy, on-premises DMS solution that many CLDs rely on isn't designed to support a global enterprise, leaving its legal professionals with a fragmented view of the business.

Other potential landmines include the importance of sharing documents securely in collaboration with outside counsel. Without a secure collaboration platform, legal professionals often exchange documents via email attachments, creating significant issues with version control, efficiency, and security.

A modern cloud DMS is an ideal solution, enabling CLDs to deploy systems globally in a more affordable way, while permitting greater flexibility and a modern working



experience for end-users. Legal professionals can share links to secure document workspaces – which accelerates the process of editing, review, and collaboration while maintaining a single source of the truth.

Better performance, better search, and better email integration all help to eliminate friction and unlock valuable knowledge. The result is a global view of the business, a single source of truth, and seamless collaboration around the world.

#### **Choosing a platform that eliminates collaboration pain points**

iManage provides an ideal knowledge work platform in the cloud to help CLDs of all sizes collaborate more effectively and securely, unlocking productivity and driving better business outcomes.

The market-leading solution for intelligent document and email management, iManage Work connects documents and emails and saves them in a single, unified folder, organized by client, project, or legal matter. This structure puts all relevant information in context and at users' fingertips, so they can focus on delivering value.

iManage Work enables fast, easy, and secure collaboration, allowing users to share content with colleagues and stakeholders both inside and outside the organization. A file-sharing solution that is as easy to use as consumer applications, iManage Work satisfies an organization's data governance and security needs while integrating into the daily workflows in a way that enhances, rather than hampers, user productivity.

On the security front, iManage Security Policy Manager secures critical content across multiple repositories with need-to-know security access, without affecting

productivity or performance. This allows organizations to automate the enforcement of security and information barriers at scale to meet the growing needs of client, regulatory, and company obligations.

Meanwhile, iManage Threat Manager helps organizations protect sensitive information from internal and external threat vectors using innovative technology that includes adaptive behavior modeling and machine learning to continuously monitor, alert, and secure critical knowledge work.

The products and services available as part of the iManage platform work together to solve the daily business challenges encountered by CLDs around knowledge work management and collaboration, every day.

#### **As knowledge work changes, so should the platform CLDs rely on**

As the nature of knowledge work evolves, organizations that are proficient in capturing, accessing, and sharing knowledge in all its forms hold the competitive edge. This requires a knowledge platform that supports effective collaboration among workers, company-wide access to key knowledge and information, and uncompromising security.

By leveraging this technology, not only can CLDs eliminate the common pain points they face today – they can set themselves up for success tomorrow.

For more information about overcoming the challenges CLDs face – including real-world examples of how CLDs identified a solution that enabled their teams to manage information and collaborate more efficiently and securely – download our [4 Lessons Learned from Corporate Law Departments eBook](#).



# YOUR BUSINESS RUNS ON KNOWLEDGE.

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## RUN FASTER.

### It's time to make knowledge work.

Knowledge is the fuel on which all business runs. Its beating heart.

Knowledge gives you an edge.

iManage is the industry-leading document and email management platform that helps organizations to uncover and activate the knowledge that exists in their business content and communications. With the power of context, iManage goes beyond basic productivity, empowering teams to demonstrate high-value expertise and businesses to prosper.

To find out how we can make your knowledge work harder for you visit:

**[www.imanage.com/solutions/corporate-legal](http://www.imanage.com/solutions/corporate-legal)**



**iManage**

Making knowledge work

# AI Can Think and Move Through Work Like a Lawyer. But What Does That Mean for Lawyers?

*Matt DenOuden, Onit*



## **Matt DenOuden**

Matt DenOuden has nearly 30 years of legal industry experience, including a dozen years practicing law as a partner in a boutique defense firm in Hartford, Connecticut. While there, he started and grew an early e-discovery technology practice. In 2002, he left private practice to join a young e-billing company, TyMetrix. As vice president of sales for TyMetrix for 14 years, he helped take the company from four clients and \$2 million in revenue to 250 clients and \$60 million in revenue.

**CBBJ: To start, please tell us about your background.**

**Matt DenOuden:** I'm a lawyer by training who transitioned to legal technology 21 years ago. For the last six years, I've led Onit's sales and account management teams and been a member of co-founder and CEO Eric M. Elfman's executive team.

**Artificial intelligence has long been a subject of sci-fi movies, but it is quickly establishing itself in real life. Can you tell us what AI is?**

In a nutshell, AI is technology doing something that a human mind would have otherwise done. My favorite definition of AI is the most practical one. Fundamentally, it's a technology that does a task or suggests decisions that a person would have otherwise done. And I emphasize that it's often a part of a workflow instead of accomplishing the whole thing. It's helpful to think about it in those simple terms.

**In the legal enterprise software world, AI has gained a foothold and is quickly growing. Why is it becoming so interesting for lawyers and legal operations?**

It's because there is both top-down interest and pressure and bottom-up enthusiasm. We hear from companies that legal has AI as part of their overall technology strategy, whether its use relates to contract management, invoice review, or an overall digital transformation of the business at large. The bottom-up enthusiasm is there as well, driven in part by the belt-tightening that happened during the height of a pandemic and for the good fiscal performance reason of trying to find the most efficient ways to do things. There are very demonstrable ways to save time on work through AI. It has a tangible effect. For example, a study found that those who use AI to review contracts can be 52% more productive. If you compile that across everyone in corporate legal reviewing contracts, many people are suddenly finding a task much easier to complete. Results like that stoke enthusiasm from people who are doing the heavy lifting.

## How does AI allow attorneys to focus on higher-value work and better serve their businesses?

When IBM came out with Watson, they had to show it doing things like play chess against Russian masters. This wasn't because the question-answering computer system couldn't do other things, but because chess-playing was something that people could see and understand. When we set out to determine how legal can use AI most effectively, we focused on areas where there was a lot of activity or some inefficiency, or on ways the lawyer was being pulled down into the weeds of a task that might otherwise be handled by AI.

That led us to focus on AI use cases in the contract and invoice spaces. The principle is that you're not just making the workflow happen faster. You're helping the lawyer and knowledge workers work at the top of their licenses rather than being mired in some of the less important processes. The prework, if you will.

Let's go back to the contract review study for AI. Why is AI so helpful in this context? It thinks and moves through work like a lawyer. It functions like a sous chef. After AI's first pass review, a lawyer opens up a contract and finds flagged issues, suggested edits, and an overall risk profile. That level of contribution not only removes work from that lawyer's plate but also gives them a running start on review before they even open the contract.

### You mentioned that AI “thinks and moves through work like a lawyer.” What do you mean by this?

From our point of view, AI should help lawyers where they need the most help – which is often where they face repetitive, high-volume and manual tasks. We're drawing from our history in legal when we identify these areas.

I have a background in legal that goes back more than two decades, as do many people on our teams do. The founders of our AI Center of Excellence are all practicing lawyers, so we're using our experience to train AI to think like a lawyer. There is always a focus on making sure that we're looking at AI through the lens of legal, practicing in-house lawyers, and even outside counsel when we're thinking about contracts.

We also try to make sure that we think about things as a process and that the AI is walking the user through the process that's familiar to them. Rather than reorganizing their work, the technology takes them along a familiar path. For example, a lot of what we do with contracts in the AI space involves AI redlining. An AI-based Microsoft Word add-in allows faster legal contract review and editing. We're taking the technology to lawyers where they work without removing them from the tools they rely on every day. It's the same sort of place they would've otherwise been if they were manually redlining that contract and running their playbooks.

### Can you give us some examples of AI-enabled solutions used now and how successful they are?

In the last couple of years, we came out with AI models against legal spend that now have over a thousand customers and well over 500 of whom are using some form of our e-billing. We have decided that there ought to be a technology-aided prereview for interested customers who want to make their work lighter.

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From our point of view, AI should help lawyers where they need the most help – which is often where they face repetitive, high-volume and manual tasks.



For a standard e-billing system, you have billing rules. But billing rules can't capture every potentially non-compliant charge in a legal invoice. They rely on words and descriptions. If law firms use a slightly different word choice, that line item could be approved for payment. Our AI is looking for findings and guidance to catch "between the rules" errors.

For example, consider rules in your outside counsel guidelines around the kind of work that can be done by what kind of charging person - whether it be an associate, partner or paralegal. AI can interrogate the work, even if it isn't coded in a way that draws attention. It can say whether it's chargeable, but also if it should have been chargeable by a paralegal and not by an associate.

Rather than a human sussing out possible incorrect or misallocated charges, the AI does that prework for them.

For example, we chatted about using AI in the contract space earlier. The benefits extend far beyond just the reviewing attorney. Rather than having the front-to-back review done by multiple different lawyers and people in the process, the AI can scrub the agreements. These are usually third-party agreements, but they can also be first-party agreements that have been heavily redlined. AI then runs them against the customer's playbook, risk ratings, and intentions around contracting. AI makes redlines to the playbook or at least draws attention to the areas where a lawyer should focus rather than starting from the beginning.

We have customers who offer self-service, where the salesperson or another person in the organization sends something simple to legal like an NDA. AI can review and redline the document without a lawyer even being involved if the corporate legal department wants it that way.



Ultimately, speeding up the pace and effectiveness of contract review benefits everyone involved – regardless of which department they are in. It's the entire enterprise that wins. Each deal closed means more revenue for your business or establishes a valuable partnership, initiative or technology.

**Where do you see AI-enabled software heading in the coming years? Do you have any predictions for more amazing advancements?**

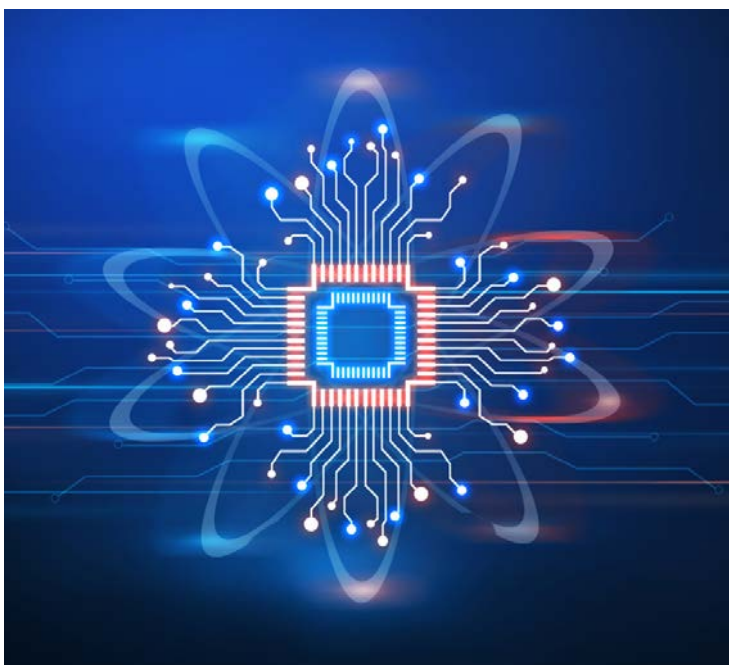
At Onit, we are really excited about where we are going. We're determined to finish the things we've begun, which is to continue to drive AI into e-billing and contracts. There are also some exciting opportunities in risk management and compliance matter management. We have customers who use our overall technology for what we call "legal service requests." Someone within their business "knocks"

on the door of legal asking for help of some kind. If, as is often the case, the answer to their question already exists in legal, there is no need to trouble any particular person to rearticulate it. AI can be used along with search functionality to identify whether the question is an FAQ and provide the answer.

