

KONEXO INSIGHTS

April | 2023 edition



02 NEWS

05 PERSPECTIVES: AN INTERVIEW WITH KATHERINE ROSEVEARE, GENERAL COUNSEL - adidas

06 HELPING TO LIGHTEN THE LOAD IN ASIA

08 ARE LAWYERS WITH AI BETTER THAN LAWYERS WITHOUT?

10 REWORKING TRADE MARK PORTFOLIO MANAGEMENT

12 BUYING TECHNOLOGY RIGHT, FIRST TIME

14 PERSPECTIVES: AN INTERVIEW WITH JOHN PRUITT, PARTNER - EVERSHEDES SUTHERLAND

NEWS

PROFILING OUR TALENT: WINNIE LEUNG JOINS AS TECHNOLOGY CONSULTANT

Winnie's expertise will support the growth of Konexo's technology consultancy practice as well as other areas of the business which are underpinned by best-of-breed technologies and tools.

During the final year of her MSci degree in Chemistry at University College London, Winnie worked on a research project developing new materials for solar cells where she grew an enormous passion in renewables and sustainable energy applications. She went on to pursue a PhD in Chemistry specialized in developing new materials for solar cells and thermoelectric, applications that can convert energy into useful electricity. During her PhD, Winnie was awarded a research grant which enabled her to undertake additional research at Yale University in the USA. Upon completing her PhD, she decided to take a different career path outside of academia with the skills she developed over the years.



Apart from her passion in sustainable and clean energy, Winnie was also interested in new technologies including AI and machine learning, and their applications in the financial services sector. She first worked in a boutique consultancy firm based in London, helping clients across different industries to understand their business innovations and the relevant tax implications. With exposure to new technologies across different sectors, she was determined to further develop her expertise in technology consulting. She moved to Capco where she completed several Cloud certifications whilst also working on a project to help a UK bank transform and migrate their existing technology onto AWS Cloud.

With her experience in cloud transformation and consulting, Winnie is excited by the legal tech sector, an area that has seen a significant amount of development and increased adoption in recent years. She brings her experience to her new role at Konexo and looks forward to helping clients optimize their legal operations processes, using customized and automated solutions at the cutting edge of technology.



A RECORD NUMBER OF LAWYERS ARE TRANSITIONING TO INTERIM LEGAL CONSULTING WITH KONEXO

We were thrilled to host over 100 interim legal consultants at our Legal Resourcing Winter Reception in November 2022. We asked our guests to share their insights on why interim legal consulting has been a welcome part of their career journeys so far. Here's what they had to say:

The **top three factors** attracting interim legal consultants to work with Konexo are:

- 1** The range of clients and opportunities available
- 2** Financial incentive
- 3** Our Eversheds Sutherland backing and heritage

48%

told us their top reason for becoming an interim legal consultant was improving work-life balance, followed by

24%

who were seeking interesting and varied legal work as their top priority

Nearly

50%

felt the most important factor for their career development in 2023 was gaining new skills and knowledge through Konexo



Richard Hill, Head of Legal Resourcing comments, *"It was fantastic to be able to bring together a large group of our consultants again and to discuss their thoughts for 2023 and beyond. It is clear that with our strong bench of candidates, the firm's client base, and the maturity of the Konexo model within the firm, that we have built a special offering, and getting the views of our consultants is hugely important to us. The workplace is changing, as is the way clients look to overcome the various challenges they face in getting legal work done. Being able to present clients with the high-quality and diverse range of skills and backgrounds our consultants offer, means we are well placed to help meet these challenges."*



If you are interested in learning more about our Legal Resourcing offering, please get in touch: resourcing@konexoglobal.com

UNLOCKING THE POTENTIAL OF IN-HOUSE LEGAL TEAMS WITH STRONG OPERATIONS

Anita Parker, Head of Legal Operations at Santander UK Plc and David Saunders, Partner and Head of Client Development at Konexo recently spoke at the Society of Computers and Law seminar on the role of Legal Operations - what is it and how can it unlock the potential of in-house teams?

David and Anita examined some of the challenges facing in-house legal teams, the benefits of workload prioritization, the value of data and management information, and how legal technology is being used by in-house teams in 2023.

