



**The Law
Society**

Law Society Lawtech and Ethics Principles

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LAW SOCIETY LAWTECH AND ETHICS PRINCIPLES

It is a privilege to present the Law Society's Lawtech & Ethics Principles.

The world has evolved – it is changing still. By some estimates there have been 5.3 years of digital transformation in the last year. Thankfully, our jurisdiction is one of flexibility where the regulatory environment has enabled the legal services community to adapt to challenges, serve the public and provide trust in the wider economy.

However, digital transformation can only be successful when the capabilities of people are built and the functionality, limits and benefits of tools are understood. Over the last year, we have interviewed the country's largest law firms to understand how they have transformed, assessed solutions and navigated ethical considerations. We cannot thank the contributors enough for so willingly sharing insights and expertise with us.

This paper's main aim is to empower our profession to understand the main considerations they should make when designing, developing or deploying Lawtech, and aims to encourage greater dialogue between the profession and Lawtech providers in the development of future products and services. Although applicable to the whole profession, we hope that the framework, guidance and model procurement process in the paper will be of particular value to those firms and sole practitioners who do not have much experience of procuring Lawtech, and want support on how to get started.

The paper helps solicitors to unlock the benefits brought by digital transformation by providing a starting point to assess the compatibility of Lawtech products and services against professional duties. Likewise, it also aims to help Lawtech providers understand the regulatory parameters of solicitors' practice, embed trust and build market ready solutions.

We hope the report helps to set the wheels into motion and makes an important contribution to the debate.

Stephanie Boyce, president of The Law Society of England & Wales

I. Preamble

This paper is relevant for all solicitors, whether they are working at regulated law firms, unregulated firms, in-house or on a freelance basis. The purpose of the principles outlined in the paper is to empower practitioners to become aware of, understand and apply best practice in relation to ethical considerations relating to the design, development and deployment of Lawtech.

The principles aim to support practitioners to make informed decisions, engage in meaningful discussions with Lawtech providers, and take advantage of the opportunities Lawtech and digital transformation offer. This paper is not a Practice Note, and the guidance is not mandatory.

This paper has two purposes – it:

- *provides an overview to Lawtech providers of members' main ethical considerations and concerns in procuring Lawtech products; and*
- *sets out the framework, guidance and model procurement process, which may be of particular value to firms or sole practitioners who do not have much experience of procuring Lawtech.*

The Law Society is well placed to increase collaboration between the profession, regulators and developers for the development of principles, guidance and processes.

The principles will acknowledge the regulatory framework where appropriate, but be neutral about its application to Lawtech.

II. The Benefits of Digital Transformation

Technologies have been transforming the legal industry for decades. They aim to support, supplement or replace traditional methods for delivering legal services, or that improve the way the justice system operates. Lawtech, as they are called, can cover a wide range of tools and processes, such as:

- document automation;
- advanced chatbots and practice management tools
- predictive artificial intelligence;
- smart legal contracts;
- knowledge management and research systems.

When capabilities are built, people are empowered to work in new ways and understand the tools they are using can unlock the benefits of digital transformation.

The benefits of digital transformation include:

Business Benefits -

- Increased efficiency, productivity and growth
- Reducing costs
- Likelihood of human error reduced

- Maintain an edge over competitors by improving client experience
- Increased retention of Talent and clients

Solicitor Benefits -

- Making solicitors lives easier by meeting the needs of people in less time
- Making solicitors more fulfilled by freeing up time to focus on what they love

Client Benefits

- More agency, flexibility and customisation for clients
- Meeting expectations of clients
- Better outcomes for clients

Justice System Benefits -

- Greater efficiency from automation
- Increased auditability of justice outcomes
- Greater consistency and control
- Increasing access to justice

III. **Background**

In late 2019 we conducted extensive desk research on the use of technology in legal services, barriers to adoption and innovation, and Lawtech governance landscapes at home and abroad. The jurisdictions we compared were selected based on a Lawtech: Comparative Jurisdiction Analysis, which identified emerging Lawtech ecosystems globally.¹ Through the research, we sought understanding of how practitioners were being empowered to design, develop and adopt technologies.

