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Trends In Legal Technology: An Ever-Evolving Toolkit

The Editor interviews Scott Pittman, Chief Technology Officer, Liquid Litigation Management (LLM), Inc.

Editor: Tell us about your background.

Pittman: Academically my background is primarily in economics, with some computer science thrown in for good measure. I started out in financial systems and then moved into the commodities trading industry – consulting with trading organizations and implementing trading platform technology on things like valuation models, risk analytic technologies and risk models. During that time, I met Cas Campaigne, CEO of LLM, who told me about the e-discovery challenges he was having with the tools available at the time. There was so much opportunity to do things better, to bring technology to bear on solving problems in an industry that wasn't traditionally focused on technology. So we started LLM, and here we are 10 years later. Since the beginning, our strategy has been to offer a superior discovery-through-trial platform, via the Internet, and to couple that with comprehensive services, where our team becomes an extension of your own.

Editor: What are some of the technological trends you've seen in the legal world in the past year?

Pittman: I think of the technological progressions in our industry as a series of evolutionary changes to existing tools or techniques. Each one of these is typically spurred along by either some novel challenge that we haven't had to address before, or by a drive to incrementally improve results or lower expense.

Along those lines, and in the technology world generally, there has always been a trend to simplify things – to take a problem that requires five pieces of software and three service providers, and to solve it with a single solution. We'll see our industry increasingly continue working toward that end, integrating products and creating tools that address a wider breadth of the EDRM's stages.

As for new challenges that we are beginning to tackle, I anticipate the emerging focus will be on technologies that address social media and the growing adoption of the cloud in its various forms. Very much intertwined with that is the proliferation of mobile devices and the ESI complications they introduce.

And of course the buzz du jour is technology-assisted review, or TAR.

Editor: Do you think TAR will be up to the hype?

Pittman: TAR isn't something completely new, although the underlying technology is being applied in novel ways to the legal industry where it *is* relatively new. Furthermore, TAR is as much a process and set of best practices as it is a technology, and at this point the industry is working toward establishing those best practices – and finding out what's acceptable in the legal and judicial system. I would say that TAR as a concept is still being defined. Some use the term interchangeably with predictive coding – that is, the use of artificial intelligence and algorithms to identify relevant documents based on some element of human training. Others use TAR to refer to rules-based classification of documents that relies on linguistic analysis. You could apply the TAR label in a generic sense to just about any of the

technologies we use today.

At LLM we've selected a flavor of TAR that essentially comprises an artificial intelligence/algorithm approach, and we think that holds the most promise. We'll also readily agree that this version of TAR doesn't necessarily fit the bill in all cases – for example, if the data mostly consists of poor-quality OCR, financial spreadsheets or technical diagrams. Again, not every feature that exists in a product will be the right fit for every case.

That being said, TAR will have an important impact. As the marquee court decisions come out in acceptance of TAR, it will absolutely become more widely adopted. TAR will be an important arrow in our quiver – most importantly as a cost-saving strategy, which means it's going to be sticking around. We are also likely to see these same technologies or techniques employed in ways that we have yet to imagine. As the technology becomes more prevalent, I think people are going to find more interesting ways to use it.

Editor: How about the recent focus on social media and the cloud?

Pittman: Social media and the cloud in general are definitely areas of emerging focus for litigation support providers; just look at the massive popularity of consumer cloud services like Twitter, Facebook, and others. And businesses are embracing those services as well as things like infrastructure-as-a-service, platform-as-a-service, software-as-a-service.

While certainly there are many legal issues to sort out regarding social media and the cloud, the problems these platforms pose in terms of e-Discovery – the

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major challenges being collection and preservation – must be solved. Social media is not going away, nor are issues dealing with preservation, collection and information governance as they pertain to the cloud. In the long term, we're going to see those mainstream cloud providers as well as the business cloud providers recognize this, and they will likely create tools to address those challenges – or at least help in adjusting to those challenges.