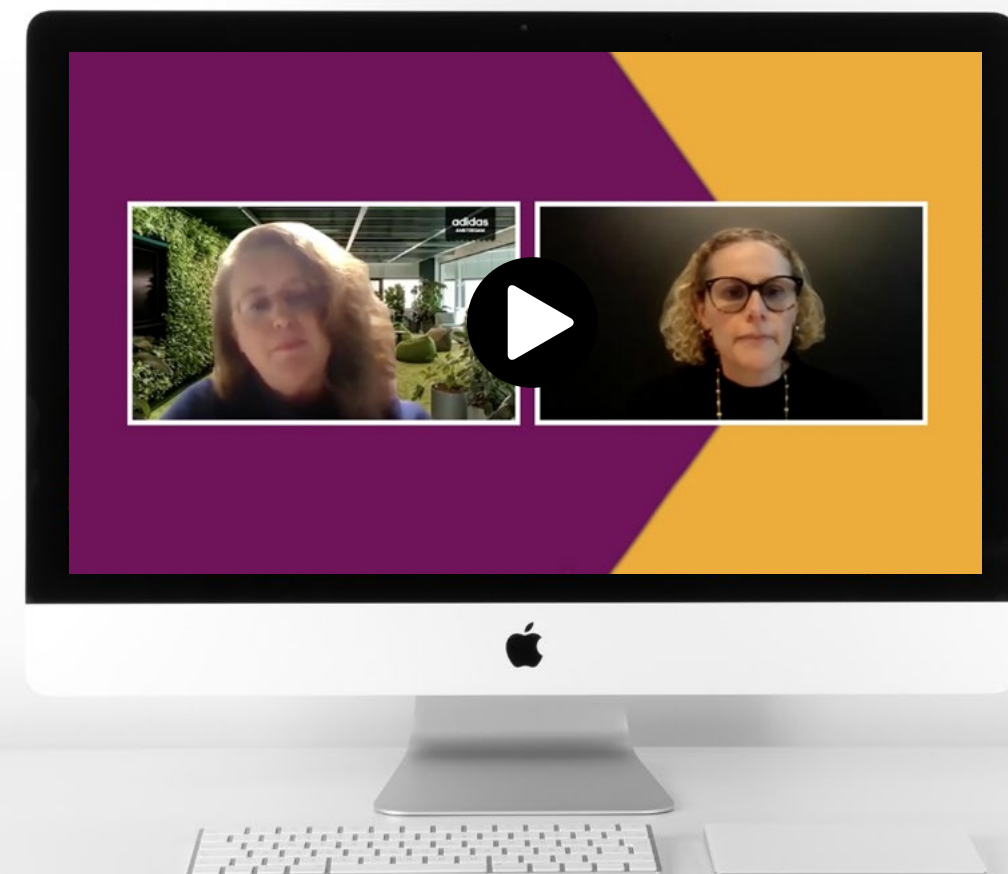
For further information on any of these topics, please contact **David Saunders**.



PERSPECTIVES: AN INTERVIEW WITH KATHERINE ROSEVEARE, GENERAL COUNSEL - Functions, Operations & Solutions adidas

In this interview Francesca Turquet, Partner interviews Katherine on the main drivers of using ALSPs, how technology is assisting with current challenges and priorities and how the business interacts with the broader legal solutions function.

Katherine brought to life how the success of her team has been driven by a mindset shift towards process change and how early adopters have been able to influence their colleagues.



HELPING TO LIGHTEN THE LOAD IN ASIA

By Joan Oh | Head of Konexo Asia

Around the world, we are seeing a tightening of resource for lawyers both in private practice and in-house, while the demands on the role continue to increase.

In Singapore, the President of the Law Society, Adrian Tan, has highlighted this as a concern as many young lawyers are choosing to leave the legal profession. Whilst he was referring specifically to legal practice, it is without a doubt that the impact is also felt by lawyers in the in-house community.

Obtaining work visas has also been increasingly challenging for companies in Singapore as there has been a strong focus on hiring Singaporeans through the pandemic. In Hong Kong, many international lawyers have decided to leave and return to their home countries due to travel restrictions as a result of the pandemic. All this has impacted the ability of in-house teams to retain and attract good lawyers with solid international experience and is driving up the market rate for these individuals.

