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The 21st Century Professional Series **It's a revolution y'all, just not an industrial one**

By Greg Kaple

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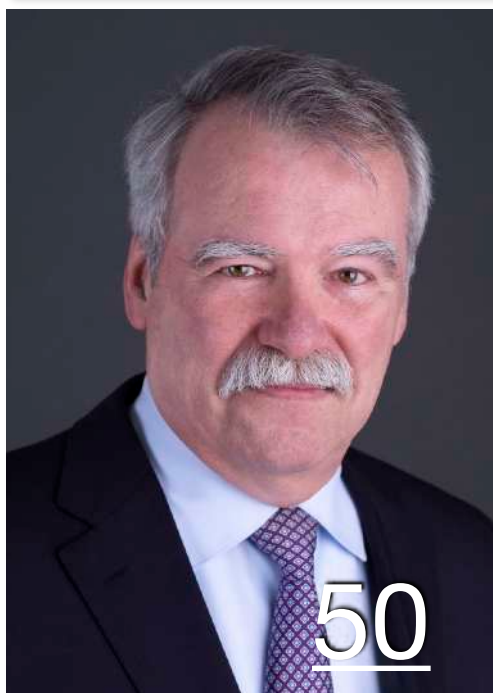
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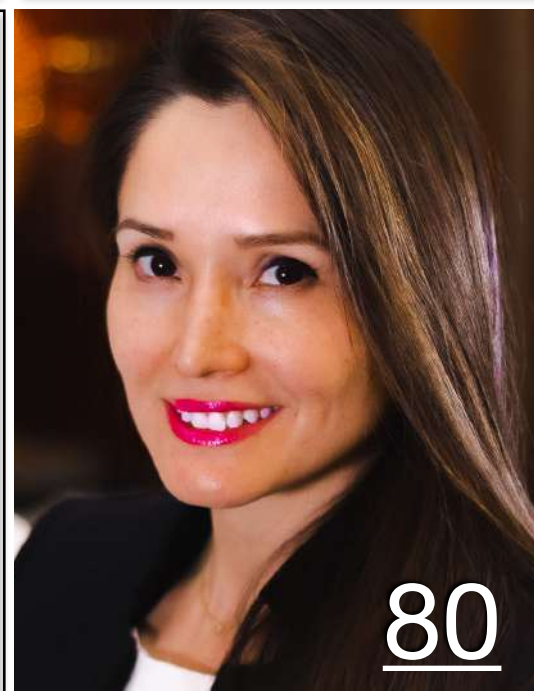
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The 21st Century Professional Series It's a revolution y'all, just not an industrial one

By Greg Kaple, Sr. Director Legal Business Solutiins at Kaiser Permanente



Abstract

In the world of professional services, we are living in an era of change. The traditional industrial model is outdated, and professional services have taken over. This new industry is all about providing services like legal, healthcare, education, marketing, finance, and human resources. However, we are still following the old methods of economics, process improvement, and executive delegation that worked well for industrial manufacturing but don't fit this new era.

The industrial revolution is over 300 years old, and it's time to move forward with new strategies that fit the professional services model.



Lean Six Sigma, Just in Time Inventory, and Robotic Automation were all effective in the manufacturing industry. But, why are we still relying on these methods for professional services? We need to evolve to ensure our businesses are efficient and effective.

The service industry is different from manufacturing. Services are centered around knowledge and people, and there is a significant distinction between management, ownership, and labor. Professional services require investment, but most services pay out cash rather than retaining earnings. This causes challenges for investment returns. The client is the most important stakeholder

in professional services, not the stockholder or the employee. The client is co-creator in the process, and if the outcome is not created, they lose their time and money.

In conclusion, professional services are different from the industrial revolution, and we need to change our mindset accordingly. We must recognize that the professional services industry is still young and evolving. It's time to invest in new strategies that fit this new era, so we can deliver the best services possible to our future generations of humanity.

—————

If you've taken a drive through corporate office parks, ignored the signs for "NO SOLICITATION" and walked in to explore the space or maybe more realistically, by-passed the empty "office factories" going straight to where the majority of Americans' work from home today, you'll find our working population are no longer standing in front of industrial machines (forges, metal stampers and welders), they are sitting in front of service machines (computers, phones and apps). So why is it that we continue to abide by the Keynesian manner of industrial economics, the GE method of six sigma process improvement and our father's generation of executive delegation?

"Well stop what you're doing, cause I'm about to ruin, the industrial model that we're used to. Look around and see that the world has changed to professional services for you and me. In 2023 there's no more factories for people to flee, it's all been replaced with honey comb buildings full of professional service busy bees."

Sung to the tune of Digital Underground's The Humpty Dance performed by the notable MC Shock G.

The industrial revolution is now over 300 years old. Starting in the early 1600's blacksmiths began to use steam power to "automate" their work. By the late 1800's electricity began powering modern machines and the Luddite movement of textile workers in England took aim at trying to break the machines to keep them from taking their jobs.

Fast forward to 1929 and the English philosopher and speculative trader John

Maynard Keynes wins the battle over Marx about which form of economic system, capitalism or communism, will conquer the world. The ultra-competitive race for efficiency is then ignited by J Edward Deming's TQM (total quality management), which propels Japanese manufacturing ahead of the US. And since then, the world has never looked back, much less ahead or side to side to consider anything new or different happening around us.

Today the dominant work of our world "industry" is professional services. Whether you see it as lawyers, doctors and educators or the marketing, finance and HR that runs most organizations manufacturing something, the methods for doing the work are still those that made light bulbs competitive for GE in the 1990's. Lean Six Sigma, Just in Time Inventory, Robotic automation are all keys to keeping manufacturing competitive in the '90's and 2000's. While these principles may still have some place in the modern professional services world, why are we letting ourselves believe they remain the preeminent way to make knowledge work and teams of people succeed?!

As legal professionals, understanding this context and construct of how the world works is imperative for both serving clients in this new world order and in serving ourselves to operate more effectively within it. Professional services as an industry maturity model is still relatively young, with much learning and growth to go through before it can become or mimic its much older and different cousin in manufacturing.

Until the birth of the Internet in the 90's and the rapid acceleration of information and knowledge automating that followed, professional services organizations were not too different from their blacksmith cousins from 300 years earlier. Operations were limited to a primary geographic area. Work was done manually through trained labor. The idea of unbundling work was nearly heretical and the concept of collaboration a nascent topic only beginning to be explored on college campuses in the form of "group assignments".

It was the advent of high bandwidth network connectivity and "all you can eat" free phone calls that added steam to the power of professional services. Progress has continued over the past 30 years at building databases, beginning analytics and automating knowledge workflow. However, human teamwork and knowledge services do not behave with the same economic scalability models and mature efficiency of manufacturing.

Let's first agree to recognize that professional services are different than manufacturing.

For example, a relatively small investment is made in purchasing a shovel, then expending time to knock on doors offering to clear the sidewalk of snow. This business demands making enough money on client #1 to pay for the shovel and shoveler's time in order for the business to stay afloat. The client commits to paying the shoveler upfront and takes a risk on whether the job is completed to their expectations. If the shoveler only shovels half the walk or leaves a thin layer of snow to turn to ice, it's the client out the investment and the

outcome while the shoveler pockets their pay and argues the work was done.

Compare this to being in the shovel manufacturing business. One must first make a significant investment in designing a shovel, building a plant, developing supply chain sources and selling a million shovels before profiting. The business has put the money out first and when the client chooses to buy the shovel, 99% of the time they are assured to receive a quality product to meet their expectations and the 1% of the time it doesn't they can return it for a refund, initiate a warranty or worst case sue the business for damages.

There are at least four fundamental differences between services and manufacturing:

1. Services are overly fixated on labor often without realizing the distinction between labor, management or ownership.
- For example, Partners are owners of law firms that often also act in the role of managers and are still primarily motivated by activity and returns on their own labor. Often they have only been trained on the skills of labor and learned through poorly orchestrated on-the-job training about how to be a manager (yell loud) and an owner (demand more for yourself). In contrast, manufacturing explicitly segments these three roles, giving each a distinct incentive plan to manage for the economic consequence of agency (i.e., caring for one's own self-interest above the interest of the client or organization one represents). What's funny about professional services is not only does the agent often care more

about billing in 6 min increments than their concern for the client's total value outcome, they often act against their best interest as managers and owners to earn more profit with less labor time.

2. Services lack the fundamental aspect of investment for return.

- The very nature of service companies is often built on LLC structures that do not keep retained earnings but pay out all earnings annually. This means if a Partner invests in something today meant to provide a return in the future, they face the economic equation of making less money this year. Since they are primarily motivated by labor return on time and believe they could leave or the organization could shut down at any time, there is a lack of risk appetite to invest today in making money as an owner at some future date. This unfortunately locks the clients into the same failed economy as the service provider since the client would benefit by the business investing in better outcomes at lower rates, but the business is incented to not poach its own labor return today and so stays locked into providing clients with existing services at an increasingly higher rate of labor inflation.

3. Services at its heart is still knowledge and people.

- Whereas manufacturing studies every second and cent for efficiency, people insist on ignoring the differential dynamics of each person's performance and their performance in a team. Sports figured this out and start-

ed playing "money ball" on individual athlete performance recognizing gut decision making and all-star players could only produce a limited set of results. Professional services still obstinately refuse to pay attention to these details thinking all people are equal outside the distinctions made by education level, job descriptions and resumes. How many times has a lawyer been hired because of their Ivy League degree and number of friends in the industry that say they are a good professional as opposed to a disciplined, data-driven analysis of their record.

4. Most importantly, services have a different reality about who are the most important stakeholders.

- It's not the stockholder (owner) or the employed agent (manager or laborer) of the business but the client that has a true stake in the outcome. If the desired outcome is not achieved, it is the client that is out the time and the money while the professional services provider can claim none the wiser and walk away with the wealth.

These are not foreign concepts to the legal industry. The advent of fixed fees, knowledge management and alternative service providers are all driven by market forces much like manufacturing to begin realizing more reliable outcomes for the clients they serve.

What is different is that instead of thinking freely about this new challenge, we rely on unarticulated attempts to replicate the past of manufacturing to get us there. Why? One possibility: services are still led by an older

generation trained in the 80's and 90's on manufacturing techniques and working off the foundations of outdated economic principles. There needs to be a new leader that recognizes the economics of services where stakeholder is the stockholder; where the principle of agency doesn't interfere with the delivery of outcomes; where investment is encouraged; and risks are returned with rewards for the real stakeholders, not just the owners and agents.

These evolutions require recognizing that the multi-dimensional components of the human spirit and team performance are as essential or more than education and role. Without this awareness and data about who people are and how they play together, how can a coach or owner know if they are fielding a soccer or baseball team especially when the league they are playing in is American football? Personality, authenticity, preferences, and team chemistry are more important than ever, in particular, because they must mix and integrate with the client's spirit, performance, talent and roles in order to successfully create an outcome.

In this four-part series, we are going to take a novel approach to exploring how to begin "playing money ball with white collar athletes" to create better teams and performance on the professional services field. We are going to experiment with alternative principles to economic models that put the stakeholder in the center of service delivery. And, we are going to challenge the old guard methods of industrial management with new-fangled ways of orchestrating knowledge work. The results will be pivotal to future generations of human-

ity who will increasingly depend on higher quality, more affordable outcomes from our legal, healthcare and education systems.

Editorial Thank You's

I simply could not have written such a troubleshooting treatise without the super hero help of my justice league colleagues!

- Catherine Krow, Managing Director of Diversity & Impact Analytics @ BigHand, is an attorney and litigator by background, reformed legal business and analytics evangelist today. Catherine has been an essential partner to me and secret ingredient to so much of our success with legal service provider management and diversity, equity and inclusion in the Kaiser Foundation Health Plan Legal Department. Thank you Cnote!
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- Peter Eilhauer, Managing Director of Legal Technology Services Products @ Epiq, was one of the first professionals in 2014 to assist me in building a modern legal service catalog,

support desk and performance metrics for managing cost and scaling services for the Kaiser Foundation Health Plan Legal Department. A true Chicago economist at heart, he is helping to change the face of professional services as we know it by creating technology enabled, service level agreement outcomes for corporate legal departments and law firms alike. Thank you favorite Four Groups 3Te!

- Kristin Magni, Founder & Principal Consultant @ C Future LLC, is the most dynamic consultant for company boards that want to integrate the value of diversity into the core of their products, operations and client delivery. Since beginning to collaborate with her in Northern Virginia she's taught me how to "unmask" our authentic selves to push past uncomfortable bias's and stretch

into new business acrobatics. Thank you Diversi-K!

About the Author

Greg Kaple is a bootstrapping Appalachian with a penchant for Broadway theater that captain's new business ventures transforming professional services. As a natural born navigator, he helps executives and companies to trail-blaze new paths to invest and realize returns through innovative service delivery. He is currently leading Kaiser Foundation Health Plan's legal department to deliver outstanding service affordability, risk management and legal solution outcomes. When he's not disrupting the status quo for the benefit of better stakeholder results, you'll find him playing a hella blues harmonica on stage.

A promotional banner for the Chief Litigation Officer Summit. The background is a teal-tinted image of a person in a suit writing on a document with a pen, with a gavel resting on the paper. In the top right corner, there is a small white logo consisting of three horizontal bars. On the left, there is a square icon with a white background showing a black silhouette of a gavel. The text is white and centered or left-aligned.

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In a Hybrid World, The Technology That Helps Attorneys Connect In the Office

By AshLea Allberry, COO of Maptician



People Want to Be with People

Law firms are in a time of innovation. Prior to the pandemic, 35% of attorneys reported a preference for WFH; now that number is 86%--and 93% of firms are implementing some form of flexible seating in response.

This is what everyone is calling the shift to hybrid, and let's just say it hasn't been perfect—yet. In fact, many firms believe the remote environment has damaged personal relationships at work and the sense of belonging amongst many lawyers--and may be a contributor to the ease with which lawyers, from partners to associates, are moving firms.

Notwithstanding this view from leadership, most firms are challenged to get attorneys to



comply with RTO policies. Thomson Reuters' 2022 State of the Legal Market found that when firms mandated any kind of return to the office, even hybrid, those firms experienced double the turnover rate of firms that did not.

That's why as of Q4 2022, getting hybrid right is cited as the number one challenge of 2023—and the number one opportunity is designing a return-to-office strategy that excites staff and supports culture, collaboration and connection.

Here's the one thing businesses across all sectors are now realizing: when it comes to time in the office, people want to be with people. Period.

In a Microsoft survey of 20,000 professionals and trillions of Microsoft 365 productivity signals to determine what factors are most important in getting employees to return to their offices, the survey disclosed, perhaps not surprisingly, that the real value of the office is not the place but the people.

