

# ABOVE THE LAW

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## The Most Human Lawyer — James Lee Of LegalMation

There's a lot of time to be saved in the early days of a litigation.

By Joe Borstein

Today, legal startups are raising tremendous funding rounds in order to automate legal tasks like contract drafting, document review, and even challenging parking tickets! But many of the most soul-crushing, expensive and low-value tasks associated with litigation are still be handled by people-lawyers. I personally worked on a set of boilerplate interrogatory responses so voluminous it crashed Microsoft Word, which is a thing that can happen.

Today, a ray of hope: [James Lee](#), a Stanford educated litigator, has developed a new technology with the potential to revolutionize litigation — [LegalMation](#). In a nutshell, LegalMation uses machine learning to automatically draft responsive litigation documents such as answers, responses, and interrogatories (which would take hours for a junior associate). For example, within moments of uploading your opposition's complaint, you will have a competent draft response, which goes so far as to pull out key quotations from the complaint and question their basis in fact (I saw this with my own eyes). This is big!



James Lee

My excitement about LegalMation immediately made me think of a favorite book of mine: *The Most Human Human*. The central topic of the book is a contest (the Turing test) where both AI and humans are tested through computer chat conversation to see not just which AI bot emulates human conversation best (the Most Human Computer) AND which human emulates humans the best (the Most Human Human).

The author finds that humanity in conversation (or creativity, or “*je ne sais quoi*”) emerges from those portions of conversation outside of what the author calls, “The Book.” Communications inside “The Book,” *could be from a robot*. These include phrases that are canned, memorized, or automatic (“How are you,” “I’m good, you,” “Good”). The concept itself is taken from the world of chess, where “The Book” refers to a database of chess moves, which high-level players have memorized. It’s only when a player steps out of “The Book” that their genius (or lack thereof) emerges.

In the world of litigation documents, much of what we draft is within “The Book.” Think of a legal standard section or boilerplate objections to discovery requests. These sections, can and should be pulled from prior work product, automated away or, at least selected from a defined list of choices. **Writing in “The Book” is the legal equivalent of small talk, if small talk was outrageously expensive and soul destroying.**

But outside of “The Book”... ahhh... that’s where legal dreams are made. Outside of “The Book” we apply fact to law; we craft an argument no one has ever heard before; we become a most human lawyer.

James Lee never told me he sought to increase the humanity in legal papers. But James and his company LegalMation have taken a meaningful step toward getting lawyers out of The Book and into the world of humanity.

Enjoy the interview!

**Joe Borstein:** James, great to meet you. Tell me quickly about your background as a heavy hitter in litigation, and how it led you to the alt.legal world of disruptive legal technology!

**James Lee:** After I left Quinn Emanuel to start a boutique litigation firm with other QE attorneys, we quickly realized that using technological solutions could level the playing field when we were up against larger firms. Whereas large firms were bringing armies to the fight, we acted more like commandos — operating faster, smarter, and more efficiently. Technology was a force multiplier for us.

Two years ago, we started to explore whether we could leverage AI to make litigation more efficient and accurate. We launched LegalMation to do just that — to solve real pain points experienced by litigators. So today, we're able to do several early litigation related tasks that would normally take an attorney several hours to complete in about 2 minutes.

**JB:** In this column, we have discussed “the legal innovation paradox,” in which all innovation that saves lawyers time, also costs them (short term) revenue on a matter. How do you get around the paradox and convince lawyers that legal innovation is good for their practice AND their clients?

**JL:** We're not going to convince 100 percent of litigators to embrace our platform. Some still prefer to use Post-Its and to print out physical copies of all their documents and to put them in binders. But those attorneys are quickly dwindling in number — either through retirement or being asked to leave the firm due to a lack of productivity and profitability.

But, more importantly, corporate legal departments are pushing these technological solutions. The practice of law is changing at a very fast pace, and the forward-thinking firms are embracing changes that their clients demand.

I wish law firms could be traded on the public stock market because I know which firms to bet long on and on which to bet short. We're working with firms that are actively looking for ways to leverage technology to make their practices more profitable as opposed to just marginally profitable or breakeven. These firms are also looking to win a larger market share from firms that are falling asleep at the switch.

