



LEGALTECHTALK

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FEATURING

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**CONTENT DIRECTOR
- LEGALTECHTALK**



Welcome back, dear reader, to another edition of LegalTech Diaries. Once more, we're diving into some of the most pressing issues facing the industry today and showing you how to think about the latest challenges affecting you. This month, we've got 7 in-house leaders who are clearing paths for their legal teams, helping them to become more efficient, more innovative, and more effective.

With changes happening faster than ever, legal teams are having to both react and become more proactive in equal measure to meet increasing demands put upon them. Whether they're looking at technology, culture, team-building, or collaboration, these legal leaders have been trailblazers in the legal sector, ensuring that their teams can shake their teams' previous state as the gatekeepers of legal knowledge who spend a great proportion of their working lives saying "no."

In this edition, you'll learn about key topics such as:

- AI governance and how the technology will shape the industry
- Why you need to build diversity in your team and how to go about it
- The "build vs buy" debate
- How legal teams can improve your organisation's customer experience
- What collaborating with other business leaders can do for you
- How to instil a culture that promotes practicality
- Top tips for motivating a team that spans cultures and geographies

As always, I'd love to thank every one of our contributors for lending us their expertise and once more going above and beyond in order to help us achieve our goal of positive change for legal professionals. So grab a coffee, sit back, and enjoy the insights.

CARLOS TORRES

CHIEF LEGAL OFFICER,
MOZILLA

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Q You've focused a lot on AI governance, particularly around Open AI. What do you think are the most important considerations when it comes to the regulation of AI?

A Any regulation in AI should prioritize trustworthiness, promote openness, and ensure equitable access that is in the public interest. Some of the considerations that can help harness AI's potential while safeguarding societal interests are:

- **Trustworthiness and Accountability:** Regulation should ensure AI systems are trustworthy, prioritizing human agency and accountability. Clear guidelines and oversight mechanisms are essential to prevent misuse and harm, much of which already occurs today.
- **Openness and Transparency:** Promoting open-source AI can accelerate innovation by creating shared building blocks and enabling critical public-interest research. Regulations must embrace meaningful transparency, even beyond openness, to facilitate scrutiny and accountability.
- **Market Access:** Ensuring that AI development is not monopolized by a few large companies is crucial. Regulations should facilitate access to necessary resources like computing power and data for smaller players, especially outside of the Global Majority.
- **Privacy Protection:** Strong privacy regulations are essential to prevent a race to the bottom - which will benefit the largest, entrenched players. AI must be developed in ways that respect individuals' privacy rights and responsibly stewards collected data.
- **International Cooperation:** Collaborative international frameworks can ensure coherent and inclusive AI governance while aiding global compliance. These

- should involve diverse voices and avoid being captured by vested interests by engaging true multi-stakeholder input.
- **Proportional Regulation:** Regulatory obligations should be proportionate, especially for open-source AI, to avoid stifling grassroots innovation while ensuring safety and accountability across the AI development stack.

Q What do you think about the debate over Open AI vs Proprietary AI? Can the two work hand in hand?

A "Open" AI and proprietary AI can absolutely co-exist and complement each other. Openness is not a problem but part of the solution to creating a more trustworthy AI ecosystem. Open development practices drive innovation by providing accessible tools for researchers and smaller players, fostering a diverse and competitive ecosystem. They also enhance transparency and accountability, allowing for greater scrutiny and trust in AI systems. Proprietary AI, on the other hand, offers specialized, commercially driven solutions that can address specific market needs.

Proprietary systems can learn from open practices, adopting

transparency and collaborative approaches to improve their offerings and build trust with users.

By leveraging the strengths of both open and proprietary AI, we can create a balanced ecosystem where innovation thrives, safety and fairness are prioritized, and the public interest is upheld. Balanced regulation is key to ensuring that both approaches contribute positively, promoting responsible development and widespread benefits from AI technology.