When asked what would motivate them to come into the office, the surveyed employees had a resounding answer – time with coworkers:

- 85% of employees would be motivated to go into the office to rebuild team bonds;
- 84% of employees would be motivated to go into the office if they could socialize with co-workers;

- 74% of employees would go to the office more frequently if they knew their “work friends” were there; and
- 73% of employees would go to the office more frequently if they knew their direct team members would be there.

But here’s the thing—law firms are lagging in the technology that can help their professionals do this—which, in turn, would provide support for their RTO policies.

In fact, according to ILTA’s most recent legal tech survey, the majority of firms (60%) have adopted no new technology to help support their hybrid environments including how to enable hybrid working attorneys connect and collaborate in the office, and about 13% are using Microsoft Outlook.

Can Microsoft Outlook help attorneys connect with their peers? Sure, usually through cumbersome email threads that are yet another drag on the administrative burden creep attorneys have been experiencing since the onset of the pandemic.

Where Are My Peers Working Today?

If we are to solve this problem with new technology that is purposely built to answer this question, then that technology should 1. reduce administrative burden on attorneys and staff while also 2. provide information that is enhanced and significantly more actionable than an Outlook email thread, and 3. help promote a vibrant in-office culture that fosters networking and collaboration.

The worst-case scenario for hybrid is when an attorney comes into the office – but the office

is a ghost town. Nothing will demotivate RTO faster than just one ineffectual, lonely workday. Firms must figure out how to cluster attorney time to ensure that in-office culture and vibrancy.

And there is a solution for that we call “presence.” Presence is a new technology functionality delivered specifically to solve this issue in hybrid organizations. Presence delivers simple visibility into who is in the office and who is working remotely without the need to install any hardware devices or any work on the part of attorneys and, instead, just works in the background effortlessly: hence, reduced administrative burden.

With presence, attorneys “see” their peers. They can see their peers today, in what office, on what floor, in what city—and even better, they can see their intentions for tomorrow and make decisions about where they want to work. If I know I like to collaborate with Sally, all I need to do is view Sally’s intended presence and I can book a desk near her when I know she will be there.

It is deceptively simplistic. On the back end, attorneys and professionals need do nothing for presence to work. On the front end, presence delivers a simple visual experience—a green dot versus blue—indicating at a glance the precise location of their peers.

Presence delivers the ‘watercooler’ experience of the office back into the in the palms of attorneys hands, one where they can easily see where their peers are, understand how and when they can network, read a bulletin about a holiday office party, and make decisions

about clustering their time in intentional ways.

Better Than Microsoft Outlook?

When we talk about “better”, however, what exactly are we talking about?

One of the key metrics for hybrid success must surely be optimizing attorney time in the office. Today, according to a survey of the Am Law 100 from Savills, the battleground is around increasing the number of days in the office – not around whether or not the firm will go hybrid or not—and how to get there: mandates versus strong encouragement.

According to this data, 67% of firms are encouraging or mandating 3 days a week in the office with some variance around ‘anchor days.’ Even here, whether strongly encouraged or mandated, compliance is an issue of which other studies show that across the board, about 94% of attorneys are not complying with RTO policies.

Another key metric for hybrid success must also be the experience of an efficient and productive hybrid environment. Attorneys and staff need to know that their in-office time is going to be optimized with no productivity loss due to information gaps, say, around AV or tech needs for hot desks that have been booked; no services interruption for catering or hospitality needs when conference rooms are booked with clients or prospects; that visiting attorneys can seamlessly be accommodated, and more.

But it’s the last metric for hybrid success that may be the most important, and that’s ensur-

ing that attorneys can intentionally connect and collaborate when they are in the office—and this means, facilitating simple and effective ways for attorneys to “see” who is in the office (or going to be in the office) on what day so that individuals or groups can select the same days and locations to intentionally create the opportunity to connect. In fact, the business professionals in the office also need quick, effective access to this information to significantly improve the performance of their jobs as well.

It’s a job for technology purposely built for the challenge – not Microsoft Outlook.

Bringing it All Together

In a hybrid world where the greatest attraction of the office is people, presence is a key feature to enable success. But the challenges of hybrid extend even beyond this and touch everything from making data-driven decisions about real estate optimization, space efficiency, and attorney productivity to easily routing catering to a conference room—and let’s just say without beating a dead horse too badly, Outlook is just not cut out for it. We simply can’t use old tools to solve new problems – and that’s the exciting part of the challenge on the road ahead.

About the Author

[AshLea Allberry](#) is the COO of [Maptician](#), the end-to-end hybrid office technology solution built for law firms.

Knock knock, it's AI.

By Eve Vlemincx, Advisor on Legal Digital Transformation, Innovation, and Leadership



The legal profession is long due for some changes. Could the introduction of AI be the awareness catalyst and accelerator we are longing for?

At this stage, some legal professionals are still unsure about its potential use, its challenges and the role of people in it all.

Many people still ask whether AI will disrupt and revolutionize the legal industry. The potential has been around already for years. So perhaps the more critical question is who will embrace this opportunity to stay ahead of the curve. Are you game?



Automation versus AI

Automation has been around for several decades and has helped legal businesses to improve their efficiency and productivity. However, as technology continues to advance at an exponential rate, automation alone is no longer enough to keep up with current demands.

The differences between automation and AI are huge. While automation relies on pre-programmed instructions to complete tasks, AI uses algorithms and machine learning to analyze data, learn from it, and make decisions. As a result AI has the potential to handle more complex and diverse tasks.

AI is now knocking at the door and it's time to explore it.

Revolutionize law through AI

The use of AI in the legal industry has gained momentum with the launch of GPT-3 and GPT-4. These large language model-based systems mark the first time that widely available technology can perform sophisticated writing and research tasks with a proficiency that previously required highly trained people.

One of the most significant advantages of AI in the legal industry is its ability to improve efficiency and accuracy. As a result AI can have a significant impact on contract review and

analysis. With the help of AI-powered tools, legal professionals can review and analyze contracts more quickly and accurately. This can be particularly helpful in cases where large volumes of contracts need to be reviewed, such as in Mergers and Acquisitions.

Another aspect where AI can have a huge impact is legal research. By using machine learning algorithms, legal professionals can quickly and easily find relevant resources while saving time (cost-reduction) and increasing efficiency.

AI can play a role in improved decision-making by helping making better-informed decisions through predictive analytics tools, which can identify patterns. These can provide info on how to proceed with a case. Therefore data management will become key as AI relies heavily on data. As a result law firms must ensure that they are collecting and analyzing data in a way that allows them to make such well-informed decisions. This will involve investing in tools data management systems and tools on one hand, as well as ensuring that people are trained on best practices for data collection, analysis, and use.

Needless to say that AI can play a crucial role in knowledge sharing and facilitating communication.

Will AI replace humans?

The adoption of AI in the legal industry has the potential to have a transformative impact and while it can offer significant benefits, it also presents challenges that need to be addressed. Some people worry that AI-powered tools will replace human lawyers. However, this is un-

likely to happen in the near future and might be the wrong question.

While AI can automate certain tasks, such as legal research and contract management, there will always be a need for human lawyers to for example interpret data, develop legal strategies and argue in court.

Although AI has a great potential, getting the most out of it will involve far more than just pushing a button. AI is most effective when it complements human skills and people who learn how to leverage this collaboration well will get the most mileage out of AI tools. This will require developing new skills (up- and reskilling) to leverage the advantages of both. Therefore law firms and law schools will need to institute new trainings so that legal professionals can adapt to this new reality. Law schools should update their curricula to provide adequate skills for legal professionals to be well-equipped for the future.

Another more pressing concern are ethical and biases associated with AI. AI systems are only as good as the data they are trained on and if that data is biased, the AI system will be biased as well. Law firms must be careful to ensure that the AI-powered tools they use are trained on unbiased data and that they are regularly audited to ensure they are making fair and impartial decisions. At this stage, AI still makes significant mistakes and appears to be very biased. Both can have severe consequences in legal matters.

Although AI can play a vital role in service delivery and performance, it cannot substitute

for legal professionals and we not should not aim for it too. Legal professionals must continue to offer legal advice and make complex legal decisions while also acquiring new skills to maximize the potential of AI tools.

Billable hour

As AI impacts efficiency and cost reduction, this resurfaces the discussion to adjust the business models of law firms to remain competitive and relevant. AI has the potential to revolutionize the way legal services are delivered and billed and firms that fail to adapt risk falling behind.

Traditionally, law firms have relied on the billable hour model, where clients are charged for the time spent on a particular task. However as well known and broadly published, this model is not without its flaws, as it can lead to inefficiencies and opaque pricing structures that clients find difficult to understand.

AI on the other hand, can significantly increase efficiency and transparency in the delivery of legal services. AI-powered tools can automate many of the routine and time-consuming tasks that lawyers typically perform, such as document review and contract analysis. This can lower costs. To fully realize the potential of AI, law firms must therefore adjust their business models accordingly. This may involve transitioning away from the billable hour model and adopting alternative pricing structures that align with the value of the services being provided.

Next to the pricing models, law firms must also adjust their organizational structures and

workflows to fully leverage the benefits of AI (and to address the human needs within the organisation).

Humanize law through AI

When the business model no longer solely relies on the billable hour and targets, we can rethink how AI can even help humanizing law. A profession being known for high-pressure, being demanding and often leading to burnout and mental health issues. AI-powered tools can play a role in reducing workload and alleviating stress that comes with excessive work hours.

Overall, the adoption of AI in the legal industry offers significant benefits but presents challenges that need to be addressed. Legal professionals must recognize that AI is not a substitute for human experience and they will need to develop new skills to leverage the advantages of AI effectively.

To fully realize the potential of AI, it might be time for firms to adjust their business models, organizational structures and culture. By doing so, law firms can position themselves for success in the years to come.

References used:

- American Bar Association. (2018). Artificial intelligence and the legal profession: A primer: https://www.americanbar.org/groups/business_law/publications/blt/2018/05/ai-legal-profession/
- Forbes. (2019). AI and the future of the legal profession: <https://www.forbes.com/sites/forbestechcouncil/2019/04/29/ai-and-the-future-of-the-legal-profession/?sh=40f7d8e24c13>

- World Economic Forum. (2020). How artificial intelligence is transforming the legal profession: <https://www.weforum.org/agenda/2020/08/how-artificial-intelligence-is-transforming-the-legal-profession/>
- Law Society of Scotland. (2021). Legal tech and AI: The future of the legal industry: <https://www.lawscot.org.uk/members/journal/issues/vol-66-issue-04/legal-tech-and-ai-the-future-of-the-legal-industry/>
- Thomson Reuters. (2021). Artificial intelligence in the legal industry: <https://le->

gal.thomsonreuters.com/en/insights/articles/artificial-intelligence-legal-industry

About the Author

Eve Vlemincx is an advisor on a broad range of topics regarding legal digital transformation – innovation – leadership. In addition she is an advisor for Harvard Business Review, Executive Course Facilitator at Stanford Graduate School of Business and 5 times Stanford GSB LEAD-Award winner.

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Legal design for in-house legal departments

By Naomi García, Lucía Chávez and Karol Valencia, legal designers of the WOW Legal Experience team.



Karol Valencia



Naomi García

DESIGN

Legal Design is a discipline that brings together the world of design and the world of law through the application of design principles to the creation of legal solutions. In recent years, we have seen what can be achieved by applying Legal Design to different legal documents such as contracts, making them more accessible, easier to understand and visually more attractive, but its application is not only limited to these, but goes beyond, allowing it to be used as a tool in the improvement of legal services themselves, allowing them to connect with the public even with those who have no legal knowledge.

It is on this basis that it can be stated that Legal Design is not only reduced to the visual part, but also has a scope in the improvement of the processes and systems of justice.



Lucía Chávez

Now, as far as an in-house department is concerned, Legal Design can bring numerous advantages that significantly improve, on the one hand, the work of lawyers and, on the other hand, their relationship with different departments of the company.

Uses of legal design in in-house:

1. Contract design: Legal documents are by nature complex and difficult to understand for people outside the legal world. Legal Design seeks to improve the understanding of contracts and other legal agreements by simplifying the language and creating harmony in the structure of the text.

2. Process design: In a company, lawyers are in constant contact with the different

departments of the company, where they have to deal with professionals who have no legal knowledge, who are often overwhelmed by the amount of legal information they have to re-view.

3. Innovation: Legal Design is a relatively new and little used discipline in the legal world, so its implementation is truly an innovative tool in an in-house department that will allow improving efficiency, quality of work and the relationship with users. Through Legal Tech, technological tools are created, which generates more dynamic interaction between lawyers and third parties, thus improving the experience in the legal world.

In this sense, it can be noted that Legal Design allows in-house lawyers to develop their ability to think creatively and helps them to communicate legal information to other employees of the company in a clear and effective way, saving time with the use of templates and previously created designs that improve the experience of employees when they are in contact with legal documents, thus providing effective legal services to their companies.

However, the use of Legal Design in in-house legal departments is not only based on the creation of legal documents, nor on improving the user experience, but it is also present in the simplification of legal processes, as it is a tool that helps to simplify highly complex legal processes, using graphics that clarify their different stages, thus improving efficiency in the legal department and its communications with other areas.

The fact that lawyers implement Legal Design

in their day-to-day tasks will allow them to be more organized, since, through the use of creativity, they will be able to quickly identify the problem and generate an efficient solution that is easily accessible, such as creating new litigation strategies in cases of legal proceedings or improving the completion of new projects that require legal processes in less time.

Legal Design applied to the design of technological products.

In order to understand how Legal Design can be implemented in the design of technological products, we must understand what is meant by these. Technological products are those creations that facilitate the work of different professionals and specialists, either by providing platforms or systems that improve the development of their activities.

Now, the question that arises is how to apply Legal Design to these new tools or technological products? As mentioned above, it is not only a question of making a visual design of the solution to the problem, but it is also a question of applying a design from the inside that has as a consequence the externalisation. In this sense, applying Legal Design is a whole process that we will develop taking as an example, the document organisation systems better known as document management applications, it would be, in principle, to study the flow of information that enters and leaves the platform, the way in which documents are uploaded, evaluate the degree of accessibility that users have and how user-friendly it is. It is from this starting point that problems can be identified and solutions found.

About the Authors

The article is written by Naomi García, Lucía Chávez and Karol Valencia, legal designers of the [WOW Legal Experience](#) team.

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THE LEGAL FRONT DOOR: COMPREHENSIVELY EMPOWERING YOUR LEGAL BUSINESS PARTNERING

By Ignaz Fuesgen, legal management consultant and Co-Managing Director at smartvokat



“Legal Intake” or “Legal Front Door” – words which may prompt nightmares for many in-house counsel. Will present personal face-to-face, phone or email interactions be replaced by anonymous, semi-, or fully automated portal inquiries and a ticket system? How will business colleagues respond if they are asked to communicate in a rigorously structured way, potentially via a portal?

