

# LEGAL INNOVATION

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## CHECKBOX

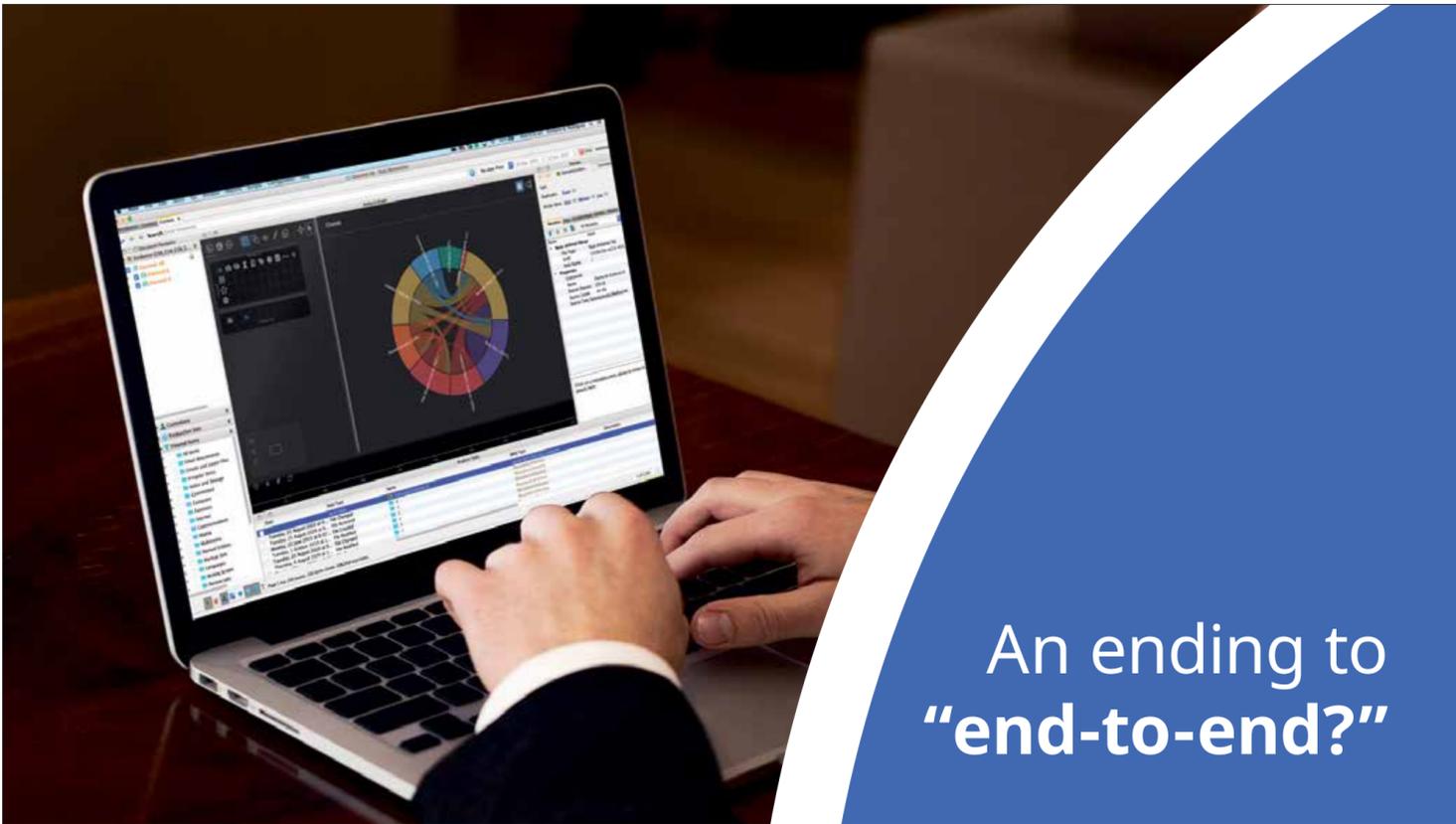
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Gartner Research, *Market Guide for E-Discovery Solutions*, 27 June 2019'

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## LEGAL INNOVATION

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### REMOTE TRIALS

# The virtue of virtual hearings

Keeping justice going during the coronavirus pandemic has been a difficult issue, but the solution may well transform the future of court hearings forever

Ben Edwards

At the Odeon cinema in Edinburgh's Fort Kinnaird retail park, the movie posters have been taken down and the popcorn machines covered up as jurors take their seats in one of the four auditoriums to attend a virtual court hearing.

These remote jury centres have allowed the Scottish High Court to restart criminal trials by beaming live court action directly onto the cinema screen, allowing jurors to watch and hear evidence while maintaining social distancing, something that wouldn't have been possible inside the main court building. With a further 11 screens available in Glasgow, the court is now back up to full capacity.

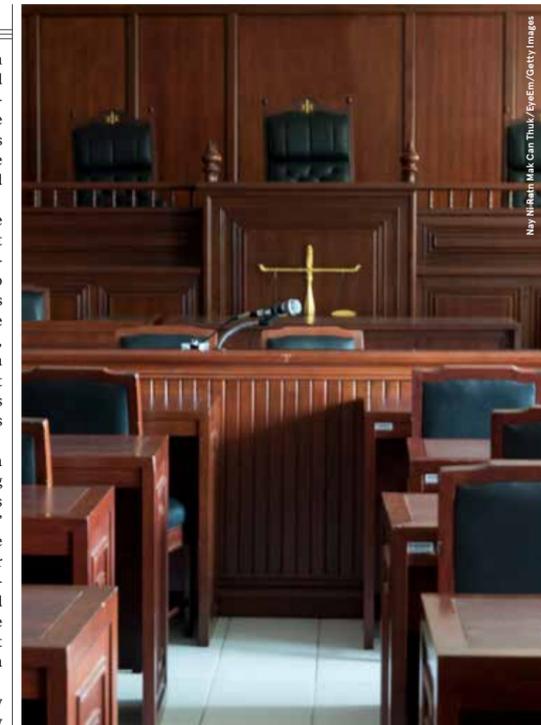
"The real beauty in this approach is it provides a way of scaling up; we have a model that works and can be applied anywhere," says Tim Barraclough, executive director of the Judicial Office for Scotland. "Some of the other solutions that have been considered require you to use more than one courtroom for a single trial, so that reduces the capacity of the system to run trials."

Scotland's work with remote jury trials is just one example of how public courts have responded to the impact of coronavirus. According to Remote Courts Worldwide, almost 60 countries have adopted some form of virtual court, ensuring courts remain open despite restrictions on physical hearings.

But operating courts in this way can create challenges. "When you're running remote courts, there are really two key things that you need to sort out," says Paul Sachs, founder of evidence-sharing platform CaseLines, which was acquired by Thomson Reuters in the summer. "Number one, you need to see the people and number two, you need to see the evidence."

The first is easily dealt with by video-conferencing software, but sharing evidence in a convenient way is more problematic. While the default solution has tended to involve PDFs, this often leaves lawyers and judges scrambling around trying to find out what PDF to open and which page to go to, says Sachs.

"If the limit of your imagination is to transition from paper to PDFs, and proceed on that basis, then that's not really solving anything," he says. "When you go beyond this to cloud-based systems that are tuned



Neil Reid/Reuters (2) / Getty Images

to the needs of the courthouse, then the process is far more efficient."

Another challenge with virtual courts is assessing witness credibility over video, says Linklaters' dispute resolution partner Tom Lidstrom, who was involved in one of the first virtual trials during the spring lockdown.

"If you have a case where the issues turn on basic credibility of witnesses and the court needs to have every opportunity to assess someone's demeanour and

someone's reliability and honesty, a virtual trial does not really lend itself to that as well as an in-person hearing," he says.

But there are benefits. Virtual courts can help improve public access, given that people can log on to proceedings from anywhere. Virtual courts can also help avoid backlogs by increasing capacity and reducing delays.

"If you don't need people travelling to a particular place on a particular day, or if someone is unwell

but they can work from home, there will be fewer postponements due to human factors," says Lidstrom.

