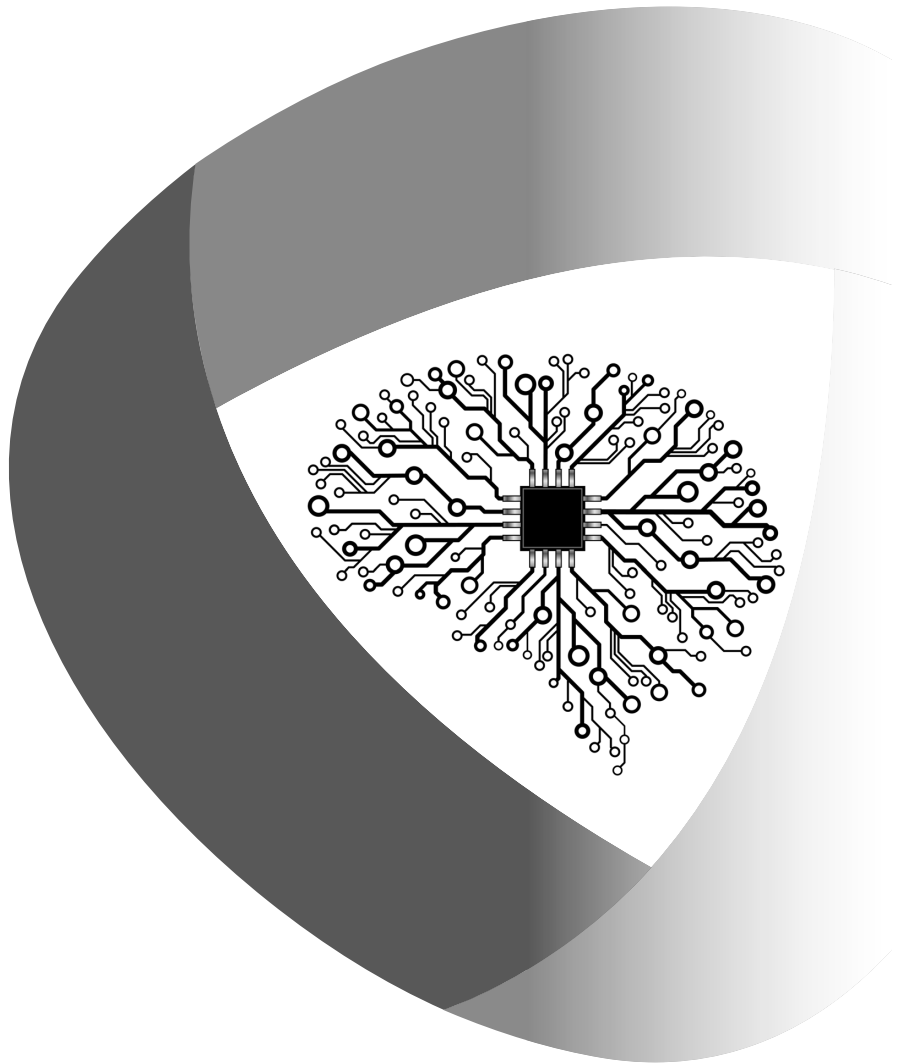# The ABCs:

Integrating artificial, business and competitive intelligence in the modern law firm

EDITED BY FRANCESCA RAMADAN

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Executive summary

The world of data, analytics, and technology is relatively unexplored in the legal arena, due to the traditionally conservative and risk-averse nature of the legal environment. However, we are approaching a reality in which data is the most precious resource of practically every single organization. Law firms should be no different. The buzz around intelligence functions and initiatives places constant emphasis on their immediate necessity; the narrative runs that firms need to invest both time and resources into their own competitive and business intelligence efforts, and complementing technologies and tools, to avoid being left behind. The fact that these disciplines are in their infancy – with their very definitions in flux and varying between different practices – does not make it any easier.