The article will explore the “Legal Front Door” (or “Legal Intake”), a key element of contemporary Legal Business Partnering which in its entirety should “make it easy [author: for the business user] to collaborate wherever and whenever the need occurs”. [1] We will explore its opportunities as well as its limitations and consider some practical tips for a quick head-sart.



1. Treat it like any door on this planet - a definition

A “Legal Intake” is often synonymously referred to as “Legal Front Door” for a valid reason because it is supposed to be - in very simple terms - the door and main entrance to the Legal function.

Every day we open many and different types of doors, go through them and eventually leave the respective premises behind these doors. To better understand the concept of the “Legal Front Door”, let's briefly look at the questions we are asking and naturally answering, often unconsciously, when doing so.

Firstly, we wonder “what’s happening or even

hiding behind this door?”. Consequently, once answered, the second question is all about “how do I open the door?”. And finally, assuming we have made it inside, we will eventually ask ourselves “how and with what will I get out again?”. These three questions guide what Legal Designers call a “user experience”, ie. the way a user interacts or experiences a specific service.

Transferring the idea of a door to the concept of a “Legal Front Door” or “what’s happening behind it, our first interest lies on identifying what attracts people (here: our business colleagues) to come to this specific door. The design and display of content and offerings in one single place, organized and sorted according to the specific needs of the business

user is crucial to drive the adoption rate of the “Legal Front Door”. Companies applying a single sign-on approach may even support the personalisation of what is displayed to the individual user.

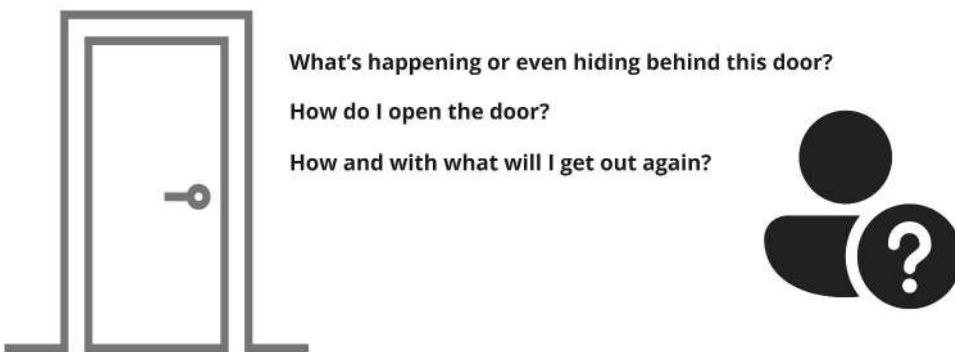


Figure 1: The Legal Front Door

What is - technically speaking - the “Legal Front Door” made of? Many corporate counsel I have spoken to believe it is always and only a portal. As a matter of fact, most technology vendors offer a portal-based user interface to capture the information and interact with the Legal department. However, conceptually a Legal Front Door allows utilizing all kinds of communication channels, including “old-fashioned” emails, information entered via a mobile device or Microsoft Teams, to transmit the inquiry to a single point of contact. Irrespective of the selected communication channel, the information submitted or captured will be stored in a single repository, i.e., a specific legal service inquiry or matter [2], achieving and warranting a “single source of truth”.

Anecdotal evidence tells us that many corporate counsel often confuse the term “legal inquiry” with the Legal Front Door or “Legal Intake”. Notably, the term “Intake” relates solely to the communication of information whilst a

inquiry or matter comprises the history of interactions, including documents, detailed metadata matter information of any kind, etc.

Contrary to a ticket system, run by IT, for example, any contemporary Legal Front Door isn’t not

just a flat façade and

one-step process but the door to a collaborative platform including project management capabilities, document repository functionality and multi-channel communication management, integrating other solutions like Microsoft365 for communications or a contract lifecycle management system.

Integrating all those applications is essential for a seamless workflow from data entry to inquiry, case, matter and contract management and vice versa to ultimately serve as a truly “collaborative platform”. Accordingly, a Legal Front Door and its transactional foundation are actually a relationship enabler rather than a process accelerator or simple automation tool. It supports the service portfolio of the Legal department whilst keeping a track record of all interactions in one single place, a legal institutional memory so to speak.

the acting corporate counsel to add notes and documents as “legal department only” to a inquiry or matter.

The central data repository does not only enable full access by both parties, inquirer and corporate counsel, but also a wider audience for purposes of holiday stand-ins.

So, will a Legal Front Door reduce the relationship to a purely data-exchange oriented relationship? “Definitely not!” must be our immediate reply as it rather deepens each other’s understanding of the task at hand, its information needs and, in return, activities required to resolve it.

What are the benefits to be enjoyed by Legal? Increased efficiency is often mentioned by vendors in that space but many general counsel certainly refer to a uniform user experience and satisfaction. Increased process consistency, governance and routing are other benefits mentioned. That may sound rather ambitious, but any operable intake process is actually taking over numerous rules for routing, allocating and monitoring tasks, in one phrase: legal project management, that would traditionally be handled by humans. The buzzword here is “triage”, meaning the routing of the right task to the right person and governing the status of that task. Enabling a standardised intake of information and documents allows for a certain degree of pre-qualification. Urgency and nature of the inquiry determine the priority level and influence the routing of a inquiry likewise.

As a result, duplicate tasks and multiple emails forwarded to other colleagues disappear from the list of a corporate counsel’s

headaches [3]. Finally, the reduction of email instruction is inevitable across all those who have implemented Legal Front Doors and may be as high as 80% as claimed by the legal department of ServiceNow, a US technology vendor.

Data-driven decision making, visibility into the workload and transparency to KPI reporting is another benefit to any legal as well as compliance departments, should they apply the intake concept to their case management as well.

Thomas Pfennig, SVP, Global Head of Compliance, Data Privacy & LPC Express, describes the situation after implementing a Legal Front Door for their Legal, Patents and Compliance (LPC) function, labelled LPC Express: “Data and analytics are now built into our processes. This allows us to track progress and to find new opportunities to improve. This data never existed before. Without this, we’d never have generated the traction and acceptance we need to drive such fundamental transformation.[4]”

In summary, the introduction of such a concept is not replacing any corporate counsel but rather freeing up time previously spent on administrative tasks and taking away the stress of increased and more challenging workloads [5].

What are the benefits to be enjoyed by Business?

Presumably the biggest benefit enjoyed by business users deals with their own prejudice regarding the legal department (“they always decline my inquiries”) and fear of missing out on providing critical information (“am I submitting the right information in terms of depth

and breadth to assist me?”). A structured intake asking the right questions and offering help texts as well as pre-determined menu options, like popular contract generator applications, mitigates those business user concerns.

The strong rule-based approach and almost inevitably transparent handling of any inquiry and matter ostensibly positions Legal as a value-adding and reliable business partner. Real-time self-service options not only render a 24/7 service but – in combination with a structured knowledge library – deflect many of the routine inquiries which can be assessed and adjudicated by simple sets of rules. Consequently, speed and turnaround of legal inquiries and matters going through the intake process contribute significantly to the overall business velocity.

3. The process embedded in the Legal Front Door

Each Legal Front Door incorporates the actual intake process. Applying a logical sequence well known to any lawyer, intake processes can be dissected or better: classified by considering these questions:

- What is the legal source or policy which is addressed by the intake process?
- Based on the procedural and content requirements defined by the legal source, policy handbook, etc, what kind of information intake is required for the fact-finding phase?
- If the necessary information is provided, what kind of action or response, respectively, is expected or pre-scribed due to the nature of the inquiry?

Depending on how one answers these questions the user journey looks different as intake elements such as knowledge documents, self-service options, prescribed menus of standard response, free text input, etc are assembled and emphasized.

For the fact-finding phase, we distinguish between four types of intakes:

1. **Documentation:** the business user has been prompted to submit (or does so at his/her own liberty) a certain piece of information, documentation, etc. in the context of an audit, standard reporting inquiry from Legal, etc. Information capturing is rather narrowly defined and standardization potentially higher than for other intake types.
2. **Fact-finding (in a narrow sense):** the business user reports something to Legal without knowing the exact direction and implication of the submission. Typical examples are complaints, general inquiries regarding a business situation, etc. Limiting or pre-classifying the information intake may unnecessarily intimidate and confuse the non-legally trained business user, hence a careful balance of questions and depth of inquiry must be achieved. An investigation process may follow the submission.
3. **Self-assessment:** the business user seeks guidance on a specific topic either by self-service (which could potentially direct the user to the appropriate checklist or contract template) or towards a certain business behaviour, e.g., regarding the applicability of a NDA. Guiding the business user

most effectively through the process is key to a high user adoption rate.

2. **Self-evaluation:** the business user requires an approval or at least positive feedback from Legal regarding a specific business activity and is asked to outline the accompanying circumstances. Like the self-assessment, a strong guiding but self-explanatory user journey must be designed that may incorporate elements of self-service, automation as well as exit points for escalating the matter directly to a Corporate Counsel for individual perusal.

Five potential actions are available in principle:

- I. A **document or report** is generated based on the input provided by the business user and/or the corporate counsel.
- II. The business user receives **advice** from the corporate counsel regarding the inquiry and the matter is closed.
- III. The business user and the corporate counsel **collaborate** to address all aspects of the inquiry and may even involve other colleagues from HR, etc. to conclude the matter. In such a case, different phases, milestones, and deadlines must be tracked by the legal Front Door and its incorporate matter management to project manage the inquiry.
- IV. A **reference to existing know how**, such as a checklist, policy, etc. is provided to the business user in order to resolve the inquiry.
- V. A **status is changed or amended**, e.g., in case of an approval.

Always considering the intent of one's fact-finding and concatenate it with the envisaged actions significantly alleviates the design effort for a Legal Front Door.

4. Five Practical tips from the field

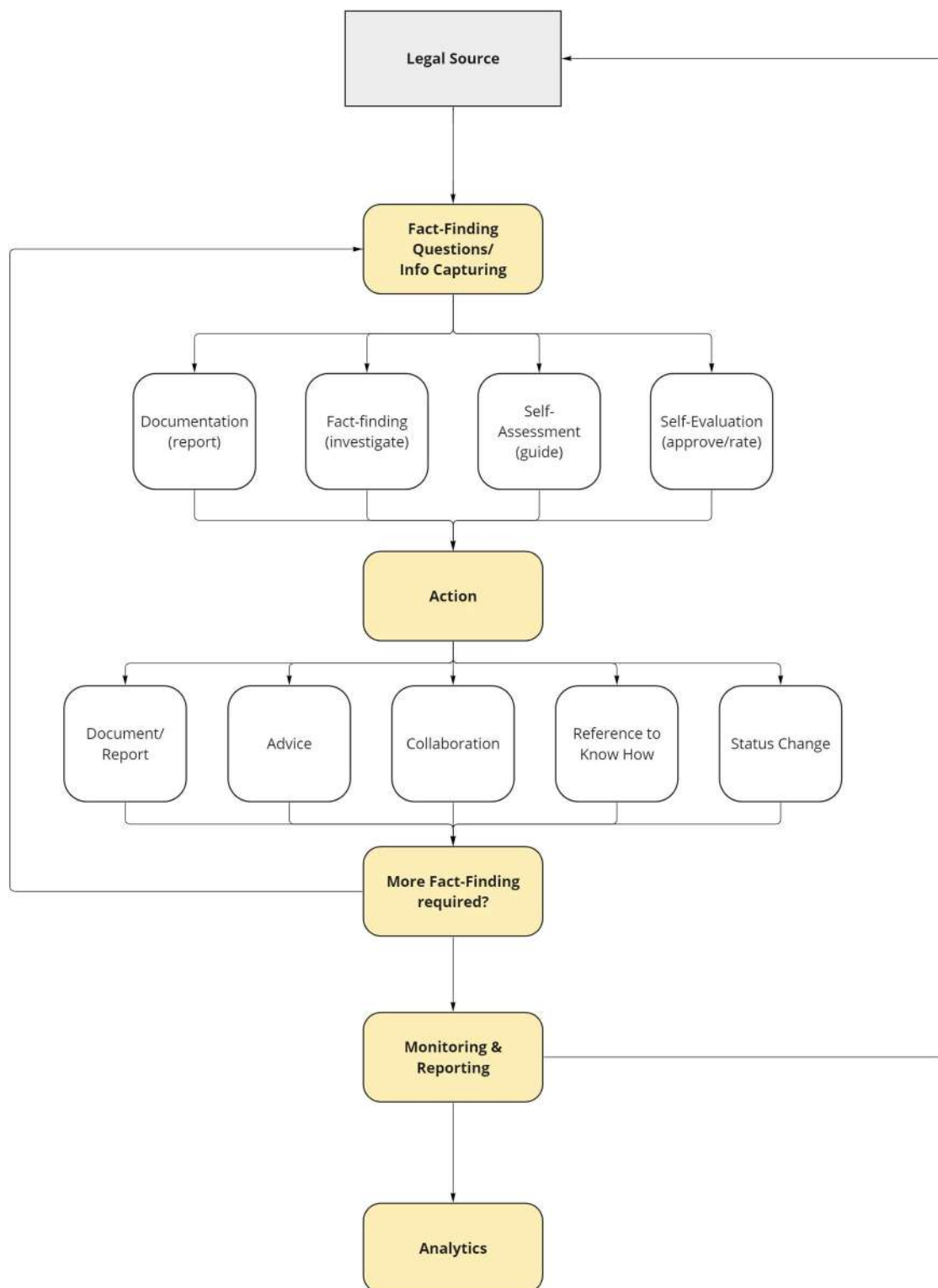
4.1. Alignment with key legal department stakeholders

A Legal Front Door substantively transforms the way the legal department interacts with business users. Sponsorship from relevant stakeholders in the legal department is crucial to guide the move away from the current world of inquiry and matter information that is spread across numerous cluttered email boxes and file drives, usually also across different business applications. The behavioral change calls for role modelling by leadership and a concise communication around the "what's in it for you".

4.2. "Think big, go small" ... for a first pilot

I have personally experienced several undertakings where the legal department went for a very broad and deep scope of the Legal Front Door implementation, embracing literally all types of inquiries and matters in one project. In case of the Legal Front Door and with respect to all other transformative legal tech projects, piloting one simple inquiry type, like the intake for general legal inquiries or a marketing collateral review, allows all stakeholders to familiarize themselves with the new way of working. Finding opportunities for immediate positive feedback is pivotal to a sustainable implementation of the Legal Front Door.

Figure 3: Legal intake types



source: smartvokat 2023

4.3. Define what you would like to achieve at the beginning of the journey

Transformative projects, such as the introduction of the Legal Front Door, draw upon the support by a broad audience. Clearly defined key metrics and objectives at the beginning of such an initiative assist everyone to stay focused and ideally leverage visible “quick wins” to assure continuous support for the project.

