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A magazine for attorneys

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What is the future of
net neutrality?

VIRTUAL IMPRESSION

New virtual reality
technology could
change the way lawyers
present cases in court

HOW Artificial Intelligence & Machine Learning

ENHANCE THE PERFORMANCE OF LAWYERS

*Continuous developments in machine learning
and artificial intelligence technology carry
implications for the way firms of all sizes will
manage workloads and business development.*

FUTURE OF LAW

In a first of its kind case,
police ask Amazon for data
to help solve a murder



How attorneys can use AI and machine learning

Although it has not been as widely accepted in the legal community as in other industries, artificial intelligence (AI) is quickly becoming recognized as a viable tool that can be used to improve the efficiency with which lawyers complete their work.

9



3

MESSAGING

Journalism Techniques for Compelling Content Marketing

When your law firm's marketing team creates press releases, blog posts and other content, they can and should borrow from the best techniques of journalists.



13

VIRTUAL IMPRESSION

Virtual Reality in the Courtroom

Imagine twelve jurors listening as the defense attorney presents them with imagery of a crime scene, showing various views and pointing out salient details. But instead of viewing a projection or large prints, they are seeing the evidence through virtual reality goggles.

OBITER DICTA 2

How law firms can benefit from community outreach

VIRTUAL IMPRESSION 5

User generated content strategies

POLICY 15

The future of net neutrality under a Trump administration

FUTURE OF LAW 18

Amazon is asked to hand over data in a murder investigation

SEO IN-DEPTH 21

What does movement in map placement mean for local search?



*Bigger Law Firm*TM was founded to introduce lawyers to new marketing and firm management ideas. Advancing technology is helping law firms cover more territory, expand with less overhead and advertise with smaller budgets. So many tools exist, but if attorneys are not aware of these resources, they cannot integrate them into their practice. The *Bigger Law Firm* magazine is written by experienced legal marketing professionals who work with lawyers every day. This publication is just one more way Custom Legal MarketingTM is helping attorneys Build a Bigger Law FirmTM.

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MARKETING OBITER DICTA

Guest contributor Stacy King outlines four ways law firms can benefit from community outreach.

Is your firm looking for a way to increase brand recognition, create happier employees and connect to the bench? Look outside your walls and into the community for opportunities to volunteer, especially activities that tie in to the legal community. Below are four ways that your firm can benefit from outreach and some examples of how to get involved.

Increase brand recognition and grow networks

Right off the bat, it is easy to see that firm representation in outreach programs yields a greater presence in the community. Having your firm connected to such good works builds trust, fosters a sense of belonging and can grow its network to include more people than even advertising might.

For example, each April, local chapters of the Federal Bar Association (FBA) organize community outreach and community service projects as part of the National Community Outreach Project, an initiative aimed mainly at connecting students with the federal courts. Firms in chapters nationwide make a direct impact on their communities.

Engage employees beyond billable hours

Are your firm's employees excited to come to work and happy about their accomplishments? A recent study by Deloitte² shows that employees who participate in community outreach programs "are more likely to be proud, loyal and satisfied employees," and you can bet this carries over into the legal industry as a whole.

For example, during last year's National Community Outreach Project, the Chicago Chapter of the FBA presented a program entitled "The William J. Hibbler Schoolhouse to Courthouse Event" at the U.S. District Court for the Northern District of Illinois. Attorneys met with high school freshmen at the courthouse and answered questions about what led them to pursue the law and discussed the students' career trajectories.

Engaging employees in volunteer opportunities shows that upper management cares about more than just dollars earned — that employees are worth more than their billable hours. This kind of support pays off in commitment because employees feel respected and are proud of the company.

Educate future clients and employees on the law

Outreach projects organized by the FBA are designed for lawyers to get involved within their local communities especially with low income children. Volunteer opportunities in the National Community Outreach Project, include



working with students in order to foster trust and a friendly point a view of the justice system.

"Something as simple as hosting a mock sentencing scenario is a great way to educate middle and high school students on the workings of the federal courts," said Hon. Michael J. Newman, magistrate judge at the U.S. District Court for the Southern District of Ohio and FBA national president. "Their participation in programs on the courts allows the students an inside look at the way the law touches people's lives every day and affects us all."

