



Our LegalTech NY 2010 wrap-up: technology trends, cloud computing, defensible document review, the Baron/Losey Broadway show ... and much, much more

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Being a native New Yorker now living in Europe, it is always a joy to return to the amazing buzz, the kinetic energy that is New York City. The seeming cacophony of sounds and actions actually belies one overriding positive fact: “*you are in New York and we get things done here*”. A nice separation from that “other” America with its increasingly dysfunctional governmental mechanisms and increasingly rancorous political culture. And the semi-somnambulant environment of D.C.

So on to LegalTech it was. So different than last year when the sound system seemed to be playing [Chopin’s Funeral March](#) and vendors (and attendees) seemed to move in a catatonic state with slumped shoulders. This year Jason R Baron and Ralph Losey brought [Darude’s Sandstorm](#) which rocked the crowd (more on their presentation later in this post). And those “nurses” handing out invitations to the NextPoint party. We agree with our colleague Joshua Gilliland ([@BowTieLaw](#) on Twitter) that there was more positive buzz, positive energy this year.

We had a chance to catch-up with fellow bloggers/e-discovery analysts such as Fernando Pinguelo and Frank Gonnello, Jr. of [E-Lessons Learned](#), Gabe Acevedo of [Gabe’s Guide](#), Brett Burney of [Burney Consultants](#), Robert Ambrogi of [Law Sites](#) (and the recently departed *éminence grise* of [Legal Blog Watch](#)) and *uber blogger/media maven* Ari Kaplan of

[**Ari Kaplan Advisors**](#) (Ari will be the keynote speaker at [**ABA TECHSHOW**](#) next month and we'll have a special program for Posse List members from Ari before then).

But the big opportunity at LegalTech is meeting and speaking with the major thought leaders and movers/shakers in the e-discovery/ESI management world. This year we caught up with [**Steve Akers**](#), founder of Digital Reef; [**Michael Arkfeld**](#) of Arkfeld & Associates; [**Craig Ball**](#) of his eponymous firm; [**Deborah Baron**](#) of Autonomy; [**Jason R Baron**](#) of the National Archives; [**Denise Backhouse**](#) of Morgan Lewis; [**Kelli Brooks**](#) of KPMG Forensics; [**Craig Carpenter**](#) of Recommind; [**Steven D'Alencon**](#) of CaseCentral; [**Brandon Daniels**](#) of CPA Global; [**Chris Dale**](#) of the e-Disclosure Information Project; [**Ron Friedmann**](#) of Integreon; [**Laura Kibbe**](#) of Epiq Systems; [**Anne Kershaw**](#) of the eDiscovery Institute, [**Ralph Losey**](#) of Ackerman Senterfitt; [**Mary Mack**](#) of Fios; [**Browning Macrean**](#) of DLA Piper; [**Michelle Mahoney**](#) of Mallesons Stephen Jacques; [**Wayne Matus**](#) of Pillsbury Winthrop; [**Randi Mayes**](#) of ILTA; [**Nigel Murray**](#) of Trilantic; [**Vince Neicho**](#) of Allen& Overy; [**Patrick Oot**](#) of the eDiscovery Institute, [**Rob Robinson**](#) of Applied Discovery; [**George Rudoy**](#) of Sherman & Sterling; [**Warwick Sharp**](#) of Equivio; [**George Socha**](#) of Socha Consulting; [**John Tredennick**](#) of Catalyst; and [**Karla Wehbe**](#) of Bechtel.

And we also met with a host of other folks like Damien Adams of [**Data Management Group**](#) in Singapore; Julia Brickell, Sondra Song and Shelley Podolny of [**H5**](#); Margaret Daley and Erik Laykin of [**Duff & Phelps**](#); Patrick DiDomenico of [**Gibbons Law**](#); Kelly Inglese of the [**Platinum Legal Group**](#) in Canada; Dean Kuhlmann of [**Lateral Data**](#); Greg O'Reilly and Scott Merrick of [**LDM Global**](#); Julian Parker of [**Stroz Friedberg**](#); Michael Potters of [**The Glenmont Group**](#); Allison Stanfield of [**e.law**](#) in Australia; and Ursula Talley and Ellis Ishaya of [**StoredIQ**](#).

Many of these experts have already appeared in our series on e-discovery thought leaders ([**click here**](#)). The series continues this week and will run several more weeks with all of these folks in the queue to tell their story, give us their opinion. And you need to meet and speak with all of these people because as our colleague Andy Moore (editorial director of KMWorld) says when it comes to e-discovery "it takes a village". There is the science, and there is the art. The science is in IT's hands: the collection, the preservation, the processing. The legal team handles the art: the review, the assessment.

And as busy as we were at LegalTech we even managed to get ourselves profiled ([**click here**](#) and see page 5).

The technology? Boy, was there technology. We have a special section (link below) to review some of the technology we saw at the show. We agree with Tamir Sigal who said in his review of LegalTech that "most of the vendors I talked to at the conference blurred the lines between software and services" ([**click here**](#) for his full post). And everybody said they can do it all: software, service, in-house, outsourced, whatever. Even the Green Mountain coffee kiosks on Level 2 had signs "We do ECA, too."