The big question now is to what extent virtual courts will continue in a post-pandemic environment. The Scottish courts' remote jury centres, which are being expanded to include sheriff court jury trials, could potentially reduce existing case backlogs by using courtrooms that wouldn't normally take a jury.

"What we're doing at the moment is getting business back up to the levels it was before the pandemic started. But we're not necessarily reducing the backlog, so we may have to find a bit of extra capacity to run more trials than normal and remote juries could support that," says Barraclough. "This would require collaboration across the justice sector, including discussion with practitioners and the Crown."

Other parts of the judicial process might even be better suited to remaining virtual, for instance if a judge wanted to hold a hearing to settle a point of law or settle a request for a postponement.

"Prior to COVID, those kinds of matters would have been dealt with in the courthouse, now these ten-minute discussions can happen remotely and no longer clog up the courts and the waiting areas of the courtrooms," says Sachs.

Professor Richard Susskind, author of *Online Courts and The Future of Justice*, believes courts are likely to adopt a blended approach once the pandemic ends, so some cases will remain virtual while others will return to in-person hearings.

"Some people are quite binary about it, but the biggest opportunity will be to identify for any particular type of case what the best form of resolution is," he says.

For Susskind, virtual courts are just the beginning of what is possible with technology, such as allowing for asynchronous online hearings, where arguments and evidence can be submitted by parties at their own convenience, or using artificial intelligence to help court users predict the probability of success or failure for a particular case.

"Essentially, all we're doing at the moment is dropping a physical hearing into Zoom. Some people say that is transformational, but working from the kitchen table isn't transformation," he says. "A lot of people are thinking video hearings are the endgame, but there's so much yet to be done; we're still at the foothills." ●

**94%** of those in the family justice system (including legal workers, court staff and parents) have taken part in a remote hearing

Nuffield Family Justice Observatory 2020

**340%** increase in video hearings between March and April in England and Wales

**500%** increase in audio hearings

The Transparency Project 2020



## The 'Uberisation' of legal services

Can a growing industry throw a much-needed lifeline to the 2.4 million smaller UK businesses at risk of falling into what has been termed a "legal gap"?

MaryLou Costa

Despite around half of UK small-business owners surveyed by Nesta Challenges believing the legal advice sector is not suited to them, demand is expected to increase in the next year. This is in the wake of a tough employment market, paralleled with the rise of a new generation of entrepreneurs as a by-product of the pandemic.

It's the reason the Solicitors Regulation Authority (SRA) has put fostering innovation at the heart of its newest corporate strategy and joined forces with Nesta on the Legal Access Challenge. The challenge crystallised the need to prioritise supporting innovation to make legal advice for small and

medium-sized enterprises (SMEs) easier to access and more affordable through technology, as it summed up in its post-event report.

"We absolutely recognise small businesses are a critical part of the economy and they have significant issues accessing legal services. That's one of the reasons we ran the Legal Access Challenge last year and why we're involved in the Lawtech Sandbox to create the conditions to design things which are going to better service client needs," says SRA chair Anna Bradley.

"We have a facilitative and supporting role in encouraging entrepreneurs, innovators, tech firms and law firms to work together to meet this unmet need of SMEs. It's

a really important part of what we want to be involved in."

Resolve Disputes Online (RDO), one of the Legal Access Challenge's eight finalists, was set up to make accessing justice from anywhere in the world as effortless as using Uber. Co-founders Joe Al-Khayat and Aditya Shivkumar anticipate a rise in employment- and finance-related disputes over the next year, describing lawtech as a "sleeping giant", as industry bodies, governments and policymakers converge to promote growth in the sector.

"Even pre-COVID, backlogs in many of the employment tribunals were already increasing. Employment is a key use-case for

**“It's difficult to pitch a legal product to SMEs because people think they only need a lawyer when they have a problem**

SME-based lawtech because it involves people's livelihoods which, on top of the stress of the pandemic, is going to make for an important service that hopefully governments can step up to," says Al-Khayat.

"Legal technology means we can improve access to people's rights. There are a lot of fantastic entrepreneurs, around the UK and elsewhere, who are trying to improve access to legal advice and those countries that are able to foster that innovation will ultimately reap the benefits. We just hope governments can find resources to help entrepreneurs solve problems and that continues in the legal sector."

A rise in new small business and startup launches means a democratisation of SME legal advice is essential, even if it has been a long time coming, says Clive Rich, founder of Lawbite, an online platform which matches clients to lawyers.

"We've noticed new company formations during this period are 50 per cent higher than a year ago. That's a sign people are responding to whatever situation they find themselves in, whether their previous job or company isn't there any more, with the desire to run their own show," says Rich.

"So we are catering for new formations that will need a helping hand particularly in their first year. We've developed an offering of unlimited SME legal advice for £99 a month, which could be really helpful to get them through their most vulnerable period."

Similarly, online platform Sparqa Legal has built its offering around self-serve content to support key events in a business's launch and growth. It also provides a subscription service, which co-founder and chief executive Andrew Thornton believes will be a tipping point for trust and uptake.

"It's difficult to pitch a legal product to SMEs because lots of people think they only need a lawyer when they have a problem. What we need them to understand is, the way not to have a problem is to be properly prepared. People can build a fantastic business, but there could be some horrible flaw in the way they've structured it, which undermines what would otherwise be really exciting," Thornton explains.

"What you want to do is make it really cheap for people to get right. You can't say you need to spend £10,000 when you start your company to get all these things right. You could have a cheaper monthly subscription service, then when you have a more sophisticated need you might have to spend more. It's about setting people up for success, rather than creating a risk of failure."

Also breaking down barriers of trust and uptake are corporate partnerships. Sparqa has signed deals with fintech disruptors Starling Bank and Revolut, as well as mobile network Vodafone, while Lawbite has partnered with financial services and insurance companies, and recently secured a large investment from a City of London law firm.

# 5.6m

SMEs in the UK, employing 16.3 million people

# 48%

of small business owners and self-employed people believe the legal advice sector is reserved for big businesses

# 79%

called for it to be easier for people to check whether a problem they were experiencing could be resolved through the legal system

# 45%

showed strong willingness to embrace digital services to help with a legal problem

Solicitors Regulation Authority 2019

"It's about getting people onto the platform, because otherwise you would spend millions on Google and SEO [search engine optimisation] marketing. We do get a better take-up through partners and also having them vouch for us as a platform people can trust is helpful," says Sparqa's Thornton.

The SME lawtech industry is "making those first baby steps", he adds, with the SRA's Bradley pointing out that most SMEs are accustomed to using tech platforms like QuickBooks for their accounts and are open to embarking on a similar journey with legal services.

Providing tech-based SME legal advice will become a significant industry, Thornton believes, but it will take some time for the Sage or Xero of lawtech to emerge.

"I suspect there'll be amalgams of a number of companies. But I don't look at any particular company and think, 'they're going to really kill it'. The market's too big and the reach is difficult. People will start fading away that haven't got traction," he predicts.

"Eventually, it'll be a really big industry, but you're not going to see a Monzo or a Starling of SME lawtech overnight." ●



## Document review and beyond: How the latest AI developments can get more from your data

The power of artificial intelligence and machine-learning to revolutionise document review and ediscovery just went one stage further

The volume of data that organisations must deal with in legal disputes and compliance investigations continues to increase exponentially year on year, as the sources of data also evolve rapidly. With the analytical technology and methods for reviewing data quickly becoming outdated and inefficient, businesses with already stretched resources can find it hard to keep up.

Currently, whenever a legal matter or investigation arises, potentially relevant data is collected from different company sources into a single database, where legal teams attempt to weed out irrelevant data before spending thousands of hours reviewing documents one by one, categorising and flagging important or sensitive data. When the next case arises, the whole process is repeated, often with the same data collected, culled and reviewed again, duplicating the cost.

This siloing of information means there is no way of sharing data and learnings across matters. A lawyer in one case may spend weeks reviewing thousands of documents to identify those that contain protected personal information of clients, despite those same documents having previously been reviewed and redacted for that information on a different matter. Such unnecessary work and rework creates inconsistency, plus the potential for sensitive information to be accidentally produced.