Q How do you think AI (in any form) will change the working lives of in-house legal teams over the next 3 - 5 years?

A I'm thinking of this from first principles: an in-house lawyer should ideally be a trusted advisor to the business. I look at AI as complementary and augmenting the work in-house legal teams do and an opportunity for in-house legal teams to demonstrate leadership in this new space. AI can be leveraged in many ways now, including managing routine tasks, developing strong and more efficient compliance programs, summarizing cases and regulations, and deploying more robust contract management systems and processes. New AI technologies for lawyers are being developed every day and like any

technology, AI must be used in a manner that conforms to a lawyer's professional responsibility obligations, such as confidentiality and privacy, and duties of competence and diligence (i.e., accuracy). In other words, AI needs to be used thoughtfully.

Nonetheless, I see the use of AI as elevating the role of the legal department. In-house lawyers will get back more time to focus on delivering strategic advice and becoming more valuable partners to the company. AI is also a leadership opportunity. In-house legal teams can demonstrate leadership by guiding their company and stakeholders on the implementation of safe and responsible AI governance programs.

Thinking back over the last few decades, business productivity technologies like redlining and e-discovery software have allowed in-house lawyers to focus on higher-value work, and I believe AI will do the same at an exponential level. It's an exciting time to practice law in-house by adopting new skills and embracing AI thoughtfully.

LANCE BARTHOLOMEUSZ

GENERAL COUNSEL,
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES



Q Can you give some insight into the breadth and scope of your role?

A As General Counsel of UNHCR, the UN Refugee Agency, I lead the in-house legal team that gives legal support to UNHCR's operations globally to protect, assist, and help find solutions for some 120 million forcibly displaced and stateless people. We mainly take a risk-based approach rather than a compliance-based approach. We identify and mitigate legal risks through operational advice in the areas of complex commercial and other agreements, human resources and the UN internal justice system, and status privileges and immunities of UNHCR and our personnel. We also support major reputational risk management.

I love the incredible variety in my role. We can both support and lead innovations within the organization. For example, we helped develop a blockchain digital payments solution for Ukraine in 2022. We co-lead the development of an innovative online platform for victims of sexual harassment to record incidents and to find out if others had recorded the same perpetrator (NotOnlyMe.org). The platform was launched in 2023. We

work on innovative finance solutions for humanitarian purposes, such as the Global Islamic Fund for Refugees, an endowment fund run on Islamic financing principles by UNHCR and the Islamic Development Bank. And we are an integral part of the UNHCR Green Financing Facility, which is solarizing UNHCR's global operations. And there's a lot more.

Q As a global organisation that handles some highly intense issues among vulnerable demographics, how important is ensuring quality standards across the board, and how do you maintain that?

A UNHCR, the UN Refugee Agency, has over 20,000 personnel who operate in over 140 countries and territories across more than 300 offices. UNHCR serves over 120 million displaced persons across the globe. Everything we think of is focused on how what we're doing makes an impact on the lives of forcibly displaced and stateless persons. Wherever those people are, they expect to get good quality service. This is vital because it is what they deserve. But how are these services maintained?



The organization has a whole range of policies and practices to ensure we translate our purpose into effective, safe action. How does our in-house legal function contribute to quality standards across the board? We are regionalized (lawyers in Pretoria, Nairobi, Bangkok, Copenhagen, Budapest, Central America, as well as Geneva), not too small and not too big, to reflect the decentralized decision-making that's favored by our organization. This ensures we can understand the politics and operational context where we work, which is critical to ensure quality advice. We work hard to share and build knowledge within the

team, using a mixture of tech and regular meetings. This means we give consistent advice, no matter which lawyer is approached.

Q As a legal leader, how do you ensure you're able to instil a culture of practicality?

A One of the highest compliments my team and I can have is to be described as operational lawyers or principled pragmatists. Our operations are in the most fragile parts of the world. Legal risk is just one of the risks our agency addresses in insecure, remote areas where the needs of people forced to flee are far greater than the resources to address them. This forces us to be practical and to work quickly and often with imperfect facts.