Since intake processes generate per se enormous amounts of data, extracting meaningful insights from those data pools is critical and should not be underestimated as a project task. Hence, the recommendation is to focus on one or two objectives from the start and eventually expand to a comprehensive set of leading and lagging performance indicators. In any event, user satisfaction, ie. rating the intake process from a user perspective should be included in these early objectives.

4.4. Appetite comes with eating

The concept of the Legal Front Door is a journey for both, Legal and Business. Based on personal experience, devising comprehensive process maps doesn't fully reflect how the actual process (including the click-flows through the software application) will look and feel during future work routines. Introducing prototypes early in the initiative as envisaged by Design Thinking-driven implementation approaches and building more time for User Acceptance testing (UAT) into project plans are two suitable means. Applying a full agile project management methodology may be another option but the backlog of features must be carefully categorized and prioritized by identifying and separating the “must-haves”, “should-haves”, and “could-haves”.

4.5. Intuitive experience

The Legal Front Door is all about user experience. It is meant to ease the effort around tasks perceived as being “non-value adding” and administrative in nature (albeit this may not objectively assessed be always the case!). An optimal user experience is to balance the load of information inquired (asking the right questions) without creating a level of complexity (asking too many questions) that may negatively impede the user adoption rate. Business users should be given a choice between communication channels as all of them shall grant access to the data of the single inquiry or matter.

5. Conclusion

Is this all just wishful thinking or can the Legal Front Door be implemented as described? Are there already legal departments that have done this successfully? Yes, you can already implement the Legal Front Door today and yes, some legal departments have already taken the first steps successfully.

Often, these are first pilot projects with a specific process, such as a conflicts of interest check, and possibly “only” with a Microsoft SharePoint© portal without further integration into matter and contract lifecycle management. It is a starting point and over time, these very basic approaches emerge into more integrated and broader initiatives.

In conclusion, there is simply no getting around this trend and even smaller legal departments are being forced to rethink their approach due to growing volumes of inquiries (caused by more laws and regulations) and

internal pressure for efficiency. In terms of "tiered legal service delivery" and contemporary legal business partnering, there is metaphorically no way around the Legal Front Door!

Notes:

[1] smartvokat, The art (or craft) of effective Legal Business Partnering, June 20, 2022; viewed at <https://smartvokat.com/2022/07/20/the-art-or-craft-of-effective-legal-business-partnering/> on May 3, 2023

[2] Legal inquiry, inquiry, matter or case synonymously used terms in this article. Inquiries or inquiries indicate a certain degree of simplicity compared to matters or cases. However, there is no widely accepted definition available for all terms.

[3] 71% of the respondents to Thomson Reuters Institute's "2022 Legal Department Operations Index" stated "using technology to simplify workflow and manual processes" as a high priority (source: Thomson Reuters Institute, 2022 Legal Department Operations Index, 2022, p.6).

[4] Global life sciences leader creates groundbreaking legal shared services function, <https://www.servicenow.com/customers/bayer.html>, viewed on 5 May 2023

[5] Refer to Nolan, Ian: How a Smarter 'Front Door' Can Save Stressed-Out Legal Teams, May 12, 2022; viewed at <https://www.legalreader.com/how-a-smarter-front-door-can-save-stressed-out-legal-teams/> on May 5, 2023

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Ignaz Fuesgen is a legal management consultant and Co-Managing Director at smartvokat (www.smartvokat.com), an advisory and product company assisting in-house Legal, Compliance and Risk teams on their digital transformation journey. Furthermore, he is a Fellow of the College of Law Practice Management (COLPM) and heads the Institute for Innovation in Legal & Compliance at BSP Business and Law School, Berlin.

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Comprehension - A Novel Legal Quality Metric

By Katri Nousiainen, Lawyer and Professional in Legal Education



Adopted summary from Nousiainen, K. (2022). Legal design in commercial contracting and business sustainability New legal quality metrics standards. *Journal of Strategic Contracting and Negotiation*, 6(2), 137–158. <https://doi.org/10.1177/20555636221138972>

Analyzing Legal Design and Contracting within the Lenses of Law and Economics

The law and economics theory on contracts can be applied to legal design, shedding light upon how markets, people, and law interact in society. In general, this theory is necessary to conduct the scientific measurement indispensable for the legal design to be regarded as being at the scientific level. Law and economics – which is the application of the economic theory to the practice and analysis of law – is a well-founded tool and



approach to analyze, investigate, and to measure the impact and value of legal design within negotiation and contracting practice.

Works, such as, [General Theory of Legal Design in Law and Economics Framework of Commercial](https://doi.org/10.1177/20555636221138972) and [Legal design in commercial contracting and business sustainability - New legal quality metrics standards](https://doi.org/10.1177/20555636221138972) <https://doi.org/10.1177/20555636221138972> provide a foundation for further research and understanding on the general theory of legal design in negotiation and contracting through the lenses of law and economics.

Contract Drafting Evolution

The current contract drafting practice often tries to make the drafting processes less time-

consuming and intends to benefit from the wisdom and knowledge of predecessors. Contract drafters and lawyers frequently aim to learn from their predecessor or seniors, and thus the copy-paste culture is strongly represented in the legal industry. The copy -paste-contract drafting evolution often leads to a situation where contracts have become increasingly lengthy, repetitive, overly excessive, and needlessly complex. Unfortunately, this contracting practice also raises concerns about whether it is socially optimal, and whether it serves the best interest of the client. Hence, it is argued that there exists room for improvement in the legal quality, and within the clarity of the current contract drafting practice to best serve the people to whom contracts are drafted for.

It is presented that the contract drafting practice could benefit from improved comprehensibility – namely, higher legal quality. Legal design could provide the needed clarity - *Comprehension, a legal quality metric* is presented.

Legal Design Increasing Comprehension and Reducing Transaction Cost

The idea behind legal design is to make judicial information, services, and products more approachable and comprehensible by employing human-centred design.

Design thinking process grounds *legal design*. Legal design intends to create a systemic impact through empowering people with law. It works in at least 4 major ways (Figure 1.). It

learns from other disciplines and professions and applies these best practices to law (Figure 2.). More human-centred approach to law is reached by combining design methods as well as the innovations in the field of technology. Other fields of science are employed to find the best practice solutions to challenges at hand. Legal design intends to create a more equal standing, to reduce knowledge and information asymmetry in society, to increase transparency and access to legal processes and justice. It employs user-centered design making legal information, products, services, and processes more comprehensible. By *comprehension*, I mean that the users can understand their legal rights and obligations—even without having a prior or advanced legal knowledge, or any legal assistance.

Figure 1. Functions of Legal Design



Figure 2. Legal design learns from other disciplines and applies these best practices to law (not an exclusive list)



Comprehension - a Novel Legal Quality Metric

As legal design increases *comprehensibility* on legal information, it acts as a legal quality tool for tackling complexity in negotiation and commercial contracting - a tool that every legal and business professional should have in their toolbox to foster their businesses' sustainability and quality. Thus, the measure of comprehension is presented as a novel legal quality metric, that assist to evaluate the true quality in the legal profession. Instead of employing the easily misleading metrics such as time, won cases, and billed hours, this novel legal quality metric would better serve both clients and lawyers in assessing legal processes, services, products. Furthermore, it is presented that comprehensibility could be seen as

another way for assessing efficiency in negotiation and contracting practice.

Besides of various incentives and benefits that can be acquired by employing legal design to bring more comprehensibility, it is acknowledged that *comprehensibility* is not the only goal in negotiation and contracting - but here it is presented why it is however particularly important in the legal profession going forward.

Legal Industry is Undergoing a Transition

In the recent years, legal profession has faced an irreversible change – it has become an industry in transition. This change should not be ignored, and it inevitably affects the legal

profession by pressing the urge for a more human-centered approach in negotiation and contracting practices within the field. Legal professionals are in a crucial position to create value for their clients and to help them mitigate possible risks. Increased clarity and comprehensibility work as a risk management tool but also fosters client's possibility to make more empowered strategic decisions – when they understand their legal rights, obligations, and related procedures. Lawyers can improve the quality in the legal profession, and generally industry wide, when they provide comprehensible services, products, and processes.

The legal metamorphosis further provides incentives for legal and business professionals, as well as organizations and other operators, to reduce complexity in negotiation and contracting practice to foster business sustainability, improve legal quality, and increase value creation for all stakeholders.

In the context of business sustainability, the increased comprehension is regarded to help, for instance, avoiding damage to business brands, reclamations, disputes, and other legal conflicts – as now there would be less misunderstandings on one's legal rights and obligations. Furthermore, the legal design is regarded to provide various benefits and incentives, such as fostered business sustainability, reduced transaction costs, more positive image, and competitive business advantage.

Introduces a Novel Legal Quality Metric: Comprehension

The article, [Legal Design in Commercial Contracting and Business Sustainability- New Legal Quality Metrics Standards](#) claimed for the

first-time comprehension to be regarded as a legal quality metric, and as another way of assessing the efficiency in commercial contracting – and generally in the legal profession.

New cumulatively applied legal quality metrics such as usability, plain language, time, and length were also introduced within the legal design framework. This work has provided a foundation for further research on legal quality metrics on negotiation and commercial contracting in law and economic framework.

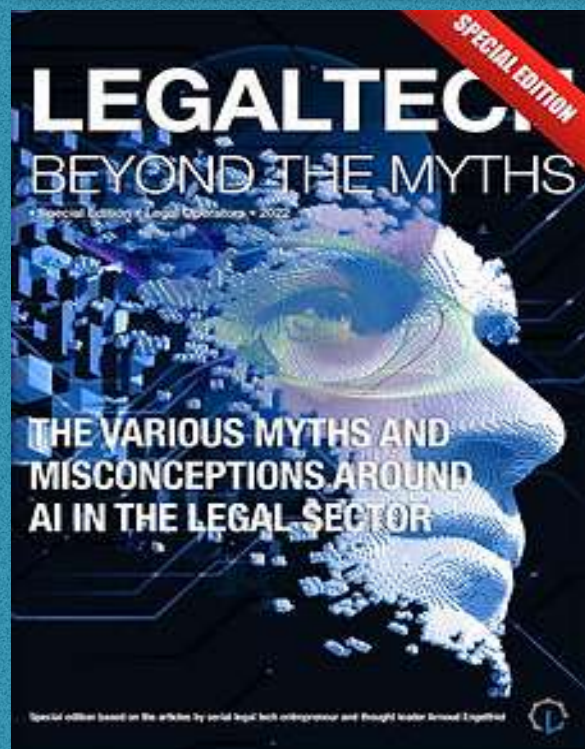
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Katri Nousiainen is a Lawyer and Professional in Legal Education. She holds a Resident Research Fellow position at Harvard Law School at the Program on Negotiation (PON). In addition, she is affiliated with the University of Cambridge, Faculty of Law, and Hanken School of Economics.

Nousiainen conducts empirical research on legal design and ethics in commercial contracts from the perspective of law and economics. Her current work intends to scientifically measure the impact and value of legal design, and to find, for example, metrics to assess efficiency and quality in negotiation and contracting practice. She is especially interested in employing technology within law, economics, and legal design.

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Lexpo'23: The Premier Legal Technology and Innovation Event in Continental Europe

By Rob Ameerun

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- Alexander Fruehmann, Founding Partner at The Legal Minds Group
- Patryk Zamorski, European Director of Talent Development at Dentons
- Jenny Radcliffe, The People Hacker at Human Factor Security
- Jeroen Plink, Co-Founder at LegalTechnology Hub
- Frédéric Levaux, Chief Digital and Information Officer at Gide Loyrette Nouel
- Andrea Miskolczi, European Director of Innovation at Dentons
- Raquel Garcia, Senior Best Delivery Advisor at Clifford Chance
- Isabela Loscher, Innovation & KM Chief Regional Officer at Philippi Prietocarrizosa Ferrero DU & Uría
- Peter Wallqvist, Independent Consultant
- Eve Vlemincx, Independent Strategic Consultant
- Nicky Leijters, Head of Legal Operations at NautaDutilh
- Frode Ettesvoll, Founding Partner at Concide
- Shruti Ajitsaria, Head of Fuse at Allen & Overy
- Jonathan Williams, Chief Operating Officer at Calame
- Inge van der Beijl, Director Behaviour and Resilience at Northwave
- Daniel Porus, Chief Commercial Officer at Legatics

- Jorn Vanysacker, Co-CEO & Founder at Henchman
- Chris Obdam, Chief Executive Officer at Betty Blocks
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Digital Forensics and eDiscovery

A Guide to End-to-End Digital Investigations

This guide by Jelle Oorbeek is published at Legal Operators. We thank Legal Operators for sharing it with Legal Business World Subscribers.

A Manifesto for the Law Department

By Richard G. Stock, M.A., FCG, CMC, Partner with Catalyst Consulting

This is the forty-second in a series of articles about how corporate and government law departments can improve their performance and add measurable value to their organizations.



Legal teams do not have strategic plans of their own. Still, the priorities of a legal team should align with the directional focus provided by the company. In addition, normally, business unit objectives and priorities should drive the law department's annual business plan. The law department resources can then be aligned with each element of a company's strategic plan.

Law department initiatives and action steps cascading from corporate strategic and business unit objectives can be mapped to a "balanced scorecard" methodology. Yet many law departments seldom document formal and comprehensive alignment or positioning for legal services. This means a legal team is not as effective as it can be. A law department should explicitly and closely align its objectives and each lawyer's



with corporate strategic goals and business unit plans. These can form part of the business plan for the law department spanning up to three years.

My experience advising law departments on workloads and workflows, resource allocation, and performance management challenges suggests that a clear statement of roles and responsibilities can benefit a law department. This kind of “manifesto” is intended to establish the priorities for change, service delivery, and resource management. It can be related to the company’s declared corporate priorities and guide the behaviour of the legal services team.

Most law departments have an implied service

goal and an enabling role in providing legal services, including risk management, comparable to what can be obtained from a law firm. This can be done at a lower cost while fully complying with professional standards and ethics. There can be no criticizing such a goal and role. But they are minimalist and should be assumed by all company stakeholders, and such a formulation suggests no relationship to a company’s strategic business priorities.

Some years ago, an Altman Weil survey reported that CEOs ranked three law department activities as the most valuable: supporting business objectives, advising company leaders, and managing legal risk. Law departments can be regarded as value-added contributors to a company’s strategic priorities,

business unit plans, and corporate strategic plan outcomes. To this can be added a set of performance targets and metrics for law departments focussing on a results-oriented contribution.

I recommend law departments adopt a formal statement of roles and responsibilities – effectively the manifesto – to better anchor its developmental and resource management priorities. The components include the mission, the strategic focus, operating principles, and a clear set of priorities. The manifesto can then be presented to and formally accepted by the corporate leadership team. Here is a sample manifesto.

Mission of the law department

We will provide the company with quality, cost-effective and accessible legal services for all facets of its operations across the organization to “Get Business Done.”