An interesting example has already come to fruition. Google, whose cloud offering includes Google apps and Gmail, has rolled out something called Google Vault, a cloud service that is purpose-built with these types of challenges in mind. Google Vault helps users streamline the collection of e-discovery from the Google cloud, and ideally other cloud providers will follow suit.

Even further down the road, I anticipate that some coalition or governing body will be formed to implement standards or specifications of protocols such that we are all on the same page when it comes to ESI on the cloud. Such standardization in and of itself will have long-term consequences for the service providers who are starting to specialize in this realm; in the interim this will be a hot area of demand.

Editor: What do you think will be the next big technological breakthrough for the legal world?

Pittman: First, while TAR and other technologies are already bringing cost savings in the right circumstances, providers will continue to advance them such that they bring greater efficiency and lower cost to more situations. The second area of focus will likely be developing solutions for nontraditional computing devices, such as tablets and smartphones.

Editor: Why is it important to address this trend?

Pittman: The user base has embraced these form factors. Sales of tablets are going up. For one, products will need to be adapted so that tools function effectively on those platforms, with user interfaces appropriate to touch screens of

various sizes.

Furthermore, as the diversity of these devices increases, we will have to figure out how to handle information governance issues including preservation, legal holds, the process of collection, and forensics. Mobile devices are becoming more and more popular, especially in the workplace, with many companies getting on the “bring your own device” bandwagon – actually embracing the personal use of mobile devices rather than simply permitting it.

Meanwhile, enterprise software providers are starting to offer solutions that integrate information governance technologies with the e-discovery sphere, and it makes sense that providers will take into account all of these mobile devices – as well as more broadly the cloud, which is the ecosystem in which mobile platforms “live.”

Editor: Is developing for mobile platforms as much about conforming to the use of cloud servers as it is about tailoring those technologies to the devices themselves?

Pittman: Yes. Of course, there are the logistical challenges of tailoring solutions to an array of devices that are very different from those we are all used to. But providers must also deliver solutions that accommodate the new reality, where data is stored not on a hard drive but in the cloud. As more products shift toward software-as-a-service, the leap will be shorter.

Editor: On what platforms is the legal tech industry putting the most focus?

Pittman: At LLM, we are currently focusing our mobile product strategy on the larger form factor of tablets, because from a practical standpoint the interface is more useful for the types of applications we're creating. Android has been making progress in tablet market share, and I've read that it may actually eclipse iOS on tablets in the medium term. Amazon's new Android-based devices like the Kindle Fire seem to be helping that trend along. That said, to a certain extent Android devices currently tend to be used for content consumption, and my observation to this point is that many

more of our users gravitate toward iOS – the iPad platform – which is why we chose that platform for our initial foray into the market. Of course, we're always cognizant of changing tides in the technology world. My guess is that for now developers will choose to go to market on both platforms, and perhaps Microsoft's Windows 8 will come into the mix as well. In the end there may or may not be a winner.

Editor: With all that is going on at any given time, how does one decide which trends are the most important?

Pittman: My observation – as I'm sure that of others – is that each year there tends to be one or two areas of focus that capture the lion's share of the buzz. But after the hype dies down, they end up being another tool in our toolbox. None of these tools necessarily transforms our industry or our marketplace wholesale; rather, the innovations that address a need simply mature and settle into our everyday practice.

As I mentioned before, technology tends to evolve from one step to the next, each time addressing a specific issue. For example, a long time ago, the goal was making huge piles of paper searchable and useful. Then came the building-out and the evolution of the technology of textual search; next we addressed the issue of non-Western languages; and from there we moved into things like concept search.

Even though at some certain point each of these was the hottest topic, we still see consistent demand for things like clustering, for instance, and traditional Boolean searches, of course, remain very central to everyday life. Foreign language capabilities are increasingly necessary – especially in intellectual property cases – as the Asian market continues to grow. Near-duplicates and email threading are also very useful tools. Just a few years ago, native file review was the hot thing, and now it's standard.

So rather than deciding what specific trend or area of buzz is most important, our approach is to look at things more holistically. We evaluate each new technology or technique in terms of when it is or is not the most effective solution for a given context.