The need to protect sensitive information is a real concern to companies with ever-increasing data volumes. The legal and regulatory frameworks that protect personal data are rapidly changing and becoming increasingly stringent, with a growing focus on the General Data Protection Regulation in Europe and, in the United States, recently enacted Californian privacy laws creating similarly strict regulations that other US states are poised to follow.

These regulations bring incredibly high monetary penalties if companies inadvertently disclose personal information and yet, when dealing with unstructured data, it can be difficult to comply.

"It can be hard to prevent sensitive information from being pulled in because organisations do not know it is there," says Karl Sobylak, senior product manager at Lighthouse, which has been innovating in enterprise data for compliance and legal for 25 years. "For example, an employee emails a co-worker and includes a spreadsheet of birth dates, that spreadsheet then gets into the email system and it is hard to keep it from showing up in databases."

That spreadsheet containing personal data can get pulled into multiple review databases for different cases, increasing the risk it gets missed and illegally transmitted to an opposing party.

Older generations of artificial intelligence (AI) and analytical technology are ill-equipped to respond. Most

courtrooms and legal professionals are familiar with technology-assisted review (TAR) but, as Sobylak explains: "The limitation of most TAR is it can only be used in the context of a single case and requires significant input and turning of data that can take several weeks. Then, when you're done with one case, you move onto the next and reinvent the wheel. So far, we've seen that 42% of documents are reviewed on multiple matters. At the same time, 94% of documents being flagged as potentially privileged are not actually privileged."

Now, advances in AI and machine-learning can help, increasingly moving on from troubleshooting to adding real value.

Sobylak says more advanced AI can solve the siloed data problem where companies pay for data to be reviewed and re-reviewed. "TAR is all based around a single algorithm," he says. "This new generation of big data

**“94% of documents being flagged as potentially privileged are not actually privileged**

technology analyses text, metadata and prior lawyer decisions using a number of algorithms to give context around who is talking to who, what their communications were like previously and how prior reviewers interpreted that information, creating the ability to do a much better job."

These advances allow a more holistic approach, aggregating data from hundreds of past matters and using it to spot trends and support data-driven decision-making. Sobylak says: "Not only does this speed up document review and deliver cost-savings, it allows for consistency within and across matters, which can significantly lower a company's risk."

This can also be invaluable at lowering the risks associated with sensitive information. Because it can leverage multiple algorithms across previous lawyer work product, this new AI can more accurately find the types of personal information that need to be redacted or withheld. If a document was flagged as containing personal information on one matter, it will be flagged on subsequent ones.

It can also help identify data protected by legal professional privilege, which can require more than the basic identification of keywords and calls for additional context. Newer AI technology is capable of identifying the context in which a conversation between two lawyers takes place and whether it is legally privileged, leveraging

knowledge learnt from decisions made on previous matters.

There is the potential to solve many of the big data challenges and drastically improve cost efficiency for companies. Should this worry lawyers, who were previously paid to conduct all those hours of reviews and re-reviews?

Rob Hellewell, vice president of Lighthouse and a former practising lawyer at a large international law firm, says: "AI is not going to replace lawyers. This technology is about enhancing lawyers' ability to separate the chaff and get to the wheat. Our focus is on augmenting their ability to find relevant, privileged and sensitive information faster, consistently and at less cost."

Hellewell argues that lawyers often fail to appreciate the data aspects of their roles, but jump on board once they see results. "Imagine there's a new matter with a million documents to review and you can start by eliminating the need to review ones that have been looked at previously," he says. "Lawyers can see those benefits immediately."

In addition to simply making day-to-day tasks easier and work product more consistent, newer AI solutions continue to break new ground and add more intrinsic value to legal practice.

"Normally we are just providing the information that we are required to provide to settle the case. But AI now gives us the opportunity to look at how we might have prevented a dispute from arising or identified a problem sooner," says Hellewell.

From a company-wide standpoint, the latest AI offers potential to reduce risk and improve cost efficiency, while from a legal team perspective, it can unlock valuable legal insights from company data and enhance the critical contribution of in-house lawyers and external law firms.

For more information please contact [info\\_london@lighthouseglobal.com](mailto:info_london@lighthouseglobal.com)



## LEGALTECH

# Bringing empathy to life's hardest situations

This year has led many to consider their mortality and reconsider their relationships, making caring, discreet legal advice more important than ever

Celia Jones

The year 2020 has put unimaginable strain on people's lives, livelihoods and well-being. For every count in the daily roll call of death, there is a long list of people who loved and will grieve for a lost life.

Confinement has acted as a pressure cooker for many relationships. Citizens Advice reported a surge in divorce guidance searches during the first lockdown and new data from the Office for National Statistics shows the largest percentage increase in divorce in nearly 50 years.

Legal services are increasingly required to deal with the most emotionally fraught circumstances by people desperate to get their affairs in order. There has been a rise in legaltech platforms aiming to make sensitive processes, once considered the exclusive domain of family or private client lawyers, more accessible and cost effective.

Coronavirus caused many people to think seriously about their mortality

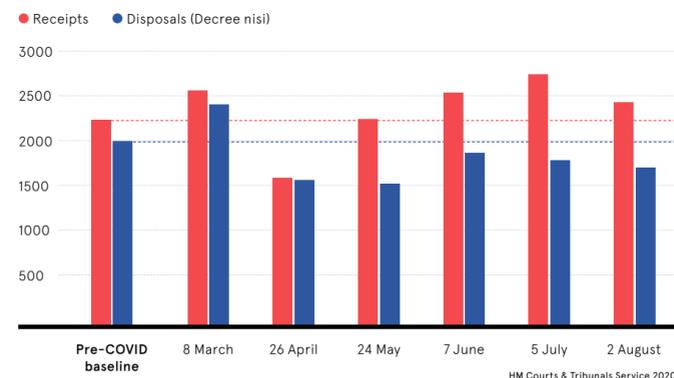
perhaps for the first time. Farewill, the UK's largest will writer, saw a twelvefold increase in under-35s writing a will at the start of the pandemic.

"Innovative technology can massively help with emotionally charged issues," says Tom Rogers, Farewill's co-founder and chief product and technology officer. The online service asks people to fill out a questionnaire and creates a legally binding will for £90 within 15 minutes, half the average UK cost and a fraction of the time typically spent on this difficult document.

Technology can provide a safe distance from having to articulate feelings about death and it enables people to do so in privacy. Arken, legal, an estate planning software provider, has also experienced increased demand this year. Its software automates estate planning documents, such as wills and lasting powers of attorney, by asking people to respond to a questionnaire drawn up by private client solicitors.

## HOW COVID HAS IMPACTED DIVORCE RATES

Divorce receipts and court orders (decrees nisi) issued over lockdown in the UK, in given weeks



March to June was a particularly busy period. Dave Newick, managing director of Arken.legal, says: "Many clients felt helpless in their situation, but gaining peace of mind by organising their affairs was something they could control and be reassured by."

Belinda Parmar, chief executive of The Empathy Business, advises on how empathy and technology can work together. She says there is considerable evidence that greater empathy leads to increased business profits: "Whatever way you cut the numbers, by productivity, growth or earnings, empathetic companies earn more money." In a conflict situation like divorce, Parmar believes "people need empathy more than ever".

Amicable, a digital divorce service, aims to make the process kinder and more affordable. It works with couples to help them agree and draft a divorce settlement that can be taken to a family law judge, using a combination of digitised forms, chatbots and the option of human support to help couples get to that stage.

"The divorce system is severely outdated in the UK," says Pip Wilson, Amicable's co-founder. "Many people believe the only way to separate is to hire two divorce lawyers who will represent their individual interests."

At the beginning of the year, a High Court judgment validated the rights of the company to provide its service without engaging separate family lawyers. Mr Justice Mostyn, in his judgment, said the future of divorcing and separating is likely to involve technology and artificial intelligence (AI).