The goalposts are constantly moving, and it is common for multiple BI and CI initiatives and practices to be distributed across the breadth of the firm, from the marketing and finance departments to the library. The challenge, then, when attempting to build robust intelligence functions within a law firm is not only to mature these efforts but also to facilitate collaboration and ensure they are centralized.

The ABCs: Integrating artificial, business and competitive intelligence in the modern law firm acts as a practical roadmap for how to achieve exactly that, taking a deep dive into the developing disciplines of AI, BI, and CI and their potential synergies, featuring expert contributions from industry leaders covering a wide range of the most pressing issues – from how to make business development processes more systemic utilizing AI technologies, to real-world examples of competitive intelligence initiatives and their lifecycle.

One of the primary difficulties with CI and BI is that they are often conflated; workable definitions of either are hard to come by, and their relationship can frequently be ambiguous. AI, too, is often misunderstood or misnamed. In chapter one, Bernadette DeCelle – senior director of client development & marketing at McCarter & English LLP – lays the

foundation for our exploration of these disciplines by providing practical characterizations of all three, before delving into their histories and outlining what firms can achieve by utilizing them in the present.

Understanding a client's propensity to buy, the likelihood of attrition, sentiment and value defense, are all analyses that organizations have been doing for years. What is new is the ability to use data to more quickly identify these risks and take action in a coordinated way. Through examining the technology "hype-cycle" and various principles learned from other industries, there are many things firms can do today to put into practice these new ideas; evidence of digital transformation in legal is mounting, with new roles such as data scientists creeping into firms to support such efforts. However, the question remains: how far along are firms and how fast do they need to act? Moreover, what new things can firms do to grapple with disruptive forces in the industry? Chapter two – by Jennifer Roberts, manager of strategic research at InTapp – explores how firms are leveraging AI, BI, and CI to expand law firm relationships with clients and address these pressing questions.

Artificial intelligence is designed to take the manual labor out of analysis, to reduce human error and compute large tracts of data. Business intelligence is the passive gathering of that data – from demographics to key strokes, frequency of use, and other repeatable quantifiable data sets. Competitive intelligence then, is the surveying of the outside world – media, market factors and other qualitative data – and bringing it to bear; it takes into account the same analysis as AI and combines that with human intelligence, better known in today's business environment as "insight." In this study of how AI, BI, and CI need to be combined in law firms, in chapter three Zena Applebaum – director of customer insights & success at Thomson Reuters in Canada – adds human intelligence (HUMINT), or primary customer insights, into the mix – a factor unique to each firm and therefore necessarily the only true competitive advantage it can offer.

To provide proactive support that enhances profitability and drives revenue growth, the leaders of marketing and knowledge services departments and other support groups within a firm need to design effective collaboration that can coordinate their efforts throughout the business development (BD) process. In chapter four, David Kamien – CEO of Mind-Alliance Systems – delves into the leadership and process improvement approaches needed to strengthen the foundations of effective collaboration. A methodology to better organize business development processes and make them more systematic using a combination

of AI technologies is also presented, along with a new paradigm for integrating intelligence into each phase of the BD process.

The idea that only the law firm of the future utilizes AI seems to be redundant; collective wisdom is insistent that firms must be incorporating it at this very moment, or risk falling behind. However, what is the real state of affairs on the ground? How are firms currently incorporating AI into their practice, and to what extent? In 2017, PP&C Consulting conducted a survey of the use of client-facing artificial intelligence in 22 leading law firms and updated their research in 2019, presented here in chapter five by Yolanda Cartusciello – partner at PP&C Consulting. This chapter provides an in-depth look at the current uses of client-facing AI, as well as insights into plans and projects for future use by these firms.

Chapter six, authored by Mark Gediman – reference librarian at Alston & Bird LLP – charts the lifecycle of a competitive intelligence function from initial pitch to workflow using actual examples. It follows the process from the crucial first steps – arguably most importantly, selling the firm on the idea of creating a dedicated group of professionals providing intelligence to support growth strategies – to the completed function, taking into account its position within the firm's hierarchy, staffing, tools, and budgeting. Emphasis is placed on another essential component of a successful competitive intelligence operation – the management of expectations. From deliverables to turnaround times, making sure that consumers of intelligence know what to expect from the competitive intelligence analysts' products increases their value; strategies to secure this, alongside attorney buy-in, are outlined.

