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About the authors

Stuart Whittle – chief innovation and technology officer at Weightmans LLP

Stuart is a true legal innovator, recently described as “a living Action Man of legal innovation” by industry peers. Having qualified as a lawyer in 1995, he specialized in professional indemnity from then until he became the head of Weightmans’ IT department ten years later. Stuart’s interest in technology and innovation manifested itself early on in his career when, as part of the last seat of his training contract, he was assigned to work with the then IT partner. During that time, he built a database to help deal with claims relating to a major piece of litigation and also created Weightmans’ first intranet.

In 2002, he was promoted to partner. From 2003 onwards, Stuart became involved in Weightmans’ IT, designing, developing, and rolling out CMSs across the firm. In 2005, he took on responsibility for Weightmans’ IT department and in 2010 was promoted to IS and operations director and became a member of Weightmans’ Board.

Following Weightmans’ strategic review in 2017, Stuart was appointed business services and innovation director with responsibility for facilities, people and knowledge, business change, information management and technology, innovation, and risk and compliance. His current role as chief technology and innovation officer dates from 2023, having been tasked to set up a new product and innovation department to systematize Weightmans’ approach to developing products that help meet client needs.

Stuart regularly presents at events with special areas of interest being around business process redesign – helping lawyers to work smartly in an uncertain market where prices are being squeezed and the quality of the service that is delivered to the client needs to be continually improved.

He has a Masters in Information Technology, is a qualified coach, a Chartered IT professional, and a certified Lean Six Sigma Master Black Belt.

Stuart is a director of the Legal IT Innovators Group, a not for profit organization run by and for its members. Stuart also set up and, until 2024, chaired

the MatterSphere User Group. In 2013 Stuart was named one of Legal Business' CIO Powerlist. He was nominated for the Lawyer's Business Leader of the Year in 2015 and 2016 saw *Legal Week* rank him as one of its top 20 Innovators. He won the Innovation Trailblazer Award at the Legal Innovation Awards 2022.

Dr Catriona Wolfenden – director of product and innovation at Weightmans LLP

Catriona leads innovation and product initiatives across Weightmans, ensuring that delivery is aligned to the firm's overall strategy. She works closely with the innovation and product teams, clients, suppliers, and legal teams to ensure that Weightmans continues to evolve and offer market-leading solutions.

Catriona joined Weightmans in September 2007 following completion of a PhD in medical law and the Bar Vocational Course. She was admitted as a solicitor in October 2011 and promoted to partner in 2019. Catriona has plenty of first-hand experience of civil litigation as she was a team leader in the costs department and, as a professional support lawyer, frequently provided strategic know-how updates, training, and technical support both internally and externally for clients.

Catriona is regularly interviewed for articles and research projects and frequently presents at legal and innovation conferences on topics related to innovation and future skills. She was shortlisted for "rising star" at the *Legal Week* Innovation Awards 2019. Catriona's team have been shortlisted finalists in 22 National Innovation awards since 2018, winning the Modern Law Awards 2019 for the "Best use of technology" as a result of a collaborative project with Kira Systems and the Computer Science Department at the University of Liverpool. They were runner-up at the British Legal Tech Awards 2020 for "Technology Venture of the Year" for an RPA EFA and runner-up for "Most Innovative Firm" at the British Legal Tech Awards 2022.

Catriona has been a director of the LegalTech Association for the UK (UKLTA) and completed a three-year term on the Liverpool Enterprise Partnership Professional and Business Services Board. Catriona is a member of UK Research and Innovation Future Leaders Fellowship Panel College.

Acknowledgments

Stuart

I started my Master's degree in IT in 2000 whilst working full-time as a solicitor at Weightmans. It should have been an 18-month course – each module was eight weeks long with, in theory, two weeks between the next module. I found the combination of studying and working so exhausting that I ended up having to do eight weeks on, ten weeks off. I got three months into my six-month dissertation, only to be told that my subject matter was insufficiently academic. The only reason I started again and finished my dissertation was because I knew future me would look back in five years' time and wonder why I did not just get it over the line. All in all, the degree took me four years to complete and, looking back, the baseline grounding it gave me in all things IT has been invaluable. That said, I did promise myself that I would never study and work full-time at the same time ever again.