I aim to set an example for the team by being pragmatic, taking a risk-based approach, finding practical solutions, and responding quickly. The team follows the example. We enjoy this way of work. Our field colleagues give us good feedback on our approach. And so this becomes a virtuous circle.

PADMAJA CHAKRAVARTY

MANAGING DIRECTOR, GLOBAL LEGAL HEAD
FOR TRADE FINANCE, CITIGROUP



Q You've had a distinct career path to your current position – can you describe that path for the readers and the benefits it has had for you as a legal leader?

A As a lawyer, I have spent time both in private practice and in-house at a global financial institution. At private practice in London, I had the opportunity to work on investment banking and international financing transactions. In-house at Citi, I have had a number of different roles over the years, advising our investment banking and public markets businesses in India, then moving to a regional role heading capital markets legal advisory across the Asia Pacific, and then transitioning to a South Asia general counsel role advising the CEO, board of directors and senior management in South Asia on legal, regulatory, reputational and strategic franchise matters. After 12 years in Asia, I have assumed a global role based in London, advising the trade finance and working capital solutions business. At each stage, I have managed teams of varying sizes.

The broad experience has been critical in developing skills beyond the technical core – strong knowledge of the law and

regulations, negotiating skills, and subject matter specialisation – such as greater knowledge of the business, how it operates at a financial and operational level, how does it connect to other businesses within the firm, how does the firm fit in the broader industry context and where are the big changes to the business coming from.

In-house counsels are trusted advisors and strategic business partners, but we also run a business within the firm as we manage teams, attract talent, take care of our budgets, build strong external relationships, and deliver excellence to internal clients. Working in different organisations or in different parts of the same organisation is a tremendous opportunity for building these skills.

Q How has this helped you collaborate with other areas of the business and why is that important?

A Understanding different parts of the organisation is critical to the success of in-house lawyers. All groups and businesses within a firm are inter-connected and depend on each other for the delivery of



successful outcomes. Our advice, as in-house counsel, is most effective when it connects the dots with the larger organisational context, and we anticipate and prepare for how alternate courses of action might impact not only our direct business but also other parts of the organisation. Expanding our knowledge beyond our specific position, department, or immediate area of expertise contributes directly to our "executive voice" as trusted advisers and strategic business partners.

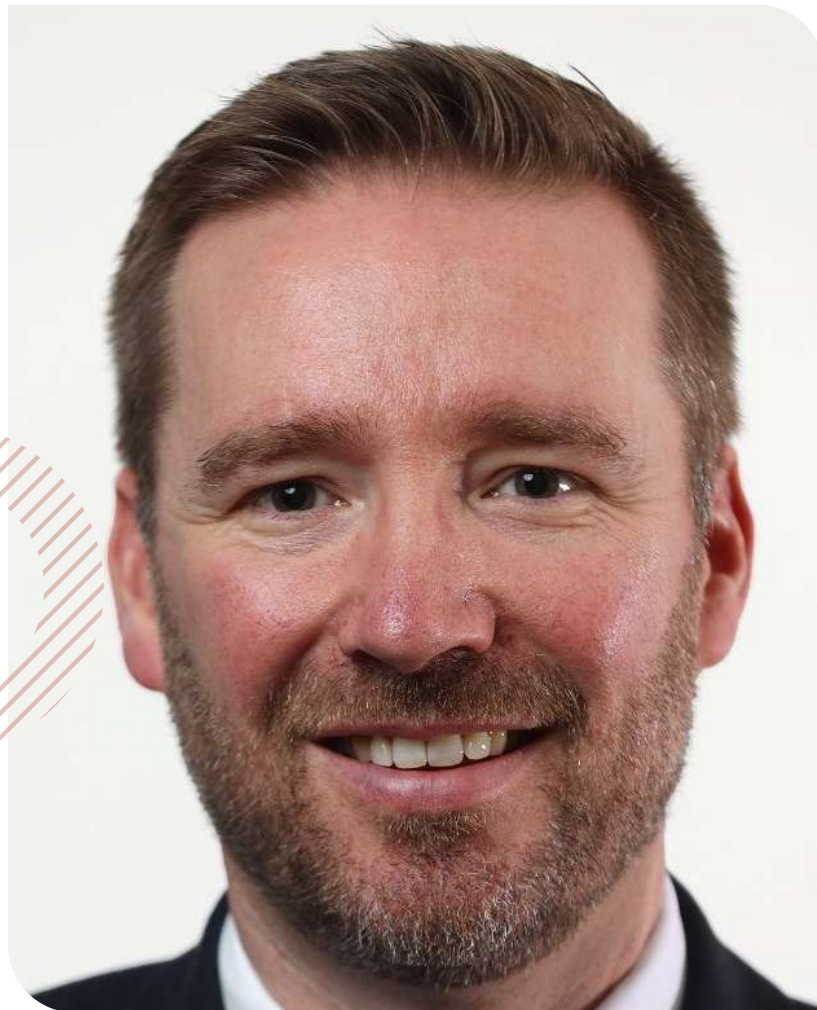
Q Would you encourage younger in-house lawyers to have a varied career path, and do you think this would help create more strategically-minded general counsels in the future?