Strategic focus

The elements within the corporate strategic plan to which our law department will add measurable value across the next three years are based on the company’s three strategic priorities:

- Excellence in the customer’s experience
- Excellence in operational efficiency
- Excellence in talent management

Without limiting essential regular work, our law department commits significant resources to each focus area to serve as a value-added contributor. Most of the initiatives of our law department’s business plan are then based on business unit plans.

Operating principles

Our operating principles suggest the importance that we place on leadership and relationship management for each member of the law department:

- Building deeper, more productive relationships with business units, enabling corporate growth and development.
- Leadership in managing commercial contracting for the organization.
- Leadership in the resolution of disputes with employees and suppliers.

Our priorities

1. To serve as a stimulus for innovation and results in the quest by our board, by the corporate executive team, and by business units to respond to corporate objectives by
 - improving productivity and business unit engagement
 - guaranteeing timely, results-oriented services to all users of the law department
 - leading and demonstrating effectiveness in service delivery
2. To serve as the company’s anchor for best practices in contracting.
3. To ensure that, by March 31st, 2024, 75 percent of the objectives and the initiatives of each lawyer and staff member reflect specific business unit plans.
4. To ensure that law department members exceed the proficiency level required for at least 80 percent of the competencies (attributes, skills, and knowledge) required for their positions.
5. To re-structure the law department’s relationships with business units using relationship lawyers, service level agreements, and standards so that our objectives can be

achieved and measured for quality and economic success.

6. To serve as a centre of expertise in legal services for the company's commercial interests and in the company's relations with its employees.
7. To ensure that the law department effectively and efficiently contributes to risk management and dispute resolution by December 31, 2024.

Initiatives, targets, and accountability are developed for each of the seven priorities. CLOs

and GCs can generate momentum and results with a manifesto for the law department.

About the Author

Richard G. Stock, M.A., FCG, CMC is the Managing Partner of [Catalyst Consulting](http://CatalystConsulting.com). The firm has been advising corporate and government law departments across North America and around the world since 1996. For law department management advice that works, Richard can be contacted at +1 (416) 367-4447 or at rstock@catalystlegal.com.



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The Limits of Mediation

Excerpted from *Mediation in a Time of Crisis* (2022) by Kenneth Cloke, Mediator, dialogue facilitator, conflict resolution systems designer, teacher, public speaker



"Every man takes the limits of his own field of vision for the limits of the world."

Arthur Schopenhauer

"To be aware of limitations is already to be beyond them."

Georg Wilhelm Friedrich Hegel

"The only way of discovering the limits of the possible is to venture a little way past them into the impossible."

Arthur C. Clarke

It is difficult to understand anything fully until we recognize its limits -- the places where it falls apart, or miraculously comes together -- where it begins and ends, or transforms into something entirely different. Together, these limits define the frontiers, or terra incognita, where critical discoveries can be made and entirely new and profound understandings can take shape. As I wrote several years ago in *Mediating Dangerously*,

It is difficult to describe what happens when things fall apart, or how they turn, transform themselves and come together in new ways. Words cannot accurately account for what happens at the edges, the frontiers and boundaries, the dark places where everything we know crumbles and disintegrates, or the bright places at the center where what we didn't know coalesces and becomes something new.

Mediation encompasses both. Conflicts mark the frontiers, the places where we weaken and divide. Yet these same frontiers embody the forces that strengthen us, bring us together, transform us, and dissipate our differences. Conflicts probe our innermost natures, and the outermost limits of our being. They provoke cruelty and compassion, competition and collaboration, revenge and reconciliation. Mediation is the *dangerous* magic that moves us from one to the other.

Perhaps the greatest limit in any endeavor is created by what we *think* we know, which leads us to fail to notice anything different or contradictory, anything that might require a fresh approach or paradigm or understanding. What is worse, we do not know that we do not know. As Psychiatrist R. D. Laing described it,

The range of what we think and do is limited by what we fail to notice. And because we fail to notice that we fail to notice, there is little we can do to change until we notice how failing to notice shapes our thoughts and deeds.

It is therefore important for us to develop an understanding of the limits – not just of mediation as a process, but of the ways we perceive and think about conflicts that defeat our imagination and prevent discovery. Mediation is still in its infancy, and because we are still beginners in this work, we don't actually know what the limits of the process are. However, we can start by identifying some likely, or potential limits, which I prefer to think of as *dualities* that appear disconnected, yet are invisibly linked, and can be approached and considered from different perspectives that illuminate, enhance, and complement each other.

Two of the fundamental limits in every human endeavor are biases and noise. Daniel Kahneman, who won the Nobel Prize in economics, wrote brilliantly about biases in *Thinking Fast and Slow*. Subsequently, in *Noise: A Flaw in Human Judgment*, Kahneman, with Olivier Sibony and Cass R. Sunstein, wrote that to appreciate and correct errors in judgment, it is necessary to understand both bias and noise. Bias, of which there are many varieties, creates errors in judgment, but so does noise, which is rarely discussed or acknowledged.

The authors define noise as “unwanted variability” that we bring to decision-making, including random errors of judgment that can lead to compromised fairness, decision risks, and uncertainty. The difficulty is that conflict is both a fertile source of bias and naturally noisy. They write, with particular relevance for mediators, Some noise may be inevitable in practice, a necessary side effect of a system ... that gives each case individualized consideration, that does not treat people like cogs in a machine,

and that grants decision makers a sense of agency.... Diversity of opinions is essential for generating ideas and options. Contrarian thinking is essential to innovation.

In mediation, it is possible to reduce the impact of both bias and noise by paradoxically *increasing* the amount of variability, adding alternative ideas and diverse interpretations, and expanding the range of available choices. This suggests a shift from rules to standards, which the authors distinguish as follows:

Rules are meant to eliminate discretion by those who apply them; standards are meant to grant such discretion. Whenever rules are in place, noise ought to be severely reduced.... [However], whenever a public or private institution tries to control noise through firm rules, it must always be alert to the possibility that the rules will simply drive discretion underground.

Mediation, in my view, makes it possible to transform the parties' focus from imposing or obeying rules to clarifying, negotiating and committing to values. We may then regard the limits of mediation as requiring a similar shift from identifying simple, fixed, clear, logical, one dimensional situations in which we cannot succeed to posing a set of complex, fluid, imprecise, poetic, multi-dimensional paradoxes where some limits exist, but in a form can be bypassed or worked through, as regularly happens, for example, in quantum tunneling.

As an inspiration for the limits described below, Gandhi created an interesting list of "seven social sins." These included: wealth with-

out work, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, religion without sacrifice, and politics without principle.

If we imagine a similar list for mediation, each limit may then be described as an interconnected set of concerns, without finally deciding whether any particular issue is mediate-able or not. Instead, each limit ought to allow us to reframe the problem, look at our experiences with fresh eyes, be willing to try something completely new, make repeated efforts that may appear unlikely to succeed, and learn afresh what is mediate-able and what is not in each circumstance, based on subtle, complex, continually shifting conditions.

Here, then, is my top twelve list of the likely limits of mediation, with a brief explanation of each that identifies the difficulty without eliminating the possibility that innovative efforts may succeed in resolving it.

1. Power without purpose. Power is an obstacle in mediation because it is nearly always unequally distributed and arranged as a "zero-sum game," or "win/lose" process.

If resort to power has a purpose, it may be possible to achieve that purpose by satisfying the parties' interests and thereby reduce their perceived need to resort to power. Yet where power is used without any goal or purpose at all, as when it is exercised simply for the pleasure of defeating others, satisfying interests will be less likely to prevent people from using it.

2. *Insanity without comprehension.* Everyone in conflict is a little bit crazy, or seems so to their opponent, so describing the other person as insane doesn't mean we are off the hook in trying to mediate, because there is a small piece of insanity that is triggered by every emotional confrontation that can be assuaged by expanding their comprehension – of self, of others, and of the problem. Yet where insanity precludes all comprehension, or obstructs the ability to understand what is taking place at all, we may not be able to mediate, and consensus will become elusive.

3. *Dishonesty without motive.* Dishonesty that has an underlying motive or goal can be addressed by seeking to satisfy it, in which case the person will feel less strong a need to be dishonest. An example might be someone who lies about what time it is, or about the weather for no discernable reason. People in conflict lie to each other often, particularly where dishonesty is motivated by survival, or their desire to retain a job, or keep a marriage, or be promoted, or be loved or looked on favorably by others. Yet where there is dishonesty without any motive at all, it is far more difficult to prevent people from using it.

4. *Addiction without awareness.* People can become addicted to many things, including conflict, yet if we are able to increase awareness of their addiction, we may be able to design a process like Alcoholics Anonymous' 12-step program, or some other method that can assist the person or organization in breaking their addiction. Yet if they are addicted and resist becoming aware of how addicted they are, or how addiction works, or how it impacts

others, their unawareness and resistance can limit our ability to resolve the conflict.

5. *Greed without gain.* If someone is seeking gain from greed, a mediator may be able to find a way of getting them what they need or want without needing to become greedy. In this case, their greed is actually *conditional*, contingent, and instrumental rather than absolute, fixed, and fundamental. Yet if they are greedy without any desire for gain, their insatiability can create obstacles to empathy, learning, and collaboration that limit the effectiveness of mediation.

6. *Suffering without empathy.* In the beginning, people who suffer turn inward, often obstructing their ability to feel empathy or compassion for the suffering of others. Suffering can lead to an increase in our capacity to recognize pain in others and experience empathy and compassion for them., which can diminish the length and depth of suffering by transforming it into increased sensitivity.

Yet to suffer without any ability to experience empathy or compassion for the suffering of others often blocks listening, understanding, and acknowledgement, and creates limits in mediation.

7. *Revenge without self-interest.* Revenge, in my view, is the willingness to hurt ourselves in order to hurt others. The introduction of any form of self-interest, self-esteem, or self-care can therefore begin to undermine the desire for revenge. But to be so deeply and passionately committed to revenge and the pain of others that we are willing to harm ourselves

can make it much more difficult, if not impossible, to mediate successfully.

8. Trauma without meaning. When trauma feels meaningless, it is difficult for those who experience it to perceive its deeper lessons and possibilities, leaving them unable to cope with, escape, learn from, or transcend it. If suffering can be seen to have a larger meaning or higher purpose, perhaps in our commitment to making sure that no one else experiences the same injury again, it may be possible to mediate restorative solutions. Yet to suffer trauma without any meaning at all can keep people feeling trapped in suffering and reduce the effectiveness of mediation.

9. Bias without perception. Everyone has biases of many different kinds, ranging from simple cognitive biases to more serious stereotypes, prejudices, and discriminatory attitudes that assert superiority based on race, gender, sexual orientation, caste, class, religion, nationality, age, disability, and similar criteria. The worst biases occur in those who do not perceive that they are biased, or are unaware or deny they even exist. Perception of bias reduces its strength by inviting us to see others as more complex, unique, and human than our bias can comprehend. Yet being biased without perception creates obstacles to mutual understanding that can reduce the ability to mediate authentic agreements.

10. Emotion without insight. People in conflict experience a broad range of emotions from mild to intense, including anger and fear, sadness and grief, shame and guilt, and many others. When we are in the grips of these in-

tense emotions, we can lose insight into their deeper, underlying sources; perspective on what they mean to the people who receive them; and ability to assess what we could do to assuage, transform, and transcend them. Insight, perspective, and assessment can help us turn our emotions toward problem solving. Yet experiencing intense emotions without any insight, perspective, or assessment at all can make it difficult to assist people in *completing* and passing through them.

11. Domination without dialogue. The desire to dominate, manipulate, and control others without allowing dialogue or dissent, in ways that exclude, silence, or annihilate the interests and perspectives of others, effectively reduces two parties to one and eliminates all the insights and synergies that can emerge when their diversities are brought together. Yet domination, manipulation, and control without any willingness to engage in dialogue with those who are being dominated, manipulated, or controlled undermines the core values and principles of mediation and creates power imbalances that make it difficult to solve problems and find common ground.

12. Politics without principle. This limit, first suggested by Gandhi, acknowledges that politics, like mediation, may require people to compromise and reach agreement with their opponents. Principles guide politics and direct the problem solving process, even for opponents. Yet when we compromise what we believe in and negotiate away our principles, we strip politics of its redeeming potential, lose opportunities to make our lives better, and reduce our righteous, high-sounding rhetoric to

opportunistic searches for short-term advantage.

There are many other possible limits in mediation, including those produced by extreme rigidity and dogmatism, excessive vulnerability and emotional fragility, strong needs to control and manipulate others, extreme narcissism and paranoia, a desire to shame and humiliate others, hostile styles of advocacy and negotiation, the incompatibility of languages, avoidant and adversarial cultures of conflict, dogmatism and orthodoxy, etc. Yet for each of these limits, as for all the others, there are many possible approaches, methods, and techniques that might help us discover unimagined ways of strategizing, sidestepping, deconstructing, dismantling, and circumventing each limit, and expanding our understanding and skills in subtle aspects of dispute resolution.

What is most important for us to understand is that we need not surrender to any of these perceived limits, but can continue searching for their sources, both inside ourselves and in the dysfunctional systems, conflict cultures, and environments we have created and accepted, sometimes without question. It is important, in doing so, that we *consecrate* our failures to the benefit of those who will come after; that we transform our limits into invitations into learning, insight, and improvement; and that we never cease trying to unearth or invent more advanced understandings, improved techniques, and more satisfying relationships.

About the Author

Ken Cloke is a world-recognized Mediator,

dialogue facilitator, conflict resolution systems designer, teacher, public speaker, author of numerous books and articles, and a pioneer and leader in the field of mediation and conflict resolution.

About the Series Editor

Mediator Vikram (Vikram Singh), is a full-time Mediator & Peacemaker and a part-time golfer. He's a lawyer based in New Delhi, India and is promoting Mediation around the world for which he organises lots of shows & events. Recordings are available on his YouTube Channel. There are 575+ videos on his Channel which are an excellent resource on everything Mediation. He has created the World Mediation Circle which is a World Wide Web of Mediation Circles. World Mediation Circle will promote Mediation and develop a Culture of Mediation around the world so that Mediation becomes the preferred method of Dispute Resolution. Mediation Circles will bring a moral values, principles and ethics based humanistic approach to Dispute Resolution where Heart Soul Spirituality play an important role. A collaborative approach to Dispute Resolution has been used by families and communities including indigenous and business communities for time immemorial. We have to go back to our roots and move away from an adversarial approach. We have to break out of the colonial mindset towards dispute resolution. Please visit MediatorVikram.com for more information about his activities for the promotion of Mediation.

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The latest issue of Legal Operators

How to Develop a Client Persona

By Melissa “Rogo” Rogozinski, former litigation paralegal, legal technology sales executive, guest speaker, CLE presenter and trainer, and entrepreneur.