In 2020 we conducted extensive interviews with members of the profession to understand their experience and ask whether it would be useful for us to share best practice on ethical considerations that should be made during the development, procuring or using of legal technology.

We published a discussion paper considering these questions and a summary of the main literature available.² We received 11 written responses from the largest 50 law firms, Lawtech providers and trade associations and 17 verbal responses from other legal service providers. Alongside this, we conducted qualitative interviews with

¹ The Law Society, Comparative Jurisdiction Analysis, <https://www.lawsociety.org.uk/topics/research/Lawtech-comparative-analysis-of-legal-technology>

² The Law Society, Lawtech and Ethics Discussion Paper, <https://www.lawsociety.org.uk/en/campaigns/Lawtech/news/Lawtech-ethics-and-the-rule-of-law-discussion-paper>

stakeholders including the Solicitors Regulatory Authority, the Legal Services Board, the Financial Conduct Authority and the Centre for Data Ethics and Innovation.

In terms of next steps, we will conduct a review of small firms and sole practitioners' experiences of using and drawing on the principles in purchasing Lawtech to see whether they require updating. In the meantime, we will continue to signpost members to our existing supporting guidance (e.g. Practice Notes) and relevant upcoming events, content and partnerships.

IV. **Definitions**

Client: The Lawtech Operator's client, who is instructing the solicitor on their matter.

Lawtech: Technology which supports or enables the provision of legal services and dispute resolution systems. It is roughly synonymous with legaltech or legal technology.

Lawtech Producer: The person(s) or business(es) who takes ownership of the design, development & production of the Lawtech

Lawtech Operator: The person(s) or business(es) who buy(s) or license(s) the product or service, operating it to deliver legal services to the Client.

Should: At times in this document we use "should" for clarity as to what we would consider to be best practice.

(1)

V. Main Findings Summary:

Respondents to the 2020 discussion paper agreed that:

1. A set of Law Society principles and guidance on Lawtech and Ethics would be beneficial for the solicitors' profession.
2. There were many benefits in favour of having a set of Lawtech and Ethics principles. Respondents thought that principles create clarity and flexibility; reduce duplication; increase consumer choice; encourage competition; increase innovation and adoption; reduce time spent on procurement; and facilitate interoperability between products.
3. The Law Society principles would help create a more stable and predictable environment for Lawtech developers, as they would have a greater understanding of the profession's professional standards and be able to assess the compatibility of their products with these standards.
4. Significant confusion still remains on Lawtech terminology – this is in itself a barrier for adoption. Respondents were keen to establish a clearer definition of Lawtech through the Law Society's principles framework, as a way of creating a 'common Lawtech terminology'.

VI. Proposed Lawtech and Ethics Principles & Example of Guidance:

Respondents agreed five main principles should inform Lawtech design, development and deployment. They also recommended that the five principles were linked to an overarching client care principle, to reflect the use of Lawtech in a way which is compatible with solicitors' professional duties to their clients. The guidance provides examples of the relevant SRA Codes of Conduct for both firms and individuals as a way of further clarifying the links between solicitors' professional duties and the principles.

These principles described below are not an exhaustive list of considerations, but are intended to help inform and support decision-making by providing clarity and a common set of principles, draft guidance, processes and use cases.

VII. Proposed Lawtech and Ethics Principles and initial guidance:

LawTech Principles



Client Care

Solicitors have a paramount professional duty to act in the best interests of their clients. The Client should be at the centre of LawTech, determining business requirements and how to consider the following principles in a proportionate way



Compliance

LawTech should be underpinned by regulatory compliance. The design, development and use of LawTech must comply with all applicable regulations.



Lawfulness

LawTech should be underpinned by the Rule of Law. Design, development and use of LawTech should comply with all applicable laws.



Capability

LawTech producers and operators should understand the functionality, benefit, limitations and risks of products used in the course of their work..



Transparency

Information on how a LawTech solution has been designed, deployed and used should be accessible for the LawTech Operator and for the Client.



Accountability

LawTech should have an appropriate level of oversight when used to deliver or provide legal services.

The Commitment To Client Care

Solicitors have a paramount professional duty to act in the best interests of their clients (SRA Principle 7).