The UK's tech workforce is only 16 per cent female, yet the majority of divorces are instigated by women.

This poses questions about who is programming legaltech AI and how can it provide optimal support to people who are potentially very distressed?

Wilson says: "Our chatbot understands emotional readiness. If a person using the chatbot service seems unsure about whether they are ready to separate, then they will be directed to counselling rather than being sold one of our services." Technology is available around the clock, offering guidance during a time of difficult transition. "If there are any complex questions which need explanation, the bot will book in a free call with one of our divorce coaches for more in-depth support," she says.

Joanna Goodman, author of *Robots in Law: How Artificial Intelligence is Transforming Legal Services*, says technology and automation platforms "cannot replace the human side of dispute resolution". What they can, and must, do is create a "thoughtful user experience". In the case of chatbots, this would be a process that links a user to a real person, rather than repeating standard responses, to make sure sensitive personal issues can be properly supported and resolved. This is especially important in complex cases.

Digital literacy varies drastically from person to person and the range of end-users must be considered by legaltech providers. Parmar says it is crucial that any company incorporating chatbots makes it very clear if you are talking to a human or an algorithm. Clients may not immediately realise a digital assistant is a program not a person.

When dealing with sensitive matters, empathy and active listening techniques must be replicated online, such as emotional labelling,

“Whatever way you cut the numbers, by productivity, growth or earnings, empathetic companies earn more money”

summarising or mirroring. These could be responses like "Just to make sure I've understood" or open questions like "Is this helpful?".

Legaltech intelligence is still in its relative infancy. Many companies have seen the opportunity to provide smoother legal processes and use smart questionnaires to automate complex, often costly documentation traditionally drafted by family lawyers, private client lawyers and estate planners. However, the technology does not compare to the hugely advanced AI used by a human-like robot such as Sophia, the world's first robot citizen. There is still an essential need for a human expert to interpret the law.

As the public continues to turn to online legal services, one thing is clear: the people behind legaltech programming must ensure it reflects the spectrum of experience of life's toughest situations. Empathy and understanding must continue to be built into the heart of further developments. ●

## ‘Innovation isn’t measured in tools, but in problems solved’

In business, we talk a lot about innovation, but it took a pandemic to show us how much we had in us. Companies across the world shifted their operations, sent millions of employees to work from home and reassessed supply chains, all within weeks. Such measures were unimaginable even in 2019. It's tempting to mistake technology for innovation. Technology is a tool not a final outcome. This is increasingly true in the legal department. According to the Association of Corporate Counsel (ACC)'s 2020 *Chief Legal Officer Survey*, released in January, half of chief legal officers (CLOs) had already invested in new legal tech solutions.

ACC research continues to find automated processes, digitalisation, ediscovery and legal operations to be the hallmarks of an effective, sophisticated operation. That's likely to be why, when we took a flash poll of in-house counsel worldwide after coronavirus hit, 68 per cent told us they were "very well prepared" to transition from in-person to home work.

This means new software, services and vendors are part of our daily lexicon. But adopting new software is not the same as innovation. A new ediscovery platform with 24-hour customer service certainly improves the department's efficiency, but I wouldn't consider it true innovation. Innovation isn't measured in tools, but in problems solved. Innovation is intangible; it's a way of using the tools at hand or developing new ones to address a unique problem.

This quality can't be bought, but it can be developed. In-house lawyers are trained in analytical thinking, the ability to visualise and break down problems. This begins on their first day of legal education, distilling complex facts, laws and regulations for practical application. But business law is tumultuous, mirroring a careening and unpredictable landscape. In-house counsel must apply their analytical thinking in increasingly creative ways; they must reject the training that drives them to protect companies from risk. Innovation requires walking away from the status quo.

Effective law department leaders encourage that creativity, rather than smother it. They should nurture their team's experiments, even risky ones. The CLOs currently responsible for moving an entire workforce out of the office will appreciate just how much experimentation their jobs require.

They will also be comfortable helping businesses pursue opportunities for which the current regulations may be lagging and where analysis of legal issues is murky.

But this was true even before COVID-19. In February 2020, the average CLO spent only 36 per cent of their time on strictly legal matters. More than 56 per cent had redesigned workflows over the prior year; a quarter had identified new growth metrics. These new solutions are often high tech, but others need nothing more than a spreadsheet and a calculator or a quick chat over Zoom. The common denominator is creativity: practical creativity, the unique problem-solving instinct that education incubates, but necessity hones.

The most innovative departments of all, like ACC's yearly cohort of Value Champions, go even further. They encourage lawyers to think holistically as an integral component of the company's operations.

Executives are well advised to see how legal creativity can improve operations across an organisation's departments. A lot depends on legal. When evaluating risk, 62 per cent of CLOs are "almost always" consulted. Regarding cybersecurity, 71 per cent of CLOs have or share a leadership position. With environmental, social and governance issues and sustainability, 93 per cent of CLOs lead, co-lead or participate in efforts. Those chief executives and boards of directors who are not regularly tapping the CLO to contribute to strategy are putting their companies at risk and missing out on a key contributor.

This is innovation. Given the space to apply their skills outside the legal department, in-house counsel are solving what once looked like insurmountable problems and cutting costs besides. That's not a quality you can buy. It is a quality you can build and every corporation would do well to invest.



Veta T. Richardson  
President and chief executive  
Association of Corporate Counsel

# Build legal automation tools without code

Technology can free legal departments from repetitive, low-value work, allowing time to concentrate on more important matters

Ask any in-house legal team what is the most unwelcome aspect of their operation and they will respond that they simply have too much work and not enough time.

Drill down even further and the reality will emerge that these teams are tasked with too much repetitive, low-value work, with not enough access to the technological solutions and automation that would enable them to optimally deliver their legal services.

As the leading no-code workflow and automation platform, Checkbox is on a mission to solve this frustration and allow legal departments the opportunity to turn their supporting role into a strategic one by leveraging legal automation in any number of situations.

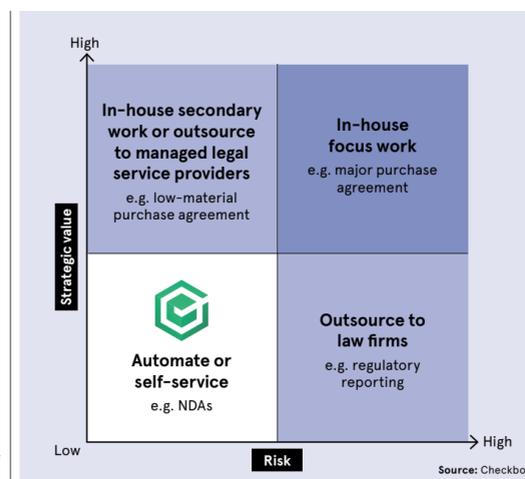
"No code platforms empower legal teams to build their own automation software using drag and drop," explains Evan Wong, co-founder and chief executive of Checkbox.ai.

"By offering LEGO block functionality, we can put the power of digital creation into the hands of legal teams, rather than offer them pre-designed technology that is narrow and not tailored to the specific needs of the team. Checkbox's no code solutions are already helping a number of operations to do just this."

One of those operations is Telstra, Australia's largest telecommunications company, whose 150-strong in-house legal team was struggling to keep up with the volume of legal service requests coming from the company's 25,000 employees.

In just eight weeks, Checkbox's no-code Legal Intake and Triage Solution changed things, as suddenly the lawyers were able to put up a digital front door for the many thousands of ad hoc requests that previously came their way through any number of channels.

With the solution in place, any employee or department with a request could access it via the company's intranet, provide complete and accurate information the first time round using digital smart forms, and



have their need triaged based on business logic. This allowed the team to focus on the more complex, high-value legal work, automating away low-value, manual tasks, resulting in a saving of up to 13,000 hours of legal team time.

Manual tasks also consumed the time of the legal department at Coca-Cola Amatil (CCA) until they too partnered with Checkbox, replacing legacy software with Checkbox's solution, which allowed them to automate low-value workflows, like the population, drafting and signing of documents, as well as inter-departmental communications.