A Absolutely. Taking on opportunities to advise different businesses within a firm or across organisations is a great way to learn new things, apply existing skills in different contexts, and develop stronger connections that enable us to have a bigger impact. When each day feels like it does not have enough hours and we are rushing from meeting to meeting and agenda to agenda, it can seem hard to cultivate new and diverse relationships or to try and understand 'What matters most to stakeholders right now? What opportunities do they see? What are they excited about?'

However, a key value sought in general counsels is the ability to be able to tackle a myriad variety of issues while taking an enterprise view on each matter that focuses on wider organisational needs. The opportunity to work in different parts of the organisation is a great way to learn this skill.

ALI MACLEAN

FORMER GLOBAL GENERAL COUNSEL,
WORLD RUGBY



Q You've worked in the sporting world for a number of years now. Have you found that legal teams in sporting organisations face similar issues to those in other industries?

A Yes, the majority of issues will be similar in sport to those in different industries. Consider a triangle with three layers. At the base, there is a core set of legal issues that have the same legal basis. For example, good corporate governance, employment policies, intellectual property, data protection, direct marketing, contracts, procurement, competition law, etc. Whether I'm procuring

a widget for manufacturing or sportswear, I will still need to have a good procurement contract and purchase order system and consider ethical and sustainable sourcing through the supply chain.

In the middle is a tier of "hybrid" work, which starts to become semi-specialised and will require some knowledge of the sports industry, for example, immigration-related to an International Sports Person or corporate governance related to a fit and proper person test.

At the top of the "pyramid," there is a smaller amount of very specialised work which requires detailed knowledge of the sports industry and for which there is specific jurisprudence/precedent that has been developed through the rulings of sports governing bodies or specialist institutions like the Court of Arbitration for Sport. These include issues such as human or equine doping, salary caps and financial fair play, the applications of sports rules and regulations, and transgender participation in sports.

The number of lawyers in sports has grown rapidly in the 25 years that I have been involved, and this has mostly been for the good. Helping to reduce the impact or likelihood of cheating in sports, improve corporate governance standards with the large increase in revenues, and deal with some horrific abuse issues. There are times, however, that sports are "over-lawyered" and I have witnessed on numerous occasions lawyers argue to their client's detriment in disciplinary hearings or take unreasonable positions in contract negotiations.

Q How important do you think it is for in-house leaders to collaborate with other business teams?

A It's crucial. The legal team is in a privileged position. It can be seen across the organisation and often acts as the glue to tie different threads together that colleagues working in other departments are not able to see so readily.

