
DOCKET

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It is Time to Embrace Legal Technology

Law Department Management

Technology, Privacy, and eCommerce



Email and its risks

When the first email in Germany was sent in 1984, no one could foresee how a simple text file would change our everyday lives. Its original purpose was to provide an easy, prompt, and safe way to communicate internationally. Its use rapidly expanded to collaboration, project management, informal communication and so much more.

This change has exposed many risks of using email, especially since legal matters have become more complex, international, and diverse. While the legal world is developing, email stays the same; It cannot track changes in the facts, contact partners, or deadlines. Therefore it cannot support effective planning of capacities and budgets.

When email is used as the sole communication, important legal information is kept decentralized. Since it is common for colleagues to join or leave the team during ongoing projects, new colleagues are usually obliged to read long email threads and look in various mailboxes to capture the latest facts. This not only ties up considerable capacities and costs valuable time, but also means the information is not up-to-date and may not constitute a suitable basis for legal evaluation.

Technology as a solution

However, most legal departments already have tools that help minimize such risks. Tech tools can be used to structure and manage the legal project, and provide an effective way to work within and without the company. Using tools such as Microsoft Teams or [Notion](#) can help the legal department jointly process and edit relevant documents with their internal clients. It also standardizes and documents the knowledge of all team members and allows a transparent collaboration within the

legal department (and the business units they serve).

These tech tools mostly provide a solution for communication over specific channels, and have the advantage of including the legal department into the communication of the project team. This leads to a better understanding of the internal clients' underlying interests. These tools share the project details and allow new project team members to be brought up to speed quickly, without significant investment of time and effort.

It is time for change

Many legal departments shy away from implementing tech tools in their daily work, since it requires effort from many parties. There are many time consuming and complex steps that need to be taken in order to introduce a tech tool into the IT infrastructure of a legal department.

This is even more complex when introducing tools that will be available to national, international, internal, and external users. Amongst others, legal matters such as eDiscovery, data protection laws, and trade secrets have to be considered.

eDiscovery

Due to the [broad definition of discovery](#) in civil procedure rules in the US and other common law jurisdictions, many questions need to be answered before introducing tech tools to the legal department. In the case of eDiscovery, the tools must address how data is being created and preserved, as well as to whom the data belongs and the rights of third parties involved, such as the tech tool provider. Legal departments must ensure the technology meets data requirements and ask for changes if it does not.

Data protection

Various data protection standards must be observed, particularly in an international context, and involved parties must have a common understanding of an acceptable level of data protection. This can lead to extensive legal evaluations, particularly in the case of very different data protection standards, for example when a Europe-based lawyer is working with US colleagues.

Trade secrets

Tools must meet the internal security standards and guarantee the protection of trade secrets. This applies in particular to tools that are used for planning and managing projects.

However, these aspects should not discourage legal departments seeking to accelerate their digitization. Rather, they must take into account the positive impact the implemented tool will have on the department's budget, capacities, and its overall performance.

If some are still unsure whether digitization is necessary, consider how a global pandemic showed how crucial digital infrastructure is. Digitized legal departments were able to maintain their working apparatus with little or no loss of efficiency.

Digitize now

If you are waiting for a sign to digitize your legal department: *This is it.*

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Fatima Hussain is a lawyer and legal counsel in the automotive industry in Germany. She has several years of experience in providing legal advice on product liability and safety matters in Germany and international markets, such as the United States and Canada, and in conducting national and international litigation. She previously worked as a legal assistant on the dispute resolution team at Freshfields Bruckhaus Deringer and in the Banking & Capital Markets team at Clifford Chance LLP in Frankfurt am Main and obtained her LL.M. International Commercial Law from the University of Nottingham in the United Kingdom. Additionally, she is a Legal Innovation Advisor.