Using an underlying master template, documents like non-disclosure agreements (NDAs) and memorandums of understanding, as well as a broad range of other business agreements, which used to occupy precious legal resources and time, became self-service, freeing teams to focus on high-value strategic work.

"We have automated NDAs so that 90 per cent are created automatically by the user without legal intervention," says Richard Conway, CCA's deputy group general counsel. "The 10 per cent that require legal intervention are now completed in hours rather than days."

Taking just three weeks to be deployed, the impact of Checkbox's solution could be quantified in the 1,000 documents it created, saving the CCA team up to 2,000 hours of legal time.

Of course, it's inevitable that legal departments will end up as the "middle man" in any number of business processes, but what isn't inevitable is this should become a huge drain on their limited resources.

Checkbox's Approval and Review Solution allows legal teams the opportunity to deploy an end-to-end workflow that guides users through the processes themselves without drawing on valuable legal time and knowledge.

Users are prompted to provide appropriate reviewable input information as well as upload documents for review, while the solution alerts appropriate stakeholders to anything that requires further attention, and facilitates a digital signoff workflow across the business based on the delegation of authority.

The super fund HESTA was able to use Checkbox to do just this, automating away their team's middle-man role in the review process and digitalising a complex procurement programme in just 12 weeks, enabling the business to process more than 2,000 procurements a year.

These examples show that with the application of Checkbox technology teams can be gifted with a clear way out of the low-value work maze, allowing legal departments a chance to bring their considerable expertise to bear on the business as a whole and become a driver for future success.

“No code platforms empower legal teams to build their own automation software using drag and drop”

For more information please visit [www.checkbox.ai](http://www.checkbox.ai)

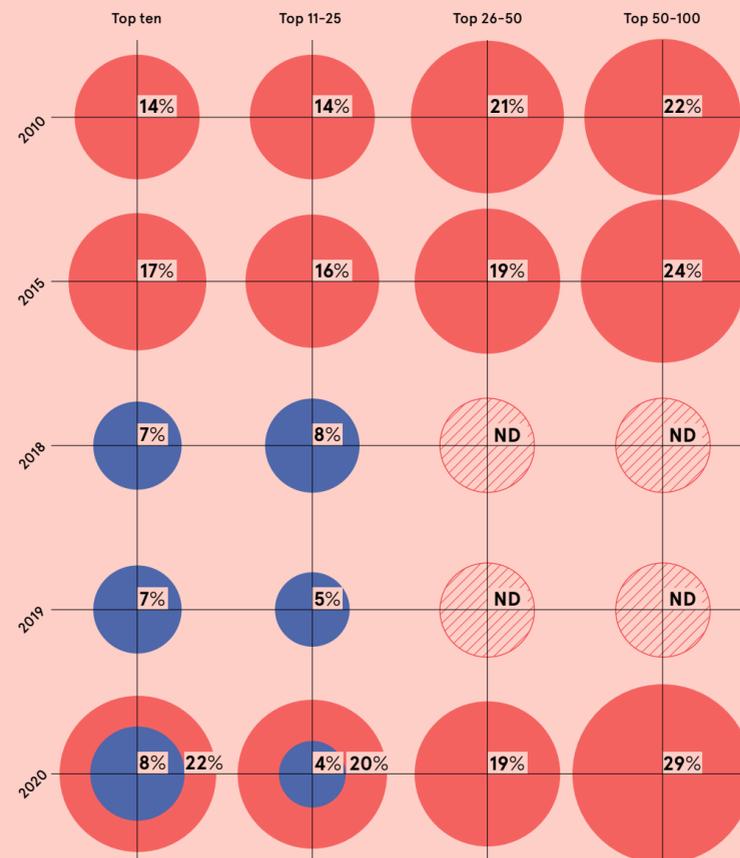


# DIVERSITY DATA

Diverse and inclusive law firms are not only positive for business, but for the good of wider society. But while progress has been made over recent years at improving the status quo, in terms of both female and ethnic minority percentages, a diversity cascade still remains – where representation steadily declines the higher up the organisation you go

## PARTNER LEVEL REPRESENTATION

● Female representation at partner level across the top 50 law firms in the UK ● Ethnic minority representation at partner level across the top 25 law firms in the UK



PwC 2020

## THE DIVERSITY CASCADE

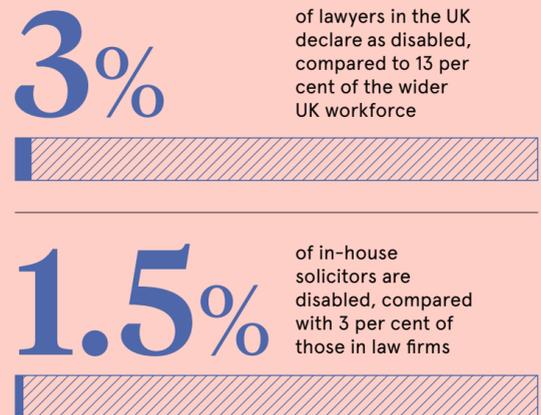
The proportion of women and ethnic minorities in the workforce steadily declines further up the organisation; across the top ten law firms in the UK in 2018 only



PwC 2018

## DISABILITY DISPARITIES

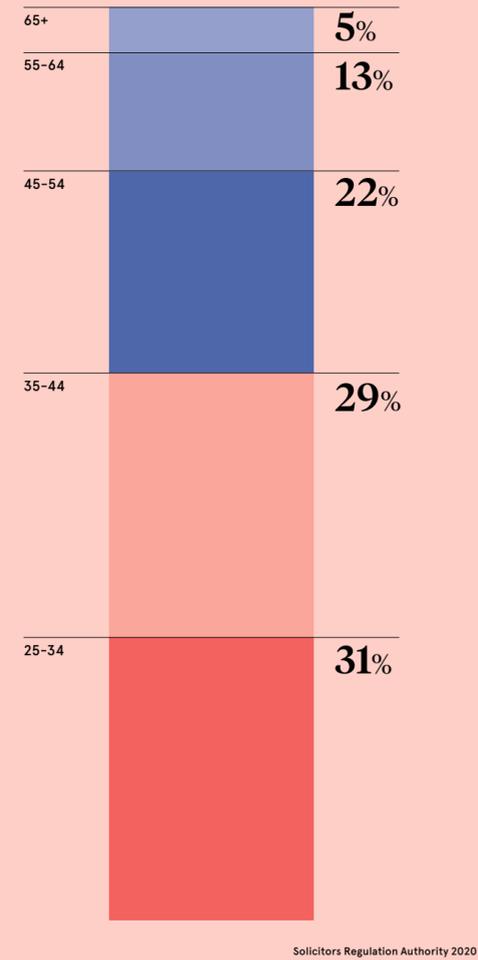
Survey of nearly 10,000 firms regulated by the Solicitors Regulation Authority



Solicitors Regulation Authority 2020

## AGE PROFILES

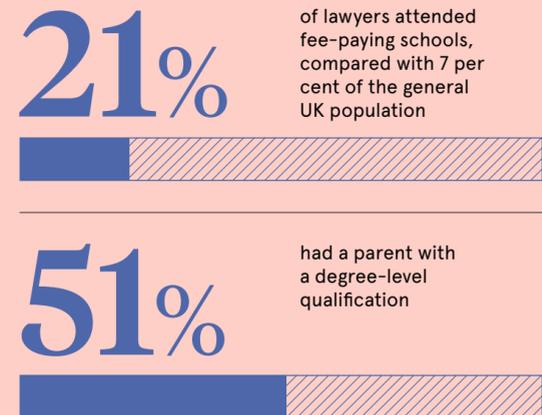
Survey of nearly 10,000 firms regulated by the Solicitors Regulation Authority



