Workshop: Data in the legal sector – how do we make the most of it?

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Law Society of Scotland, Atria One

Following up on our Data Standards workshop in May 2019, we further explored this issue in a workshop with members of the profession and other stakeholders. We gathered insight through discussion in small groups focusing on six key questions.

What are the main issues around data in your own organisation?

Our participants told us:

- The format of the data held is not standardised – this limits usage
- GDPR compliance and understanding is an issue
- Poor IT-skills and not using systems to their full capacity
- Reporting and client processes not as easy as they should be
- Attempts to keep data up to date can be inefficient and inaccurate
- Perhaps we should focus on improving services rather than talking about data?

Potential solutions/improvements:

- LSS to create guidance of standardisation of data
- IT skills to be part of diploma and ongoing CPD
- Potential for client portals to access information – better service.

Are there opportunities for collaboration to improve access to data? Who should collaborate?

Our participants told us:

- Firms need to own their data, but it is often in vendors' interest to lock data into their systems
- There are issues to be addressed regarding competition, privacy and the exchange of information between solicitors
- Addressing this must be a collaborative, international process. Cannot be specific to Scotland.
- Duplication of data can cause issues and many sources of data such as Companies House and and registers can be inefficient
- Data sharing agreements are often policy and process driven rather than collaborative.

Potential solutions/improvements:

- Opportunity for LSS to drive collaboration with key stakeholders
- Centralising certain data and analysis and provide open access.

What can we learn from other professions and sectors?

Our participants told us:

- Compared legal data to internet banking: customers can immediately view their bank balances and transactions online; perhaps similar instant access to legal information can remove stress
- Consider what has been done with data in fintech
- We could learn from manufacturing/industry, consider lean six sigma method
- Learning from publishing in terms of tagging and structuring information.

Potential solutions/improvements:

- Ensure we don't start from scratch if other sectors already have solutions
- Make sure we learn from other jurisdictions too.

Consider the risks associated with data – cybercrime, competition, data integrity, privacy

Our participants told us:

- The risks often depend on the type of data being handled – sensitive/personal data can be high risk but other types such as case law may not be
- Human error is often the main source of risk – complacency, poor processes, sharing of log-ins, transferring irrelevant data
- Organisations must make sure they do due diligence on vendors
- Data cleansing is often not a priority
- If data is available centrally this should be used, not locally held data.

Potential solutions/improvements:

- Make data cleansing part of someone's role
- Create resources for due diligence process.

How do we standardise data to improve efficiencies?

Our participants told us:

- Why should we standardise? Efficiency, enables more automation, create more value for the client

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- Standardised cases and standardisation for other documents – such as wills – can improve efficiency
- Standardisation enables the use of APIs (application programming interface) to transfer data between systems
- It isn't just about data standards – there are design challenges too
- Firms also need to have an understanding of what data they hold; how should data be grouped, commonality, structured vs. unstructured data
- Vendors play an important part in this as the standard should be built into systems.

Potential solutions/improvements:

- Development of data taxonomy
- Opportunity for LSS to create an open API standard to badge suppliers and promote to stakeholders.

Consider how data standards may benefit the public and access to justice

Our participants told us:

- Because of time and cost constraints, not every decision is reported. Of those that are published only BAILII provides information for public at large. Other providers are expensive and can be cost-prohibitive for smaller firms and the general public
- What information would party litigants want to have access to?
- Decision lengths have increased and can sometimes be too long, although Westlaw abstracts can provide a good summary
- Some participants identified a general tendency towards greater transparency in case management and reasoning
- Greater transparency = greater accessibility for public.

Potential solutions/improvements:

- Engage courts in data sharing discussion
- Potential for research around public needs.