Law firm marketing in the digital age has become more competitive than ever before. As law firms increasingly move toward more specialized practice areas, their messaging needs to reach and speak to the needs of prospective clients who are inclined to engage their legal services. Trying to grow a client base through unfocused website content or a generalized social media presence is no more productive than shooting 100 arrows into the air hoping one will find the target.

Developing a “client persona” helps businesses understand and empathize with their consumers, enabling them to create more effective marketing strategies addressing their customers’ needs and preferences. Knowing your target audience is at the heart of successful law



firm marketing that converts website visits and leads other connections into sales.

What are client personas and how do they inform marketing strategies?

A client persona is a fictional representation of your ideal client, identifying their key traits, priorities, pain points, and the solutions they need to address their pressing legal issues. This step-by-step exercise yields a surprisingly functional picture of the model client to whom your firm's messaging should be directed.

A client persona typically includes demographic information such as age, gender, income, and education. It describes their goals, values, attitudes, challenges, sources of information, and even their preferred communica-

tion channels. By focusing on your model client's specific needs and preferences, your firm can tailor its messaging and service offerings to that market's needs. This process helps your target client know that you understand them which, in turn, develops their trust and confidence in you.

Why does a client persona improve your successful connections with real prospective clients? Because the persona you create will include details that define your specific audience. From there, your web content, social media posts, emails, and other marketing strategies will be molded to tell that client that you know who they are, what they're trying to achieve, what problems they're facing, and how you have the solution to those challenges.

How to set up a client persona

The process of creating a client persona is informed by your knowledge and experience with existing clients, data gathered from user research and website analytics, and the firm's expertise in delivering legal services.

To guide you in constructing your ideal client's persona, follow these steps:

1. Identify the client's title or role in the company or organization. The person's role or duties will be instrumental in either deciding to engage your firm's legal services, or it will be someone who can influence that decision. Are they the GC or a deputy in charge of staffing? Is it a VP or director?

2. List relevant personal features you know to be part of the person's persona or that your research indicates this person possesses. Here's an example:

- Demographics (40 – 49 years old, married, salary \$100k+, large city)
- Career Drive (upper-level management, steady profitability with controlled risks)
- Key Adjective (loyal, relationship-oriented, risk-averse)
- Role at Target Company – (GC or deputy GC, or director)
- Purchasing or Decision-making Role / Autonomy (Decider, Buyer, and End User)

3. List the person's priorities and professional values. What is the person seeking to accomplish?

- Attitudes (minimize litigation, prefers conciliation to preserve relationships)

- Values (professionalism, availability, punctuality, directness)
- Lifestyle (active outdoors, family-oriented, community involvement)

4. What are their pain points? Identify the client persona's challenges, problems, or unresolved issues.

- Delinquent account collections
- Monitoring compliance with government regulations
- Back taxes
- Sexual harassment litigation against managers
- Litigation costs

5. Primary Information Sources. Where does the person go for business/professional information?

- Trade websites and magazines
- Online business and financial websites
- Social media channels
- Professional association colleagues
- Conferences

6. Preferred Method of Communication. Finally, what is the person's favored means of communication? Many people have strong preferences for face-to-face meetings while others are comfortable with brief but productive telephone calls. Still, others want to interact through email or videoconferencing apps.

What's the Benefit of Using Client Personas in Your Firm's Marketing?

Practicing law in 2023 requires intense concentration on a wide range of dynamic information streams in increasingly focused legal specialties. Alerting your market to the value

of your services means connecting with the clients who need what you excel at delivering where they are.

No one likes to turn business away, but accepting work from those outside your client profile can end badly for the client and for your firm's reputation. Unsatisfied clients tell more stories about their experiences than satisfied clients do. By focusing your marketing message on a specific type of client profile, you're more likely to receive inquiries from individuals and businesses most in need of the services on which you built your brand.

Making your law firm marketing "client-centric" works because you will include in your website content, email campaigns, and social media posts the solutions your firm delivers that reduce the pain points your prospective clients deal with in their professional and personal lives.

You know how to resolve your client's legal challenges. Knowing your audience better than

they know themselves is the key to successful communication, whether you are speaking at a seminar or drafting your firm's marketing material.

Make sure your client personas accurately and fully reflect your considerable knowledge about them. That's the best way to ensure that they find your marketing materials and you.

About the Author

Melissa "Rogo" Rogozinski is a former litigation paralegal, legal technology sales executive, guest speaker, CLE presenter and trainer, entrepreneur, and a 2016 ACEDS eDiscovery Person of the Year Nominee. She is a regular contributor to LegalTech News, Law Journal Newsletters and Legal Business World.

At [RPC Strategies](#), she leads a "Dream Team" of consultants who specialize in legal marketing and sales strategies for law firms and legal tech vendors.



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Reimbursement of gambling losses at online casinos

By Benedikt Quarch, co-founder of the RightNow Group and Leonhard Knöller, Executive Assistant at the RightNow Group.





This article is dedicated to the legal disputes in Germany surrounding the reimbursement of gambling losses at online casinos. On the one hand, this topic is of particular importance and topicality because hundreds of thousands of players and gambling addicts have lost enormous amounts of money when playing in online casinos. On the other hand, this topic shows how only the interaction of lawyers, litigation funders and legal tech companies is able to actually bring about relevant civil law consequences when a state ban is violated.

The basic problem

In order to get a feeling for the basic problem with online casinos, we ask you to first imagine the following (real) scenario: Please imagine that there is always the possibility of turning your home into a casino. The casino comes to you via the internet whenever you want it - morning, noon, evening, night, 24 hours a day and 7 days a week.

It usually has a dark and slightly sleazy website with a real casino flair. In contrast to conventional casinos, the state also cannot fully control whether player protection is actually observed. At the same time, you can bet or lose as much money at this online casino as you want. If you are still thinking "so what?" please imagine that your friend, relative or yourself are addicted to gambling. What impact would such an online casino have on you, your family and friends? To be very clear, online casinos can destroy the lives of gambling addicts and their families. The scenario is real and it happens up to hundreds of thousands of times a year.

The ban in the (German) State Treaty on Gambling

Due to this background, it is all too understandable that the German State Treaty on Gaming [1] (GlüStV) banned virtual slot machines, online poker and roulette (at least) until June 30th, 2021. Specifically, this ban

can be found in Section 4 Paragraph 1 of the German State Treaty on Gaming, which was in force until June 30th, 2021: *“Public games of chance may only be organized or brokered with the permission of the competent authority of the respective country. Organizing and brokering without this permission (unauthorized gambling) as well as participating in payments in connection with illegal gambling are prohibited”* (freely translated from German into English). According to § 1 of this German State Treaty on Gaming, among other things, this prohibition should protect potential players from this to ruin him- or her-self (and possibly his/her family too) financially with just a few clicks.

The ban as a blunt sword

Despite this law, the German state has not been able to restrict the range of illegal online casinos for years. On the contrary, the number of illegal online casino providers continued to grow and some gambling companies were able to record billions in profits from the illegal online casino market, among other things. The ban therefore degenerated into a purely theoretical construct for years. We believe that this was not due to bad law or the incompetence of the German state, but because the inhibitions for consumers - who have lost money playing on online casino platforms - to take action against online casino companies were often too high.

The jurisprudence is quite clear

The first legal proceedings with a positive outcome for the consumer only came about with the help of lawyers, litigation funders and legal tech companies. Since around the beginning of 2021, a number of courts have therefore de-

cided on complaints from users of such online casinos. In the meantime, a veritable wave of lawsuits has arisen. In each case, the “subject of the action” was that the users reclaimed their lost stakes from the online portals.

In the meantime, there has also been a clear trend in case law: According to this, users of these online casinos can usually claim back their lost stakes from the respective gambling company if the gambling took place in Germany in the period from July 1st, 2012 to June 30th, 2021 (with the exception of Schleswig Holstein) in virtual slots, online poker and roulette, i.e. exactly at the time when online casinos were prohibited by law; or if the respective casino providers do not have a valid license also after June 30, 2021.

Substantive legal justification of the claim or how users can get their stakes back

In terms of substantive law, the consumer's claim for repayment of the lost stakes against the respective online casinos follows from German unjust enrichment law. In this respect the entitlement to repayment of lost stakes results from the so-called “principle of enrichment law” (“bereicherungsrechtlicher Grundsatz”), which is set out in the German Civil Code (Bürgerliches Gesetzbuch, BGB). After that, to put it simply, the person who takes something from someone else (e.g. the gambling company that receives the stake from the user) without having the right to do so (e.g. the legal prohibition) must return it (= stake) to the other party (=player).

However as already mentioned and despite the substantively clear legal situation, enforcing

their rights vis-à-vis the gaming companies is usually problematic for the players or users. The individual player is confronted with companies that are based in other European countries (e.g. Malta or Cyprus) or outside of Europe (e.g. Curacao), some of which generate annual sales of several billion euros and also have access to professional legal defense. In order to create “equality of arms” in this respect, there are now numerous lawyers, litigation funders or legal tech providers who have specialized in the reimbursement of online gambling losses and support online players in asserting their rights in and out of court. Such support is also urgently needed, as enforcing the consumers’ rights is not as easy as it seems.

Two main legal problems

Going into all the details and problems would go beyond the scope here, which is why the following two “sticking points” should only be addressed as examples:

First of all, every court judgment is only useful insofar as it can also be enforced, i.e. the court judged claims too through can be set and the user actually gets his money back from the gambling company. However, decisions by German courts in the case of online gambling losses are usually extremely difficult to enforce. This raises the question of how a judgment by a German court against a gaming company based in Malta, Gibraltar, Cyprus or Curacao should be enforced. Of course, there are also cases where it is not even worthwhile for the user to take legal action, for example because the gaming company is insolvent, i.e. broke. In the “jungle” of thousands upon thousands of foreign online

casinos, getting information about the solvency of gambling companies is just one more difficulty.

Another interesting question is which court has ultimate jurisdiction. In this respect, a distinction must first be made between complaints by consumers and lawsuits by litigation funders or legal tech companies. In the first case, the contractual place of jurisdiction under Art. 7 Para. 1 a) and/or Nr. 2 (“place of damage”) Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters of the European Union (EuGVVO) or the consumer jurisdiction (“Verbrauchergerichtsstand”) under Art. 18, 17 Para. 1 c) EuGVVO should apply.

In concrete terms, this means that consumers can sue where they live (“Verbrauchergerichtsstand”) or where the contract is fulfilled or where the damage occurred (on their bank account), which in the present cases of reimbursement of losses from online gambling is also the consumer's place of residence. Most recently, the Higher Regional Court of Hamm [2] decided, in view of a decision by the European Court of Justice [3], that in this case also the consumer jurisdiction (“Verbrauchergerichtsstand”) under Art. 18, 17 Para. 1 c) EuGVVO should apply. The Higher Regional Court Hamm explained that the decisive factor for determining consumer status is not the type of assertion of the claims resulting from a contract - here by way of legal standing - but the objective of the contract (here with the respective online casino provider) when it was completed and implemented. Furthermore an assignment of claims alone cannot influence the determination of the competent court.

Conclusion: Better not play online gambling games

In summary, it can be stated that gambling losses from virtual slot machines, online poker and roulette can be claimed back from users in Germany if these losses occurred between July 1st, 2012 and June 30th, 2021; or if the provider does not have a valid license after June 30, 2021 in Germany. However, every Online-Casino player needs to be warned: if he/she is thinking of getting his/her stakes back, then he/she has to be aware that it can fail because the gambling companies are not available at all. Furthermore, special caution is required with regard to the question of the jurisdiction of the court. Over and beyond, once the consumer made it and has a verdict against the gambling company/companies, he/she still has to collect his/her money, which can pose further problems.

At the end, the example of online casinos shows the strength of the legal service society: the ban on online gambling, which the state

was unable to enforce for almost ten years despite the law, ultimately only comes about with the help of lawyers, litigation funders and legal tech companies to legal consequences. In technical jargon, this is called “private enforcement”.

Notes:

[1] The treaty applied to all German federal states with the exception of “Schleswig-Holstein”.

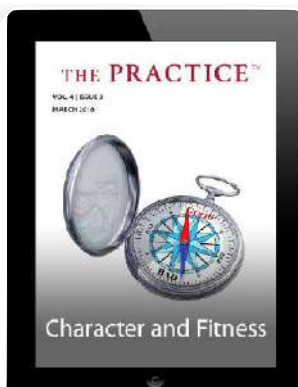
[2] OLG Hamm, 03/21/2023, I-21 U 116/2.

[3] EuGH, 01/25/2018, Rs. C-498/16 – Schrems/Facebook, ECLI:EU:C:2018:37, Nr. 25.

About the Authors:

Dr. Benedikt Quarch, M.A. is co-founder of the [RightNow Group](#), Forbes 30u30, Juve 40u40 as well as entrepreneur and lawyer by heart.

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REINVENTING
PROFESSIONALS

How ChatGPT Could Impact the Way Lawyers Practice

April 7, 2023

I spoke with **Bim Dave**, the Executive Vice President of **Helm360**, a provider of legal technology products and services. We discussed how ChatGPT could impact the way lawyers practice, the risks associated with leveraging AI, best practices that law firms should use when selecting legal technology, and the non-technological barriers to technology adoption at law firms.



REINVENTING
PROFESSIONALS

High-Efficiency AI and Contract Review

April 12, 2023

I spoke with **Francisco Webber**, the co-founder of Austrian AI company **Cortical.io**, which develops intelligent document processing solutions for unstructured text supported by natural language processing. We discussed high-efficiency artificial intelligence and why it is relevant for contract review, applications for contract intelligence, and the most common misconceptions about the use of AI.



The Future of Digital Assets

Is Kazakhstan ready for Web 3.0 Business?

By Matthew Farmer, Seven Pillars Law



The Republic of Kazakhstan (“**Kazakhstan**”) has a rich history of innovation, dating back to its nomadic ancestors who developed advanced techniques for survival in the harsh Central Asian climate. Modern Kazakhstan is no different, as it continues to prioritise innovation, focusing on science and technology. The country has made significant investments in research and development, leading to breakthroughs in renewable energy, biotechnology, and space exploration. Kazakhstan is also home to the Baikonur Cosmodrome, the world's largest space launch facility, and has played a crucial role in the history of international space exploration. Additionally, the country has developed advanced oil and gas extraction technologies and is a wind and solar power leader. Kazakhstan’s commitment to innovation is evident in



its ambitious plans for the future, including developing a "green economy" and establishing technology parks to foster entrepreneurship and research.

It is, therefore, of little surprise that Kazakhstan is set to join the digital asset regulatory landscape by adopting a new law governing digital assets as their rise in Kazakhstan and Central Asia continues to gain momentum. Kazakhstan, in particular, has been making strides towards adopting digital assets in recent years, with President Kasym-Jomart Tokayev speaking on the importance of embracing digital transformation in various spaces, including banking and finance, as well as expressing his desire to establish Kazakhstan as a leader in the region in the digital assets and cryptocurrency space.