There has been much talk about how to stop the 'great resignation' in Asia, so what else can in-house legal teams do to manage their ever increasing workload amidst this tightening of the legal labor market?



- > **Interim legal resourcing** – forward planning is key. As soon as you know you will have a need for an interim legal resource, inform your service provider. The interim market moves fast and is itself impacted by lack of lawyers available. The earlier your service provider knows about your requirement, the better they are able to identify the right talent for you and reserve them for when you need them to start. Where possible, you should also be prepared to be flexible on your start date as some interim lawyers are keen to keep busy, whilst others are looking for breaks between assignments



- > **Be flexible** – be open to lawyers who might not fit squarely with what you are looking for. Consider recruiting a more senior or more junior permanent or interim lawyer who might not have all the relevant experience. After all, to a certain extent, legal skills are transferable and for bright and experienced lawyers, legal skills and knowledge can be picked up very quickly



- > **Reorganize work internally** – if your in-house legal team needs resourcing for a specific skill-set that is in great demand and not easily available in the market, consider if it is possible to reshuffle the work within your existing team, deploying team members who might already have some relevant experience. Maybe then look to backfill their roles with lawyers whose skills are more readily available in the interim or permanent market



- > **Look at doing existing work differently** – if your endeavors to hire an additional headcount or get an suitable interim lawyer are proving futile, it might be worthwhile reviewing how things are currently done within your in-house legal team and explore ways you can streamline processes, realign work streams, or use new or existing legal technology to help lighten the workload for your existing team members. You could also identify work types currently handled by your legal team that could be outsourced to an external managed services team. There are experienced operators in the market, including Konexo, with a proven track record of delivering these services to major clients and are operating as an extension of their own in-house teams. We have been supporting clients on business-as-usual commercial contract work and loan management documentation for several years now, particularly in the financial services sector. The approach is tried and tested, providing a solution to the pressures around legal talent, as well as streamlining and automating high volume legal work, ultimately saving our clients' time and costs. Whilst there is an initial period of investment in terms of time and money, this move ultimately allows clients to transfer the burden and risk of resignation and the resulting loss of knowledge, as well as hidden costs related to recruitment to the external managed service provider



Obtaining work visas has also been increasingly challenging for companies in Singapore as there has been a strong focus on hiring Singaporeans through the pandemic.



- > **Embrace your existing technology** – the world of legal technology can be overwhelming with so many different options (and price-points) on offer. Often your organization or team will already have access to systems available internally which can be used effectively to streamline and manage legal workflows. We are working with clients on optimizing the Microsoft 365 suite of software for in-house legal teams and we offer free training sessions where we can run through some of the common uses with you

If you are interested in discussing the themes raised in this article or would like to understand how Konexo can support you in Asia, contact Joan Oh. [📧](#)



ARE LAWYERS WITH AI BETTER THAN LAWYERS WITHOUT?

By Babar Hayat | Head of Technology & Transformation and
Matthew Scott | Senior Technology Consultant

The ChatGPT prototype launched in November 2022. Since then both technology pundits and business sectors have been asking how much of a milestone this represents in the development of AI and machine learning. Interest has peaked again recently with the latest version (ChatGPT-4) has recently released. So let's first recap on some of the fundamentals before considering the impact on the legal sector. ChatGPT is a chatbot which uses natural language processing to respond to any question asked of it. But beyond the novelty, some people are warning that this latest development is a step along the path to creating a dangerously smart AI.