Therefore as Law Tech Operators, solicitors should consider how the use of Lawtech is compatible with their existing professional obligations. Below are some examples of the SRA's Code of Conduct for Solicitors, Registered European Lawyers and Registered Foreign Lawyers relating to client care. In addition, the American Bar Association (ABA) principles and ethics on the use of Lawtech³ and the European Commission's seven non-binding principles for Trustworthy AI⁴ are also mentioned, as they provide useful supplementary context.

SRA Reference (Code of Conduct Solicitors, Registered European Lawyers and Registered Foreign Lawyers)	Description of its applicability to Lawtech
Paragraph 3.2: ensuring that the service provided to clients is competent and delivered in a timely manner	<p>Lawtech may help you deliver services to your client by simplifying some manual processes, allowing you to spend more time on the more complex aspects of your clients' matters. To ensure compliance with your professional duties, you should ensure that you understand how to use the Lawtech effectively, and that you maintain oversight of how it is used within your organisation.</p> <p>You should assess current functionality based on your firm's and The Client's expectations and risk tolerance. Lawtech Producers should inform the Lawtech Operator when additional functionality is added as this may cross the firms and The Clients risk perimeter.</p> <p>The ABA's duty of competence reiterates this point, highlighting that solicitors have a duty to identify the Lawtech that is needed to effectively represent the client, as well as determine if its use will improve service to the client.</p>

³ The American Bar Association , Resolution 112 on Artificial Intelligence (2019)

⁴ The Law Society, Lawtech and Ethics Discussion Paper, <https://www.lawsociety.org.uk/en/campaigns/Lawtech/news/Lawtech-ethics-and-the-rule-of-law-discussion-paper>

<p>Paragraph 3.4: consider and take account of your client's attributes, needs and circumstances</p>	<p>When taking initial instructions from your client, consider how your Lawtech will interact with their matter. For example, some Lawtech products designed to help firms with invoicing clients might not be appropriate for clients who request alternative formats for these documents (e.g. larger font or Braille)</p>
<p>Paragraph 8.6: clients are given information in a way they can understand to ensure that they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them</p>	<p>If requested, firms should be able to provide their clients with information on how the Lawtech has been used in their matters in a simple, plain English way. Lawtech Operators should engage with The Client from the offset to describe how different parts of a process may be automated, identify individual risk tolerance and outline safeguards.</p> <p>If your Lawtech uses AI, the ABA's duty of communication highlights that solicitors should discuss the decision to use AI in providing legal services with their client. The ABA also recommends that solicitors obtain approval from the client before using AI, and that this consent is informed by them having access to appropriate information (including the risks and limitations of AI in the Lawtech).</p>
<p>Paragraph 8.7: ensure that clients receive the best possible information about how their matter will be priced and, both at the time of engagement and when as their matter progresses about the likely overall cost of the matter and any costs incurred</p>	<p>Lawtech may enable you to deliver higher quality services to your client, as using it to automate some manual processes might allow you to spend more time advising on the complex aspects of their matters/reduce price/increase speed/increase volume.</p> <p>This links to the ABA's duty of communication, whereby a client's decision not to use Lawtech with AI may mean increased costs as more time would be spent on the manual aspects of the matter. This should be made clear to the client at the outset of the engagement, and as their matter progresses.</p>

Clients instruct solicitors across a wide range of different types of matter. For example, clients instructing solicitors on straightforward conveyancing transactions may be less likely to want to be consulted on their solicitor's use of Lawtech. This is because the Lawtech involved is likely to be a simple solution to help solicitors

provide an efficient service to their clients, and these clients may be more interested in ensuring that the outcome they seek is achieved effectively. On the other hand, a corporate client instructing solicitors on a complex mergers transaction may have a greater interest in developing a bespoke Lawtech solution as part of their requirements. Also, corporate clients may have additional audit requirements before being able to approve the use of a Lawtech solution as part of any recommended service or solution .

There may be instances where it will be appropriate for the Lawtech Operator to facilitate a discussion between its Client and the Lawtech Producer for the development of a bespoke Lawtech solution for their transaction or service. This engagement will include defining a set of business requirements and considering how these principles can be proportionally applied depending on the Client's risk appetite, budget and outcome sought.