Fostering an interest in the law — including spreading the word about the FBA National Civics Essay Contest — can only mean good things for your future clients. More importantly, you might be inspiring future attorneys.

Build a bridge between the firm and the bench

By participating in community outreach projects, your firm is positioning its attorneys as heroes in the community. This year, the FBA, working in conjunction with the Administrative Office of the U.S. Courts, has planned programs that not only encourage federal judges to go into schools to meet with students, but also to encourage middle and high school students to come to Federal Courthouses.

By facilitating the connection between judges and students, your firm can position its attorneys to answer questions about how civil and criminal cases are decided, what judges do every day, and what activities judges and court personnel perform.

For example, the South Carolina Chapter of the FBA brings federal judges into local Charleston classrooms. Attorneys from the FBA Board of Directors and local attorneys from the chapter board come together to facilitate this program. Planning resources for similar programs are available on the FBA website.

It is not a huge undertaking for your firm to benefit from performing community outreach activities. Even the seemingly smallest volunteer opportunity can bring these benefits and create a more well-rounded firm.

- Stacy King, Executive Director, Federal Bar Association

3

journalism techniques

you can use to create compelling content

The internet is saturated with marketing content, and it is too easy for readers to tune out. When writing is bland and vague, or too sales-oriented, users will scroll or click past it.

Compelling content hooks readers and then draws them in, imparting information they need while keeping them interested. When your law firm's marketing team creates press releases, blog posts and other content, they should borrow the best techniques of journalists.

1 DECLARE & DEMONSTRATE RELEVANCE

"Why should I read this?" Every reader is constantly asking this question in the back of his or her mind. If the answer is ever, "I don't know," the reader moves on. Two of the best answers to this question are "because it is interesting" and "because it is informative." Bad marketing content feels like an ad: it strikes readers as useless and boring, and they hit the mental fast-forward button. Your firm must have content that informs and engages readers. People are used to quickly clicking around the internet until they find what they are looking for, or something else grabs their interest. Make them stop when they reach your page.

A headline or title must boldly declare why the content should be read. "Recent Developments in Medical Malpractice Law" sounds boring and not terribly important. "How Changes in the Law May Affect Your Medical Malpractice Lawsuit" at least states a reason why people involved in such a case might benefit from reading the content. Here are some other more compelling examples:

- Three Mistakes Injured Patients Must Avoid
- Don't Get Caught by New Rules for Medical Malpractice Lawsuits
- Is Your Claim Barred by New Medical Malpractice Rules?
- One Thing Injured Patients Can No Longer Do
- What You Need to Know About New Medical Malpractice Changes

Catchy headlines convey urgency and a need to know, warning the reader that the uninformed may face consequences. Short lists (even a list of one) give the reader a promise of well-defined information. Readers are drawn in by information that is new, that appeals to their “how to” instinct or that assures them they will not be left out.

Of course, everyone has encountered headlines that make promises that the content cannot keep, whether they are teasers for the nightly news or clickbait posts on social media. Infotainment outlets use these tricks to deliver eyeballs to advertisers. Your law firm’s website must actually deliver on its promises, with engaging and illuminating content.

ARM THE READER WITH FACTS

Prospective clients have questions. Internet users have questions. Answer them. Marketing language puts people to sleep by using many pretty words to say nothing. Instead, do what journalists do: give the reader hard facts, specific examples and reliable sources.

It is easy to write, “Experts say many accidents are caused by distracted driving,” because it says almost nothing and attributes it to no one. Instead, write, “Texting while driving is more dangerous than drunk driving, according to a study by Transport Research Laboratory.” “Distracted driving” is vague, but “texting while driving” is something the reader can picture guiltily doing themselves or fuming about another driver doing. The comparison with drunk driving conveys real information in a way that is more evocative than simply giving numbers or percentages. Providing the source of the study adds to the authority of the piece, showing that the claims this author makes will be backed up by facts.

Of course, the questions that many prospective clients will have are about their specific circumstances, and until they contact the firm for a consultation, the only answer will be the lawyer’s old stand-by: “It depends.” To avoid annoying or boring your readers with generalities, provide specific examples, either of the firm’s actual favorable verdicts and settlements, or hypothetical scenarios that commonly arise.