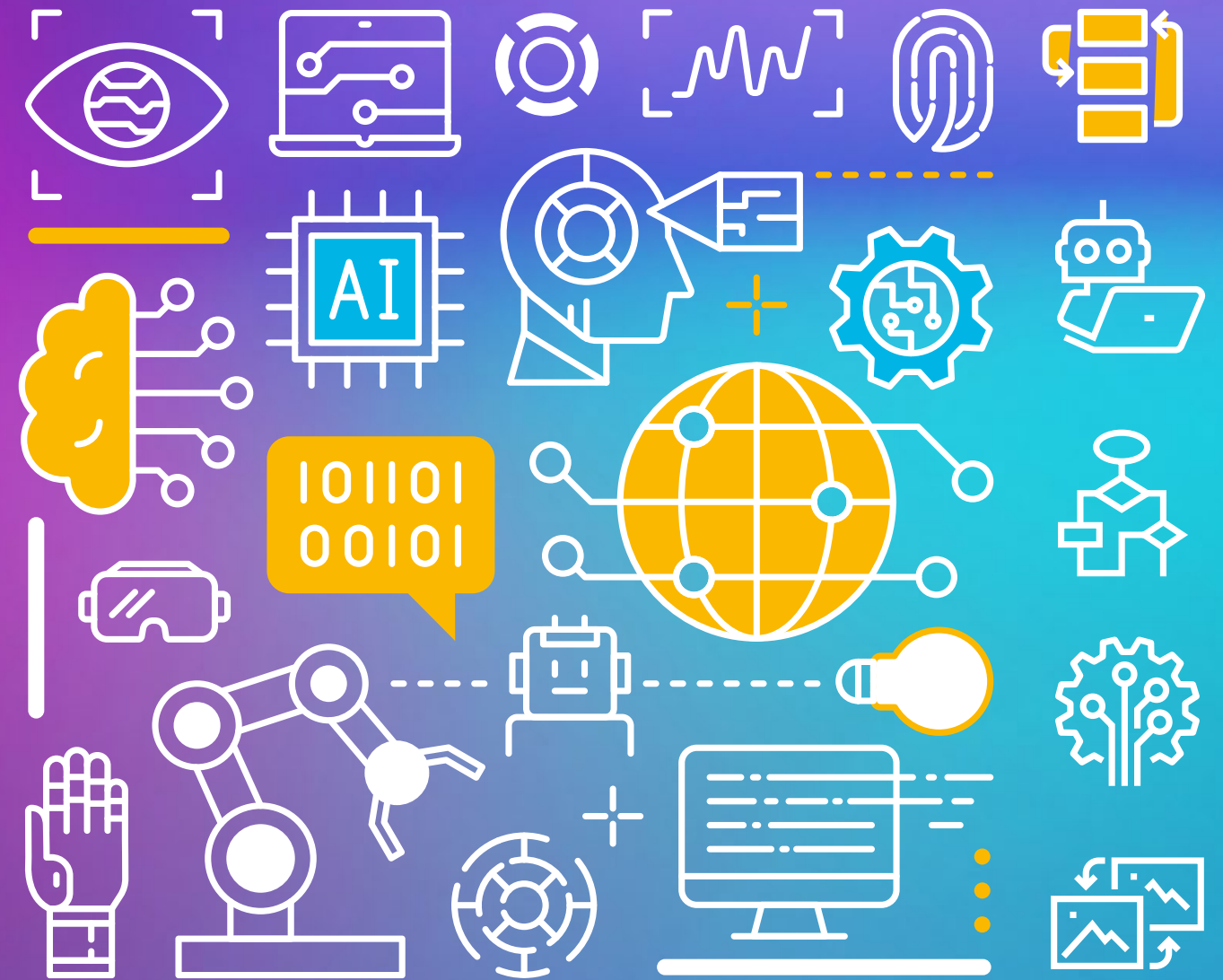
ChatGPT is in an evaluation phase and is currently free to use while its creators (OpenAI) gather data and feedback on how it is performing. However, this is expected to change and it is anticipated that it will be monetized, if only to cover the considerable compute costs its creators have referred to (as well as the new \$20 per month GPT Plus subscription service which has recently launched). It is not currently connected to the internet but has been trained on information through 2021. However the latest announcement to incorporate it into Microsoft Bing's search will change that, and bring it front and centre of how people search for and find information. Unlike some chatbots it does not try to hide the fact that it is a machine and it is not trying to pass the Turing test by fooling people that it is a real person.

With that said, it provides an impressive user-experience. It has been trained to give long form answers, typically responding with a few sentences on your chosen topic. The information combined with the structure provides a richer experience as opposed to a single line answer. ChatGPT can also be used to draft content for social media on a topic of your choice (complete with hashtags), provide examples of code, summarize recipes or provide condensed biographies of your favourite band. The internet is awash with other suggestions as to how it can be utilized.