Principle 1: Compliance

Principle 1: Compliance - Lawtech should be underpinned by regulatory compliance. The design, development and use of Lawtech must comply with all applicable regulations.

Compliance



Am I complying with my existing obligations, standards and/or policies?



Have I recorded how a LawTech solution meets my regulatory obligations with input from the LawTech Producer?



Have I made the information as accessible and non-technical as it can be?



Is there a clear communication channel between the LawTech Operator and Producer to discuss compliance?



How is this reflected in contracts?

What does the application of this principle look like in practice?

Although compliance is listed as the first principle, it is important to note that the other principles serve to support compliance with regulatory obligations.

For the Lawtech Producer:

- You should ensure Lawtech complies with all relevant regulations, including those by which the Lawtech Operator is bound, during design and development stages.
- You should keep a record on how you have complied with the all relevant regulations during design and development stages.
- you should make this information accessible in a non-technical way to the Lawtech Operator or their Client.

For the Lawtech Operator:

- You should satisfy yourself that the Lawtech has been built in a regulatory compliant way by engaging with the Lawtech Producer and carry out a risk assessment.
- You should ensure the way you deploy and use Lawtech is compliant with the SRA's Standards and Regulations and meets any requirement of your professional indemnity insurers.

- You should ensure that your employees have appropriate training so that they can use Lawtech competently.
 - You should keep a record of how you deploy and use Lawtech in line with your regulatory obligations.
- If necessary, you should provide this information in an accessible and non-technical way to your employees and clients.

Compliance should be clearly and explicitly evidenced in advance, potentially through the provision of impact assessments, and assessed on an agreed basis. For solicitors and solicitor firms, the primary source of compliance is the SRA's Standards and Regulations which came into effect on 25 November 2019.

The client care section above outlines some of the standards applicable to individual solicitors. You should also refer to the SRA's Code of Conduct for Firms.

As a starting point, some of SRA's Principles that apply to the development, design and use of Lawtech are:

SRA Principles – you act:	Description of its applicability to Lawtech
In a way that upholds the constitutional principle of the rule of law, and the proper administration of justice (Principle 1)	<p>The production and deployment of Lawtech should be beneficial to solicitors, the court, and clients.</p> <p>The ABA's principle of ethical and beneficial use reiterates this point, and adds that its use should be monitored for potential legal and ethical issues.</p>
In a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons (Principle 2)	<p>Trust is critical for both legal services and digital transformation to be effective. For Lawtech this means ensuring transparency of information on functionality, limitations, risks and benefits is accessible and communicated in plain English.</p> <p>Solicitors being informed and up to date on current technology is highlighted as part of the ABA's duty of competence principle. In addition, solicitors should introduce a system of supervision appropriate to the application and use of Lawtech in the provision of legal services to ensure that they remain compliant with their existing ethical duties.</p>
With independence, with honest and with integrity (Principles 3, 4 and 5)	<p>Firms are subject to professional conduct obligations to maintain client confidentiality, and have appropriate policies and procedures to manage the risks arising from their work (e.g. information security and data protection).</p> <p>Further material risks may arise from greater connectivity, and existing policies and procedures</p>

	<p>should be reviewed to ensure that they remain appropriate. In addition, the ABA’s duty of confidentiality principle highlights the importance of solicitors ensuring that their clients’ information is appropriately safeguarded, and assurance of this Lawtech Providers.</p>
<p>In a way that encourages equality, diversity and inclusion (Principle 6)</p>	<p>The use of legal technology in your practice should pay due regard to equality, diversity and inclusion. The data underpinning or related to the legal technology product should not unfairly discriminate against clients or third parties sharing certain protected characteristics.</p> <p>Both the ABA and European Commission highlight the importance of issues relating to bias and transparency. The ABA recommends that Lawtech providers are aware of and consider the potential for bias, and the importance of regular monitoring.</p>
<p>In the best interests of each client (Principle 7)</p>	<p>Practitioners should make sure the use of legal technology in practice is appropriate to the needs of the client and does not take unfair advantage of clients or third parties or allow others to do so.</p> <p>Solicitors should be cautious about how their use of Lawtech could mislead clients into believing that a more favourable outcome will be achieved in their matter (for example using predictive analytics software to encourage a client to litigate based on a potential positive outcome).</p>

Principle 2: Lawfulness

Lawtech should be underpinned by the Rule of Law. Design, development and use of Lawtech should comply with all applicable laws.