TELL A STORY

Journalists are committed to reporting accurate information, but they also understand the importance of storytelling. No one is interested in a collection of dry facts. Journalists use the narrative art and even a touch of literary grace to illuminate the significance of their subject. Legal marketing writers can benefit from an understanding of different news writing styles.

Readers are aware their exact circumstances will not appear on a website, but giving them concrete scenarios will draw them in. If the stories have favorable outcomes, they will naturally imagine their own story with your firm representing them and a happy ending.

The traditional news style is structured with the opening of the article answering all the important questions about the subject — the who, what, where, when and why — and paragraphs decreasing in importance as the article continues. In laying out a physical newspaper, the article can therefore be cut from the bottom and still make sense. A news feature

departs from this style by starting with a human interest hook, a brief scene or anecdote about a person who has been affected by the larger events being reported. The personal story gives the reader a reason to care about the bigger picture. While a news feature may revert to traditional news style by summing up the larger facts after a brief personal anecdote, a narrative piece may continue to reveal the story piece by piece, not answering the central question until the end.

Legal marketing writers can learn from all of these techniques. The traditional news style format works well for press releases and blog posts, because readers can get the message even if they do not read the whole piece. This “just the facts” approach satisfies readers who want a quick answer to a question and would be frustrated by a story that buries the lede. But the power of human interest storytelling should be incorporated whenever possible.

Dry legal information makes most readers’ eyes glaze over. However, stories about real people facing dramatic life events — and the lawyers that help them — can be compelling. Long narratives are usually not necessary. Just add a human interest. An explanation of a dry concept — say, creating a trust — can be livened up simply by naming your hypothetical humans. “Bill, who is worried about his son Kevin’s financial future” is more interesting than “the trustor.”

Whether they are summaries of the firm’s successful cases or hypothetical narratives help to define legal concepts, explain stories drawn from the news and tell accounts about real people to whom the reader can relate. When readers see themselves in the stories you tell, they will begin to see themselves as your client.

- Brendan Conley

HOW LAW FIRMS CAN BENEFIT FROM

USER GENERATED CONTENT

More and more digital marketers are recognizing the value of user generated content as part of their overall marketing strategies. Paying attention to what past and potential clients are saying online can be an effective way to grow any practice.

User generated content (UGC) is any type of content that is created by a company's audience or user of its products. For law firms, content generated by their target audience or clients who have used their services can be referred to as UGC.

A wide range of content falls under the umbrella of UGC, including reviews, testimonials, social media posts, blogs, forum discussions and other material internet users create and engage in. For example, comments on a business's Facebook page and a customer review on Amazon are both considered UGC.

According to the Content Marketing Institute's report on 2015 Benchmark, Budgets and Trends, 78 percent of B2C companies were planning to use UGC in their marketing strategies in 2016. With internet users already creating a plethora of content around the products and services they use, it makes sense to tap into it for marketing purposes.

Advantages of user generated content

Word of mouth is especially important in the legal field. Because UGC comes directly from the consumer rather than the company, it serves as an effective way to build trust in a brand. For example, with law

firm reviews, clients typically do not have much to gain from providing attorneys with positive publicity. As a result, their opinions are likely to be viewed as reliable and unbiased by a prospective client who is reading reviews to decide whether to hire a particular law firm over a competitor.

In addition, UGC is perceived as more authentic than traditional forms of advertising. Today's internet users value transparency in their relationships with the brands they use. According to statistics from Bazaarvoice, 84 percent of millennials report that UGC on company websites influences what they buy at least to some degree. They also view UGC as a good indicator of the quality of a product or service.

UGC can also provide social proof, a concept that suggests people tend to be attracted to a product or service they know others use and trust. If prospective clients see that individuals have taken the time to demonstrate how they have benefited from a law firm's services, they are more likely to gravitate toward it.

Types of user generated content

There are many types of UGC. However, not all of them are a good fit for law firms due to ethical reasons and the inherent nature of the legal field. While contests or Instagram campaigns might work well for other industries, they are likely to be ineffective for law firm marketing. Knowing how to leverage the most beneficial forms of UGC can reap huge dividends for attorneys looking to enhance their online reputation and attract more prospective clients.