But what might this mean for the legal profession? Is this a significant step towards transforming our industry? If you ask ChatGPT it will tell you, "AI technology is impacting the legal industry by providing assistance with legal research, document review, contract analysis, predicting outcomes in legal cases and developing virtual legal assistance which can save time and reduce cost. Additionally, it raises concerns about job displacement and potential biases in AI systems."

On a more practical level, when asked ChatGPT will provide you with the summary of a contract type along with its intended purpose and typical clauses it would contain. And, pressed further it will provide examples of each type of clause.

To answer the question more meaningfully we need to understand (or at least hypothesize) what ChatGPT is doing behind the scenes. Is it creating new content or re-presenting the data it has been trained on? ChatGPT is not a thinking machine (for now), but it is highly skilled at pattern recognition. In this case, it is the pattern of how words are used in relation to each other. It knows what kinds of things are written about a particular theme and can dynamically create content on a topic, in a style or format which is relevant or familiar for that subject. Using this approach ChatGPT can even generate original poems or jokes which align to these previous patterns (but are of questionable quality).



But to appear to be accurate it needs to have been trained on numerous past examples of good content to provide a relevant response to a given request. Currently ChatGPT has been trained as a generalist rather than specialist - so the question becomes one of capability - what could be achieved if this capability was applied with much more focus to legal? To answer this we can already look to technology solutions like Luminance Corporate, which can analyse a contract and provide analysis on a clause-by-clause basis of how acceptable they are, given previously approved language, or how dramatically they deviate from it. While this makes lawyers more efficient, it does not remove the need for the assessment and decision-making of a trained legal professional.

Which brings us to the second limitation of AI-enhanced tools. They predict outcomes based on past examples but cannot predict outcomes once new variables come into play. For example it is highly unlikely that AI would be able to create an acceptable legislative framework for a new circumstance, such as the event of driverless cars. To do this would require genuine intelligence to synthesize multiple contributing factors taking in to consideration the nature of the new technology alongside a comprehensive understanding of the Road Traffic Act.

How significant is ChatGPT today? Its significance in the public domain cannot be overstated, but it still has a long way to go, even with the release of GPT-4 later this year may bring us closer. So will advancements such as how it is integrated with Bing's search, other Microsoft products and capabilities, and other legal technologies in the market. It could also significantly alter how present AI solutions within legal are trained.

What may be more significant is the 'AI race' that will begin with businesses like Google announcing release of their version of AI products to the market. Microsoft CEO Satya Nadella also recently compared AI to the introduction of books and the internet. What is obvious is that the legal sector must pay close attention and be prepared to adapt to a very different future.

Have you found a use case for ChatGPT? To discuss the themes raised in this article, contact [Babar Hayat](#)



REWORKING TRADE MARK PORTFOLIO MANAGEMENT

By **Kate Ellis** | Head of the Branding Group

Brands are the crown jewels of most businesses. As those brands evolve and expand over time, companies can be faced with the management of large and unwieldy portfolios which are not fit for purpose and which can be expensive in terms of both financial cost and human resource to maintain. Overlay this administrative burden with the risks of the inadvertent loss of rights through missed deadlines, and it is important that the right systems are put in place to manage your trade mark portfolios efficiently, with robust diary management solutions.

In this current climate of increasing cost pressures, in-house legal teams are increasingly expected to provide more business critical, strategic advice. This is, therefore, an opportune moment for businesses to review their IP portfolios. By doing this they can optimize the management of the portfolios, reducing the time and cost spent maintaining it whilst making the protection and the risks around the portfolio more robust.

Steps which can be taken include >



Declutter

For many businesses, trade mark portfolios may well contain registrations which are no longer in use, such as legacy brands, out-of-date logos or registrations in countries where the business no longer operates. There may also be duplications in protection, such as national European registrations sitting alongside EU-wide registrations and, in the post-Brexit world, duplications flowing from UK registrations automatically created from EU rights at Brexit. As trade marks need to be used to remain enforceable, businesses should take a robust approach to allowing marks to lapse, if they are no longer in use. A review of the portfolio at a strategic level will often lead to a streamlining of the portfolio which, in turn, will lead to direct cost savings. It may also have the additional benefit of being a catalyst for closer engagement with key stakeholders across the business (such as marketing and brand teams) to build closer co-operation and lead to enhanced pro-active brand protection practices across the business.