**JB:** So is embracing tech just about market share, or can it grow the legal pie too? We hear a lot about legal innovation sapping demand for lawyers hours, but I've argued that it should be able to unlock latent demand as well. What are your thoughts?

**JL:** We have already seen under-represented parts of the legal market being served in ways that were previously not possible because of new efficiencies in the marketplace. In other words, innovation gives you increased flexibility in considering whether to take on a matter. With the right technology solution, matters that were previously breakeven can now become very profitable and worth handling.

But more importantly, now that we demonstrated that the process/volume layer of litigation work can be automated, you can now re-allocate those hours to other aspects of legal practice that will yield better outcomes because you can now spend more time doing higher value tasks such as doing better investigations, having more time to prepare your depositions, and spending more time writing better legal briefs.

We're working with Walmart, for example, and they make it very clear to their outside counsel that they want their lawyers to take those time savings and focus on other more important aspects of their matters. The macro effect of these changes means that lawyers will be able to become better lawyers and deliver better outcomes.

**JB:** So, you point out that with innovation the cost of representation could come down, rendering formerly unprofitable matters or clients suddenly profitable. It makes me think about the access to justice issues and pro bono. How far can the benefits trickle down?

**JL:** This is a great example of how the legal market will be transformed in a very positive way. On a personal level, I'm very excited about taking our AI litigation platform and plugging it into pro bono and public interest organizations as they handle their litigation matters for the underserved.

When we're able to save several hours per matter automating the process/volume layer of work, we just freed up their staff attorneys to spend more time with clients, to do more thorough investigations, and to

outreach to a larger portion of the community that previously did not have access to these services. This type of result should be important to all of us. Law is an unnecessarily complicated collection of byzantine rules and procedures — this shouldn't be a bar to get fair and equal access to the courts.

**JB:** If you believe the hype, there is a T-1000 about to walk into the Southern District and argue motions to dismiss. In reality, how far can legal technology go? What other litigation activities can you see being automated? And for our new lawyers out there, what skills can NEVER be automated?

**JL:** First, don't believe all the hype in this space.

We are very far away from the notion of singularity happening in the legal practice space. There are too many nuances involved in higher level strategic decision making that good lawyers need to make every day based on unique facts or circumstances of every case. You simply cannot teach or train a system to anticipate all these issues. It will be a long time before any AI system will be able to write a Supreme Court brief for example because that level of abstraction, contextualization, and integration is beyond what is capable of any AI system today.

One way to think about this to ask yourself who would you rather have making a decision, Captain Kirk or Spock? Well, that answer will depend on what you're asking. There are some circumstances where you undeniably want Spock if you're trying to figure out the probability of whether a certain volcano will explode or what your odds of survival are when that explosion occurs. But there are other decisions where you absolutely want Captain Kirk to make because he is better at integrating a host of quantifiable and non-quantifiable factors to make an informed decision.

This dichotomy also exists in the AI space. AI is great at tackling volume/process work. But ask an AI platform to make a judgment call as to which witness engenders more sympathy and credibility on the stand and in which order you might want to have the witnesses testify, and you'll see where an experienced attorney becomes crucial to the successful outcome of the case.

**JB:** I have argued that in the next decade there will be one or more lawyer billionaires (a legal Bezos, if you will), but they will have gotten there from solving legal problems at scale with technology & outsourcing (or both), rather than through the traditional practice of law (see here). Do you agree?

**JL:** I'm reminded of a talk that Guy Kawasaki has given regarding the evolution of the ice harvesting industry.

In the 1800's, people in horse drawn carriages would go to the frozen lake to cut blocks of ice to sell in markets miles away from the lake. Their idea of innovation was to use better saws or find more horses to transport the ice to market faster. Eventually, the market changed because ice manufacturing companies started to make ice in the cities and then still decades later, you can now make ice at home in your own freezer. Guy Kawasaki points out that it was always a new group of innovators who saw an opportunity to raise the bar to a new innovation curve — leaving the prior group behind.

In the legal market today, you have attorneys who are still trying to find better saws, and thinking that this is innovation. What they don't realize is that larger more scalable technologies are out there that are more akin to the home freezer that can do the same work or deliver the same service or product faster, cheaper, and better.

**JB:** Thanks James, really provocative stuff!