Testimonials

Testimonials from former clients sharing their experiences and opinions are perhaps the most valuable form of UGC for attorneys. Because they come

from previous clients, testimonials are likely to feel more authentic and relatable than an attorney proclaiming how great their law firm is.

Lawyers can either take snippets from existing online reviews or reach out to satisfied clients and ask if they are willing to write a testimonial. Many clients are happy to oblige so long as they are pleased with the services rendered. Unlike reviews which are likely to be unmoderated, attorneys have control over testimonials as they can decide which ones to display on their websites.

Not every client testimonial will be useful. The best ones are those that describe the benefits of the law firm's services and back up the claims being made on its website, such as speedy results and years of litigation experience. For example, they may detail a desirable outcome obtained in a case or how a particular lawyer skillfully handled a contentious lawsuit.

An additional benefit of adding client testimonials to a lawyer's site is that it increases the amount of content on the page, which helps with SEO. With permission, such UGC can also be repurposed for ads and social media.

Reviews

Today's review-driven culture encourages customers to share their experiences of using various products and services on websites like Yelp and Amazon. Data from Econsultancy indicates "61 percent of customers read online reviews before making a purchase decision." This makes review-based customer feedback one of the most persuasive forms of UGC in driving conversions.

Online reviews can attract new clients, reinforce the confidence of existing clients and boost SEO efforts. They can exist on a variety of platforms such as Facebook and Google+. Brands can

TESTIMONIALS ARE ONE OF THE MOST VALUABLE TYPES OF UGC.

Testimonials are likely to feel more authentic and relatable to website visitors than an attorney proclaiming how great their law firm is. Additionally, testimonials increase the amount of content on a page, which helps with SEO.

say good things about themselves and list various achievements and awards, but they gain more credibility when an actual user says positive things about them. A Reevoov study states that 70 percent of customers value peer recommendations and reviews more than professionally written content.

While client reviews can be useful, it is important to remember that people also have the ability to share less-flattering points along with the positives. Although it is impossible to prevent negative reviews, being proactive about managing and protecting your online reputation is a must. Watch for dissatisfied customer reviews, particularly on third-party websites. Try to address the client's concerns if possible. What separates great businesses from mediocre ones is the manner in which they handle negative feedback.

Social media

Social media is one of the largest sources of UGC today. Companies such as Burberry and Coca-Cola have launched highly successful social

TYPES OF USER GENERATED CONTENT IN BRIEF

Of the many types of user generated content available, these four are most relevant to law firms.

TESTIMONIALS

The personal nature of testimonials makes them valuable. Take snippets from existing online reviews or reach out to satisfied clients and ask if they are willing to write a testimonial. Many clients are happy to oblige.

REVIEWS

Review-based customer feedback is one of the most persuasive forms of UGC in terms of driving conversions. Over 60 percent of consumers read online reviews before making a decision.

SOCIAL

Social media presents a wealth of UGC, but at a risk due to the potential for campaigns to backfire. Attorneys can run contests to try to acquire social UGC, or they can comment and share regularly to encourage engagement with the firm.

COMMUNITY

Regardless of how great the content created and shared by a law firm is, it cannot replace providing customers with the opportunity to express their opinions. Questions and comments on public platforms are an excellent source of UGC.

media campaigns that encourage users to interact with their brands online. Coca-Cola's innovative Share a Coke campaign yielded a 2 percent increase in U.S. sales for the company. People engaged with the brand by sharing photos and using the hashtag #ShareACoke across platforms like Facebook and Instagram.

Of course, such campaigns do not always have positive results. For example, Seaworld's #AskSeaworld Twitter campaign backfired when internet users began to criticize the company's practices instead of asking about topics like conservation and breeding.

Attorneys can encourage UGC on social media by sharing blog posts from their websites and commenting on substantial legal news on sites like LinkedIn. Doing so can encourage participation from online users in the form of "likes," comments and discussions.

Many businesses also run contests across social media to help drive engagement and build brand awareness with their target audience. While contests have benefited brands like Starbucks, they do not make sense in the context of law firm marketing.