Flex your IT systems

If you are managing a portfolio in-house, it will be cumbersome, inefficient and inherently risky to rely on a spreadsheet or other home-grown system to monitor deadlines and manage the portfolio. If you do not have access to a dedicated trade mark management system, task your in-house IT team with looking at ways in which existing technologies within the business can be re-purposed to facilitate the management of the portfolio, to track the status of applications, store data about the portfolio and monitor deadlines.



Outsource

Outsourcing the management of a portfolio can provide a cost-effective and time-efficient solution. If there are pressures on the in-house legal team head count, outsourcing responsibility for the management of a portfolio can free up time, allowing the in-house lawyers to focus on the more complex, strategic work. It can also de-risk the management of the portfolio, with responsibility for the management of deadlines resting with the attorney firm. Lines of communication and playbooks can be agreed to ensure that the management of the portfolio is undertaken with limited input from the business.

In outsourcing the management of the portfolio, you may be able to leverage and benefit from the technologies used by the external attorneys. Today, there are many specialist third party systems on the market which can drive efficiencies into the management of a portfolio, providing more robust diary management solutions and allowing greater control on workflows, task management and costs.

Automation for the everyday tasks, such as filing requests, data verification and renewal instructions, can take time and cost out of the management of the portfolio. Similarly, systems can be deployed to better manage workflows and case trackers can lead to operational efficiencies and provide greater cost controls. Cloud-based secure file sharing, team collaboration and networking software can also provide technology-assisted support to the operational management of a portfolio and its security.

For further information about brand protection and portfolio management or to discuss themes raised in this article, contact [Kate Ellis](#)

Global brand management services

Our multi-disciplinary team can help you build, protect and manage your trade marks and designs at each stage of the brand lifecycle. As part of our services, we provide a tech-enabled platform which provides real-time reporting on the status of all your portfolio matters and allows you access to key documentation, automated notifications on renewal dates, and continuous reporting.



Kate Ellis ranked by World Trade Mark Review 1000 2023



Kate Ellis - WTR1000 - World Trademark Review

BUYING TECHNOLOGY RIGHT, FIRST TIME

By Brett Aubin | Head of Legal Projects

Many years ago, I worked as a small cog on a technology project that lasted five years, employed 400 people and cost a bank close on c.£200m in today's money. It was a bit early in those days to be building data lakes but nobody really knew that then, and this drove a series of poor technology decisions that led to missed regulatory obligations and unhappy customers. Ultimately, the project was a contributing factor to the bank being sold. What a mess it was.

I now often engage with clients on legal technology procurement and do my best to not “pick a side” but rather work to ensure two things:

- > 1. that the overall process is structured and fair and supports a buyer procuring what they need from a vendor, whose capabilities, credentials and experience are legitimate; and
- > 2. conversely, that a vendor is given the space to ingest what a buyer is looking for and given the necessary forum to accurately articulate how their product meets the buyer's needs.

As you can already see, there are two sides to this dialogue but for the purposes of this article, I am going to focus on some of the considerations a buyer should be conscious of as they move through the process. The vendor's journey is an article for another edition of Insights.

Well, the things to look out for start at the start, as they say. Here are some upfront considerations:

- > **The ‘canned’ demonstration:** many of us have lived through what is called a “canned demonstration”. This is where serious sales people in grey suits come in and provide a highly orchestrated demonstration of their technology, dealing with the exact issues you have only just recently diagnosed and discussed internally. Here, as the old adage goes, if something looks too good to be true, it usually is. My advice in these situations is to immediately start probing use cases outside of the strict “set piece” you are being actively led through, to quickly determine if the technology is a one trick pony.
- > **Resistance to context:** further to the above, it is actually very rare that a piece of technology is an exact match for a requirement set. However, if the technology is stable and mature, it should be possible to either calibrate or develop to a requirement set within reasonable timeframes and costs. What is critical though, is for the vendor to be open to, or indeed vulnerable to, going through a buyer's context in the early sales calls and exposing where the technology works and where it does not. This is uncomfortable for vendors because if the early sessions are not handled carefully, it risks the conversations shutting down over a seeming lack of functional alignment. But, if vendors do not engage at all with the buyer's context, or will only do so with months to prepare, a buyer should reasonably start suspecting that the vendors are hiding something or overstated functionality at the outset and are now developing madly behind the scenes.