But to put all the information and the frenetic pace in perspective we were guided by George Rudoy and Michelle Mahoney who recently said in an article for *Law Technology News* that "the

‘new normal’ comes with expectations that law firms and vendors will offer creative, innovative offerings, through use of efficient processes and/or automation. Risk is assessed with a finer focus, often resulting in smaller, more agile legal teams being assigned higher risk tasks such as relevance and privilege categorizations, quality assurance, sampling, and review. This yearning to be agile in delivery, service, and cost containment has fueled the appetite for firms to undertake small to medium-sized EDD processing in house, leaving only the larger projects to the vendors”.

And that was tempered by George Socha who put it even more succinctly and said (we paraphrase) that you don’t walk into a kitchen and have a single appliance that cooks food, washes dishes, and refrigerates leftovers. It’s very hard for one company to come up with one set of applications to cover all areas. Meaning that when they try, you get a Rube Goldberg machine with bits and pieces slapped together in a less-than-seamless manner.

We have heard it all before: end-to-end solution. Can any vendor refute the gap between the marketing and the reality?

So onward we marched into LegalTech, learning about the migration to cloud computing, more discussion about online repositories, debates on defensible search, overall maturing technologies, the increasingly complex international e-discovery and

... information overload. For although Craig Ball assuaged our concerns by telling us “while we live in an infinite universe it is all manageable”, we were still a bit numbed by all there was to see and do. So much to cover, so much information. I am reminded of Alvin Toffler’s book *Future Shock* (I am old enough to have read it when it was first published in 1970) wherein he explains the notion of “information overload”. He spoke of being overwhelmed not by mere sensations — the constant sounds of cars, the mingled smells of multiple sidewalk carts — but by information. The amount of information we’re given in the modern world can exceed our “channel capacity” and our brain’s processing power. We become unhinged. According to Toffler, overload us with information and we won’t be able to make good decisions. “Sanity itself thus hinges” on avoiding information overload, Toffler warned. I wonder what he would have made of LegalTech.

The session tracks were more varied, and much more detailed this year, with a lot of e-discovery education on tap. And you just cannot cover it all even with a staff of 4. We covered the keynote speeches and the sessions that we thought would appeal to the majority of our membership/readership: cloud computing, in-house e-discovery, early case assessment, cross-border international e-discovery, advanced searching, backup and archiving, and document reviews. Our coverage breaks out as follows:

1. The keynote speech on Wednesday on intelligence, intuition and information was fascinating. The panel was composed of Malcolm Gladwell, Dr. Lisa Sanders and David Craig. For our full post [click here](#).

2. Cloud computing technologies have greatly impacted e-discovery data preservation, collection and processing. There was a brilliant panel led by Deborah Baron of Autonomy. For our full post [click here](#).
3. International e-discovery. A hot topic all of last year. Nigel Murray of Trilantic put together a supersession of two panels on the subject. For our full post [click here](#).
4. Taking early case assessment in-house is also on the move, and several sessions addressed the issue. For our full post [click here](#).
5. Defensible document review. For our full post [click here](#).
6. Back-up is for recovery, archiving is for discovery. We learned the skinny from George Socha and Denise Backhouse. For our full post [click here](#).
7. Jason R Baron and Ralph Losey ("The Producers") presented the Broadway premiere of "E-discovery: Did You Know". And also discussed topics in search and retrieval. For our full post [click here](#).
8. And the technology. We have devoted a separate post to what we saw and thought which you can access by [clicking here](#).
9. And lastly, something slightly off-topic, NYC being a media capital and all: the internet, traditional media and social media — and Google. For our full post [click here](#).

Coming in the next two weeks:

** Advanced searching, predictive coding, data analytics and statistical methodologies are all gaining traction, a trend we have highlighted in our interview series. We'll have an in-depth interview with Anne Kershaw and Patrick Oot of [The eDiscovery Institute](#) and explore all of these issues.

** Asian-based e-discovery has exploded. There were more Asian e-discovery vendors and Asian language specialists at LegalTech this year than ever before. The Posse List Asia list has doubled its membership size. We'll have a full report including interviews with the major Asian e-discovery vendors and law firms.

** E-discovery is moving quite quickly to corporation law departments, but the whole in-house/outside counsel relationship is in flux, too. One of the most intriguing sessions at LegalTech featured Rob Hellewell, Esq. (Vice President of Electronic Discovery at Applied Discovery) and Brandon Daniels (Vice President, Legal Solutions, at CPA Global) who discussed and demonstrated a new model for managing e-discovery which included a discussion of the "nuts & bolts" of their relationship with Rio Tinto (and other corporations) which usurps the traditional role of outside counsel, and offers a dramatic new use of contract attorneys. The issues merit a much longer piece and we did not have time to write on all the

issues raised. But both Rob and Brandon have agreed to sit down with us in the coming week for an extensive chat so we'll post that extended piece shortly.

** We'll have an announcement about our vBook, a collaboration with e-discovery vendors, law firms and IT experts in the cloud computing space. See post #2 above.

And I would be remiss if I did not thank my LegalTech reporting team — Christian, Scott and Alexis — for their great job at the show. And to all The Posse List members at the show who stopped us to say “hi”.

Gregory P. Bufithis is the founder and chairman of The Posse List and its sister sites The Electronic Discovery Reading Room (<http://www.ediscoveryreadingroom.com>) and The Posse Ranch (www.theposseranch.com). He is also founder and chairman of Project Counsel (www.projectcounsel.com).