The National Bank of Kazakhstan has been exploring blockchain technology since 2018 and, in 2019, announced plans to launch a digital currency pilot project. The digital asset regulation, which was recently passed, seeks to regulate digital assets, including digital mining activities, exchanges, and secured digital assets. With that, it is poised to become an even more significant player in the region by providing a legal framework to pave the way for a more robust and secure digital asset market. This new legislation is a significant step towards the vision of the President, establishing Kazakhstan as a trendsetter and an early adopter of digital transformation.

The legislation outlines the basic concepts related to digital assets and digital platforms

for their storage and exchange, as well as the principles of state regulation in the field. The law requires licenses for digital mining activities and accreditation for digital mining pools, with oversight from the state body responsible for managing the electric power industry. The law aims to develop the production and circulation of digital assets and digital mining to boost economic development and competitiveness.

Under the new law, procedures and mechanisms for the interaction and exchange of digital assets shall be determined by an act of the Astana International Financial Centre (the “**AIFC**”) in coordination with the National Bank and the authorised regulatory body for the regulation, control and supervision of the financial market and financial organisations. This places the AIFC in a prominent position as it relates to the continued development of the industry, as evidenced by the fact that secured digital assets must meet specific requirements, such as certification of rights and permission from authorities for issuance and circulation. In contrast, unsecured digital assets are prohibited except in the Astana International Financial Center, where exchanges are allowed only with licensing.

State control of digital assets will be carried out through inspections and preventive control, with legal liability for violating the laws on digital assets. The law took effect from 1 April 2023, with digital assets derived from digital mining activities required to be sold through licensed digital asset exchanges from 1 January 2024 until 1 January 2025.

This new law will bring more regulation to the

cryptocurrency industry in Kazakhstan and provide a safer and more secure environment for investors and businesses alike.

While the approach outlined in the legislation above is groundbreaking and more than enough to generate interest in the Web 3.0 industry, the approach of the Astana Financial Services Authority (the “**AFSA**” in the regulations for the AIFC (as alluded to above) is of significant importance particularly as it relates to those interested parties to bring their businesses to the region, given the familiar English language environment and high regulatory standards of the AIFC.

AFSA has taken a prudent and comprehensive approach to regulating digital assets. AFSA has established a regulatory sandbox for digital assets to allow businesses to test innovative ideas in a controlled environment and has developed clear rules for licensing and registering digital asset activities. Furthermore, AFSA has implemented a robust framework for anti-money laundering and countering the financing of terrorism (AML/CFT) concerning digital assets and requires digital asset service providers to comply with these regulations.

The AFSA's balanced regulatory framework encourages innovation while protecting investors and the financial system's integrity, which is excellent news for businesses operating in the digital assets space. This approach could increase the confidence of companies to bring their operations to Kazakhstan via the Astana International Financial Centre. As a result, we could see a boost in investment and business activity in the region, benefiting the Kazakhstani economy and the wider business

community. This development is exciting for all those involved in digital assets and for the industry's growth in the region.

These regulations demonstrate Kazakhstan's commitment to embracing emerging technologies and promoting economic growth through the digital economy. They are evidence that Kazakhstan is making significant steps towards becoming a hub for Web 3.0 and digital assets for the region, bringing the country closer to realising the vision of President Tokayev. AFSA and the AIFC will play a prominent role in developing the industry, given its underlying regulatory framework, by providing greater legal certainty and predictability for those operating a business in the field, creating a stable and secure environment for innovation and investment. So should you bring

your operations to the AIFC? I can't answer that question for you. Still, with the AIFC's familiar English language environment and high regulatory standards, businesses operating in the digital assets space may find the region an attractive destination for investment and business activity.

About the Author

Matthew Farmer works at the Leading Kazakh law firm Seven Pillars Law, headquartered in the AIFC and holds an Undergraduate law degree from the University of the Western Cape in South Africa and a Masters Degree in Intellectual Property law from the NTU (UK). Matthew has a passion for technology innovation and is particularly interested in the Web3 space.



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Understanding the Approach to E-Discovery in the APAC Region

Ari Kaplan speaks with co-founders Yongmin Cho, the CEO, and Angie Cho, a regional director, for Intellectual Data, an e-discovery provider based in Seoul, Korea, supporting APAC-based conglomerates, among other global companies.



Ari Kaplan

Yongmin, tell us about your background and why you founded Intellectual Data.

Yongmin Cho

I have a background in Korea and completed my MBA in the United States. I have experience working in startups in Silicon Valley and also at large corporations like Samsung Electronics. After returning to Korea, I worked as the CEO of the Korean branch of an Asia-based e-discovery company for over 10 years, using the knowledge and experience gained from my previous roles.

Angie Cho

The founding members of Intellectual Data have worked in the e-discovery industry for over 10 years. Over the past decade, we have witnessed the rapidly changing and significant procedurals or technological changes in the e-discovery market. We have noticed that the demand for e-discovery in Asia has not been as high as in the US, and so the Asia market has not kept up with the technological trends as well as organizations in the US. Despite the many differences between Asia-

based companies and US companies, we felt that customized technologies and support were not well-established in Asia. Therefore, as a team with rich experiences in cross-border litigation for APAC companies, we founded Intellectual Data in 2019.

Ari Kaplan

How is e-discovery for Asia-based companies different from those based in the United States?

Angie Cho

In many Asian countries, the legal system is based on civil law, so there is often little to no adoption of the e-discovery system based on common law in the United States, or it is only minimally reflected. In Japan, for example, the e-discovery system is only minimally reflected, and in countries like Korea and Taiwan, there is no e-discovery system like that of the United States. In order to perform effective e-discovery, especially in compliance with the strong e-discovery system in the United States, it is vital for companies to first accept the system, and guide and educate employees to ensure that there is no spoliation and that proper procedures are followed.

Asian companies are also unique and each country has different characteristics and cultures. In particular, large Korean companies, such as Samsung, LG, and Hyundai, often develop or customize their internal business processes and security solutions themselves. It is, therefore, important to create customized processes that can be compatible with U.S. e-discovery platforms like Relativity or Reveal, based on the solutions that each company is using. APAC e-discovery goes beyond translation and is not just a language issue. It requires experience and know-how to understand the environment of the country in which the corporate customers reside and to address them accordingly.

Ari Kaplan

What are the most common e-discovery challenges that Korean or Asian companies generally are facing today?

Angie Cho

There are two main challenges. First, there is a lack of experience with and knowledge of e-discovery procedures among companies that are respondents to a lawsuit, which can lead to procedural errors. Second, companies and government agencies in most countries have a heightened sensitivity to data security.

In Asian countries where there is no e-discovery system, inexperienced e-discovery responses are a recurring risk factor. Large corporations in the United States, which regularly face litigation, tend to have well-established protocols for responding to e-discovery requests. Smaller companies, especially those based in Asia, which have little experience

with litigation in the United States, however, have a limited understanding of e-discovery, which can lead to procedural errors and even sanctions. To provide comprehensive e-discovery services, we thoroughly investigate each company's environment, provide detailed guidance on the precautions practitioners need to take based on proprietary checklists, and confirm that they implement them.

In addition, as the focus on data security expands, there are additional data management procedures that need to be followed before submitting discovery to a US court, such as seeking approval from government agencies to transfer data to a vendor or a US -based law firm. For instance, China's State Secrets Law and Korea's National Core Technology regulations prevent data from being exported and impose sanctions that prevent foreign nationals from accessing data until approved by the government. Taiwan also regulates the security associated with handling high-tech data related to litigation. To overcome these challenges, the capabilities of local professionals performing e-discovery and their ability to navigate court deadlines promptly are critical.

Ari Kaplan

What types of e-discovery disputes does your team help global companies address?

Angie Cho

Our team supports the cross-border legal disputes that many global corporations in Korea, Taiwan, Japan, and other countries face in the United States, including e-discovery for ITC and DOJ investigations, PTAB interferences, and international arbitrations under IBA rules.

As a reflection of our global reach, we have opened data centers in the United States and expanded our US operations to respond to e-discovery in large and small domestic cases outside of Asia.

Ari Kaplan

Yongmin, you served as the CEO of Fronteo Korea. How did that experience affect your approach and leadership style?

Yongmin Cho

I was the CEO of Fronteo Korea from 2011 to 2019, starting with two employees in Korea. During that period, few professionals knew about e-discovery and we helped educate the Korean market, securing large-scale cases in the process, including Samsung v. Apple. I also learned that the e-discovery market is less Asia-centric and is more focused on US-based matters. This inspired me to consider ways to provide Asia-friendly litigation support services to businesses in the region and I launched Intellectual Data to offer improvements and progress.

Ari Kaplan

How is artificial intelligence affecting e-discovery and how do you leverage AI to support your clients?

Angie Cho

The cross-border cases we support typically involve large-scale litigation, requiring the timely analysis and review of terabytes of data. Using AI to support those efforts has been a long-standing practice in APAC and we believe it is important to be agile in adopting and deploying new technologies.

Ari Kaplan

How do you see e-discovery in the region evolving?

Yongmin Cho

While the e-discovery market in the United States is considered to be mature and highly competitive, e-discovery in the APAC region is evolving, so each vendor should have specific strengths and unique features that distinguish its approach. We are leveraging our strengths in APAC e-discovery to fuel our growth in the United States.

Angie Cho

E-discovery in Asia is increasing due to the rise in disputes involving Asian companies in the United States and the expansion of litigation to mid-sized or smaller companies. In addition, the number of companies initiating lawsuits for the first time in the United States is rising as well, which is fueling responsive filings overseas. There is also more investment by Asian companies in the US, which is prompting more litigation by their domestic subsidiaries.

About the Author

Ari Kaplan (<http://www.AriKaplanAdvisors.com>) regularly interviews leaders in the legal industry and in the broader professional services community to share perspectives, highlight transformative change, and introduce new technology at <http://www.ReinventingProfessionals.com>.

[Listen to his conversation with Yongmin Cho and Angie Cho](#)

The Value Series. "Understanding" is the Value: Karen Roos, Founder of HireRoos is Delivering "Value by Delivering Understanding"

By Cash Butler, CEO R3 and founder ClariLegal & Jeff Kruse Jeff Kruse, Founder of Key Legal Operations Consulting



George Bernard Shaw is credited with saying "The single biggest problem with communication is the illusion that it has taken place." This problem can be particularly troublesome when multiple languages are involved in a communication or project.

Karen Roos, Esq., a multicultural polyglot, founded her company, HireRoos, in 2020 in part to solve this problem. HireRoos, a woman and minority-owned business, is a staffing service for legal professionals headquartered in Washington, D.C.

Karen knows the value of understanding in communications and the risks of misunderstandings. Specifically, she knows the value of



making sure that everyone working on a project understands the "nuances of the languages" used in projects. Her goal is to ensure "understanding at its highest level so that lawyers can do their work at the highest level."

HireRoos Talent Management & Interpretation Services

Through HireRoos, Karen helps U.S. companies by providing temporary, temporary-to-permanent, and direct-hire legal staffing. HireRoos fills staffing needs for attorneys, paralegals, secretaries, and other legal support professionals. HireRoos is adept at providing resources fluent in the specific languages needed for each project. As Karen

explains, "Projects involving foreign languages can be quite difficult because of different connotations, context, and slang used in documents."

While working on her staffing venture, Karen identified a new way to provide value for her customers. Karen will soon expand her language service offerings through a new enterprise, HireRoos Interpretations, a service that will be at the "Rolls Royce" end of the interpretation services market. Karen's new service will provide access to interpreters who have translated at the highest level, including at court proceedings, client meetings, and even for heads of State.

Lifelong Interest in Languages

Karen learned the value of understanding communications at an early age. She and her family moved from Peru, where she was born, to the Washington D.C. area when Karen was in elementary school.

Karen quickly learned the importance of understanding context, connotation, culture, and slang when communicating with people who speak, read, and write different languages. Karen's experience adapting to a second language and a new culture at such a young age set her on a purpose-driven mission to ensure an understanding of communications in the legal ecosystem.

In addition to being fluent in Spanish and learning English, Karen also studied Italian and French in school. While attending the University of Maryland, Karen decided to go to law school. She chose to attend the Washington College of Law at American University because it would allow her to study overseas to immerse herself in another language and culture.

When she attended, the Washington College of Law offered two programs with overseas opportunities. One was in Spain and the other in France. Karen was already fluent in Spanish. She wanted to become more fluent in French. So, she chose the more difficult path and studied at Nanterre Université in Paris to get her joint Juris Doctor and Master II degrees.

Always up for an additional language challenge, while she studied international trade law in France, Karen also did a clerkship in

Germany. During her clerkship at Baker & McKenzie in Frankfurt, Germany, Karen began taking courses to learn German.

By the time she completed her joint law degrees, Karen had lived in Peru, the United States, France, and Germany. She was fluent in her native language, Spanish, and was also fluent in English and French. Plus, she was conversational in German and had studied Italian. Before becoming a practicing lawyer, Karen fully appreciated the need to understand the nuances of written and spoken words.

Experience as a Contract Attorney

After law school, Karen used her impressive multilingual skills to work on legal translation projects and later worked as an Alternative Dispute Resolution lawyer for FEMA. Because of her language expertise, Karen worked on international projects in Mexico and Argentina.

During those projects, she learned about the nuances and differences between the Spanish language in Mexico, Argentina, and her original home country, Peru. For instance, Karen explains that some residents used specific slang in Argentina and that if you are unfamiliar with the context and connotation, you would not understand the true meaning of what was being said or written.

For that reason, Karen believes grasping the cultural aspects of the language is important to understand the language. She explained, "Even though they say one thing, it could mean something else because it's not just language.

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It takes knowing the cultural intent of saying certain phrases to know what certain phrases mean."

Misunderstandings Can Be Costly

Through her experiences as a contract lawyer, Karen formed strong views on the need for fluency when handling multilingual projects. As she put it, "There are so many things that could get in the way of communication, and it multiplies the effects of miscommunication that can happen if one person is not proficient in that language."

Spanish is the official language in 20 countries and is spoken in over two dozen countries. But Karen quickly explains that the culture, context, and connotation of words and phrases have different meanings in different countries. Similarly, English is the official language of over four dozen countries and is widely spoken. As with Spanish, Karen notes that words can have different meanings in Australian English, American English, or British English.

Karen emphasized that significant financial impact can hinge on a few words or sentences. The context and true intended meaning of the words can be vital in contracts, international mergers and acquisitions deals, litigations, and fraud investigations.

True mastery of the language and cultural understanding is especially needed in fraud cases because wrongdoers are often trying to hide their fraudulent dealings and try to mask their communications. "Often you would not know about the fraud unless you understand the local nuances of the language."