Then there's the modeling of disposition data. In other words, what were the outcomes of matters in our customer's matter management systems and what do they tell the customer about where there is risk and where there's success? Where certain strategies were particularly successful, that knowledge is beneficial from a compliance perspective.

Many of our customers are not only using Onit for matter and spend management but also to enhance compliance workflows. The fundamental point of compliance programs is to avoid risk and address issues prospectively. Sometimes that's easy because of transparency. But sometimes, AI can find patterns and connections in the data that would not have been apparent to humans. We see a lot of receptivity in the legal market, and there's more road ahead of us than in the rearview mirror. Attorneys as a group have the reputation of being slow to adopt new technology. For the AI-hesitant, what are your final words of advice?

Use your instincts about where AI will be helpful and where it can do prework. Look for those pain points and places where AI, when properly set up, can automate prework and take a load off your team. Talk to customers who've used the technology for the same use case. Then try it out yourself. If you focus on AI's very tangible outcomes, the decision-making process will be relatively easy. You won't have to interpret your success. You can see your success.



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# A Natural Evolution: Bringing Document Review In-House

*Bill Piwonka, Exterro*



## **Bill Piwonka**

Bill Piwonka oversees all marketing functions for Exterro. His background is firmly rooted in B2B marketing operations. During the past 20 years, Bill has led marketing teams and initiatives spanning strategy, product marketing, product management, demand generation, marketing communications and business development. Prior to joining Exterro, he served as the vice president of marketing at Janrain.

### **CCBJ: What trends are you seeing regarding the importance of document review?**

**Bill Piwonka:** We're seeing more corporations bringing document review in-house, as opposed to having a blanket policy of always using outside legal service providers or law firms to assist with it. There are several different reasons for this. One is an acknowledgement that there are several different business use cases that relate to document review. Certainly e-discovery review is a key use case. But organizations also need to do document review for internal investigations, or when they are complying with a data subject access request under GDPR or CCPA/CPRA. It's also critical when responding to a security incident or breach to quickly determine if potentially compromised data contains personally sensitive data that would trigger regulatory reporting or notifications.

So, you now have all these different use cases that require document review and it just becomes so much more effective to do that in-house, depending on the size and scope. This certainly isn't to suggest that document review will never be outsourced, because there may be very, very legitimate reasons for doing so: the size, scope, nature, resourcing and that sort of thing. But one of the trends that has been rock solid over the past seven or eight years is how much the C-suite is looking to legal to improve its productivity and efficiency and cut costs. And when you can do document review in-house, you're going to gain efficiencies, productivity and visibility into the process and you're certainly going to minimize your costs.

### **What are you advising clients about effective incident management?**

There are several different things that need to be considered. First and foremost, you need to understand where your data is. In e-discovery, for years consultants and experts have said, "You've got to do data mapping." And I just can't emphasize enough how important having a comprehensive data inventory is because you



must be able to very quickly identify where are the sources of the data that might relate to the incident or matter, and without an accurate, up-to-date, comprehensive data inventory, you just can't do that.

The second thing is you've got to be able to connect to those data sources where that data resides—whether that's an application, a network share, hardware, whatever it may be—because time is of the essence, because there are laws that dictate how quickly you must begin the reporting or notification process in situations where individuals or consumer data has been compromised).

In addition, from an incident management perspective, I would say you've got to be prepared. Nobody wants to

be the victim of a security incident or a breach. I forget which analyst firm said it, but something like one third of all organizations will be breached every year. By that logic, everybody's going to be breached at least once in the next three years. So you've got to have your plan in place before that happens. Think about your incident response not only from a security perspective, but also a legal and compliance perspective. How can you quickly review the data that was potentially compromised to identify whether you've triggered reporting and notification rules? How do you know what laws apply? Are you set up to quickly identify, "Yep. I've triggered the reporting notification in this or that state, so I need to do X, Y and Z."

And you can't effectively do that within the timelines



required under the GDPR or CCPA unless you're prepared for it prior. If you don't want to be flying by the seat of your pants, you've got to have your plan in place, the technology in place and the team in place. And ideally, you've also done some tabletop exercises in preparation for it.

**You mentioned that many organizations are bringing much of their document review in-house. Can you expand on this?**

Well, I think it's a natural evolution that began soon after organizations started bringing parts of the e-discovery process in-house. Certainly, it applied early on to legal holds. And, interestingly, we're seeing a resurgence and interest in legal holds because while the early iterations of legal hold technology essentially ensured that you were complying with all laws in terms of notification and acknowledgement, with the arrival of technology enabling you to preserve data in place, you know that you're not going to run afoul of spoliation of evidence laws, through either inadvertent or intentional unauthorized deletion of data, because you're able to preserve it in place. And so, we're seeing technology able to automate that first part of the e-discovery process.

We're also seeing a move to integrated, unified platforms. Seven, eight, nine years ago, there was much more of a best-of-breed mentality. You chose the best legal hold provider, the best collection provider, the best processing provider, the best review provider, etc. Now, organizations are seeing the value of orchestrated workflow, where all of those capabilities and functionality is available in one seamless platform. Now you can easily, quickly put a 'preservation in place' on data. You can determine whether it's potentially responsive. You can easily and quickly collect and process it and immediately begin the review process, as opposed to having to use one product, then upload to another, download, upload, handoff and so forth. Because there's so much risk when you start doing the

manual handoffs. So, one of the biggest trends is this move to integrated platforms that can manage the entire process include features like artificial intelligence and process orchestration that were unknown to many organizations as recently as five years ago.

**There's so much data to cull—structured, unstructured, voice, video, personal devices, alternative communications like Slack and text. What's your advice to in-house executives struggling to navigate all these streams?**

When you can do document review into the system going to gain efficiencies and minimize costs

First, look for technology vendors that can connect to all these different technologies. Lots of technologies can integrate with Office 365, which is important because of its ubiquity in the market. But you've also got to worry about Slack, and archiving solutions like Druva and Proofpoint, and applications like Asana and ServiceNow and Salesforce.com. I could go on and on and on.

So, because data is so vast and variegated, and because it's so widely dispersed, both on-premise and in the cloud, you've got to find technology vendors that have the ability to directly connect where that data is stored. Once you can do that, you now have the ability, with the right technology, to start the review process before collection. You can ask yourself, "Okay, within these parameters, is this data really potentially responsive so therefore I want to collect it and proceed to formal review?" Or "Can I cull before I've even collected?" And that's incredibly important from both a time and a cost perspective. So that would be the biggest piece of advice: Look for a technology vendor that can connect to all of the different data sources that you use internally.

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# Reduce Risk and Cost by Leveraging AI and Cloud Computing

*Steve Cole, DISCO*



## Steve Cole

Steven Cole has experience managing large cases as a practicing attorney which helped him see multiple ways technology could help lawyers work more efficiently. He made this his career and never looked back. At DISCO, Steve heads up our corporate market's sales strategy and efforts. In doing so he's guided by many years working with corporate and law firm counsel on their most sensitive and strategic initiatives. Technology matters, service matters, and commitment to excellence can never waiver.

**CCBJ:** To start off, Steve, tell us about your background and what sparked your interest in legal technology.

**Steven Cole:** I'm a lawyer by training. I litigated for about six years, working on mostly large, discovery-intensive matters. As I've loved technology ever since I was a kid, I was drawn to emerging legal technologies, realizing that a lot of work I was doing could be more interesting, and more fun, using computers. E-discovery didn't really exist when I was handling these large matters; my focus was on collaboration and knowledge management.

What gets me excited today is the marked acceleration of innovation in the legal vertical. My long-awaited expectations, especially regarding the ability to leverage artificial intelligence in our practice by simply clicking a button, are now a reality. We can turn on AI and lawyers are able to understand their case in a matter of hours, or maybe a couple of days, versus the few weeks of review it previously took to get their arms around the subject, and the corpus of their data. This is the real, current state. It's no longer something that's aspirational, and I'm just personally excited to be involved in this transformation of our industry.

**In your role, you meet with in-house legal teams regularly. What are the greatest challenges they are facing, and what advice do you provide to address their larger issues?**

Meeting with corporate in-house teams across so many verticals has been my absolute favorite aspect of my role. Corporate counsel are increasingly being asked to control costs and to do more with less. As you might expect, this has put pressure on key employees, and talent retention is very much on GCs' minds. Doing more with less involves identifying where and how work actually gets done and exploring how it can get done more efficiently.

The advice I offer to anyone beginning this journey is to identify how people are spending their time, and whether the right work is being done by the right person. Are there routine but costly non-



strategic areas that can be outsourced? And, perhaps even more impactful and cost effective, what tasks can be automated with technology? When lawyers can automate repetitive tasks, they can focus on more strategic activities that require legal judgment—work that is related to the reasons they went to the law school.

**Regarding legal technology selection, especially as it relates to e-discovery, what are some of the most important criteria to keep in mind when evaluating a product?**

First, be open to evaluating new e-discovery options. The world has absolutely changed, and the number one mistake corporations make is accepting the status quo. A lack of innovation with respect to e-discovery exposes you to unnecessary risks, unnecessary outside counsel costs and unnecessary burden on already-stretched teams. You want technology that helps find key evidence in the quickest way possible, with the greatest accuracy, and at the lowest total and predictable cost.

One key element of such technology should be powerful early case assessment capabilities that will allow you to quickly visualize case trends, cull irrelevant data and find potential evidence quicker. Being able to learn these key facts quickly, rather than after weeks of costly review, will not only likely save you on review costs, but enhance your counsel's large-case-strategy performance.

Other criteria to look for are tools that allow greater doc-to-doc speeds and offer full-time AI support and quality control, thereby ensuring both speed and accuracy.

Finally, ease of use is a big factor. Ask yourself how quickly you can have teams efficiently using the platform. While it's hard to assess the frustration factor in software, when tools are both enjoyable and easy to

use, you gain far greater adoption and impact.

**When it comes to saving time and cost, something that is top of mind for most teams, what strategies are you seeing work well?**

First of all, taking control over the process, the technology and the review team will drive the greatest efficiency and it sets you up for future gains. You should be able to create a scalable repeatable process for all matters -- both big and small. And, there is no reason you can't save 30-50% off each review, if you leverage the right processes, the right technology and a team of reviewers who know how to optimize that technology.

Outside counsel costs will likely be the biggest line item in any matter, so make sure they adhere to the review strategy and protocol and escalation process that's articulated in a written playbook. And make sure a competent but lower-cost vendor—not outside counsel—handles the heavy lifting part of the review.

You will also want to make sure that your cost structure is unitized, or bundled, as opposed to just paying hourly rates for review of documents. Another way to save on review time and costs is by leveraging advanced early case assessment (ECA) tools to cull out a lot of what's clearly not responsive. It's best if the ECA tools are fully integrated directly into a platform, which allows for easy, powerful searching, additional culling and more robust data—in short, a lot more usability, and the ability to be a lot more flexible in how you approach ECA.