Solicitors Regulation Authority 2020

## SOCIAL MOBILITY

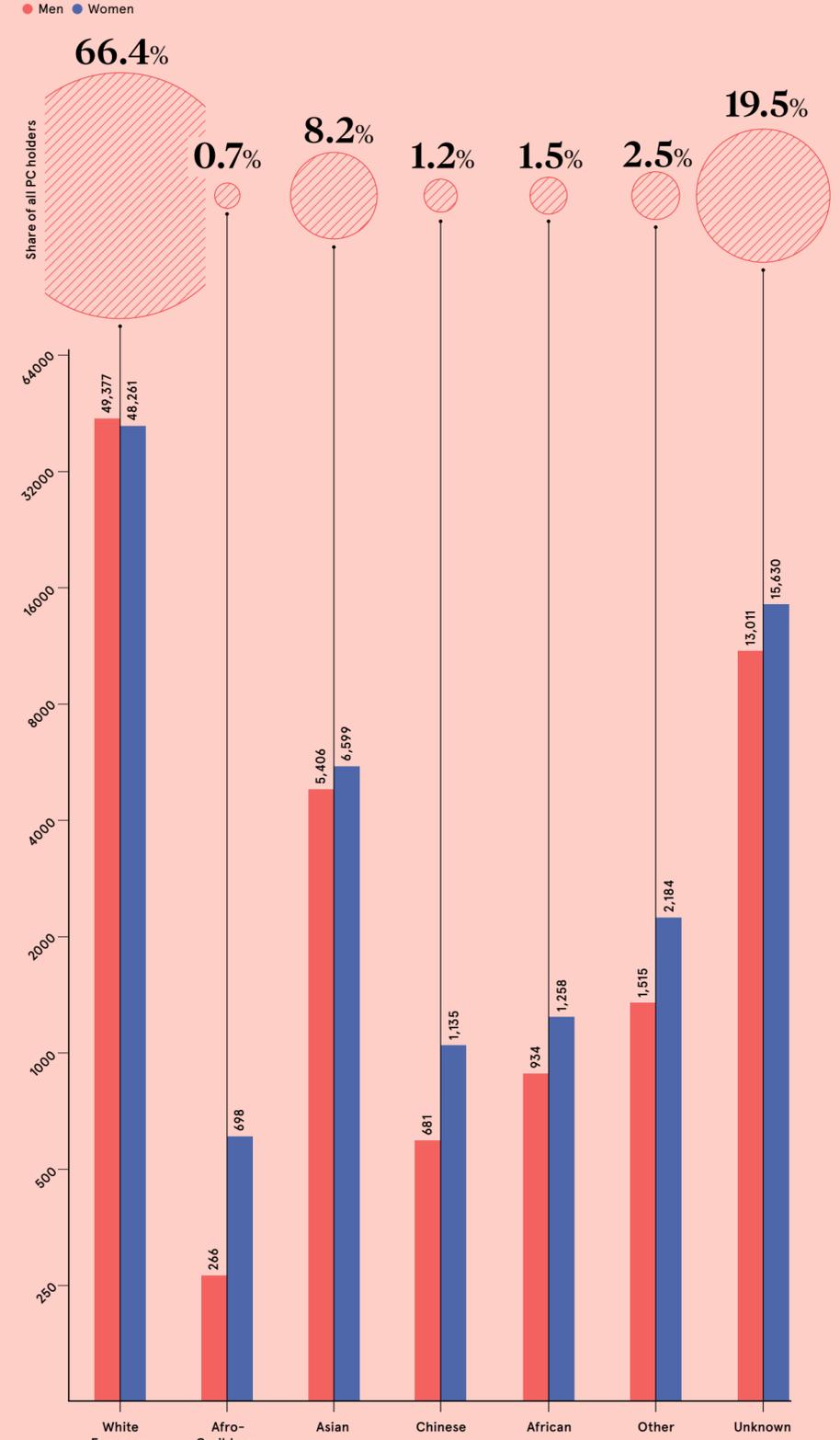
Survey of nearly 10,000 firms regulated by the Solicitors Regulation Authority



Solicitors Regulation Authority 2020

## ETHNICITY BREAKDOWN IN THE UK

Number of solicitors in the UK with practising certificates (PCs)



The Law Society 2019

## STRATEGY

# Making legaltech work for you

No longer the domain of a few select nerds, legal technology is dragging law into the future and those who don't get on board will be left behind

Catherine Baksi

Having lagged behind other sectors, law firms are increasingly embracing legal technology as they become more aware of how it can help them work faster and more efficiently. They are beginning to harness the power of tech to give clients a better service in a more cost-effective way, ultimately increasing that all-important bottom line and enabling business growth.

Coronavirus has acted as a catalyst to help firms accept that technology is not optional, but fundamental to their business. Among the most forward thinking, it has become a boardroom issue, with specialist technology officers, and having tech credentials is seen as a selling point.

A few have gone further and established legaltech incubators, working with startup companies in-house to create bespoke and innovative products.



Jörg Gneuß/Gettyimages

But, says Brennan Ong, founder and chief executive of legaltech company LawAdvisor, for the majority, email, spreadsheets, document repositories, time recording and invoicing tools characterise the extent of legal technology.

"While artificial intelligence (AI), natural-language processing and automation are seeing attention, none of these technologies have

truly become part of a lawyer's arsenal in the delivery of legal services," he says.

A lack of know-how can prevent firms taking the plunge or result in them getting carried away by the hype and buzzwords, wasting money on tech that sits idle. So how can law firms develop a strategy to make smart investments to realise the power of legaltech?

“**While AI, natural-language processing and automation are seeing attention, none of these technologies have truly become part of a lawyer's arsenal**

Tech guru and author Professor Richard Susskind, who has advised more than half the top 20 law firms, puts the use of technology in law into four broad categories.

Internally, there are back-office systems, like laptops, email, accounting systems, work processing and practice management systems, as well as knowledge management systems, which help firms capture and share expertise.

Externally, there are the client relationship systems that help firms reach out to those they are advising, including email, social media and video conferencing, and online legal services, which make legal knowledge available.

A tech strategy, says Susskind, is about working out your priorities and should be integral to your overall business strategy. It will depend on whether a firm is looking to tech to support or transform its business. For example, is the firm looking to automate or digitalise what it already does or use technology to innovate and do entirely different things?

Successful legaltech adoption, says Richard Tromans, founder of Tromans Consulting, starts with identifying the problems you are trying to solve and understanding tech is likely to be only part of the solution. It should, adds Jon Grainger, chief information officer at Slater and Gordon, be defined based on "the business imperatives it enables, not based on the technology used".

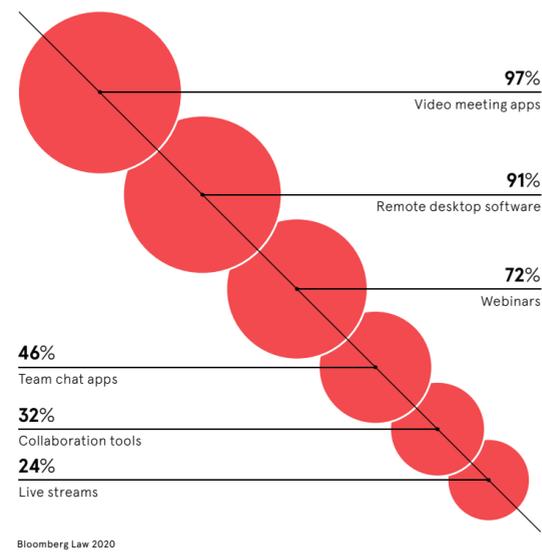
A 2019 study by Thomson Reuters found the value of the global ALSP market in 2017 was around \$10.7 billion, up from \$8.4 billion in 2015, and that approximately 40 per cent of law firms were currently using an ALSP for at least one type of service.

Often backed by private equity, these new entrants are more nimble and agile than traditional law firms. As Professor Richard Susskind notes, unlike law firms they have less of a legacy to maintain. "They are able to compete in the legal marketplace without destroying a business that's been massively successful over the previous 50 years," he says, adding that the trouble with law firms is they have a lot to lose. "Their current business has delivered very well for them and it's very hard to self-disrupt," says Susskind.

On the other hand, he says: "ALSPs are coming to the market with new labour models and technology. Fundamental to most of them is that tech will change the client experience and will allow the delivery of legal products and solutions. For most law firms this is quite disruptive."