Artificial intelligence refers to computing systems that possess advanced pattern recognition and inferential reasoning abilities. In most instances, the generalist will say that these programs perform "machine learning," which is distinguished from traditional computing based on arithmetic logic. As one might imagine, the potential for applying this technology to all sorts of data crawls is tremendous. The AI tool can be deployed in several ways involving various input methods to "teach" it recognition. Placing this firmly in the context of BI and CI analysis, in chapter seven Jeff Cohan – independent consultant and former director of knowledge management at Fitzpatrick, Cella, Harper & Scinto – explains that it is best to employ traditional taxonomy tools to classify documents, and to then use them as a template for further education. How exactly to develop this taxonomy is addressed in this chapter.

Every firm is looking to improve their capabilities around business and competitive intelligence. In order to institute change, we first must know where we are today; the challenge for most firms is the lack of framework needed to assess their current position. One can know when things are not optimized and require transformation – but what specifically do we change, and why? In chapter eight, Dave Whiteside – director of client growth & success at CLIENTSFirst – addresses these challenges through the lens of people, process and tools, helping to identify what needs changing and which areas in the firm have assets that can be better leveraged. The most crucial question will be answered: why is the BI/CI function where it is today, and how can it be more effective?

Matter experience inside the law firm is unarguably the most informative business intelligence that should be gathered to support the sales function. Other chapters have explored how specific approaches in leadership, process improvement, and collaboration among teams can better gather this information. In the final chapter, Keith Mewe – VP of strategy and solutions at Content Pilot – discusses methods of ensuring that firms place the most applicable business intelligence – gathered matter information in perfect alignment with client need – is placed in front of potential clients, using competitive intelligence and artificial intelligence techniques to guide the way. This includes how to best use the business advantages and disadvantages of your key competitors; how a deeper understanding of the client can determine which matter experience is presented; how to determine which matter experience best resonates with clients and improves conversion rates; and how capturing nuanced business intelligence can lead to a competitive advantage.

About the authors

Zena Applebaum is director, customer insights & success at Thomson Reuters in Canada. In her role, Zena is responsible for client feedback and intelligence, market insights, and sales enablement. Prior to joining Thomson Reuters, Zena was the director of competitive intelligence at Bennett Jones LLP, having pioneered the discipline of law firm CI, and authoring *Business Intelligence for Law Firms*, published in November 2012. Zena shares her passion for the industry as a speaker, writer and contributor to blogs, including "3 Geeks and a Law Blog", with topics ranging from competitive intelligence, legal industry change management, qualitative data analysis and personal branding. A data junkie who revels in the possibilities of data to connect people, places and things, Zena can often be found connecting the dots between seemingly unrelated data. In 2015 Zena was inducted as a Fellow of the Council of CI Fellows, and she has been a sessional instructor the University of Toronto iSchool, Rutgers University and a guest lecturer at law schools across North America. She currently serves on the SLA Board of Directors.

Yolanda Cartusciello has served in senior administrative leadership roles in major law firms for more than 20 years, including Debevoise & Plimpton and Cleary Gottlieb. She has led marketing teams, designed business development and media strategies, and implemented client development programs. She has been the chief architect of profile enhancement strategies, perception studies, branding exercises, comprehensive client interview programs, and practice and lateral partner rollouts. She has adapted the customer journey mapping technique for use by law firms, and has trained and advised firms on its use. She is a frequent lecturer and author on client journey mapping and the customer experience. Yolanda has also created business development and communications training and coaching programs for lawyers at all levels.

