By Daniel Gold and Bryan Bellack

It was once said by a legal industry author that the legal profession is a “data wasteland.” Many may agree with this assessment in an industry that is notoriously slow to embrace technology and yet so reliant on digital evidence to overcome the appropriate burden of proof (see https://bit.ly/3itC H LF). Yet, some legal professionals have begun leveraging various forms of artificial intelligence for litigation, investigations, and regulatory compliance matters to quickly identify critical information early in a case to reduce the time and costs associated with document review.

What most in the legal profession cannot dispute, however, is that with the ever increasing size of data, the disparate forms of data being created, and the multiple devices that need to be collected continues to balloon year-after-year. As a result, the legal profession needs greater data transparency to improve on their ability to discover the right data and act upon it to their clients’ advantage. For example, lawyers that turn to data visualization to integrate and place various data points into context through absorbable charts, diagrams, and pictures have greater control over the story the data is trying to tell. When data becomes consumable and easier to understand and explain, it becomes a compelling narrative that influences colleagues, opposing counsel, and juries.

What has become increasingly evident irrespective of one’s industry during this catastrophic pandemic is that it has created highly substantial and significant changes to the way we work, way we communicate, how we travel and how we live. As a result, there has been an unprecedented increase in the use of video technology and online collaborative applications to get more done while working from home. The legal technology industry is not immune to these changes. Video hearings are on the rise, and as a result, it requires lawyers to pivot and embrace change. Leveraging data analytics to decrease the overall data and then use data visualizations to tell the story better during video hearings will simply empower lawyers to help their clients win in a whole new way.

Understanding the Data First

A great example of leveraging data to tell better stories is to use a visual dashboard designed to integrate with a lawyers’ e-discovery review platform. Dashboards can help legal professionals not just manage the business of e-discovery but optimize it. These types of technology solutions provide visibility into where data resides and how it is used, from the moment a legal hold is initiated all the way through to analysis, review, and production. Harnessing this data in a dashboard view gives legal professionals critical information to ultimately create better business outcomes. By providing transparency and detailed analytics throughout the data lifecycle, a dashboard can empower a legal professional to make better, more informed decisions at every step of the e-discovery process.

Data Visualization Exemplar

A Construction Disputes consulting practice, with its team of Quantum and Scheduling Delay experts, was called in by one of the world’s largest international law firms to help with a complex construction matter in arbitration before the International Chamber of Commerce (ICC). Their client, a global construction company, was involved in a heated dispute with the owners of a major infrastructure project concerning hundreds of millions of dollars of unpaid invoices.

Disputes like this are not uncommon in the construction industry, but this case was particularly data-intensive, with numerous data points to consider. The consultant needed to analyze a large volume of project data, including contracts and subcontracts, and thousands of scanned invoices with supporting documents to quantify damages. The consultant’s data visualization professionals were quickly brought in to help the experts understand and develop their findings.

Using a visualization platform, the data was integrated into a visual dashboard for context. This allowed both the experts and legal professionals to interact with and manipulate the data at both the macro and micro level, providing an ability to see the big picture or drill down directly to an individual invoice, contract, subcontract or other supporting documents.
If this data had been pieced together manually, the client’s legal and expert fees would have been multiple times higher, and the process would have taken months versus days to complete.

By leveraging visualizations, the experts and the legal professionals simplified communications among the parties, increased collaboration amongst the case team, and provided a compelling view of information. Through this technique, the case team was able to tell its client’s story simply and convincingly, with supporting facts at their fingertips for opposing counsel and the ICC.

As this case demonstrates, data visualization techniques give experts, attorneys and their clients a clear advantage over their less data-savvy opponents. With clients demanding adoption of innovation during the COVID-19 crisis, legal professionals who embrace and exploit data visualization techniques will give their clients the winning advantage now and into future matters.

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