## LAW FIRMS TOP REMOTE WORK TOOLS

Tools most used by global law firms for remote work during the COVID-19



Bloomberg Law 2020

The best way to shape it, says Jane Stewart, head of knowledge and innovation at Slaughter and May, is to look at where there is fertile ground for improvement. Slaughter and May run firm-wide legal process improvement programmes and work with junior lawyers to examine existing processes to see how they can be improved.

Monitoring the market closely to understand what is out there is invaluable, says Stewart. "Sometimes we come across tools which just make sense, as was the case with StructureFlow, which enables intelligent modelling," she says.

David Jackson, partner at Shoosmiths, who leads the technology, media and commercial practice, stresses data management has to be a key piece of the puzzle.

Describing it as the "secret recipe of the future", he explains that law firms create data in everything they do and should use tech tools to collate and analyse it to be able to give market insights to clients and enhance the AI used.

Regardless of innovation, information security and data privacy remains a top priority for any law firm. Anthony Vigneron, director of legal technology solutions at Clifford Chance, points out that security, stability and reliability are "non-negotiable and should be part of the digital transformation agenda from inception, not as an afterthought".

Slaughter and May, says Stewart, has a "technology sandbox environment" where it can test new technologies in an isolated and controlled environment using dummy data. "We also have established due diligence processes to validate the information security and data privacy arrangements of our suppliers, as well as processes to assess the technical security merits of new systems and services that include architecture reviews and penetration tests," she says.

Partners who may have forked out big bucks on new technology will undoubtedly want to see a return on investment (ROI). Technology may reduce cost, reduce time or increase productivity, but it will vary depending on the project.

For example, says Stewart, when Slaughter and May uses its due diligence AI tool Luminance, it can measure the amount of time its lawyers save compared to completing it manually. "Similarly, when using ediscovery tools in our disputes and investigations practice, lawyers are able to review huge volumes of data that it would be impossible to carry out without the technology, thus improving client service," she says.

But firms should not discount other benefits for lack of ROI, for example solutions that allow legal teams to remain joined up while working from home or enable clients to access law firms' advice in the most efficient ways, says Jackson. "And never discount the value of enhancing the client experience," he adds, stating it can be a "key differentiator".

The business case, says Grainger, should tell a very clear story on the problem being solved, how it will be fixed, how long it will take and how much it will cost. "This should be, in essence, very easy to explain and communicate, if not then you don't have a business case," he says.

Whatever firms do, they can no longer afford to dismiss legaltech as the domain of a few techy nerds. Without it, firms will find it harder to compete in the market. There needs to be buy-in and leadership from the top.

As Susskind concludes: "We have to move beyond a few enthusiastic lawyers dreaming about technology, to being systematic and rigorous about strategic planning for technology. "It's too important to be left to hobbyists or technologists. It's a board issue and fundamental to the future of legal services." ●

## Commercial feature



# From reactive to proactive: how legal teams can use data to unlock business value

Freeing trapped data can transform the legal department into a value-generating force driving business forward

The rise in collaboration platforms and other cloud-based business applications has helped companies improve efficiency. But the shift away from single-suite enterprise solutions has also created challenges for businesses, and for corporate legal departments in particular, as data becomes trapped in silos across multiple systems.

One major issue with siloed data is that it is difficult for legal teams to access and control this information for regulatory and compliance purposes, making it harder to manage risk effectively. The more the data is siloed, the harder it is to find and the bigger impact it has on productivity, says Kelly Griswold, chief operating officer of Onna.

"Without the right tools, it is very time consuming and inefficient for legal departments to find what they are looking for in legal discovery," she says. "Using a system like Onna helps materially cut down on the time and cost of performing a collection, so this optimises productivity but also gives access to information that would have

otherwise just been very difficult to find in the first place." Part of the reason why legal departments need specialist technology to help them capture and retrieve this data is because it comes in an unstructured format, which makes it difficult to process and understand. "Making data consumable, through technology that is easily adopted with no-code deployment, is critical to unlocking value for the legal department," says Griswold.

Such technology can also enable corporate legal departments to move from being reactive to taking a much more proactive approach to managing and using data. Take ediscovery. Traditionally, a legal department would perform a one-off collection from a particular data source by processing this information, finding what they are looking for and then promptly discarding it, wasting a valuable source of processed and indexed data. "Instead, if you're maintaining an archive of that system, not only will the data be able to be reused and repurposed for a variety of different use-cases, but you're also able to respond to these events more quickly and proactively," says Griswold. "The return on investment versus just looking at it as a one-off collections project will actually pay back in and of itself very quickly, but then the return becomes exponential the more you use the data asset you've created."

While ediscovery is one example, legal departments can also look at creating centralised and searchable indexes across many different data sources, such as contracts, mergers and acquisitions or compliance, which can then be used to generate valuable strategic insights for the wider business.

"The legal department holds the keys to the enterprise in many different ways; they're the custodians of contracts which govern all business relationships across the enterprise," says Griswold. "They have access to so much information and so being able to organise this information in a way that can be served for greater business utility can elevate legal from a reactive, risk-management focus to a proactive, value-generating function for the business. That is a massive opportunity and data management is at the heart of it."

That evolving relationship where in-house legal departments are no longer seen only as a cost centre, but instead as a valued and trusted business partner can also change the way general counsel (GC) and chief legal officers are viewed by the rest of the C-suite, potentially paving the way for more GCs to start running businesses.

"If you look at some of the reasons why it would make sense for a chief financial officer to turn chief executive, those same reasons exist if we look at the corporate legal function and the role of the GC," says Griswold. "We expect to see more GCs and people with legal backgrounds becoming CEOs and the turning point for that is looking at reactive opportunities in the context of a proactive strategy that benefits cross-functional business stakeholders."

For more information please go to [www.onna.com](http://www.onna.com)

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## Exploring the merits of alternative legal services

The digital transformation of legal services has been spurred on by the entry into the market of alternative legal services providers (ALSPs).

These businesses come in many shapes and sizes, from independent startups, such as Axiom, UnitedLex and Elevate, to the Big Four accountancy firms Deloitte, EY, KPMG and PwC. Some law firms have also got in on the act, with their own captive businesses or legal support centres.

Enabled by the liberalisation of the market, introduced by the Legal Services Act 2007, they combine lawyers and technologists who use state-of-the-art technology, including artificial intelligence, to muscle in on work that has traditionally been done by law firms, to revolutionise the processes of law.

Most commonly their work centres on document review, ediscovery, regulatory risk, and compliance, litigation and investigation support.

Flamino Images/Shutterstock



GENERAL COUNSEL

# A day in the life of an in-house lawyer

Far from being a little-considered legal adviser, in-house counsel has become a key figure in business strategy and, as such, a new set of skills is required

Diana Bentley

For the last two decades, their star has been rising. Once considered purely as professional advisers, in-house counsel are now viewed as valued business partners who help shape and deliver corporate strategies. As regulation has proliferated and the challenges to business intensified, legal input in the early stages of business development and legal oversight of operations has become evermore vital. The responsibilities of in-house counsel have grown accordingly.

Research by the Washington-based Association of Corporate Counsel (ACC) testifies to the continued strengthening of the position of the chief legal officer (CLO) or general counsel (GC). Its 2020 *Chief Legal Officer Survey* reveals that 80 per cent of CLOs now report to their chief executive while 76 per cent attend board meetings and 73 per cent are almost always engaged by their executive leadership team on business decisions. Given this trend, what is the world of the future in-house lawyer likely to look like?

Recruiting and nurturing talent will be crucial for GCs, while those aspiring to work in-house will have to develop and hone certain skill-sets. Though legal capabilities are essential, commercial awareness and an ability to work collaboratively are just as crucial.

Adele Callaghan, senior business director of legal recruiters Hays Legal, says: "GCs are seeking commercially focused lawyers who are technically strong and solutions focused, who can quickly establish credibility with key stakeholders in the business, from the board and management team to more junior colleagues. In-house lawyers need to be approachable and succinct and able to quickly grasp the core issues in business situations."