Finally, cross-matter AI can help in-house teams repurpose work product from one or many prior matters, which can significantly reduce cost while speeding up the finding of evidence from similar litigations.

**A recent ACC survey concluded that despite increasing reliance on online platforms for internal and external communications, such as Slack, Teams, Facebook, Zoom and WhatsApp, many companies have been slow to implement formal practices surrounding the retention and preservation of online data. In fact, over 70 percent rated their organization as immature or intermediate in this area. How should e-discovery teams handle the ever-growing types and amounts of data?**

To find evidence, in-house lawyers must dig deep and inquire about all of the potential ways corporate employees are communicating and collaborating. Having clear and up-to-date document retention and litigation hold strategies that are both understood and adhered to is helpful. Partnering with IT is, of course, key, as is understanding the organizational culture and how information is created. A major problem with many of the newer collaboration applications you mentioned is formatting. Data exported directly from Slack and other such tools can sometimes be nearly indecipherable. In its raw format, extracting and presenting relevant information from a multi-person stream with links, redactions, graphics and shared files is complicated, to say the least.

Reviewing inadequately formatted data is risky and potentially costly. For example, some technologies will simply render Slack channels in a manner that arbitrarily separates threads into separate, hard-to-review files.

I would advise making sure you leverage a technology capable of recreating the visual structure of Slack but in an intuitive and readily viewable format. For example, DISCO worked hard to develop an environment with workspaces and full channels, complete with links, usernames and active contacts, recreating a viewer that provides a holistic picture of the Slack ecosystem so the reviewer doesn't

have to toggle through multiple files or create content, and instead can easily scroll through the communication stream in much the same fashion as an original user could have. This ease of use reduces the time it takes to gain insights and uncover relevant custodians and topics of interests.

**Some corporate legal teams may be considering bringing e-discovery in house. What are a few critical success factors to ensure this change runs smoothly, and yields the anticipated rewards?**

Bringing e-discovery in-house no longer has to mean physically bringing software onto your own servers. Because of the cloud, it's more of a concept of control, and bringing technology in-house has never been easier, less of a burden on your resources or more cost-effective. To ensure success, you're going to want to define meaningful reporting and metrics criteria for benchmarking quality assurance and for program improvement. You should construct well-defined playbooks that follow workflows, processes and best practices. They should be accessible in writing and enforced with an eye towards process improvement as well.

You should also be mindful that implementing any new workflows or technology requires some degree of change management. Adopting intuitive, easy-to-use technology will alleviate a lot of the pushback comments associated with more complex legacy technology rollouts. That said, employees will still need training on best practices and the optimized workflows. It's also important anytime change management is required to have a top-down mandate for each program, so make sure department leadership embraces the change and helps to support your efforts as you push innovation and change to the four corners of your department, your vendors and your outside counsel. Remember, they're all going to

be responsible for embracing the processes and new technology you've laid out.

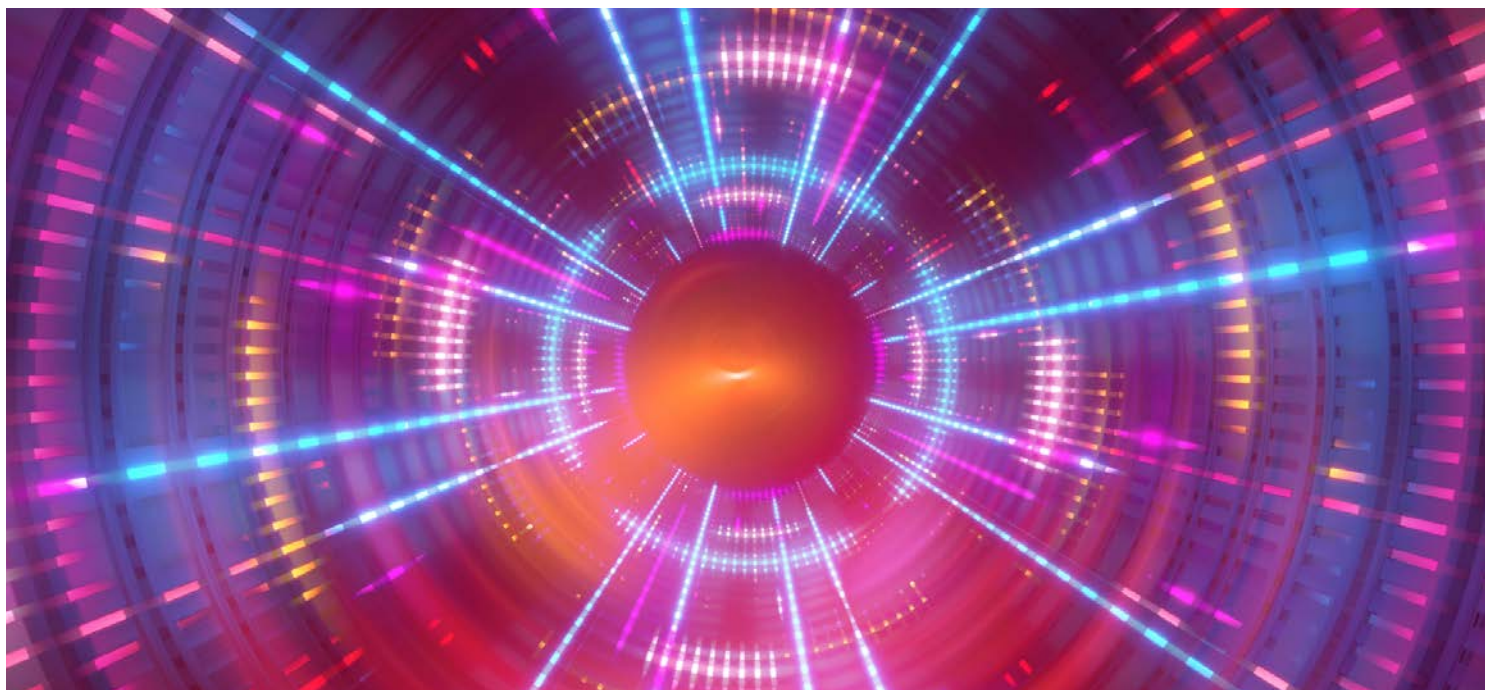
**Beyond traditional e-discovery, what other uses of search-related technology do you foresee, such as within investigations?**

The art of the possible is expanded when an organization's universe of information can be thoroughly and easily searched and consumed. And by "consumed" I mean effectively reviewed, categorized, understood and leveraged. During a recent CLOC webcast, Meredith Williams-Range, Chief Knowledge and Client Value Officer at our client Shearman & Sterling, mentioned that "investigatory technology" is a more apt description of our product, and I agree with that. When you put that kind of descriptor on it, you can envision myriad use cases beyond just basic litigation e-discovery, including to speed up internal investigations, HR investigations, regulatory

responses, GDPR/data subject access requests, data breach requests and even subpoena requests. There are so many emergent use cases, particularly around privacy and compliance, that would benefit from powerful e-discovery live search capability.

**Metrics are becoming increasingly important in the operations of an in-house legal team. What metrics should be considered for e-discovery?**

There are several metrics that review vendors should be tracking for quality purposes, but there are also a few simple metrics that any corporate counsel team would find helpful. They include utilization reports (who's on the platform and how are they using it?); ECA cull and cost avoidance rates (how effective are you at reducing data prior to incurring review costs?); document review rates; a metric on how efficiently the platform and the review team work together on a given review (this is ultimately a large



factor in your cost function); and unitized cost reporting (how much did it cost to review each document?).

Quality reporting that calls out metrics such as error rates and overturn rates is important for several reasons. A higher overturn rate usually means more involvement by your costly outside counsel. It means that more attention needs to be paid at the review stage, which is expensive. It also could raise issues of risk. And when we're talking about monitoring error rates and overturn rates, it's very important to properly identify privileged materials; given the importance of not producing privileged documents, I would separately monitor privilege-related error rates and overturn rates.

**Circling back to the bringing of e-discovery in-house, how would you rate departments' use and adoption of technology today versus 10 years ago?**

If you look at maturity models, and where corporate legal departments were on such models, you can absolutely see—from policy, protocol and technology perspectives—an absolute evolution towards driving greater efficiencies. These efficiencies are being driven largely by leveraging enterprise grade technologies, utilizing the right resources in the right locations and through greater use of metrics and benchmarking.

In a nutshell, organizations have never been more open to technology, including embracing the cloud. Just a few years ago, many of the global banks I worked with had a policy of not pushing information out to the cloud. Now, computing in the cloud is commonplace. It's an exciting time because organizations are able to increase a lot of their capabilities in ways that they couldn't with single-point software.

I've also observed more "technology natives" coming up the ranks; people who are very comfortable with metrics, spreadsheets and online tools that help accelerate and improve processes. Legal is catching up to where other departments have been because the talent that they are acquiring is very well-versed in technology.

**What would you most like corporate legal executives to know about DISCO? What sets your solution apart from others?**

DISCO is a paradigm shift in the marketplace. It helps lower risks and costs by fully leveraging the power of cloud computing and AI technologies. However, it's not just a great technology, it's a solution lawyers love working on—and that's a huge differentiator. The net result of its robust yet easy-to-use capabilities is that you can unearth key evidence often much faster, at a lower total cost and with less risk. Finding evidence in days versus weeks means your counsel can make important strategic decisions earlier on and arrive at better outcomes for your organization.

It is also important to note, the DISCO AI, which helps on a single case, can also be deployed across all matters. Cross-matter AI allows your teams to apply learnings from prior cases to provide lift in future work, including early cases assessments and privilege screenings to name a few. Lawyers love DISCO, and I am personally proud of our exceptionally high client satisfaction scores.

**Cross-matter AI allows your teams to apply learnings from prior cases to provide lift in future work, including early cases assessments and privilege screenings.**



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# Spotlight on OpenText™ Axcelerate™

*Jennifer Easley and Rachel Teisch, OpenText™*



## **Jennifer Easley**

Jennifer Easley is a Senior Director of Product Management in the Legal Tech Business Unit at OpenText where she guides the development of Axcelerate eDiscovery solutions in response to evolving technological capabilities and customer priorities.

**Rachel Teisch: Can you tell me a bit about OpenText Legal Tech, and what the acquisitions of Recommind and Catalyst bring to the table?**

**Jennifer Easley:** In 2017, OpenText, which is a \$3.3 billion publicly traded company founded in 1991, made a series of strategic acquisitions in e-discovery to augment its leadership in information management. The first acquisition was Recommind, the leader in predictive coding, where I led Axcelerate product management. The second acquisition, two years later, was Catalyst, known for its Insight E-discovery platform and Insight Predict continuous active learning tool.

Both companies bring substantial market leadership and experience in technology-assisted review (TAR), also known as predictive coding, to our clients, as well as comprehensive start-to-finish e-discovery. Axcelerate is available globally and is used by law firms, corporations and government agencies of all sizes for litigation, investigations and regulatory compliance. Insight is available in North America and is used by many of the largest law firms and corporations for the same, including serial repetitive litigation.