Requiring a High Level of Understanding
Because Karen has first-hand experience understanding the risk companies face when communications are misunderstood, HireRoos sets a high standard for language proficiency for candidates. HireRoos requires candidates to demonstrate a high level of fluency in the language involved in the specific project through advanced testing. The advanced testing ensures that the candidates truly understand the language the client needs for the assignment, whether that assignment is for document review, legal research, memorandum or brief writing, contract review or drafting, or other detailed legal work.

HireRoos also requires a high level of proficiency for projects involving English as well.

Running to be the ABA Delegate for the DC Bar

In addition to her many hobbies, including playing squash and traveling to 27 countries to date, Karen is now a candidate for the position of ABA Delegate for the DC Bar. She is running partly because of her desire to represent temporary attorneys before the ABA House of Delegates.

Although temporary attorneys make up an estimated 17.5% of all lawyers in the United States, they are underrepresented before the ABA House of Delegates, the body that passes rules that affect all attorneys. Karen explains that certain rules and policies may disproportionately impact temporary attorneys and that possibility must be considered before passing rules.

Karen believes that representation for temporary attorneys is especially important now because there will likely be many more attorneys added to that group soon. She notes that artificial intelligence tools have been shown to help reduce how much work needs to be done by associates. Hence, she anticipates that law firms may start contracting more lawyers on a per-project basis to do substantive work instead of hiring permanent associates.

Providing Value Through Understanding

The value proposition that HireRoos provides manifests itself through her highly vetted staffing resources that drive quality and reduce risk, by providing the right talent for each project. HireRoos sets high standards for the candidates, just as Karen has set high standards for her own language fluency. The high standards she sets for the staff she provides help protect companies from the risks of misunderstandings caused by nuance, context, and/or connotation.

To connect with Karen on LinkedIn go to <https://www.linkedin.com/in/karen-roos-ceo-hireroos/>. You can learn more about HireRoos by going to www.HireRoos.com

About the Authors

Jeff Kruse is the Founder of [Key Legal Operations Consulting LLC](#), where he consults with legal departments and law firms to help them operate more efficiently through process improvements, technology implementation, and outsourced legal operations management to help them improve their bottom lines.



Cash Butler is the CEO of R3 - Legal Operations Consulting and the founder of [ClariLegal](#). Cash has over 20 years of experience in the financial services and legal vertical markets. He is a seasoned legal technology innovator and digital transformation champion. He focuses on helping organizations by improving legal operations, eDiscovery, litigation & compliance. Cash is an expert in operations, legal vendor, pricing, and project management.



Conclusion

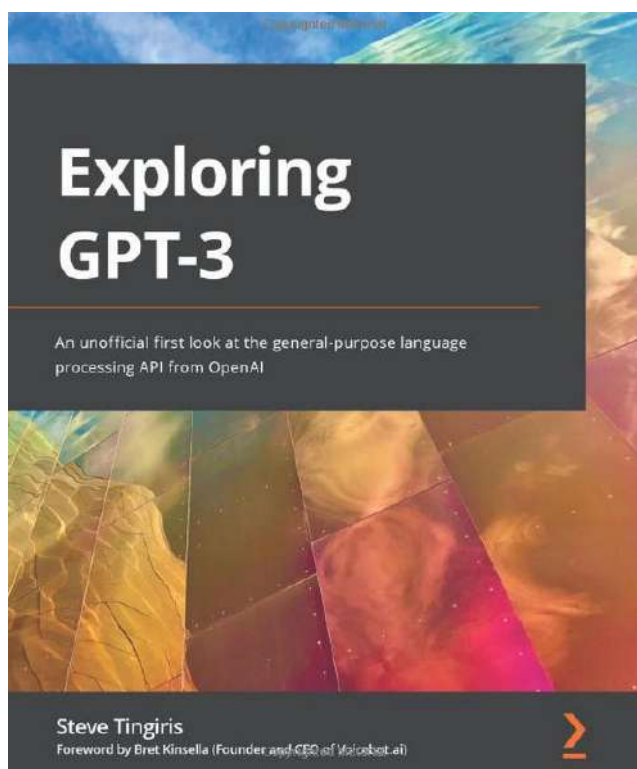
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The modern workplace continues to play a crucially important role in collaborating and building culture and loyalty, and many firms have now found the right balance and experience to do this without driving employees away. I look forward to continued success building the optimum hybrid workplace experience.

About the Author

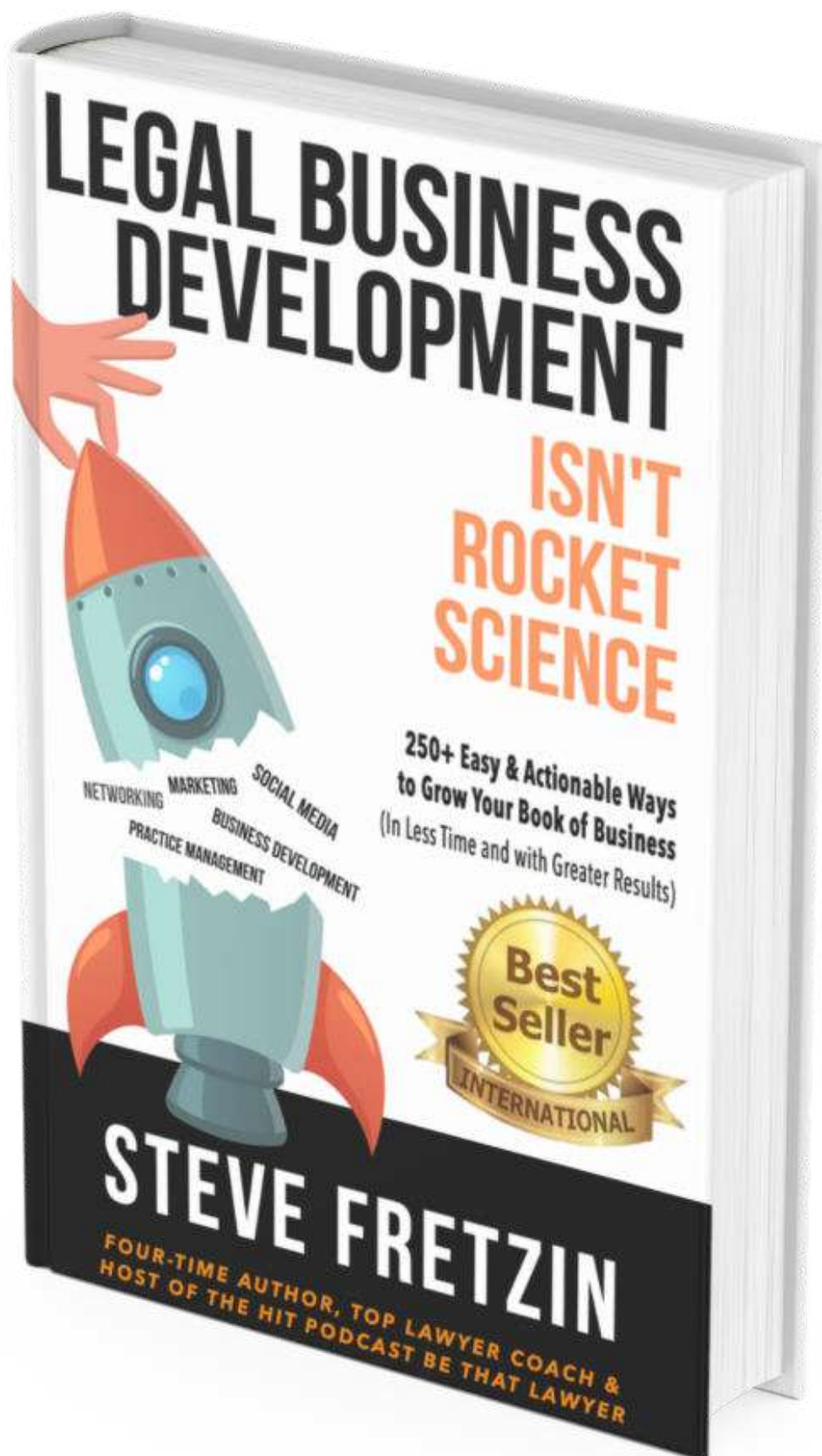
Anthony Davies serves as the Chief Revenue Officer (CRO) for Forrest Solutions and is also one of the partners for the organization. As CRO, he leads Sales and Marketing for Onsite Outsourcing and Staffing with a team of experienced sales executives who work with some of the world's largest law firm, advisory and corporate entities.

Anthony speaks frequently at industry events including ARMA, ALA Annual and the COO CFO Forum and has been featured in American Lawyer, Law.com and Legal Management Magazine. He holds a BSc (Hons) in Materials Science and business studies from Loughborough University (UK) and an Executive MBA from Quantic Business School in Washington DC.



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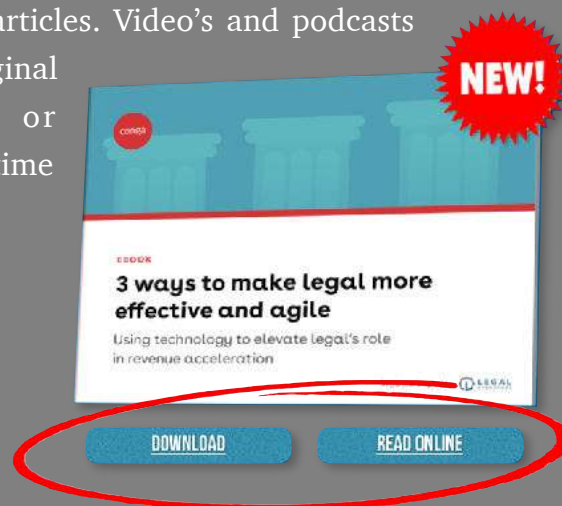
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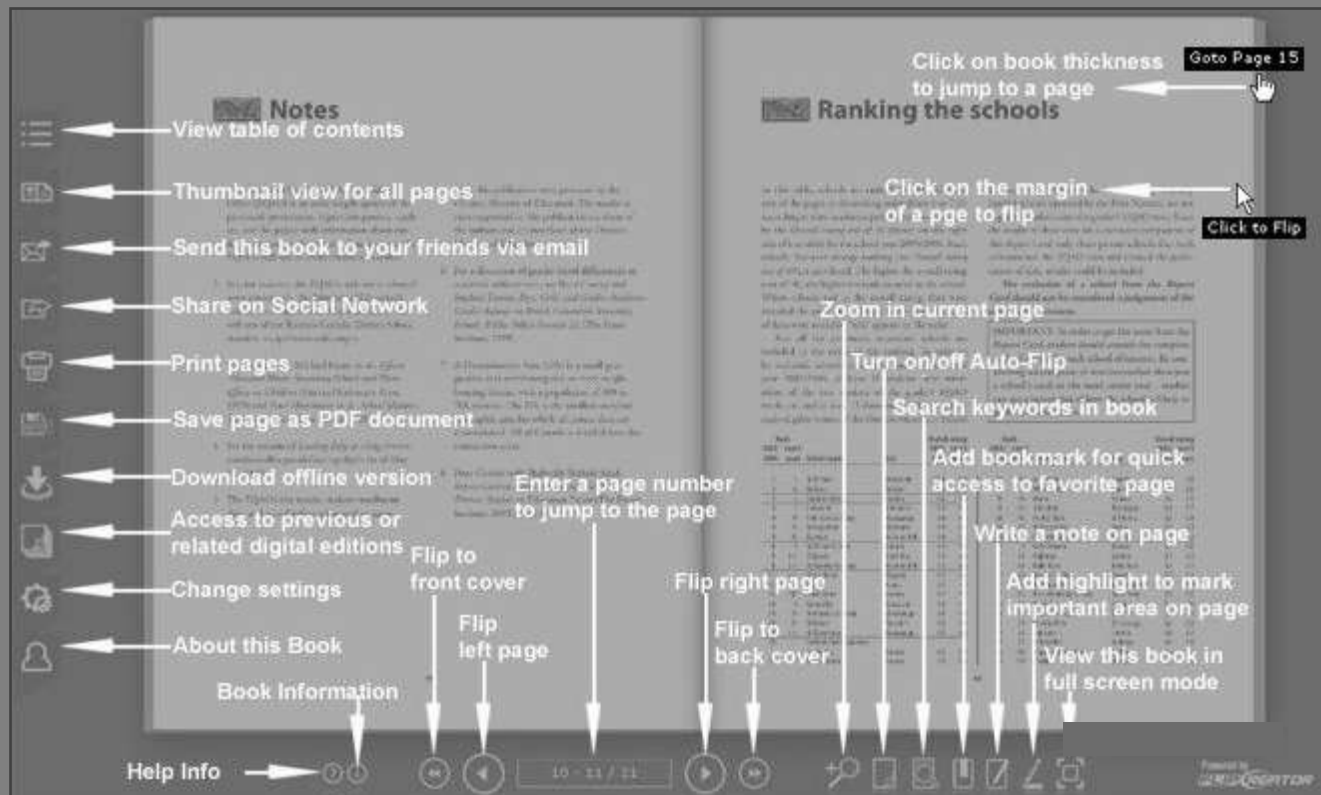
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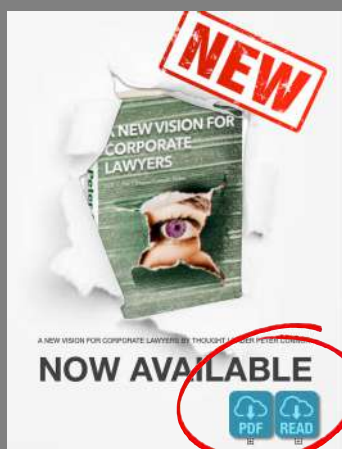


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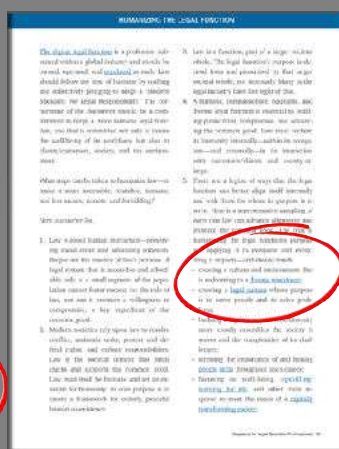
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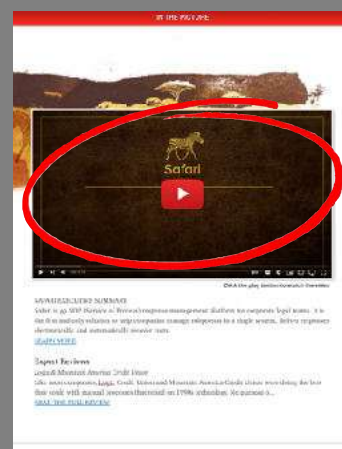
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