Legal teams are commonly pulled in different directions with colleagues who have different priorities and timeframes. The issues involved with intake, allocation, and dealing with the work will be common across different industries. Legal teams face the difficulty of wanting to facilitate the work on a personal basis with the human touch. But at the same time, they face being overwhelmed by multiple requests, which, if not properly captured, will fall between the gaps. Legal teams have highly skilled and (hopefully) well-remunerated personnel, and there is a danger that the team becomes the "arse covering" department for colleagues who throw "legal" requests over the fence just to say everything is OK because the work has been passed through legal. Creating an understanding of what falls inside/outside of legal remit and an appropriate risk appetite can help to mitigate this danger.

Early collaboration with colleagues and knowledge of their work priorities and the organisation's key strategic aims for the year is a crucial part of the management of workflow. I have always disliked the term "service department," and I believe that legal (and other corporate functions) should be seen as "enabling" departments working with colleagues to get the best outcomes. Legal teams must earn this trust and respect and ensure that they speak the language of the business.

Q What kind of role can legal departments play in improving customer experience?

A There are internal customers (other colleagues) and external customers (such as fans or participants in the relevant sport). Legal Departments play a crucial role in enabling better outcomes for the successful delivery of their organisation's (and, therefore, their colleague's) strategic goals. As referenced above, collaboration, communication, and planning with colleagues will be at the heart of ensuring alignment in achieving these goals and delivering real value.

I also think that in-house lawyers (in general) need to gain a better understanding of the efficiencies to be gained through legal tech and AI. This is a revolution that is not going away, and legal teams need

to "commoditise" certain low-value/high-volume work and push it back into the business (e.g., through contract automisation) and use legal tech to review counterparty agreements. The adoption of this tech will lead to greater efficiencies and faster turnaround for in-house clients whilst focusing the lawyer's skill set on complex/strategic work that is more rewarding.

Legal departments must always have their external customers in mind. How can you facilitate the aim of protecting the organisation from risk and ensuring that the end customer has a fantastic experience? Consider the whole customer journey through the lens of the fan. For example, when attending a sports event – how do they purchase tickets, how do they accept understandable ticket terms and conditions, what are the health and safety issues of getting fans safely into and away from venues, how is their data being protected and used in a responsible way?

NANDINI NAIR

GLOBAL GENERAL COUNSEL,
L&T TECHNOLOGY SERVICES



Q There are some misconceptions around DEI - what do you think it actually means for the legal world?

A Some misconceptions around DEI in the legal world include the belief that DEI is only relevant to certain types of legal practice or that it is a form of "political correctness" that has no real impact on legal outcomes. However, research has shown that diverse legal teams are more likely to produce better outcomes for clients and that promoting DEI in the legal profession is critical to ensuring that the legal system is fair and accessible for everyone. Another misconception is that DEI is a one-time initiative. Some believe that DEI is a one-time initiative that can be addressed with a single training or program. However, DEI requires ongoing commitment and effort. Overall, DEI is a crucial concept for the legal world, and it is essential that legal professionals and organizations prioritize DEI in their hiring, training, and overall approach to practicing law.

Q The practicalities of DEI can occasionally fall by the wayside. How can legal leaders ensure this doesn't happen and that they remain in focus?

A Legal leaders can take several steps to ensure that DEI remains a priority and that the practicalities of DEI are not overlooked, including developing and communicating a clear DEI strategy, providing DEI training and education, engaging in outreach and recruitment, but the most important thing is creating and foster a culture of accountability. Legal leaders should hold themselves and their employees accountable for promoting DEI in the workplace. This may involve setting targets and goals for diversity, equity, and inclusion and regularly reviewing progress toward these goals. They can create a workplace culture that values diversity, equity, and inclusion and that promotes the success of all employees.



Q DEI isn't just the right thing to do, what's the business case for improvement in this area?

