MINUTES OF A MEETING OF THE SOCIETY’S LAW TECH GROUP HELD ON 13 OCTOBER 2022 AT 12.30PM IN PERSON AND BY VIDEOCONFERENCE

PRESENT: Kerry McCloy (Chair), Jamie Donnelly, Amira Graham, Jane Hollway, Ian McFarland, Cate McQuade (online), Amy Jackson (In-Person)

APOLOGIES: Ruaidhrí Austin, Angela Brady, Tracey Ann Collins, Anna Gray, Áine Hughes and Ciarán O’Kelly.

IN ATTENDANCE: Jamie Warnock (Head of Policy and Engagement), Brian Carson (Head of Non-Contentious Business) and Damien McCann (Policy & Research Intern)

1. Introduction and apologies:

   Apologies from Ciarán O’Kelly and Angela Brady were noted.

2. Minutes of last Meeting:

   The Minutes of the previous meeting were duly approved.

3. E-Signatures:

   The Group discussed e-signatures which has been a recurring issue for the Society and it was raised politically in the Justice Agenda. It has been suggested that the Law Society take a risk and issue guidance but there is caselaw here that is unignorable, in respect of deeds in particular.

   E-signatures are within the purview of the Commercial Practice Group, which has agreed to produce a document to raise the profession’s awareness. A statement to this effect will be ready for their next meeting. Other Committees are also engaging with the Land Registry’s Nova Project on Digital Reform which touches on this issue.

   The Committee members share their various experiences with e-signatures. From the perspective of a personal injury firm, it was noted that an initial reluctance with e-signatures from Court Services and GPs’ appears to have been overcome as there is considerably less resistance to accessing a client’s medical notes via an e-signature now. Employment practice has seen a similar trend in the acceptance of e-signatures concomitant with an increase in employees working online and not physically meeting their employers. Banks and other lenders have been under internal and external pressures to accept e-signatures universally, including deeds. Though e-signatures have become common practice in most transactions, they continue to refuse e-signed deeds. Some banks have also built in their own proprietary system for internal
documents. E-signatures have expedited the processes and practice of corporate solicitors immensely. However, between solicitors’ firms there is a real disparity in adoption with some practices remaining apprehensive while in others it has become unremarkably standard.

Specific software packages like Docusign were discussed as well as their pricing models. It is estimated that Docusign costs £400 per year on a corporate access account. Although other platforms may offer more flexible alternative methods. The importance of laying out the different packages and solutions as well the payment models was noted.

The general consensus is that e-signatures will be accepted everywhere gradually overtime. The Group was committed to assisting the Society to progress the position on e-signatures. A core inhibitor is the fear of challenge further down the line, so guidance from the Law Society on what is currently possible, as well as working to address outstanding issues e.g. Deeds, was recognised as necessary.

**Action Point:** Collate the Comments of this Group including the members who were absent and send this onto the Commercial Practice Group.

4. **E-Discovery Update:**

It was noted that Court Services were grateful for this Group’s input and their E-Discovery checklist has been finalised and included as Appendix H in the 2022 Practice Direction.

5. **Hook Tangaza:**

The Committee considered the Hook Tangaza report based on research conducted earlier this year. Where previous assessments were untailored to Northern Ireland, this was specially commissioned to be a bespoke analysis of the legal profession here as well as the economics of the sector – which adds close to half a billion to the economy every year. The paper in the meeting pack was published at the Society’s Centenary Conference. It attempts to factor in in-house solicitors as well as alternative legal services, which did not exist in NI until around twelve years ago. Over 50% of firms in Northern Ireland are sole practitioners and very few firms have more than 10 partners. The disparity between large corporate firms, primarily based in greater Belfast and small and/or rural firms was also noted. The demographics of the profession that this report highlights should give direction to the tasks to be undertaken. Belfast is second only to London now as the UK’s top destination for international law firms. The Group agrees that it is good to draw attention to facts and figures
such as these and to sign-post economic opportunities for solicitors such as what the Department for the Economy is doing in tech.

It was agreed that this information ought to feed into what this Group is seeking to accomplish in terms of web resources and CPD. Supporting the preponderance of small firms in particular must factor into the sub-groups. Moreover, this information should be utilised in discussions of how we educate at the IPLS and even earlier at the undergraduate level. The group considered that well-resourced corporate firms are often better at demanding what type of educations they want at that graduate-level whereas smaller practices, though still a sizable share of the sector, are less vocal in their preferences. It is important therefore to see these smaller outfits better represented on University Committees. The group agreed to consider legal education in detail at a future meeting.

The attrition of women at senior levels was also acknowledged and the Group were reassured to see the Law Society tackling this issue.

6. Updates on subgroups:
   a) CPD

   This meeting was postponed and is being rescheduled for some time next week. It was noted that there was positive feedback to the e-discovery CPD session which will provide the Society a foundation to build on.

   b) Web Resources:

   At the last meeting the sub-group considered the two directions that stood out most, general information and cybersecurity guidance. The latter is becoming increasingly relevant as the cost of cyber-insurance policies are increasing. These two areas are to be explored further and more resources are to come. This will be informed by the material which the National Cyber Security Centre makes available with the Society having recently engaged with the NCSC. A lot is already out there, and the Society does not need to reinvent the wheel when it comes to resources. Sign-posting existing material for the benefit of the profession will be an efficient exercise. Also available is the NCSC’s cyber-essentials programme which offers some accreditation.

7. AOB:

   The date of the next meeting is tentatively set for 24 November, and this will be the last one of the year. The group agreed meetings going forward should be approximately once every six weeks.
It was agreed that Invest NI would be invited to the next meeting.

Regarding meetings of the group or sub-groups, members were reminded to send their apologies in advance should they be unable to attend.

APPROVED ..........................