Lawfulness



Am I aware of how the LawTech solution complies with all relevant laws ?



Have I recorded how I comply with applicable laws?



Have I provided how I comply with applicable laws in an accessible and non-technical way?



How is this reflected in contracts?

Lawfulness should be clearly and explicitly evidenced in advance, potentially through the provision of impact assessments, and assessed on an agreed basis.

What does the application of this principle look like in practice?

Lawtech Producers should ensure that Lawtech complies with all relevant laws during the design and development stages, and be able to demonstrate compliance to the Lawtech Operator. This is because Lawtech Operators will be seeking assurance that any Lawtech they purchase is compatible with existing legislation and professional regulation.

This list is non-exhaustive, but should include:

a. Compliance with the GDPR Principles – ensuring that:

- personal data is processed lawfully, fairly and in a transparent manner in relation to individuals;

- personal data is collected for specified, explicit and legitimate purposes for processing; and that

- every reasonable step must be taken to ensure that inaccurate personal data is erased or rectified without delay.

- Please see here for more information on the GDPR Principles please see:

- [Data protection practice note](#)
- [Information security practice note](#)
- [Business continuity practice note](#)
- [Lawtech Practice note](#)

b. Compliance with the Equality Act – ensuring that the Lawtech is appropriately designed and monitored to ensure that its outputs do not produce discriminatory outcomes. For example, the ABA’s principle on bias and transparency provides useful guidance, as it highlights that the Lawtech does not have built-in bias due to its programming or data.

Principle 3: Capability

Lawtech producers and operators understand the functionality, benefit, limitations and risks of legal technology products used in the course of their work.

Capability



What are the functionalities, benefits, risks and limitations of the solution?



How does the use of LawTech deliver a better service to your client?



How does this use of LawTech comply with your ethical obligations?



Are training and information materials accessible and easy to learn from?



Is there a mechanism or process internally to document capability?

What does the application of this principle look like in practice?

For the Lawtech Producer:

- You should provide information on the functionality, benefits, limitations and risks of the Lawtech to Lawtech operators.
- You should collaborate with Lawtech Operators to understand their capability needs, and support Lawtech Operators' capability through training as required.

For the Lawtech Operator:

- You should understand how the use of Lawtech will directly benefit your clients and this should be communicated to your clients and employees.
- You should maintain a record of which employees have undertaken training and training dates so that you can ensure that regular training takes place.
- You should provide training to inform and empower employees to use Lawtech and communicate about it to their clients.
- You should provide clear and accessible materials to your employees on how to use Lawtech compliantly.

The ABA's principles provide helpful additional guidance too. For example, the ABA's duty to communicate principle explains that solicitors should discuss the decision to use AI in providing legal services with the client. This discussion

should include obtaining informed consent from the client, and informing them of the risks and limitations of the AI.

Also, the ABA's duty of competence principle highlights that solicitors should be informed, and up to date on current technology. This includes being able to identify the Lawtech needed to effectively represent the client, as well as determine if use of that Lawtech will improve service to the client.

Principle 4: Transparency

Information on how a Lawtech solution has been designed, developed, deployed and used should be accessible for the Lawtech operator and for its client.

Transparency



Do you have the information you need to understand the benefits, risks and limitations?



Is this information accessible to your employees?



Is this information accessible to your client?



Is there a mechanism for updating this information when there is a LawTech update?



Is there a clear and accessible redress mechanism for you and your client?

Transparency in how Lawtech is built and operates is crucial to enable Lawtech Operators to explain why it is being used. It also helps practitioners to understand how it might be suitable for their clients. It might also enable practitioners to design and manage their internal systems and make efficiency gains as part of delivering a high quality service to their clients.