Jeff Cohan is an independent consultant assisting with law library administration, cost efficiencies, value generation, staff utilization, information retrieval, knowledge management, competitive intelligence, business intelligence research, conflict of interest protocols, and business analytics. As a consultant, he helps firms implement procedures, practices, and technology, alongside negotiating vendor contracts. For 13 years, he was the library director and director of knowledge management at Fitzpatrick, Cella, Harper, and Scinto, an IP boutique practice based in New York; prior to that he was the library director at a regional general practice law firm. Jeff speaks regularly on topics of interest related to knowledge management, competitive intelligence, and business analytics. He sits on the board of directors for Strategic Competitive Intelligence Professionals. He is also a past president of the Law Library Association of Greater New York.

Mark Gediman is a reference librarian for Alston & Bird LLP, supporting the research needs of more than 800 attorneys and paralegals. He is a past president of the Southern California Association of Law Libraries, as well as co-founder and co-chair of the PLL-IP Competitive Intelligence Caucus. Mark writes and presents regularly on competitive intelligence, research and library management issues for the American Association of Law Libraries (AALL), Legal Marketing Association (LMA), the Special Libraries Association (SLA), SCALL, NoCALL, ACI and HALL. He has been a regular contributor to past ARK publications and has also authored articles for *AALL Spectrum*, *Practicing Law Management Week*, *Paralegal Today*, and *Facts & Findings – The Magazine of the National Association of Legal Assistants* (NALA). Mark is a graduate of the University of California – Riverside.

David Kamien is the CEO of Mind-Alliance Systems (www.mind-alliance.com). Mind-Alliance provides law firms with solutions in areas including business development research, knowledge management, and innovation. He is also the product owner of the MindPeer BD research management software system. David has supported leading clients such as Squire Patton Boggs, Ogletree Deakins, Sidley Austin, Shearman & Sterling, and Saul Ewing. He is the editor of the seminal McGraw-Hill *Homeland Security Handbook* (2005, 2012 editions) and the inventor of a patented method for improving organizational information sharing and collaboration. David holds a law degree from the Academic College of Law and a BA from Hebrew University.

Jennifer Roberts manages the strategic research function at Intapp, responsible for the analytics and research component that supports product development and thought leadership for new initiatives. Leveraging her skills to advocate, evangelize and build data-fueled products and insight, she examines the professional services industry to drive analytical intelligence that informs strategic decisions and solves organizational needs. Prior to joining Intapp, Jennifer received her MA from the University of Minnesota in advanced statistical methodology and performance measures.

Keith Wewe is the VP of strategy and solutions at Content Pilot, a marketing, technology and business development consultancy for law firms, and former international president of the Legal Marketing Association. One of the many aspects of his work is to connect the dots for clients between the receipt of proposal/RFP and the ultimate win. To achieve that, he works with large firms to regional boutiques creating laser-focused proposal content, business intelligence, template designs, go/no-go plans, response strategies, win/loss debriefs and analytics research that help them create better proposals that align with client needs with the goal of achieving that win. You can follow him on Twitter at @kwewe and Linked In at www.linkedin.com/in/keithwewe.

Dave Whiteside is director of client growth & success at CLIENTSFirst. Dave's focus is helping the company grow and expand its CRM, data quality, eMarketing and client intelligence service offerings, and building alliances that help deliver additional value to clients. With more than 30 years of sales and marketing experience, Dave offers clients extensive knowledge of marketing technology and business development in legal, accounting and professional services business environments. Known primarily for his deep knowledge of business development processes and technologies such as CRM and competitive intelligence, Dave is well-respected for the high level of service he provides his clients who call on him regularly for advice.

Prior to joining CLIENTSFirst, Dave held numerous sales and sales management roles at Thomson Reuters, in the legal and accounting marketing technology software and services areas. Previously, Dave was vice president of a project management software and services organization, managing the sales and professional services teams while developing project management expertise. Dave is a well-known speaker in the legal marketing industry and actively participates in the

Legal Marketing Association (LMA). A graduate of Lake Superior State University with a degree in Marketing, Dave also holds a MBA from St. Mary's College in California.