The Legal Tech product portfolio includes Axcelerate, Insight and Insight Predict (TAR based on continuous active learning), Decisiv (enterprise search and knowledge management software from Recommind), Legal Hold (cloud-based legal hold software from Catalyst, formerly known as TotalDiscovery), and the eDOCS legal content management platform (formerly Hummingbird).

**What innovations has OpenText brought to market since the acquisitions of Recommind and Catalyst?**

A lot. We introduce new enhancements and features across all products on a quarterly release schedule. We're always looking at better ways that global corporations and their law firms can meet the demands of modern litigation, investigations and regulatory compliance matters--faster and with better quality and at lower cost.

We're continually looking at how our clients can handle the three "Vs": More ESI Volume, Data Velocity and Variety. We're also well attuned to forward-thinking features that will help clients meet regulatory mandates, such as data privacy rules and DSAR responses, data breaches and more civil litigation and investigations with tight timelines.

An example of a significant upcoming enhancement for Insight is the pending release of Best Passage Highlighting using Insight Predict. This unique capability brings transparency to Predict TAR processes by shining a light on the key passage within a document surfaced by Predict's TAR algorithm so reviewers can easily see why a particular document is likely to be relevant.

### **From your perspective, how is Axcelerate unique in the e-discovery market?**

Jennifer: There are several areas in which Axcelerate brings distinct and differentiated value to help our clients tackle new challenges.

#### *End-to-end integrated capabilities*

First, Axcelerate is truly an end-to-end integrated e-discovery platform that's engineered to fuel efficiency and cut costs at each stage of the EDRM, from collection through production. Many of our corporate clients assessed their technology strategy and moved away from eDiscovery point solutions and numerous service providers to take advantage of the comprehensive and integrated end-to-end capabilities of Axcelerate, which is fully supported by expert services, project management and the OpenText support team.

Axcelerate offers more than 45 connectors to data sources. We've expanded connectors (including Google cloud storage, Teams, Slack and Cellebrite) so that legal

teams are in control of data collection and can collect expansively but precisely to constrain the volume of data for eyes-on review.

Our clients can then move to fast and effective processing and culling, using the richest set of smart filters in the industry, automated phrase analysis and concepts and predictive filters that "find similar" data fast to quickly reduce and refine review sets. From there, TAR, Predictive Search and advanced analytics can be applied to quickly find relevant data and redact in bulk or by document. Axcelerate's production wizard easily executes discovery sets with automated QC to assure productions are correct and that redactions are complete.

#### *Powerful front-ended analytics*

Second, our development team has made Axcelerate's powerful analytics tools available up-front in Axcelerate Investigation to help conduct early case assessment and narrow data sets without (or prior to) conducting a full TAR review. Axcelerate Investigation can be a standalone platform and is also part of the full Axcelerate solution. We've also integrated text analytics from OpenText™ Magellan™ to provide additional windows of insight into the context and meaning of data. And, of course, Axcelerate's TAR capabilities are very robust.

Third, Axcelerate can be deployed in different ways, depending on what fits best with your IT environment, e-discovery needs, budget and resources. We have clients who have it installed fully on-premises, some in a private AWS cloud, and others on a cloud-based OnDemand model. We also offer a hybrid on-premises and cloud model for clients who want to keep some data on-premises for reasons such as data security or data privacy needs, as well as a mobile air-gapped solution when data can't be moved at all off a client's premise.

## What's new with Axcelerate?

Over the past year, we've continued to add connectors, streamlined data ingestion and improved review management processes with review in context and review batch grouping. We have also substantially enhanced Axcelerate's reporting capabilities for better project management. New or revamped reports include review progress reporting, reviewer productivity reporting and overturn reporting.

On the analytics side, we introduced Visualizer. These powerful visual analytics and heat maps surface patterns within review data and detect anomalies, opening entirely new opportunities for seeing the context and meaning of data by displaying how any two non-binary analytics viewpoints compare to each other. For example, file size and MIME type can be mapped against each other for additional detail on the structure of data sets and custodians can be mapped against fact vs. opinion analysis to see who is prone to unsubstantiated assertions.



*Axcelerate Visualizer dashboard view*

Axcelerate also introduced the ability to view, redact and produce Microsoft Excel files in native format.

## Diving more into the Axcelerate platform, how does it address new communication forms, such as chat?

New communication channels always add complexity to the e-discovery review process. Employee use of communication channels such as Microsoft® Teams

and Slack™, for example, accelerated with an increasingly remote workforce. Review teams now need to synthesize complex chat threads in addition to email and other forms of electronic communication—but piecing together the facts from amongst disparate sources is often unwieldy.

Axcelerate tames chat review with efficiency and automation by making it easy to ingest chat data with a connector and pre-configured parser for Microsoft Teams, a pre-configured parser for Slack, and a generic parser for all other forms of chat data. In Axcelerate Cloud Edition (CE) 21.4, our latest release, we've built on chat review functionality, offering better ways to review and understand business communications that go far beyond email threads.

In addition to intuitively displaying chat conversations, Axcelerate allows reviewers to break down chat histories by date to narrow the volume of chat data that requires review. They can also open the chat participant panel to easily view all the participants involved in a chat thread. Furthermore, the enhancement improves review efficiency by allowing reviewers to preview chat attachments so that they can quickly assess which attachments warrant closer review and which can be skipped.

Powerful visual analytics and heat maps surface patterns within review data and detect abnormalities.



**Let's talk about data privacy compliance, including the GDPR and CCPA, is also a relatively new challenge many organizations are facing. Can you talk about Axcelerate's capabilities in these areas?**

It's certainly an increasing area of focus for our clients. E-discovery platforms must have extensive data identification and protection tools to avoid exposing personal data (to opposing counsel and other parties), so e-discovery workflows are naturally tuned for other data privacy use cases.

For subject rights requests, including DSARs, Axcelerate is ideally suited for requests that involve large volumes of diverse data such as requests coming from staff. Axcelerate's analytics tools and review workflows cut the cost of fulfilling requests to a fraction of more manual processes. Axcelerate's automated detection of names also assists by making it easier to redact third-party data so as not to infringe on their privacy while honoring the rights of the requestor.

Axcelerate is also very capable at handling data breach response investigations. In addition to having the tools to find the pattern-based sensitive data that was breached, Axcelerate's analytics and review capabilities can also discover and define the confidential business information (CBI) such as contracts and client lists that may have been breached for a full assessment of the impact to organizations.

Axcelerate CE 21.4 introduces Regular Expression (RegEx) Search Enrichment (or pattern search) to detect and protect personal and confidential information. RegEx Search Enrichment protects data privacy and speeds review by auto detecting PII, PCI and PHI and capturing the identified values in Smart Filters. In this latest release,

Axcelerate's pre-configured PII pattern recognition includes sensitive information such as SSNs, credit card numbers, email addresses, taxpayer IDs, passport numbers, Medicare numbers and birthdates. These same pre-configured patterns were also added to the bulk redaction wizard.

**Please share more about the OpenText services you've mentioned?**

We offer supporting services across the EDRM, including collections, digital forensics, managed document review, TAR consulting and more, all designed to optimize the use of Axcelerate and Insight. I'll focus on just a few of the newer ones.

In many e-discovery or investigation review scenarios, the goals may differ depending on the type of investigation, whether it's an outbound production, an inbound review, a third-party subpoena or a regulatory request. So, a straight TAR process may not always be the most efficient or cost-effective.

Our professionals are expert at being dropped into what may seem like impossible situations in terms of timelines and budget. They leverage our technological tools and proprietary review tactics to hit extremely tight deadlines and save costs by aggressively but defensibly reducing review volumes and quickly finding the facts.

Last year, we introduced Recon Investigations, a revolutionary new way to uncover facts in ECA or an investigation with unprecedented speed, accuracy and cost-savings. Unlike a traditional review, where you might find the 50 to 100 documents that matter after having conducted a full review and spent millions of dollars over several months, our experts in unstructured data interrogation will find those same documents before a



full document review even begins – often in just two or three weeks – giving clients the documents that can better inform case strategy and downstream spend decisions.

There are a lot of other review situations as well, such as third-party subpoenas and HSR second requests, to name a few—in which a full-blown TAR review may not be the most effective way to meet a client’s goals. For example, in a third-party subpoena, we’ll use investigative and analytic techniques to quickly find groups of documents with similar characters that are amenable to bulk coding leading to production. It’s an optimal approach for meeting legal obligations within time and budget constraints.

This investigative review approach can also be used in conjunction with a managed review to assess inbound productions from opposing parties to quickly find key evidence, kickstart the TAR process, bifurcate a review (apply more traditional TAR to some documents while simultaneously bulk coding a subset of documents), or complement QC to ensure alignment to requirements. We also launched a Breach Response Analysis & Reporting

service to help clients mitigate risk by quickly identifying breached data, including PII, PCI, PHI and CBI, along with who was breached. This service builds upon our investigative expertise plus the power of our e-discovery platforms, whether Insight or Axcelerate, for automated pattern detection, entity identification and standardization, and the discovery and review of CBI.

#### **Please provide some examples of how clients benefit from Axcelerate?**

Let me highlight how a few of our clients use Axcelerate.

##### *Switch*

Axcelerate has helped Switch, a global technology infrastructure company that designs, builds and operates data centers, to deliver results 50 percent faster than the providers they used previously through a combination of our technology and managed services. The flexibility of Axcelerate’s deployment options delivered a hybrid solution that further met Switch’s need for absolute security of data, with some components on-premises and some in the cloud. Saving money was also important to Switch, and they materially--and almost immediately reduced costs.

##### *Serious Fraud Office*

The Serious Fraud Office, or SFO, is another example that comes to mind. They’re a branch of the UK criminal justice system dedicated to investigating and prosecuting large-scale cases of fraud, bribery and corruption. The volume of documents, and sheer number of cases, were historically a problem for the SFO. Axcelerate easily handles their high data volumes and the SFO investigators appreciate how quickly they can now find the important documents that they need to proceed with their cases.



### ***Rachel Teisch***

Rachel Teisch is Sr. Director, Product Marketing, Legal Tech at OpenText, where she is responsible for product marketing strategy and execution. Rachel has a 21+ year track record helping high-growth professional services firms and technology companies in the legal tech and eDiscovery space scale through the development and execution of marketing and business development strategies. Rachel can be reached at [rteisch@opentext.com](mailto:rteisch@opentext.com).

### ***Pillsbury***

Pillsbury, an AmLaw 100 law firm, uses Axcelerate to provide a differentiated and more efficient e-discovery process for their clients. They've standardized discovery processes across projects in a consolidated platform and have reduced costs by processing and hosting data in a self-controlled cloud environment. They have also told us that the ability Axcelerate gives them to quickly get to the facts in their cases has allowed them to form the narrative and merits of their cases earlier, giving them strategic and settlement advantages.

### ***Phillips Lytle***

Phillips Lytle also comes to mind. The firm has repeatedly outperformed client expectations and hit new deadlines by using Axcelerate's TAR and analytics in conjunction with OpenText services to help develop and implement many kinds of review workflows, from linear to continuous prioritization to expedited production. Further, Phillips Lyle has been able to minimize staffing obligations on review projects that would have otherwise required a large team of review attorneys working around the clock, thus saving their clients substantial time and money. Finally, the firm has reduced infrastructure costs, can scale capacity and pay only for what they need by deploying Axcelerate in the cloud.