A Improving DEI in the workplace is not only the right thing to do from a moral and ethical standpoint, but it also has significant business benefits.

Here are a few reasons why:

1. Improved innovation and creativity
2. Enhanced reputation and brand value
3. Increased employee engagement and retention: productivity
4. Improved financial performance
5. Reduced legal and reputational risk: Companies that fail to promote DEI in the workplace can face legal and reputational risks, including lawsuits, negative media coverage, and damage to their brand reputation.

By prioritizing DEI, companies can reduce these risks and create a more inclusive and welcoming workplace for all employees. Overall, there is a strong business case for improving DEI in the workplace. By promoting diversity, equity, and inclusion, companies can enhance their reputation, improve employee engagement and retention, and drive better financial performance.

STEFAN HALTER

REGIONAL GENERAL COUNSEL
EMEA – ELECTRIFICATION, ABB



Q You focus a lot on leadership and team management in your role. How important is it that your team members feel encouraged and motivated?

A I think having encouraged and motivated team members is key to any team – particularly in a highly complex field such as in-house legal counseling. We've all seen LinkedIn posts around the topic that we shouldn't hire smart people and then tell them how to do their work. The same applies here. Sure, there are some standards and expectations that we should set, but with proper onboarding and open team communication where people feel empowered, can speak up, and ask for help, they will feel encouraged and motivated to take ownership for what they do. That will automatically lead to better communication within the team and towards the business partners, and that is ultimately what will lead to success for the company.

Q How do you ensure this happens in your team, are there any tips and tricks you can share?

A I've never seen myself as being superior because I was selected to lead the teams I lead. If I was the smartest and best player on the team, I would also be the

limit of my team's capabilities. My approach is always that I assume people are capable – and if it turns out otherwise, we will see how we can upskill them, coach them, or what other measures we have to take to make them succeed. The other part is that I assume people act with good intentions until proven otherwise. I've always been open about what I am good at, and where my experience is limited. As an example, I've always been very close to the business, having started as a contract manager with one of ABB's local factories. So large investment contracts are one of my strengths, including all the non-legal aspects that come with them. On the other hand, as in-house counsel, I've never been directly involved in litigation. So I've always been open about asking for help where I needed someone more knowledgeable, but also always offered my help and advice to anyone in a field that I know well. Showing that vulnerability has helped build up the trust that my team members can come to me with any topic.

Another aspect that I think has helped create trust in my team is that I've always been available as what I call "a second brain," someone to discuss something through and brainstorm. We don't always have all the answers, and having someone to mull things through sometimes is all that's needed to find a good solution to a problem.



Q ABB's structure changed a fair amount recently. How did you manage the shift of your legal team who are now operating within different areas and/or geographies in this new structure?

A If you went to management training 20 years ago, ABB was often used as a model for the matrix organization. In that organization, Legal was very country-centered, with each country having its own legal team and general counsel supporting the units present in their respective countries. That has changed completely in the last years, with the new "ABB Way" being centered around the Divisions as the main business drivers. Consequently, we had to align the legal structure to that organizational setup as well.

While still experts in their local law, each lawyer is now assigned to a specific business and primarily supports that business. This has brought our local lawyers much closer to the business and they now have a more holistic approach to all legal topics. We also are working on establishing informal expert groups that will support across the region on certain topics they have special experience or knowledge. This will help them grow beyond the country role and give them more exposure to the global organization.

Change is a constant, and the role of in-house legal has changed over the years, with or without company reorganization. Today's in-house lawyers are expected to know their business, have a seat at the decision table, and have become a steward of their company's reputation – often combining Legal and Integrity in the same role, as is the case in ABB. Beyond the in-house view, we have to be adept at navigating the legal nuances of a global marketplace and also be astutely aware of external factors impacting our business. The role has become more integrated into business operations over the past decade and will continue to do so as we navigate a rapidly changing world, and that's in the end where in-house counsels have the advantage over a law firm.

