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# 3 Ways Big Data Will Change the Lawyer's Role

Lawyers, technologists and advisers may find themselves expanding their roles as technology becomes more integrated with our lives.

Ian Lopez, Law Technology News

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The term "information age" is a bit of a misnomer, considering, as Drinker Biddle & Reath chief data scientist [Bennett Borden](#) said in a recent [kCura webinar](#), "Information is everything we deal with." For lawyers, it's a "most fundamental resource, as well as our most fundamental product." This is because all of legal comes down to facts and, in the information age, facts are contained in electronic data.

"Our job is to figure out how to get at that information," he noted. And with technology both wearable and mobile, more data equates to more information about a person and what they are doing. "We're awash in data like we've never been before," Borden said. "Our challenge then becomes, how do we find what's meaningful in all this data and apply it to what we're trying to solve?"

From the general counsel to the associate, finding those nuggets of truth amid seas of data will continue to change the way work is done. Here are some of the ways the [lawyer's role](#) will change in the years ahead:

## 1. You will have more information for cases.

We're already seeing this play out in courts today. In 2015, in Arkansas murder investigation, an [Amazon Echo](#) device was in the house of a murder suspect, where the deceased was found. Given that Echo records audio from the home, authorities [requested audio](#) in a 48-hour window around the murder. Similar instances with big data and internet of things devices have occurred as well: In 2015, data from the phones of [the San Bernardino shooters](#) was requested for production, while in a Connecticut murder case this year, the victim's [Fitbit device](#) showed movement at a time that contradicted the story of her husband, who in turn was charged with murder.

Information collected on such devices, Borden said, "puts somebody at a certain place at a certain

time, doing a certain thing. And each of these things are like little multifaceted gems. ... It's really quite astonishing how documented our lives as a species is now." Thus, he added, "How do we find the signal in all of that noise?"

## 2. That said, you will need to know more about technology.

The spread of the IoT, coupled with technological components for virtually every task, means that algorithms are tightly intertwined with our lives. Technologies are currently being implemented for such efforts as [jury selection](#) and, on the consumer end, tracking behavior for targeted advertising. Given that much information is collected without a person's notice, such efforts make many squeamish and leave open many questions regarding current and future law. "The law doesn't really apply well to our data-driven world," Borden said. "How do we act in a world where the law is not clear?"

This will continue to impact what lawyers need to know. For example, flying cars are already pushing forward regulatory questions, or as Fox Rothschild partner Mark Connot put it, "It's a [Pandora's box of issues](#)." Further, it is likely to influence the delivery of legal services and law firm competition. As Holland & King partner [Jonathan Epstein said](#), "Lawyers need to keep an eye on [flying cars]. If you get the right experience, you are going to be the go-to firm."

Technology, Borden said, is "becoming an increasingly significant part of our lives, and we have to know about it. Those who don't understand how it works or what it is are like the dinosaurs before the asteroid hits. They're extinct. They just don't know it yet."

## 3. You will need to know what questions to ask.

Understanding technology, however, is just half the battle. As litigation becomes more entrenched in technology, lawyers are going to need to know what sort of information is relevant, how to obtain it, and what to ask about it. "As litigators, we have to understand things like data ownership, how it's stored, and how do I get it," Borden said.

Knowing what sorts of questions to ask becomes particularly important when dealing with e-discovery requests for tools such as IoT devices, both in the manufacturing and commercial sectors. For example, while a legal team may know there are a number of devices collecting data around a hit-and-run case involving a smart car, such costs as data processing should have an influence on what sort of information you request for production. The data "is clearly relevant," [said Finnegan, Henderson, Farabow, Garrett & Dunner partner Kenie Ho](#), "but do you really need to generate a 360-degree simulation of the accident based on sensory data?"

"Everybody is really going to have to up their game in new technology and know the right discovery questions to ask to make sure you get the right sources of data," said BDO USA managing director Judy Selby in the kCura podcast. This, she added, will be challenging for litigators to deal with.

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