I anticipate you can already see the parallels. I am sure the phrase “everyone has a book in them” is familiar to most but, as it turns out, I had probably a third-to-half of a book in me and I am desperately hoping that that half doesn't fulfil the other half of the phrase. In terms of the idea, inviting me to contribute and, frankly, getting this over the line, I of course have Cat to thank, not least as I was entirely prepared to abandon the venture at a number of points (despite knowing that my future self would look back in five years' time and wonder why I did not get it over the line). If there ever was someone who personified the phrase, “If you want something done, give it to a busy woman”, then Cat is that person. Suffice it to say, this is the last time I write a book.

The other person to whom in large part I owe the trajectory of my career is my former boss, Frank Maher. Ultimately it was working for him and the opportunities he gave me (including pushing me to do a Master's) that inspired me to change my career path so I could try and help lawyers use technology in their legal practice of solving clients' problems. I also should thank my peers in other firms and organizations, particularly those who I have met through my involvement in Litig, who have been unfailingly generous and supportive over the years in one way or another. There are too many to

mention individually who have had a hugely positive impact on my career (whether they know it or not) but I should single out Derek Southall, who I have known for nearly 20 years now and who has kindly agreed to write the foreword to this book. If there is anyone in the legal IT industry who personifies the generous and supportive attitude of the community, it is Derek.

Cat and I collectively need to thank Globe Law and Business for their patience in our repeated failure to hit any deadline, which reminded me of the Douglas Adams quote: “I love deadlines; I like the whooshing sound they make as they fly by”. We are both appreciative of the opportunities our time at Weightmans has afforded us to try new things and to have a career that is very far removed from the ones we thought we would have!

Catriona

I was finishing off my PhD when I met my now husband and he volunteered to read it all. It was a heavy read and he suggested something a bit lighter if I ever wrote anything substantial again; hopefully, this fits the bill. I am very grateful to Peter for his unwavering support in everything I do, and for not batting an eyelid when I said I was going to write a book, despite knowing the time it would take for me to be able to do it. Thanks also to Freddie, who commented, “It must be hard to write a book, Mum, but if you get short on words just fill some pages with THE END on repeat”. Thanks also to my parents and siblings (and wider family) for their support and laughs along the way.

I moved into innovation having practiced as a lawyer and then via a knowledge management route. I had absolutely no idea what I was doing, but I knew it was an opportunity I had to take. Stu talks of Frank giving him the opportunity to change the trajectory of his career; Stu has done the same for me, for which I am very grateful. Stu has given me countless opportunities to enhance my skill set (sometimes despite my protestations!), and a confidence push when required so I have had fleeting moments when I think I can do this, as well as enough constructive challenge to be able to see other ways of solving the same problem. Rob Williams started the innovation “journey” with us, seeing the possibility early on, and continues to be a supportive sounding board and a much-appreciated mentor. I may be biased, but I am pretty sure I have the best product and innovation colleagues to work with – we have had many laughs and late nights along the way working out how the heck we could get product and innovation to work in a law firm. Thanks for your boundless enthusiasm and bravery.

Disclaimer

You cannot take the lawyer out of us! We have taken a light-hearted and somewhat tongue-in-cheek approach when writing this book, with a view to making some serious points around innovation in law firms. The contents of this book are an amalgamation of our hard-won experience over many years, including conversations with the wider legal innovation community to create pastiches of experiences that we and others in that community have experienced whilst working in innovation in law firms of various sizes, or from vendors and others who attempt to work with us.

Introduction:

What has *Donoghue v. Stevenson* got to do with innovation?

On 26 August 1928, a shop assistant was bought a bottle of ginger beer by her friend in a café in Paisley. The bottle was made from dark opaque glass and some of the drink was poured into a tumbler and drunk by the shop assistant. As her friend poured the remainder of the drink into the tumbler, a decomposed snail fell out of the bottle. The snail could not have been detected until the majority of the bottle had been consumed. The shop assistant became ill, both at the shock of the sight of the snail and with gastroenteritis from the drink she had consumed before being aware of the snail. The shop assistant brought a claim against the manufacturer who had bottled and labelled the drink, for her injuries. She claimed that the manufacturer had a duty to ensure a system of working that would prevent snails getting into the bottle and a system to inspect the bottle before filling them and had failed on both accounts. The shop assistant was Mrs Donoghue. When she drank the ginger beer nearly 100 years ago, she could not have anticipated that her case¹ would be so seminal that every law student since can quote it and knows that it established the principle of the duty of care in tort with Lord Atkin's famous neighbor dictum,² which has spawned many subsequent landmark cases. If that is not lawyers being innovative, then we do not know what is. The trouble is, lawyers do not see themselves as innovative – but researching the law, producing novel arguments, and challenging case law and legislation are all skills that demonstrate innovation.