### **What's next on the horizon for Axcelerate?**

We will continue to enhance the breadth of connectors, the visualization and reporting tools within Axcelerate along with everything else required to help clients run fast, easy and cost-effective e-discovery.

In the near future, Predict – the continuous active learning algorithm in Insight – will be integrated into Axcelerate. Predict continuously learns what's important to the matter and becomes smarter as the review progresses, and its companion contextual diversity algorithm ensures that no pockets of data are left unexplored. We have a dedicated team devoted to advancing our machine learning efforts across our product portfolio and are excited to bring this advancement to Axcelerate customers.

I'm excited by what the future of Axcelerate holds.

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# How to Make the Case for E-discovery Software

*Melissa Tatham, Zapproved*



## **Melissa Tatham**

As the VP of Marketing, Melissa Tatham has helped grow Zapproved into a leading cloud-based software provider for corporate legal teams. She focuses on creating brand experiences that draw from a deep understanding of customers' challenges to light the way for corporate legal departments to respond to litigation more efficiently, defensibly, and cost-effectively. Melissa has more than 20 years of high-growth B2B software experience and holds a B.S. in Marketing from the University of Colorado, Boulder.

It's a story we hear often: the disconnect between corporate legal professionals and those responsible for allocating budget. The legal professionals are in the trenches, creating and carrying out defensible legal processes to ensure that the company is not at risk. Yet, they don't always feel empowered to advocate for the tools they need, even when having these tools will save time, reduce risk, and even lower the company's legal spend.

One of our customers in manufacturing summarized it well: "The first time you are forced to defend your process in a class-action lawsuit rather than defending the case on the merits, you will be paying for your decision not to have the right software in place."

In short, legal professionals get it. They understand the risk of using a manual or outdated process in situations where there's no room for error. So why is it that time and time again, projects get pushed back, budgets can't be allocated, and it seems impossible to gain support for critical technology purchases?

## **Why Invest in In-House Technology?**

It's no secret that e-discovery is a significant portion of the corporate legal budget, and it is only going to increase as data volumes increase and data sources diversify. This trend will accelerate as remote or hybrid workplaces become the norm.

Legal teams must also factor in the time-cost of administrative tasks around e-discovery, such as sending and managing litigation holds, preservations, data collections, and performing manual e-discovery tasks for small matters that are not typically outsourced, such as internal investigations.

Historically, e-discovery tools were not designed with corporate e-discovery use cases in mind and were too complex for most in-house legal teams to justify the high internal investment in both staff and technology to use it effectively.

## **Outsourcing worked for a long time. Why isn't it scalable anymore?**

The pricing model for e-discovery service providers is still primarily

based on data volumes. An e-discovery strategy that relies solely on service providers is not built to scale for an increasingly digital world with an increasingly diverse set of collection channels.

It requires you to make a hard tradeoff between risk and expense.

**High Expense:** *If you choose to outsource 100 percent of your e-discovery to service providers, even routine matters that could easily be handled in-house require a slice of the legal budget.*

**High Risk:** *If you over-rely on manual processes to reduce cost, you are exposing yourself to more risk, as manual processes are harder to defend and there is a greater chance of missing relevant documents.*

*Additionally, without adequate technology, e-discovery work is time-consuming, requiring hours of staff time for even simple tasks.*

### User-friendly e-discovery software changes the game

As more approachable e-discovery software becomes available, you can now bring more e-discovery in-house without overburdening your team or hiring a host of dedicated e-discovery experts. Incorporating in-house software allows you to take a hybrid approach, utilizing a combination of both software and outside services to appropriately balance cost and risk on a case-by-case basis.

### The Hybrid Approach to In-House E-discovery

In-house e-discovery isn't an all-or-nothing prospect, and e-discovery software will never replace the need for outside counsel for higher risk or highly complex cases. It simply doesn't make sense to handle every matter in-house. Instead, legal teams can leverage outside counsel's surgical expertise when needed, while handling the bulk of routine matters in-house to save time and reduce overall spend.

A hybrid model means you:

*Choose the right mix of in-house technology and outside providers for each matter*

*Maintain defensibility*

*Improve team efficiency and responsiveness*

*Proactively manage costs as data volumes increase*

*Still get the benefit of outside counsel's specialized expertise*

### When Should You Evaluate an Investment in E-discovery Technology?

There are certain inflection points that can indicate that now may be the ideal time to reevaluate your strategy towards e-discovery. Any of these factors indicate that you should consider bringing software in-house and/or start automating some of the more manual processes involved in e-discovery. Here are a few:

#### Example 1. Your business is growing.

*For example, your revenue or number of employees is increasing. This is an indicator that litigation volumes or data may be expanding as well.*

#### Example 2. The number of cases per year is increasing.

*This could be a result of a growing business, or a response to another factor, such as an increase in COVID-related employment matters.*

#### Example 3. Changes in regulation.

*For example, new regulations like GDPR could increase the number of information requests you receive or increase your risk if your processes are poorly defined.*

#### Example 4. Increase in risk.

*If you are in a highly regulated industry, there may be reasons why risk might be higher than normal, such as a highly publicized case at a similar company.*

**Example 5. Changes in technology.**

More companies are adopting more communication channels outside of email, such as Slack and Microsoft Teams, which may increase data volumes or require better organization. Another example is more data produced as a result of an increase in remote work.

**Example 6. Company-wide initiatives around digital transformation or security.**

If your company is already carrying out a major technology initiative, such as migrating the workforce to the cloud, it could be a great opportunity to pitch cloud-based e-discovery as a highly aligned project that will modernize legal operations and reduce IT burden. In addition, company initiatives to reduce risk are also well aligned, since SOC2 Type-2 certified software like ZDiscovery provides enterprise-class data security practices.

service providers charge for processing by the gigabyte (GB), production by the page, and a recurring fee for hosting. Given that, here are a couple of examples of **hard cost savings** that you will realize by adopting e-discovery software in-house:

**Example 1.** By pre-processing and reducing the amount of data sent out for review, you will directly save on review fees. Most of our customers report that they reduce their data volumes by 50 percent or more.

**Example 2.** For every matter that you choose to bring entirely in-house, rather than send out, you are saving money on outside counsel.

Second, as we all know, time is money! If you can make your team more efficient, there are cost savings to be gained from **productivity improvements**. For example:

**Example 1.** Your paralegal spends 16 hours per week manually tracking responses for legal hold



## Making the Case at Your Organization: Focus on Cost and Risk

While the benefit of e-discovery software might be obvious to you, if you're not the one holding the purse strings, then you need to make a compelling business case as to why it's a good investment!

A solid business case will help make it clear to anyone, even someone who is not in the legal department, the value that the software will deliver. Focus on the two most important benefits of in-house e-discovery software: cost reduction and risk reduction.

**Breaking Down Your Costs**

It's helpful to think about costs in two ways.

The first is "hard" costs. This is the amount that shows up on your bill from your service provider. Most e-discovery

notifications and following up with custodians. You know that automated legal hold software would reduce the amount of time spent managing holds by 80 percent. Based on the salary of your paralegal staff, you can calculate the savings you would derive from an automated solution.

**Example 2.** E-discovery for internal investigations is currently handled manually. You have, on average, 45 internal investigations per year, and each investigation takes 1-2 weeks per matter to review. If you know that you can reduce your time spent on review by 50 percent, you can start to quantify your cost savings.

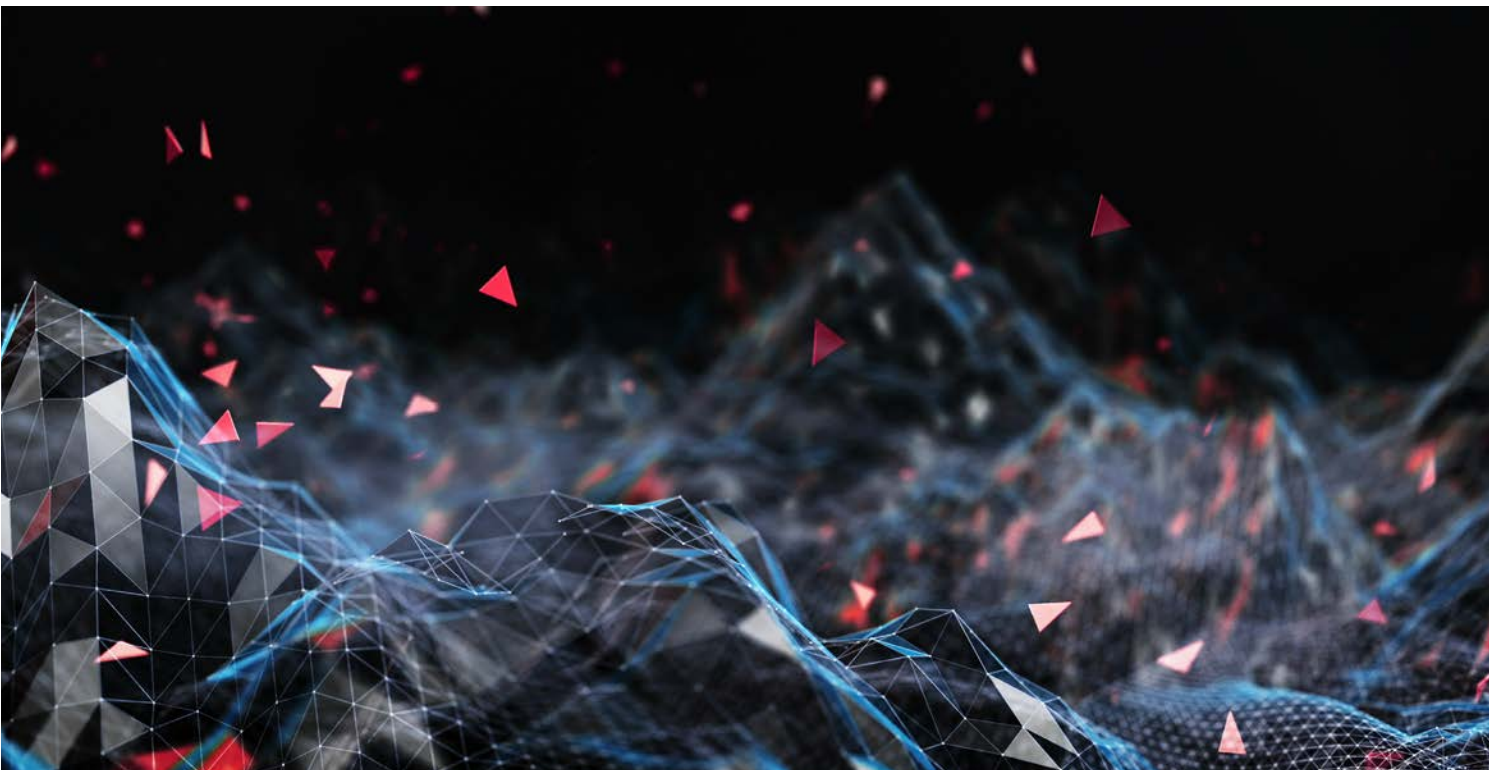
**Example 3.** Members of the IT team receive about 80 requests per month to preserve and collect

data. Each request requires about two hours. By setting up automated preservations and collections in Microsoft 365 from your legal hold software, you estimate that you can reduce the total amount of time to preserve and collect data by 80 percent and remove the burden from the IT department.