Strong legal competencies are required by Rosemary Martin, GC and company secretary at Vodafone Group, who leads a global team of 460 people. Above all, however, her team members must possess empathy, enthusiasm, initiative, adaptability, and an ability to understand the business and help it progress.

"Your organisation's geographical reach or operational focus can shift quickly and new areas of law and business must be understood and mastered rapidly," she says. Working with business colleagues, she stresses, requires good social and influencing skills, and an ability to appreciate their business aims.

GCs may have to cast their net wider than ever to recruit those with the right skills. Helen Lentle, director of legal services for the Welsh Government, recruits nationally for her expanding department. "I recruit people from various sectors and backgrounds, and not necessarily people with public law experience. I want bright, committed people who can pick up things quickly and move across our 18 teams from health to



**In-house lawyers need to be approachable, succinct and able to quickly grasp the core issues in business situations**

planning," she says. Her department has embraced remote working for some time and continuing it beyond the coronavirus pandemic will enable Lentle and others to recruit lawyers who are based in more diverse locations.

A considerable ongoing challenge for in-house lawyers will be the ability to embrace technology. "In-house lawyers need a good knowledge of technology and how it can affect not only how the legal department's work is done, but how the organisation operates. This and artificial intelligence (AI) will be major aspects of the in-house lawyer's life in future," says Martin.

In-house counsel can also expect to be working alongside a greater range of other specialists in their departments, including legal operations executives, project managers and those with specialist technical skills. Martin's own department now has a legal digital transformation manager.

But since legal departments have flatter structures, nurturing and

motivating team members are key considerations for GCs. A range of training and work opportunities are used to enhance their competencies. Lentle's in-house team can access a range of technical and soft-skills training both in-house and externally, and lawyers can volunteer for large projects. The Step Opportunities programme she has developed enables them to gain short-term experience in other areas of the civil service, including other jurisdictions. "All this is hugely important for maintaining interest and motivation," says Lentle.

Catherine Johnson, group GC of London Stock Exchange Group, encourages her legal and compliance staff, and especially more junior lawyers, to work across teams that serve different business divisions. "We encourage secondments to business teams within the group and to different jurisdictions. We offer a range of training on legal and business skills, and do a lot of mentoring," she says.

According to ACC research, GCs predict greater regulation, risk management, cybersecurity, data protection, piracy and greater financial scrutiny will be the matters occupying them most in the future. Added to this is the relatively new concern of social media, especially its impact on reputational risk. "Reputation management is a big part of what we do now and will be in the future," says Martin. A range of tools will be harnessed to address such issues.

While external law firms still provide specialist advice and transactional support where needed,

high-volume, routine work is now frequently outsourced to legal services providers, a trend likely to continue. Johnson has outsourced more standardised work to various organisations. "This makes the handling of this work cheaper and quicker, and allows my team to focus on value-added work," she says. In the meantime, a weather eye must be kept on the offerings of new service providers, such as the new legal arms of the Big Four accounting firms.

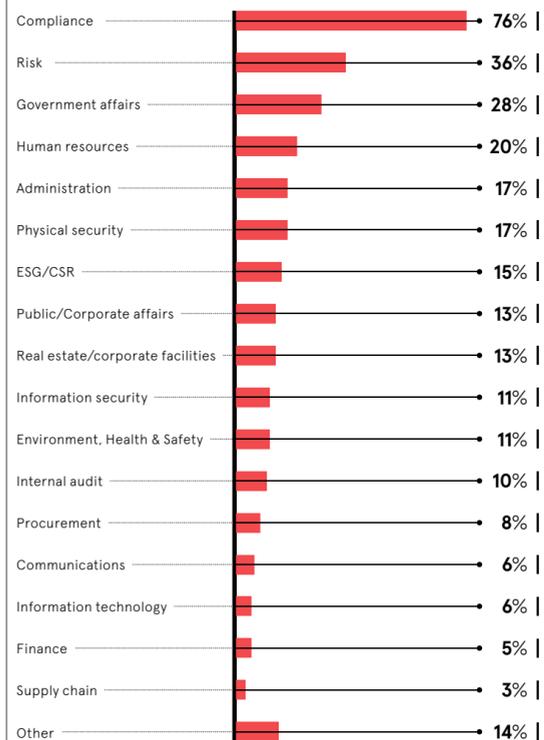


**New roles for in-house counsel**

Many general counsels (GCs) now serve their organisations in additional capacities and more are likely to do so in future. For example, Rosemary Martin is company secretary of Vodafone Group, while at London Stock Exchange Group Catherine

**WHAT'S OCCUPYING THE CLO'S TIME?**

The corporate functions who report to the CLO in 2020



Associate of Corporate Counsel 2020

The savvy use of technological processes can help GCs scrutinise and monitor their workflows, and prompt more creative solutions for work management. The newest tool available to aid in-house counsel is AI, which is likely to be a standard aid in future. "We've used AI effectively in large disclosure exercises and complex matters, which involve high levels of documentation like mergers and acquisitions," says Johnson.

"When people get used to it, the benefits will be significant."

On the people management side, given that more organisations will be adopting more flexible working arrangements, a big issue will be the supervision of those who work remotely, especially more junior in-house counsel. Whatever the challenges in-house counsel confront therefore, they can be assured that their wellbeing will be of greater concern too.

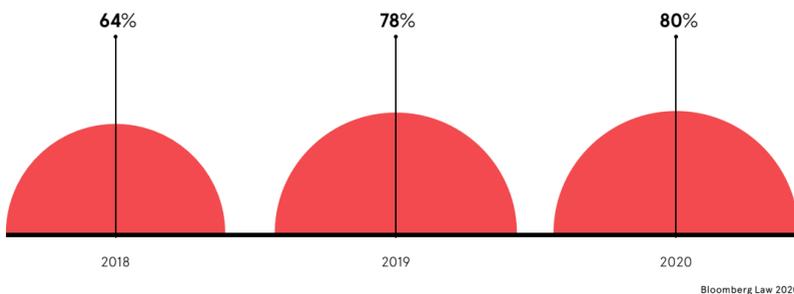
Johnson also manages compliance. Other functions for which GCs may be responsible are human resources, risk management, corporate social responsibility, internal audit and corporate communications. All complement the legal role and stand adjacent to it.

GCs may also sit on their organisation's board of directors. This is less common in the UK, where it may sometimes be seen as impinging on their role as an objective adviser, though this may be less of a concern in other jurisdictions.

As evidenced by the Association of Corporate Counsel's 2020 *Chief Legal Officer Survey*, it is increasingly common for GCs to be members of executive committees alongside members of the chief executive's team and those from other key disciplines. Martin, Johnson and Helen Lentle, director of legal services for the Welsh Government, serve on the executive committees of their organisations, while Lentle also sits on the Welsh Government Board, which supports the permanent secretary. Such trends highlight the increased appreciation of the vital role the in-house lawyer can play in stewardship of their organisations.

**IMPORTANCE OF THE CLO IS GROWING**

Percentage of chief legal officers who say they report directly to the chief executive



Bloomberg Law 2020



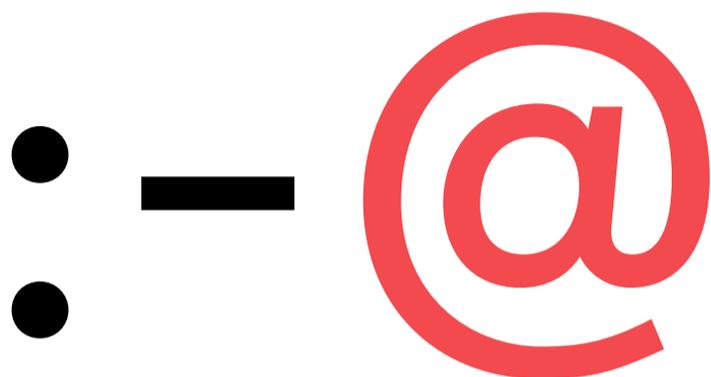
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