MINUTES OF A MEETING OF THE SOCIETY’S LAW TECH GROUP HELD ON 1 SEPTEMBER 2022 AT 12.30PM IN PERSON AND BY VIDEOCONFERENCE

PRESENT: Kerry McCloy (Chair), Ruaidhrí Austin, Angela Brady, Anna Gray, Aine Hughes, Amy Jackson, Ian McFarland, Catherine McQuade, Ciarán O’Kelly and Jane Hollway.

APOLOGIES: Tracy Ann Collins, Jamie Donnelly, Amira Graham.

IN ATTENDANCE: Matt McKee, Jamie Warnock, Brian Carson and Damien McCann

1. Welcome and Apologies:

Apologies were noted from Tracey Ann Collins, Jamie Donnelly and Amira Graham.

2. Minutes of Last Meeting:

The minutes of the last meeting were duly approved.

3. E-Discovery and CPD:

Matt McKee from Grant Thornton was present to deliver an overview of his CPD lecture. Northern Ireland is 10 years behind Dublin and 20 years behind London, but it has the capability to catch-up. He lays a heavy emphasis on education at all levels from undergrad to law practice principal, noting that Belfast is blessed with two excellent Universities. Major multinational firms came to Northern Ireland for its talent which is still here and 100s of solicitors in Northern Ireland are using law tech, like e-discovery, just not in traditional practices.

The first Law Tech CPD session is set for 6 October, Matt intends for it to be an hour-long high-level summary of the subject which will serve as an introduction to why law tech is important and demonstrate what the e-discovery process looks like. It is unlikely that pricing or cost will be discussed in this session, but he supplies the maxim that: the bigger the data, the bigger the bill.

Matt hopes to dispel some of the myths surrounding law tech that are postponing adoption:

- Costs have come down in the last decade and are no longer prohibitive. The market is such that it is not necessary to purchase a licence and solutions can be carefully selected to suit the case or the firm.
• Nor is this technology overly complicated. Anyone who is willing to learn can use it and combining a trained solicitor with this technology is very efficient.

• Law tech is no longer for large law firms alone. Practices of every size can now effectively utilise law tech to boost their productivity.

What Matt wants to convey is that once its core principles are grasped e-discovery is not overly difficult, as what is being searched for and privilege is the same. Moreover, Matt wishes to assure solicitors that e-discovery has uses outside oppositional cases. It may also be used for real estate due diligence or to comply with a Data Subject Access Request. The key point is the client’s obligation to comply with discovery and the solicitor’s duty to keep them compliant therewith.

Law Tech is not about relinquishing control; it is about increasing it and it is worth reinforcing that the ultimate decision is made by a person, law tech simply allows that decision to be made more efficiently. It is worth highlighting how accessing key documents quicker can benefit early case assessments, this can mean the difference in settling one month before trial as opposed to one week. All together Matt is heartened to see this Group up and running and looks forward to assisting them in the future.

A spirited discussion follows Matt’s presentation. One suggestion is that it may be worthwhile to explain how e-discovery works on the computational side, to build confidence in how these systems sift through nuanced communications and documents. There is however a weariness here of losing the audience in technical matters. The potential misuse of e-discovery in complex cases which do not involve large sums of money is discussed and it is noted that courts here ought to monitor discovery costs and ensure that they are not being exorbitantly driven up. Lessons here can be learnt from London and New York.

4. Update on Sub-Groups:
4.1 CPD:

While having Matt scheduled for October this year is good, the real focus ought to be on 2023. The inaugural CPD sub-group meeting has provided the idea of a programme which will cater to the profession as a broad church. A CPD matrix is being plotted out which will accommodate different practice areas and knowledge tiers. E-Discovery will likely be a big part of this.

Furthermore, Jamie Warnock’s meeting with Andrew McWhir, the Law Society of England & Wales law tech lead, was noted. His advice is to not underestimate the fundamentals, nor the effort that has to go therein. Additionally, risk assessment and cost are areas of self-interest for firms which Andrew highlighted as allowing solicitors to conduct business better.
4.2 Web Resources:

Similarly, this sub-group has been surveying the web resources that other societies have been publishing. To begin with, they intend to increase the visibility of the Law Tech Group on the Society’s website.

The next date for the Sub-Groups meeting will be decided flexibly and brought to bear when the requisite work for each is completed.

5. QUB Research:

Ciarán O'Kelly gave a brief update on his research project which remains a work in progress. He draws attention to his collaboration with NUIG on an event in Dublin that will occur in October.

6. Cyber Security Week:

Contact has been made with National Cyber Security Centre through the aforementioned meeting with Andrew McWhir – progress has slowed due to a lack of resource in the Member Services Department who have been leading on this area. Further updates to follow.

7. ANY OTHER BUSINESS

It was noted that E-Signatures had been intended to be discussed in this meeting, however it had to bumped to the next meeting because of the fullness of today’s agenda.

8. DATE OF NEXT MEETING

The Chair tentatively suggested 13 October 2022 for the next meeting - a final date and time will be confirmed with the group members at a later date.

APPROVED ………………………