It is important in the context of innovation to realize that lawyers have always innovated. Lawyers' core competency is the law, it is what they do. They innovate in their core competency all the time. They advise clients how to conduct business legally within a complex regulatory environment; they advise clients on the most tax-efficient deal structures; and they continually test the boundaries of the law by taking novel points based on innovative legal argument to the highest courts of the land. We have seen the rise of ChatGPT and other large language models (LLMs) as we have been writing this book and seen articles arguing about the position in relation to copy-

right and how it can be applied to LLMs – all novel and innovative applications of the law to a new factual matrix.³

So, why do law firms and lawyers struggle with innovation? Arguments from lawyers typically center around a couple of core strands that may exist in combination and include “It isn’t my job”, “I don’t have the time”, “I am not a coder”, or “They are my clients”. However, lawyers often recognize that they need *something* innovative, even if they do not know what that something looks like!

So, whose job is it? You may be reading this because you have innovation in your job title and work in a professional services firm. You may be a student wanting to know more about how innovation works in a law firm, or you may be a lawyer wondering the same thing! You may be wondering about a move into lawtech, either in a professional services firm or a solutions provider. You may be in-house, wondering what you can ask your law firm to do or what you can recycle to make your own department more innovative. You may be a consumer of legal services, wondering what all of this means to you. You may not fall into any of these categories – you do not need innovation in your job title to be innovative and try new things. As the saying goes, “*If you always do what you always did, you will always get what you always got*”.

Clients are the main driver for innovation in a law firm as they ask us to innovate. They are not always sure what they mean, but generally it boils down to:

- Seeking better value for money for money when they have less to spend on legal fees;
- Hoping that you might understand and solve their problems; and
- Improving the impression they can present to their boss by returning with added value.

As a lawyer, it may not feel like this drive for innovation is affecting you at 3pm on a Wednesday afternoon when you are head down in your files as yesterday was very much like today in that respect. However, as you become more senior in a law firm, part of your role is to think about the business more widely and anticipate what is coming down the line for your clients, their sectors, and their markets. Despite the fact that it probably feels like nothing much changes, until it does. By which time, it is often too late.⁴

The COVID-19 pandemic has accelerated our industry’s reliance on technology and our ability to work entirely digitally by about five to ten years

(depending on who you believe). Having had home working forced upon us by necessity during that time, perhaps to our surprise, it worked. Mostly. What happened to us and what happened to our clients was the same. Pre-pandemic, the prevailing (entirely incorrect) opinion was that it was simply impossible to work remotely and digitally for any length of time. If lawyers were prepared to grudgingly admit that it was not, technically, impossible, it was at least entirely impractical. A view that entirely changed overnight. Not only did it work, some people actually preferred to work digitally and many law firms have remained hybrid, with varying degrees of time working in the office and from other (often home-based) locations. This digital acceleration applies to our clients too and we have seen a steady increase in clients who historically may not have been interested in innovation and digital transformation who have now started to embrace it.

- 1 *Donoghue (Pauper) v. Stevenson* (1932) A.C. 562.
- 2 "The rule that you are to love your neighbour becomes in law, you must not injure your neighbour; and the lawyer's question, Who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be – persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question." *Donoghue (Pauper) v. Stevenson* (1932) A.C. 562, 580 (Atkin LJ).
- 3 Jodha, D., and Bera, P., "Copyright Issues in the Era of AI – A Critical Analysis", *Res Militaris: Social Science Journal*, Volume 13, issue 3, 2023. See: <https://resmilitaris.net/issue-content/copyright-issues-in-the-era-of-ai-a-critical-analysis-2247>; Botev, V., "How can developers train AI models without violating copyright?", 30 April 2023. See: <https://tech.eu/2023/04/30/how-can-developers-train-ai-models-without-violating-copyright/>; Willinsky, J., "The Intellectual Property Rights and Existential Threat of Large Language Models", May 2023. See: www.slaw.ca/2023/05/11/the-intellectual-property-rights-and-existential-threat-of-large-language-models/; Porsdam Mann, S., Earp, B., Nyholm, S., et al. "Generative AI entails a credit-blame asymmetry", *Nat Mach Intell* 5, 472–475, May 2023. See: <https://doi.org/10.1038/s42256-023-00653-1>.
- 4 Snook, S., "Each uneventful day that passes reinforces the steadily growing false sense of confidence that everything is alright. That I, we, my group, must be OK, because the way we did things today resulted in no adverse consequences." Associate Professor of Organization Behavior at the Harvard Business School.