Whilst being wary of the items raised above, buyers should talk to as many vendors as they can and get a feel for what is available in the market. Talking to vendors quite often helps buyers reframe their challenges and become more conscious of what is possible. At some point, browsing needs to abate, and the heartbeat transition to a structured process that sits within a change management framework, must be agreed. Here are key items that I think need to be kept firmly in consideration through this process:

- > **The short list:** I have always seen the sense in keeping the list to five names, if possible. Three of these names should be vendors who you feel, from your earlier conversations, have the best chance of making the grade. For the final two places, one should be reserved for a vendor that is seeking to solve for your challenge in a completely unique way, even if the functional alignment is low, relative to your “top three”. I suggest keeping the final spot for a vendor with whom there is good chemistry and/or who is just starting out, as it may turn out that nobody can meet the majority of requirements but a party that is easy to deal with and hungry to work with you is a far more interesting, valuable proposition.
- > **Don't hide the hurdles:** before you engage with your shortlist, invest the time to understand your own procurement process and then be as transparent as possible from day one. Recognize that vendors are going to invest significant time and resources in your process, which they will need to account for. Having to compensate for late breaking requirements could actually push them into hardening commercial positions prematurely because they cannot justify the cost of sales any longer. Typical items here that cause pain are data and cyber security reviews but increasingly, supply chain reviews driven by ESG factors are also creating challenges.
- > **Understand what you want:** take the time, prior to initiating the procurement process, to compile your requirements, both functional and non-functional. Get these signed-off by your key stakeholders. Assign a business or change analyst to transition the requirements into a vendor selection requirements document which clearly sets out the requirements and the basis on which decisions will be made, including how each requirement is weighted and assessed. Similar to the above point, having to compensate for material late stage requirements, could make or break a deal or severely injure a good faith working relationship. That's not to say that you should follow a ‘waterfall’ process where everything needs to be defined up front, but be clear on your ‘minimum viable solution’.

- > **Get real value out of the process:** how your vendors stand up to your requirements will be measured by self-disclosures versus the vendor selection requirements and also how they fare through a structured assessment process. Traditionally, this is a “Proof of Concept” (POC) where the buyer sets out a number of carefully thought through scenarios, typically using the buyer's data, where the vendor will need to demonstrate how their technology performs. Increasingly, we are seeing buyers implementing “Proof of Value” (POV) tests – this is simply where the vendor is handed a live but self-contained business issue – say looking for Russian ruble exposure – and asked to help work on the problem with the buyer, like a small standalone consulting assignment. We are seeing buyers funding the POV tests, which removes some of the commercial pressure on vendors and also helps smoke out any potential contracting issues that may be lurking around. POV style assessments seem to drive better commercial behaviour; buyers get novel support on live business issue and vendors get their costs covered and an opportunity to build a genuine commercial relationship with a potential client. Neither side feels like it's ‘throw away work’ as is often the case with POC's.

Some say that there is a real ‘art’ to the perfect vendor selection, leveraging experience and intuition and being able to get behind sales rhetoric, however well-natured. That may of course be true, but I think my argument will always be that your intuition needs to be fed a diet of sensible data in order for it to do its sub-conscious magic. Whilst the points discussed in this article are not comprehensive, they should give you the backbone of what to avoid and also, how to begin to structure a selection approach.