It's essential to account for your team's workload because this is time that could be spent on other high-value tasks. Though harder to quantify, there is always an opportunity cost in addition to the cost in the form of salary.

### Quantifying Your Cost Assessment

Using these two views of costs, you can start to quantify how much you are currently spending on e-discovery, including service fees as well as operating costs.





**Understand how much you are currently spending on e-discovery.** This includes hard costs as well as the cost of time spent. Summarize your average cost per matter for the past few years.

**Analyze key trends.** Is the amount of data per matter increasing? Are the number of litigation events increasing? What about the number of information requests, or subpoena requests?

**Outline your expected cost savings associated with in-house e-discovery software.** For example, how much could you reduce your data volumes by pre-processing? How many matters are currently sent to outside counsel that could feasibly be taken in-house? What time-savings can you expect with automated legal hold software? Your prospective e-discovery vendors can provide you with benchmarks and case studies to help you validate these hypotheses.

**Once the software is selected and a quote is given, you can perform an ROI analysis to determine the payback time on investment.** This is the primary resource that you will use to justify the investment with decision-makers in the finance department.

## Analyzing Risk

Legal teams are tasked with the challenging job of making sure their companies control legal risks and stay protected from lawsuits. Again, it may be clear to you how technology can help you achieve this, but you need to communicate this to stakeholders outside of your team.

To do this, we recommend performing a risk assessment. This is a well-established process that project managers from many disciplines have been using for years, and your company may even have preferred frameworks or project managers that specialize in this area.

A risk assessment consists of two parts:

**Identify what could go wrong.** For example, how easily could you defend your practices if called upon?

**Analyze the likelihood that each risk will occur, as well as the consequences linked to each risk.** You should also use this section to make a recommendation as to how to mitigate these risks.

## What to Look for in E-discovery Software

Remember, the goal of a hybrid approach is not to bring 100 percent of your matters in-house but to achieve the right balance between technology and outside providers to allow you to optimize for cost and risk. Therefore, the most important quality to look for in e-discovery software is ease of use.

There is no limit to the number of e-discovery software solutions out there. However, not all e-discovery solutions are built with in-house counsel in mind; most are built for technology experts and require lengthy training sessions and certifications.

Do not prioritize more features at the expense of simplicity! As long as your software is powerful enough to process large data volumes, and will cover 80-90 percent of simple use cases, the solution that is the easiest for your team to pick up and use is going to be far more useful than software that is over-engineered and too complex.

Look for in-house tools that are:

- *Designed specifically for corporate e-discovery*
- *Simple enough that anyone on the team can learn and use it*
- *Full featured enough to cover 80-90 percent of routine use cases*
- *Flexible to integrate with your existing enterprise systems*
- *Cloud-based to comply with enterprise-level security requirements*
- *Built to reduce the maintenance burden on IT*

## Team, Assemble!

As a final recommendation, we'll leave you with this: No matter how amazing you are (and we're sure you're pretty amazing), you can't complete a project like this all by yourself. The decision to bring more e-discovery in-house is one that affects more than just the legal team!

So before you even begin, start to identify and gain buy-in from your stakeholders, especially those in other departments. To do this, you need to understand not just how you can benefit from their help, but how they can benefit from this project as well. This starts with understanding the primary needs and functions of their roles.

Here are some key stakeholders that are most likely to be involved in this purchase along with some questions to ask yourself to help you determine ways they might benefit from this initiative.

### Information Technology (IT)

- *How is the IT department involved in the current process? For instance, do you need to call upon them for help with preservations and collections?*
- *Is there a way for this project to reduce the amount of time their team spends on this activity?*
- *How does this align with any ongoing digital transformation initiatives that they may be leading?*

### Security

- *What are the security benchmarks that need to be met?*
- *Are there any security vulnerabilities with your current process?*

### Finance

- *Will this project result in lower operating costs*

*for the legal department? What is the return on investment for this software purchase?*

### Human Resources

- *Will an investment in software help with their processes, such as internal investigations?*

### General Counsel

- *How will this project support their objectives to lower the company's legal risk profile, as well as reduce the expenses of the legal department?*

### Paralegals and Legal Assistants

- *How can the paralegal staff help you identify opportunities for efficiency improvements?*
- *Can they help you quantify the amount of time spent on repetitive tasks?*
- *By identifying opportunities for better processes and automation, you can help make their day-to-day work easier.*

## Summary

While making the case for software purchases may not be something that you do every day, the good news is that, as a member of the legal department, you are intimately familiar with the challenges associated with e-discovery. That's half of the journey!

Our goal, as always, is to partner with corporate legal teams to help you reduce costs, manage risks, and solve problems. And part of this partnership is helping you make a compelling business case that will resonate with your stakeholders and help you gain priority and budget. So what are you waiting for?

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# AI in Legal Bill Review: Finding the Best Among the Rest

*Wolters Kluwer ELM Solutions, Inc.*



## ***Wolters Kluwer ELM Solutions, Inc.***

Wolters Kluwer's ELM Solutions provide a comprehensive suite of tools that address the growing needs of corporate legal operations departments to increase operational efficiency and reduce costs. Corporate legal and insurance claims departments trust our innovative technology and end-to-end customer experience to drive world-class business outcomes.

With the current focus on artificial intelligence (AI) as one of the biggest trends in legal technology, it is not surprising that more companies are now touting the AI capabilities of their bill review solutions. However, building an AI solution is not a simple process. When done right, it results in best-in-class technology that delivers maximum value. When corners are cut, though, or AI is built on lesser data, the result is a solution that cannot maximize the legal department's ROI.

With the market getting more cluttered, it is important for legal technology buyers to understand the factors that separate the best from the rest. The following are three areas of experience you should look for when evaluating providers of AI-driven legal bill review solutions to ensure your choice yields the best results.

### **Data science**

Data science is a discipline that uses scientific methods, processes, machine learning algorithms and systems to extract knowledge and insights from data. Any legal tech partner you are considering for AI-assisted bill review must have an experienced data science team involved in developing and continuously improving their offerings. They also need access to a large volume of detailed invoice data to benchmark against your internal data because your AI is only as good as the data that backs it. Data integrity, in addition to volume, should be a focus. If your AI model is running on incomplete, inconsistent or "dirty" data, then it won't be positioned to yield high-quality results and may fall short of your expectations.

### **Legal operations**

Just as important as the cost of a legal bill review provider's service – if not more important – is the level of experience and expertise they have with legal operations. Vendors should be familiar with a variety of legal ops workflows and have expert-level knowledge of matter and spend management. It is critical that you work with a partner that knows your business and industry, understands your terminology for legal matters, and knows and adheres to best practices.



In order to evaluate their legal operations experience, ask a potential legal bill review provider the following questions:

- How many team members do they have with direct experience working in legal operations?
- Are there bill review team members who have experience as paralegals or attorneys?
- Do they have specialized training in using AI for the bill review process? How long have their team members used AI in this context?
- Can they demonstrate recognition of leadership by outside analysts and/or award programs?

### Change management

Because bill review is a critical part of an organization's legal operations, you should choose a partner with demonstrated experience in change management. Without that proficiency, a vendor is unlikely to provide you with the valuable guidance you need to make a significant process

change without disrupting the department's productivity, especially when that change involves the introduction of new technology such as AI.

An experienced legal operations partner will understand that people are key to the successful operational and cultural readiness that can make change successful. Look for a provider with deep domain expertise and the ability to assess your organization's potential and help develop a roadmap to maximize and sustain value creation. They should work with you to develop a tailored approach that is aligned with your goals and helps you maintain your department's performance while moving forward.

For a deeper dive into these differentiators of high-quality AI-driven legal bill review providers, along with more information about how AI can help with your bill review process, download our eBook *Not all AI is the same – Understanding what Drives AI Leadership in Legal Bill Review*.

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# A Niche with a View into Cyber Incident Response

*James Jansen, Consilio*



## **James Jansen**

James Jansen leads Cyber Incident Response Services at Consilio, a global leader in eDiscovery and consulting services. As the Global Lead of Cyber Incident Response Services and senior member of Consilio's Client Services team, James focuses on helping clients and their counsel develop and implement effective strategies based on the needs of their matter. Reach him at [jjansen@consilio.com](mailto:jjansen@consilio.com)

### **Cyber incident response is a broad market. Where does Consilio sit from a service delivery standpoint?**

**James Jansen:** Consilio has a unique niche that leverages our e-discovery experience for cyber incident response. As a result, we serve as a more reactive service, partnering with incident response firms, breach counsel and insurance carriers who are dealing with cyber incidents.

We provide programmatic data mining, manual review, and notification report generation to our clients and their counsel who are impacted by these incidents. That means that when an incident response firm has conducted its analysis and determined which data has been impacted by a cyber incident, we are brought in and we leverage our data analytics capabilities, our human review resources, and our proprietary technology to generate a notification report for our clients and their breach counsel. That report helps them make decisions about who needs to be notified after an incident. We work very closely with response vendors and the law firms and carriers handling these incidents.

### **Consilio is known as a leading provider of global e-discovery services. How does your expertise in that area help you assist organizations dealing with by cyber incidents?**

At our core, we're an e-discovery provider. That gives us a foundation in terms of technology and data security that is extremely important in this line of service. We're already dealing with clients who are facing a data incident. We can provide a secure environment that's been vetted over the years by some of the largest companies in the world who use us as an e-discovery provider and know their data is secure when they send it to us. We also bring global resources to the table. As a global provider, we have resources not just in North America but in many jurisdictions around the globe, including the UK, Europe and APAC.

Equally important is scale. As more and more organizations are impacted by cyber incidents, service providers need scale to

accommodate the work our clients need us to do. Whether it's technology resources or human resources, scale across the globe is vital.

**Consilio has recently combined with other organizations. Have these integrations strengthened your offering?**

Over the last few years we've merged with a number of organizations. We've been fortunate. Our leadership has brought organizations into our fold that share our culture, our vision, and our commitment to providing impeccable service to clients. When you bring in organizations whose people share your values, including your consultative approach to solving client problems, that's a great fit. We are thoughtful and purposeful about evaluating what

each organization brings to us – whether it's technology that can make our process more efficient, or a workflow process that can drive efficiencies for our clients, it's important to really get under the hood, understand what these additions offer given our current processes, and figure out how they can benefit the organization as a whole. Having gone through a number of these, I can say we are very good at this.

**Cyber incidents can be extremely cost sensitive. How does Consilio address this from a technology and resource standpoint?**

There are cost sensitivities around these because of the increasing numbers. That's why the work that we're doing





must align with what are our customers – ultimately the carriers and breach counsel – expect as a result.

In addition, when we look at the cost of these matters, it's important to take a holistic view. There's no technology alone that's going to drive efficiency, and there's no human resource component that's going to drive that efficiency all on its own. Therefore, we look at it from a holistic standpoint.