MICHAEL THOMPSON

HEAD OF LEGAL OPERATIONS,
ALDI SÜD



The views expressed in this interview are those of the author, which represent his personal and professional experience. Its contents do not necessarily reflect the opinion of his employer.

Q Where do you sit on the "build vs buy" debate?

A I definitely favor the "do it yourself" approach, when it comes to implementing LegalTech in-house. Because there are so many software solutions already being used in most companies, that it is neither necessary nor (economically) reasonable to reinvent the

wheel every time your Legal Department needs a piece of LegalTech. You are paying those licensing fees anyway and the software is already there anyway. So I'll just call it "anyway tech" from now on.

Q Given that you find yourself building tech rather than buying them, what do you think are the major benefits you find from that situation?

A There are some more and some less obvious benefits when taking the "DIY" approach. But I also won't conceal the downsides. I'll start with the (probably) less obvious benefits:

1st: Using anyway tech builds skills within your own team. No matter if we're talking about a Legal Department or Legal Ops team, implementing LegalTech yourself with anyway tech skyrockets the learning curve and development opportunities of your team. You won't be able to create an easier win-win situation with any other approach.

2nd: The "DIY" approach leverages the standing of the Legal Department from the "Department of 'No!'" to the "Department of 'Hell yeah!'" Though that might be hard because, typically, that place is already taken by the Legal Ops team. Just kidding. Not! It shows the business that you're able to think outside the box, create opportunities instead of just pointing out problems, and, thus, enable business instead of hindering it.

3rd: If you work with already existing software, you will build relations with your IT department and other involved stakeholders "owning" said software, that will prove invaluable for any future project. Speaking the language of (this part of) the business simply helps you to understand each other's demands and requirements better. It builds trust and improves collaboration.

4th: To sum up the (maybe) more obvious benefits of using anyway tech: it can (not "will") be cheaper, faster, easier, and more flexible than implementing third-party software.

Cheaper Licensing fees are already being paid for with anyway tech. Downside: you need to consider if and how your use of anyway tech affects the amount of fees being paid in the future.

Faster You are not dependent on internal (IT) or external (software provider) resources or budgets. If you choose an "MVP approach," creating a "Minimum Viable Product," and developing it further in iterations, you'll be able to go live with an MVP really quickly. Plus: no data protection or IT security issues because anyway tech has already been checked and approved in that regard.

Downside: you'll need to provide the resources (people & skills) yourself.

Easier As long as you use software that is meant to be used by citizen developers (and we all know a pretty big software company starting with "M" that provides that kind of enterprise software, for example), it is comparatively easy, requires no prior knowledge or coding-skills but only the willingness and ability to familiarize yourself with this new area of activity.

Flexibility It definitely gives you more flexibility when using and re-iterating the software because if you're able to "do it yourself," you are not relying on internal (IT) or external (software provider) resources, budgets, or project plans. Downside: the more solutions you create on your own, the more resources you need to develop them further, support, and maintain them (time to feel some of the pain of your IT colleagues there).

Q Looking to the future, do you think there are any technologies that you'd prefer to get from 3rd party vendors rather than build them in-house?

A Yes. But I cannot go into detail about what kind of solutions that might be. Obviously, there will be solutions that are too complex to

develop, test, and implement them yourself. There are solutions that need to fulfill certain criteria or requirements, which cannot be met with any tech.

And maybe (probably) you don't want to be the one owning any business-critical solutions, so I'd rather refrain from doing business-critical stuff with "DIY" LegalTech. One example for all of the above-mentioned impediments is software that enables your company to fulfil the ever-growing complexity of regulations coming from the (European) legislator.

Be it "Artificial Intelligence," "Cyber Security," or "ESG"-related topics. Those are all examples where I'd probably rather bet on a third-party vendor solution rather than some self-developed piece of LegalTech, which my team and I are responsible for.



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