For those Lawtech solutions that have AI functionality, a Lawtech Operator's Client should have access to plain English explanations of how the AI arrives at conclusions. Data underpinning the algorithm or code should be accessible and the firm or organisation should take accountability to ensure the data is not biased. Additionally, data inputted in AI systems should be transparent, traceable and auditable.

What does the application of this principle look like in practice?

For the Lawtech Producer:

- You should provide Lawtech operators with clear relevant information on the Lawtech product. This information should be updated when the Lawtech is updated. The information should include what the scope, benefits and limitations of the solution so Operators can gauge suitability.
- You should provide information in an accessible and plain English way.
- You should articulate the Lawtech Operators' rights clearly, and provide an accessible mechanism for redress should the Lawtech not work as it was intended.

For the Lawtech Operator:

- If requested, you should explain to clients what Lawtech is used and how it benefits the client. This should be supported by clear and simple written information on the Lawtech product used in their matter.
- You should provide information in an accessible and plain English way to your clients and employees.

Further information on communication with your client is set out under the Client Care section and the Capability Principle above.

Principle 5: Accountability

Lawtech should have an appropriate level of oversight when used to deliver or provide legal services.

Accountability



Who is the individual(s) who is accountable at the LawTech Producer and/or LawTech Operator?



Are the risks of the LawTech documented, appropriately mitigated and evaluated?



Have risks been assigned and to who?



Is there a clear process for when a LawTech solution updates or increases functionality?



Is there an adequate level of supervision for LawTech?

When Lawtech includes Artificial Intelligence functionality, particular attention should be paid to the extent of human agency and oversight. This oversight can be provided by one or more suitably qualified people who are responsible for supervising its use and the Lawtech outputs. These people do not necessarily need to be legally qualified, but must be qualified to understand and handle the technology and its consequences.

What does the application of this principle look like in practice?

For the Lawtech Producer:

- You should nominate or appoint a responsible officer who the Lawtech operator can contact with questions or concerns.
- You should understand what risks you and the Lawtech Operator are accountable for.

For the Lawtech Operator:

- You should understand the Lawtech well enough to ensure compliance with your professional duties under the SRA Regulations and Standards.
- You should appoint a responsible officer who the client and employees can contact with questions or concerns.
- If necessary, you should conduct a risk analysis to identify and mitigate potential risks, and identify what you and the Lawtech Producer are accountable for. This should be documented in the

Lawtech contract for avoidance of doubt.

- As part of your supervision work, you should include oversight of the outputs produced with the aid of Lawtech which are then utilised in the provision of legal services. For example, if you are using legal technology for document review before disclosure, your supervision processes should include steps relating to quality assuring the results.
- You should ensure that you understand your rights, and that you have agreed a mechanism for redress with the Lawtech Provider should the Lawtech not be used as it was intended.
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DRAFT PROCESS

Below is a model process for the procurement, use and application of Lawtech which incorporate the Law Society's ethics principles. These are aimed at firms and/or sole practitioners who may be less familiar with procuring Lawtech, and who may not have specialist back-office support functions to undertake this work on their behalf.

MODEL LAWTECH PROCUREMENT PROCESS FIRMS OR SOLE PRACTITIONERS LESS FAMILIAR WITH PROCURING LAWTECH

1. Outline your needs, problems and proposed solutions:
 - a. Engage with your organisation (and/or clients) to identify problems and generate a problem statement(s) based on who, what, where, when and why
 - b. Identify and outline the organisation and client needs. For example:
 - i. Identifying who the solution needs to be accessed by, where and how
 - ii. Identify the relevant teams, and engage them to understand their requirements
 - iii. Map the data, information and knowledge needed to tackle this problem or need
 - iv. Map how this solution fits into the overall workflow
 - v. Identify the required access, authentication and oversight level
 - c. Discuss your findings with your organisation to assess how this issue may be solved. This information should help you to develop an initial solution statement regarding the type of Lawtech your firm might need.
 - d. Identify the best time to implement a solution, be sure to avoid times when you are sure to be busy.
2. Identify potential solutions and outcomes and key requirements
3. Identify potential Lawtech Providers:
 - a. Engage with potential suppliers and compile a list of potential solutions
4. Assess each Lawtech Provider:

- a. Create consistent evaluation criteria to be applied to each Lawtech Provider ahead of your discussions and any demos. Relevant considerations should include:
 - i. Compliance with regulatory frameworks (see Principles on Compliance and Lawfulness)
 - ii. Organisational requirements (see Capability Principle)
 - iii. Clear and transparent information on the Lawtech (see Transparency Principle)
 - iv. Accountability and oversight (see Accountability Principle)
- b. You may also wish to ask for the following information as part of your due diligence:
 - i. Security, data confidentiality and location of data
 - ii. Data loss, service reliability and stability
 - iii. Data access
 - iv. Control over customisation and integration
 - v. Service response time, and enforcing service agreements
 - vi. Speed and bandwidth requirements
 - vii. Risk of supplier lock-in
 - viii. Risk of abuse of service
 - ix. Adequacy of due diligence in supply chain
 - x. Shared technology issues
 - xi. The Lawtech Provider's track record and / or reputation on cyber security
- c. Compile a list of benefits, risks and limitations with and for each Lawtech Provider
- d. Identify unforeseen elements, i.e. time to taken to implement the tool, how this could cause workflow issues.
- e. Categorise each solution against the agreed evaluation criteria
- f. Engage with the users of the solution to determine which Lawtech Provider(s) most align with your needs and requirements. At this point, you may wish to hold pilot exercises with some of your shortlisted Lawtech Providers to assess best fit for your firm's needs.

3. Carry out legal contract analysis, taking into consideration:

- a. 'Free' services may involve payment for extras, or generate income from processing data about your firm and your clients. This can pose serious data protection, client confidentiality and information security risks.
 - b. Key commercial and legal issues for negotiation. As part of this, you should:
 - Conduct a data lifecycle audit to find out how data will be accessed
 - Conduct Data Protection Impact Assessments
 - Consider liability for service failure, as providers frequently exclude liability for loss, or indirect loss from service failure
 - Consider disengagement and transition:
 - Consider what will happen if you need to terminate it or what happens at the natural expiry of the contract.
 - Define your requirements for exit at an early stage in negotiations and ensure that the contract provides a clear exit strategy.
4. Consider other contractual issues, such as:
- a. Jurisdiction and governing law
 - i. Technology service providers and their customers are commonly located in different jurisdictions. Where this is the case, you will need to consider two separate issues
 - ii. : applicable governing law and jurisdiction.
 - b. Minimum terms, renewals and notice periods
 - i. Contracts require notice of non-renewal within a set period before expiry, you should be careful not to miss the window.
 - c. Acceptable use policies
 - i. Majority of policies prohibit a consistent set of activities that providers consider to be improper or illegal uses of their service.
 - d. Introduction of harmful code

- i. Consider the potential risks posed by harmful code and the relevant obligations that should be imposed on the service provider to ensure that your systems and data are protected.
 - e. Change control
 - i. Consider the risks associated with another entity obtaining control of your chosen service providers
 - f. Subcontracting
 - i. Consider the Lawtech Provider's supply chain, and identify sub-contractors
 - ii. Consider what mechanisms you can use to allocate, manage or transfer the risks associated with subcontracting, (e.g. by ensuring that the Lawtech Provider is fully liable for the acts and omissions of its sub-contractors)
 - g. Suspension of services:
 - i. Ensure you have sufficient business continuity processes in place in the event that you have to revert back to manual processes due to the Lawtech not working
 - h. Insurance
 - i. It is good practice for you to negotiate a contractual requirement for the provider to carry sufficient insurance to cover the service provider's liability under the contract.
- 5. Implement the solution:
 - a. Engage with vendors to establish implementation needs
 - b. Develop a communications and change plan
 - c. Identify access requirements for all members of the Law Firms ecosystem
- 6. Evaluate the solution:
 - a. Continuously evaluate against agreed key performance indicators:
 - i. Evaluate user experience
 - ii. Evaluate outcomes – were the desired outcomes achieved?
 - iii. Identify potential risks
 - iv. Keep an eye on other solutions entering the market
 - b. Monitor software updates
 - i. Monitor evolving needs and requirements