As an e-discovery organization, we realized many years ago that leveraging high-level analytics and having high-level expertise is a key component to help our clients assure they have a defensible and efficient process, and, at the end of the day, that they can get that in a less expensive manner. So we are constantly vetting or looking to build technology that is going to allow us to work more efficiently. For example, we have members of our analytics team with deep experience using more technical scripting than perhaps we generally would use on the e-discovery side of our work. We can identify that kind of skillset within our team, pull it out, and use it to drive efficiencies in cyber incident response. We're always looking for ways, from a technology and resource standpoint, to be more efficient by finding the right people and the right technology to do the work.

**As 2022 gets underway, what's the most important thing you can do to help clients facing cyber incidents?**

The biggest thing we can do as an organization is to be consultative. When I look at cyber engagements, it's important not to try to fit each incident into the same box. We have a variety of tools and technical capabilities at our disposal. It's important to figure out what's the right fit for each cyber incident we're handling. It may be that a client has unique data sets and we need to leverage multiple resources internally to find the right solution to their particular challenge.

I'll give an example. We had a client that dealt with health insurance claims. The initial discussion was that someone would have to put eyes on all of these records to pull up the relevant information. After discussing this with breach counsel and the client, and bringing in some of our technical resources, we found a custom solution to extract information from 40,000 records without having a single person put eyes on the documents.

**Cyber is a rapidly evolving market. What has changed about your service delivery over just the last year or so?**

Our clients and their breach counsel are more involved and have higher expectations regarding the initial, upfront data mining and data triage that we're doing on these types of projects. As this evolves, and as the number of incidents increases, it becomes more necessary to drive efficiency. I know I've used that word a great deal, but that's the truth. We need to drive efficiency, shorten timelines, and do things less expensively. One of the key ways to achieve that is being very strategic about addressing these types of projects.

**Is there anything that we missed?**

I would add that we interact with many different pieces of the "cyber puzzle." There are a number of different seats at the table, and where we sit, we interact with most of them. Our work in the space gives us an interesting perspective, particularly as we deal with the data challenges across all of our many highly varied projects.

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As an e-discovery provider, we have a foundation in technology and data security that is extremely important in this line of service.



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***Evolving the future  
of legal solutions***

# Crossing Legal's Digital Divide With Contract Data

*Tim Donaghy, Contract Logix*



## **Tim Donaghy**

Tim Donaghy has been with Contract Logix since 2006 and was on the founding team during the initial product concept phase. As the CTO, Tim leads all Product and Technology direction for the company. He has crafted the vision for what has become an industry leading SaaS platform. Tim is a well-known industry expert, speaker, and author in the field of contract lifecycle management.

**CCBJ: Tim, can you tell me a little about Contract Logix and what you do?**

**Tim Donaghy:** Yes, absolutely. Contract Logix is a leading provider of contract management software. We were founded in 2006 and our goal since the beginning has been to help our customers uncover and mitigate hidden risk in their contracts. We work very closely with corporate legal and legal operations teams across several different industries, especially highly regulated ones, like healthcare, energy, and pharmaceutical. They use our platform to simplify, automate, and digitize the way they manage all phases of the buy-side and sell-side contracting process. This includes everything from a contract request, the creation, negotiation, and electronic signature of an agreement, as well as the ongoing post-award management including things like obligation tracking, amendments, you name it. We are a full contract lifecycle management solution, and we pride ourselves on being a very data-driven, customer-centric, and security-first company.

**You talked about helping organizations uncover hidden risk in their contracts. Can you elaborate on how you are helping legal teams do that?**

Uncovering contractual risk is part of our DNA at Contract Logix and there are many ways our software helps make that possible. Our belief is that risk is inherent in every legal agreement and to effectively manage risk, you must identify and assess it before you can mitigate it. We also believe that data is key to effective risk management. Unfortunately, many organizations don't have the ability to leverage their contract data because it's stuck in shared drives, spreadsheets, and other obsolete or document-centric contract management tools. That's where we can help. You need a data-driven approach to contract management and we've built our platform from the ground up to be data-centric.

Our software gives our customers the ability to harness the wealth of data in their contracts like names, dates, terms, values, even legal language. Our platform then takes that data and transforms it into actionable business insights using capabilities like real-time reports, dashboards, automated alerts, and more that can be used to uncover and minimize legal, financial and security risks like missed obligations, unfavorable terms, slow approvals that might cause a deal to be lost,





or unauthorized access to sensitive information. We provide a modern, accurate, and automated way to identify, assess, and mitigate contract risk.

**Are there any other examples of how technology like yours can help Legal and Legal Ops do their jobs better when it comes compliance, speed, strategy, or other areas of their business?**

That's a great question. Research and our own experience have shown that many corporate legal departments and contracting teams spend way too much of their time on routine, manual, and mundane contract management tasks because they aren't using the right digital CLM tools. Those activities take them away from spending time on more strategic initiatives that can really help the business such as ensuring compliance with internal policies and external regulations, implementing better risk management processes and checkpoints, and even facilitating more effective collaboration and negotiation to finalize business faster. With our software, they can simplify and automate their entire contract lifecycle management process. This frees up an enormous amount of time so they can focus on

the highest value and highest impact things for the business.

For example, many organizations request contracts via email. That's an inefficient and often inaccurate model that usually results in unnecessary back and forth communications before a request is even approved and the contract is created. Using contract management software like Contract Logix's, they can centralize their contract request process using standardized web forms where all required information is captured up front. Then, they can automatically route those requests to the appropriate approver and the contract can be automatically generated using clause and template libraries and merge fields with the required information.

Another common, yet powerful, example involves the use of automated workflows. Many legal teams get unfairly blamed for being bottlenecks in the sales or purchasing process. Automating the flow of a contract throughout the creation, review, approval, and negotiation phases using workflows has a lot of benefits. It reduces a great deal of friction at each stage, ensures the organization's



business rules are followed which plays an important role in compliance, and eliminates the need for human intervention and manual errors from occurring. And those are just two examples of how this technology can help legal and contracting teams be more agile. We've had some customers tell us they were able to reduce the amount of time it takes to execute a contract by 90%! Imagine what you could do with all those extra days and hours.

**And what about digital transformation? We see that as an increasingly important priority for General Counsel. Are you hearing that from your customers as well?**

Yes, absolutely. It's interesting because digital transformation (DX) has been a buzzword for so many years, but the pandemic really accelerated and shined a spotlight on the need for it to become a reality. The need for Legal to digitally transform and support their organization's broader digital transformation strategy is no exception. In fact, a recent study by KPMG found that 76% of organizations say that the digitization of their contracting process is now a priority. That's a big percentage and shift in priority considering just a few years ago research from Gartner showed that 81% of Legal teams were unprepared for digital transformation.

That trend is something we call digital contract transformation or DCX and we are witnessing the acceleration of it firsthand within our own customer base. Last year alone we experienced triple-digit percentage growth in customer usage of our software, with some of the highest growth in key areas of digitization like workflows, electronic signatures, and the volume of digital contracts and documents being managed. As the world pivoted to a remote workforce, Legal teams quickly realized that their old manual and analog processes for managing contracts would not be feasible. By digitizing their contracts and contracting processes, corporate legal teams can be leaders, not laggards, in

digital transformation. They can manage contracts from anywhere and on any device. They can optimize vendor management, help shorten time to revenue, and drive many other operational efficiencies.

The other important thing to point out is that digital transformation is all about data and using that data to deliver insights to optimize the business and your business model. A great example of that involves contract management KPIs. Once you have access to all your contract data, you can leverage it to benchmark and track KPIs to improve the performance of your contracts and your processes. That's a great way for Legal to provide strategic insights and value to the business.

**Can you talk more about the role of data when it comes to contract lifecycle management? How else can in-house legal benefit from being data-driven?**

Data is one of those topics that can overwhelm people, especially when they don't think they have any data to leverage. The reality, however, is that for Legal teams, data is their best friend and it's quite simple to begin leveraging provided you can access it. Another advantage for Legal is that contracts and contracting processes contain and create an amazing amount of very valuable data that can be analyzed to answer a broad spectrum of questions about the health of the business. It can also be used make everyone's life easier by improving processes.

The key, again, is that you need to be able to capture the necessary data and then put it in a format that's useable, actionable, and insightful. Given our data-driven approach to contract management, we not only make that possible, but we also make it simple and easy for Legal teams to do. For example, in our software all the information in your contracts is indexed and searchable, just like you'd ask Google a question. It's also available in real-time reports and dashboards that can be shared

across the organization. Perhaps you want to know the value of all contracts renewing in the next 90 days? Or, how many days does it take to negotiate or collaborate on a contract? How about which contracts contain an indemnification clause? Tracking down this information using a data-driven approach literally takes seconds. So, to sum it up, Legal can benefit from being data-driven by mitigating risk, increasing compliance, saving time, reducing friction, and improving collaboration.

**You mentioned collaboration. How are organizations changing the way they collaborate on and negotiate contracts?**

Collaboration and negotiation are an area that can make or break a deal. In fact, your customers, partners, and vendors have come to expect a modern and digital experience when negotiating contracts. It's an area that can be a competitive advantage or threat for the organization depending on how much friction there is in the process. The days of emailing back and forth contracts with edits and printing agreements to sign, then scan, and email again are over.

We've been very focused on how we can not just improve, but transform, the way people collaborate and negotiate contracts into a fast, simple, and frictionless experience. As part of that, we introduced some groundbreaking new technology recently called our Collaboration Room where Contract Logix users and third parties can share, review, comment, approve, and sign an agreement in real-time without ever leaving the platform. That helps everyone get the deal done faster and it also provides visibility into who's involved in the process, have they looked at the agreement, you get a full history of all edits, and can quickly compare versions.

**As organizations adopt software like yours, I'm sure there is a lot of change management they need to deal with. What are some of the pitfalls our readers should know about?**

Change management can absolutely be a concern and problem for some organizations, especially when it comes to adopting new technology like contract management software. We've learned this over the last fifteen years of working with customers. One of the keys to successful change management is how well you onboard and implement the software. You can't crawl, but you can't run either, and there are four core components that every organization and vendor need to define from the beginning very clearly.