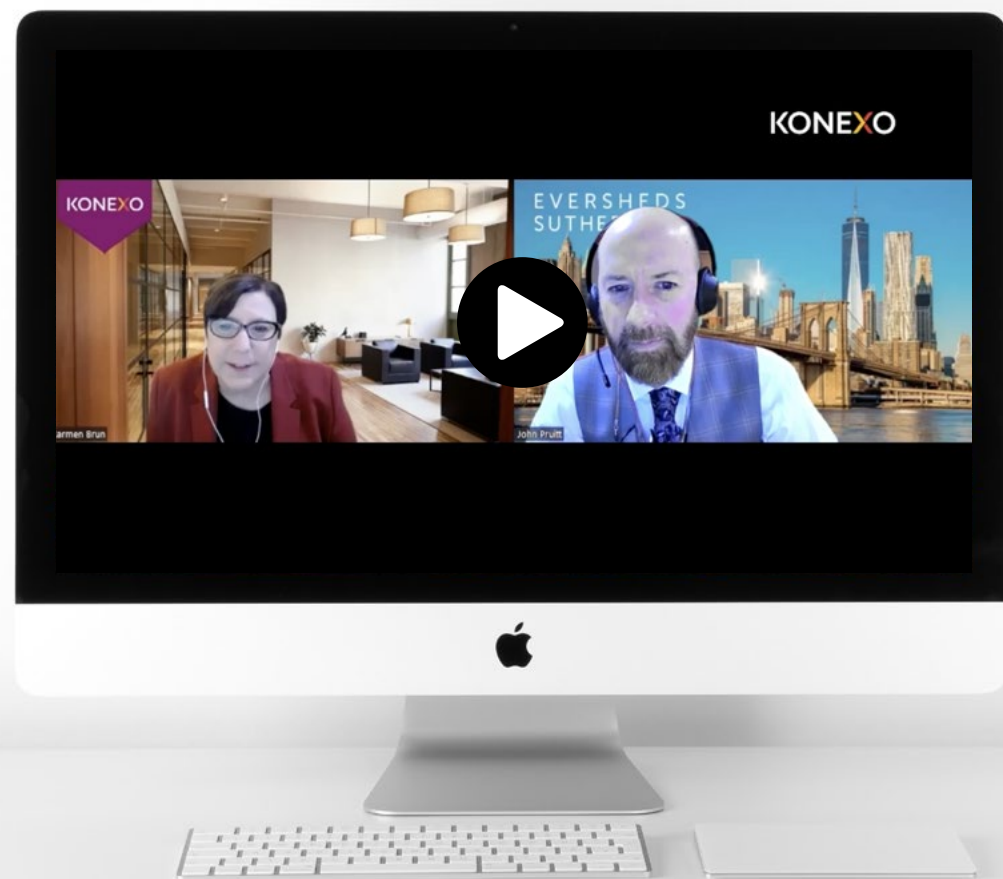
I started this article with a depressing anecdote and will end with something different. The biggest single vendor selection I have been involved in was for an end-to-end derivatives booking platform. The selection was furiously competitive and close, took 11 months and endured many twists and turns but ultimately was successful. When I asked the COO of the trading floor what finally swung the deal, he simply responded, “This lot told better jokes...”

PERSPECTIVES:

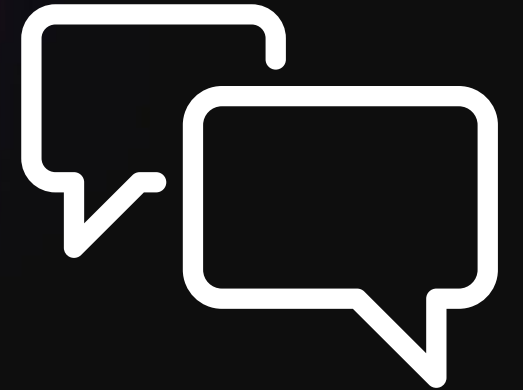
AN INTERVIEW WITH HEAD OF KONEXO US CARMEN BRUN AND PARTNER JOHN PRUITT

Head of Konexo US Carmen Brun interviews Partner John Pruitt regarding the innovative regulatory research services that Konexo designed to help an insurance client identify and operationalize regulatory requirements across all 51+ US jurisdictions.

John discusses how Konexo helps clients solve increasing demands for US regulated companies, including financial services clients.



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and content you'd
like us to cover in this
quarterly publication.**



insights@konexoglobal.com

We would be delighted to receive your feedback on this edition and the stories covered within it. Please use the link below:



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