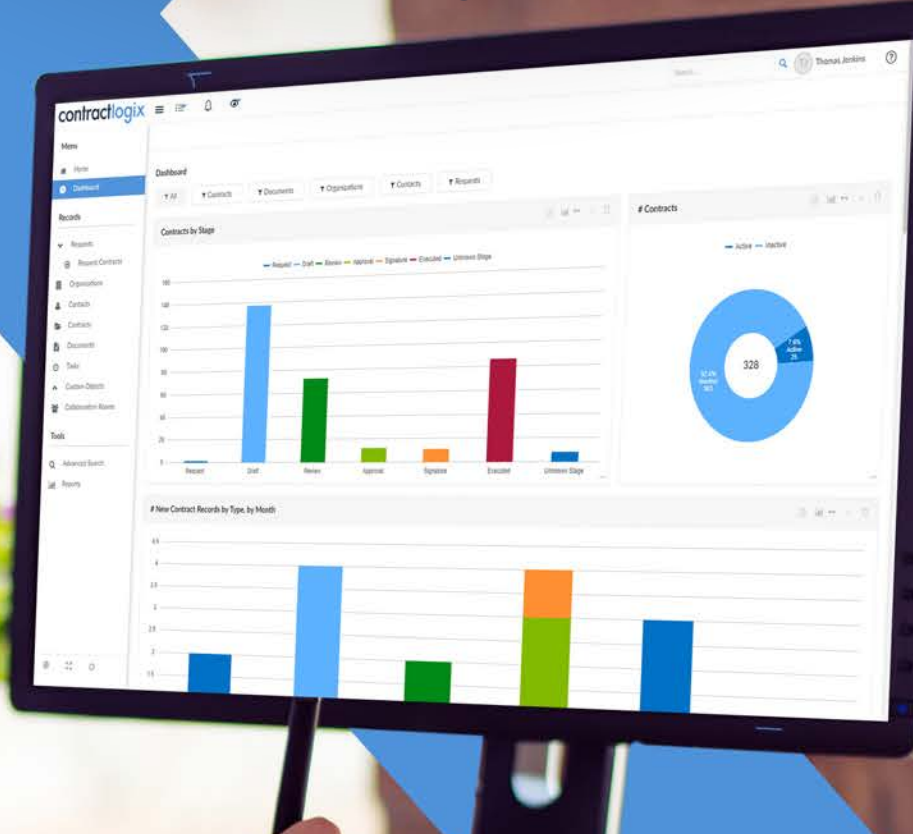
First, be specific about the business problem or problems you are trying to solve. What are the priorities and which ones will you tackle first, second, third, and so forth? Not documenting that is a common pitfall we see. Then, what does the ownership of the software implementation and user adoption look like? Here, we recommend building a RACI model so everyone knows their roles and responsibilities. Third, you want to work with your contract management software provider to scope the data and architecture of your software configuration. What contracts and data will be migrated, what does your current contracting process look like, what contract types do you have, etc. If you try to map all of that out mid-project, you will waste a lot of time and energy by having to redo things. Finally, how will you measure and determine business value? Set some goals for your first 30, 60, and 90 days around improvements to your CLM security, automation, user adoption, and reporting and analytics. This will give you the insights necessary to know if you're on track or not.

If you do these four things then you'll be successful in your change management, you'll avoid the common pitfalls associated with it, and you'll realize a fast time to value in your contract management software adoption. That will help you get to a reasonable ROI which management will appreciate and applaud.

# contractlogix™

## Digitally Transform the Way You Manage Contracts

Data-Driven Contract Management Software



- ✓ Accelerate the way you create, negotiate and sign contracts
- ✓ Centralize contracts in a secure and searchable repository
- ✓ Automate workflows for compliance and efficiency
- ✓ Get real-time insights with reports and dashboards
- ✓ Eliminate missed obligations and dates

Contract Logix is a leading provider of intelligent and data-driven contract lifecycle management software.

Our platform empowers Legal and Legal Ops teams to simplify and automate the way they draft, negotiate, approve, execute and manage contracts to mitigate risk, increase compliance and finalize business faster.

**Learn more at [contractlogix.com](https://contractlogix.com)**



# The Top 5 Workflow Automation Use Cases of 2021

*Alaura Jacobs, Mitratesch*



## **Alaura Jacobs**

Alaura Jacobs is the Product Marketing Manager for Workflow Automation at Mitratesch. Alaura began her tenure at Mitratesch in Customer Success working closely with customers to implement and adopt automation solutions. She is a subject matter expert in digital transformation and is passionate about helping teams do more with less. Alaura loves her cats and a good book.

2021 was another year of doing more with less, for many companies that meant relying on technology to keep essential business moving forward.

Those who used workflow automation, like Mitratesch's solution, TAP, accomplished just that – automated tedious tasks, collaborated across departments and time zones, streamlined formerly manual intakes, contracts, and signatures, all while maintaining security, trust, and their sanity (mostly).

Let's travel back in time and take a look at a countdown of, according to the feedback we received from our users, the *top five workflow automation use cases of 2021*.

# 5

## **Contracts Approval & Signature Workflow – Legal, Sales, Procurement Departments**

Can you name a process that requires more back-and-forth than a tennis match? *Contract approvals*. They also require delicate relationship management and time sensitive actions. So, it's no surprise that teams are **leveraging automation technology** as an extension of their team to organize and develop better, more strategic workflows. Workflow automation makes the [process involved with contracts](#) as seamless and easy as 1-2-3.

1. **Fill out an intake request form** designed with user or historical data pre-fills, help text and required fields.
2. **Intelligent business logic** routes the form to the appropriate approver who can request more info, collaborate or escalate.
3. Once approved, **the document is generated** with dynamic clauses, the contract is routed through e-signature, and automatically stored in a secure repository.





*"In the past, we'd create our own spreadsheet to track, but now the TAP tool does all that for you. You can instantly see where a document is in the process and what last happened with it – no manual tracking is needed. It saves a lot of time."* – Senior Contracts and Project Manager

## 4 (CSAT) Customer Satisfaction Survey – Support Department

Everyone can agree that feedback makes teams better, which undoubtedly creates a more effective and efficient support experience. But, going one step further and asking ourselves: how is that feedback collected, used, and stored?

By automating [this process](#) with TAP, support and service can request feedback from customers when tickets are closed or upon other customizable triggers. Managers can collect and view feedback in real-time by leveraging **TAP's extensive data and analytics features**. Users can even create paths for escalation to gather additional feedback or mitigate customer dissatisfaction.

*"We send an automated survey to every customer at the completion of each case. The positive feedback that we receive in those communications is a great way for me*

*to recognize and reward our team members for their contributions"* – Support Manager

## 3 Incident Management – Claims Department

When a piece of machinery breaks or stops working your mind immediately races to the question: *how do I fix this?* And sadly, with this issue, no tool belt is needed. For most, what comes immediately afterward involves paper claims, forms, long phone calls with outdated elevator Muzak and too much time without a working machine.

Corp! Magazine found that *"U.S. businesses waste \$8 billion annually just managing paper. It costs an organization an average of \$20 to file a document, \$120 to find a misplaced document, and \$220 to reproduce a lost document."* All that paper management adds up, fast. So why not take the clutter out of the process? Companies who leverage workflow automation technology see processing times cut down drastically while customer satisfaction and loyalty increases simultaneously.

With Mitrtech's workflow automation solution, TAP, **all forms can be completed virtually anywhere at any time.**

With added insights, status tracking and informative updates all through an automated [incident management process](#) created by the users. Companies that say goodbye to legacy workflows and the taste of envelopes tend to witness the effectiveness of workflow automation almost immediately. By creating numerous, in-depth “set-it-and-forget-it” workflows, teams are seeing an increase in time available for making bigger, more impactful decisions.

*“There’s potential to save \$4M by creating a portal for claims. Essentially a data intake from different sources, including customers that are looking to file claims, sue a dealerships or issues related to affiliated repair shops. Not only did this streamline the process in which the company gathers claims and potential matters, but also cuts fees law firms are charging (can no longer charge per hour when it’s obvious it was only 15 minutes of work).” – Claims Management Leader, Automotive Manufacturer*

## 2 Vaccine Verification Health Check – HR Department

One thing we’ve learned over the past two years is that rules and regulation around COVID-19 will continue to evolve, rapidly. Teams are using [agile automation solutions](#) and workflows designed to assist them in [managing COVID-specific challenges](#) to stay compliant, flexible, and secure while following local and government regulations to keep employees safe. Universities and companies alike are choosing TAP for its rapid deployment, easy adoption, data security, and real-time accountability.

*“The reason we chose TAP to build our Covid process is that it’s user-friendly and there is no training needed for the user to become familiar with the application... it took us a very short time to design and deploy, our initial version*

*was built and deployed in just two weeks.” – Workflow Developer and Business Process Analyst*

## 1 Ask Legal: Legal Service Request Portal – All Departments

When your teams are global and you need help from legal but don’t know who or where to ask, where can you turn? There’s no shortage of virtual communication tools like teams, Zoom, and Slack, but more times than not, the right questions get asked of the wrong people. Causing a simple question to become a wild goose chase and a lot of wasted work for all concerned.

Within TAP, companies find they’re leveraging Legal Services Request Portals as the centralized source for questions umbrella’ed under common contract types. With dashboard views, reminders and smart routing all requests can be found and stored in a central location – keeping it out of a catch-all mailbox or bogging down employees.

Companies that say goodbye to legacy workflows and the taste of envelopes tend to witness the effectiveness of workflow automation almost immediately.

*“[It’s a] one-stop-shop for employees to ask questions. Legal can easily triage requests to the right reviewers based on conditional logic. This went from a manual process full of follow-ups on requests or answering the same question that could have been in an FAQ to streamlined for faster resolve time and higher-value work to be performed by staff.” – Senior Legal Operations Analyst*



# Save Thousands on eDiscovery Just by Uploading

The image shows a composite of two screenshots from the logikcull web application. The left screenshot, titled 'Create a new upload', features a 'Zoom video' button at the top right, a 'Gmail' button on the left, and a 'Slack messages' button below it. It includes a folder icon with a plus sign and the text 'Drag and drop your files'. Below this, two files are listed: 'Spears Investigation.pst' and 'JLS Files.zip', each with a progress bar and a refresh icon. The right screenshot, titled 'Upload status', shows a message: 'Your data is now being automatically deduped and organized.' Below this is a vertical timeline with four stages: 'Scheduled' (green box with a checkmark), 'Analyzing' (green box with a checkmark), 'Processing' (blue box with three dots), and 'Post-Processing' (light blue box with a right arrow).

Create a new upload

Zoom video

Gmail

Slack messages

Drag and drop your files

Spears Investigation.pst

JLS Files.zip

Upload status

Your data is now being automatically deduped and organized.

Scheduled ✓

Analyzing ✓

Processing ...

Post-Processing →

See how it works at [logikcull.com](https://logikcull.com)

# LEGAL TECH STARTUP SPOTLIGHT

**Spotlight on:** Ontra

**HQ:** San Francisco, CA

**# of Employees:** 223

**Growth Rate:** 7.05%

**Institutional Investors:**

Blackstone

Battery Ventures

**Twitter:** @Ontra\_ai

**URL:** ontra.ai



**100<sup>TH</sup>  
PERCENTILE**

**Weekly Growth**

Developer of an online legal management platform intended to automate and enhance high-volume legal processes easily. The company's platform combines corporate attorneys with cloud-based software to offer a scalable, end-to-end service for negotiating and managing routine legal work, enabling clients to effectively free up resources, improve quality of output, and achieve substantial cost savings.

The company raised \$200 million of Series B venture funding in a deal led by The Blackstone Group on October 27, 2021. Battery Ventures and Michael Paulus also participated in the round. The funds will be used to focus on leading an emerging category in legal technology: Contract Automation and Intelligence as well as to support its efforts with automation - pairing artificial intelligence with its lawyer network for high-volume contracts - and intelligence, delving into the contracts to gain actionable data and insights.

Source: Pitchbook (As of Jan. 2022)

**To nominate a startup to be featured,  
email [kcalve@ccbjournal.com](mailto:kcalve@ccbjournal.com)**





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