Community content

When it comes to UGC, connecting with the audience is key. Regardless of how great the content created and shared by a law firm is, it cannot replace providing customers with the opportunity to express their opinions.

If users are asking questions and commenting on a public platform like a forum or a law firm's website, they are producing UGC that can potentially drive traffic and conversions. YouTube is a prime example of how questions and comments are beneficial for encouraging audience engagement.

One of the main advantages of allowing users to post comments and questions on a law firm's website is that it promotes online participation. It also reveals what people are actually searching for, which may be different from what attorneys assume their clients will be searching for. A firm's content marketing team will write FAQs based on the data they have, but there is no substitute for questions that come from actual clients and prospective clients.

When an attorney responds to a user's legal question with an informative answer, the individual is likely to express appreciation. Such UGC fulfills several marketing aims. Not only does it portray the firm as being committed to problem-solving and serving clients, but it also provides a positive interaction with a member of the public. Individuals with legal queries are often in search of law firms that can help them. As a result, they are likely to choose a lawyer with whom they have already had a positive experience that built trust.

Law firms seeking to use UGC should make sure its quality meets their brand's standards and matches the overall goals of their content marketing strategy. It is also important to take the target audience, platform and reach into account when planning a UGC marketing campaign.

UGC provides valuable opportunities to create a lasting connection with the company's target audience. Potential clients are able to learn more about a law firm and its services, while past clients have the chance to provide feedback on what it is doing well and what needs to improve. The insights gained from UGC efforts can help guide a firm's future content marketing strategy.

- Dipal Parmar

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HOW Artificial

AI is the capacity of machine intelligence to perform actions that are not directed by humans. Machine learning, as applied to the law, is the process of teaching computer programs, how to interpret legal terminology and documents. While some have expressed concern over the potential for AI to take over lawyers' jobs, others believe that the technology will merely shift the type of work attorneys perform.

Noah Waisberg, co-founder of Kira Systems, a proprietary machine learning technology that is used in the analysis of contracts, thinks that AI has had, and continues to have, a considerable effect on large-scale litigation. Waisberg, who was a panelist on "Hot, or Not-Watson and Beyond" at the CodeX FutureLaw Conference, believes strongly in the need to structure machine learning technology in ways that address specific law firm needs.

Intelligence & Machine Learning

ENHANCE THE PERFORMANCE OF LAWYERS

Continuous developments in machine learning technology carry implications for the way firms of all sizes will manage workloads and business development. Although it has not been as widely accepted in the legal community as in other industries, artificial intelligence (AI) is quickly becoming recognized as a viable tool that can be used to improve the efficiency with which lawyers complete their work.

MACHINE LEARNING AND AI FOR HIGH-VOLUME WORK

Kira Systems, previously called Diligence Engine, was once connected with merges and acquisitions, the practice area in which Waisberg specialized while working as an associate at the law firm, Weil, Gotshal & Manges LLP in New York. However, because Kira Systems' software can perform functions other than diligence, the company rebranded to reflect its broader application, including data extraction, contracts, audits and consulting. There are many repetitive tasks attorneys perform every day, and often mistakes are made as attorneys and staff get into performance ruts, looking over and over again for the same thing. Machine learning software, like that developed by Kira Systems, has the potential to perform these functions quickly and with fewer mistakes.

Both machine learning and AI can be used by law firms to accomplish certain tasks more efficiently than humans. Repetitive, high-volume work may be more accurately performed by a computer. Some clients who use AI have said that they are able to complete contract reviews in 20 to 60 percent, and even 90 percent, less time than they could without using the software. They also said they could perform the review as well as, or better, than they did when they were not using the software. The key to AI's ability to become relevant is the pairing of speed with results; the software must be able to perform tasks with as much accuracy as humans — and it appears that is becoming the case.

AI TO PARSE CONTRACTS

Lawyers can use AI to parse contracts and evaluate their merits or needs. Law firms are increasingly identifying the need to embrace technology and use it to assist them in automating parts of their contract management systems. According to Noory Bechor, co-founder and CEO of LawGeex, a contracts analysis tool, machine learning can be used to eliminate the need to apply search techniques to contracts, thereby enabling lawyers to simplify their legal work. The technology of AI has the capacity to comprehend the meaning of legal text, compare documents to databases of comparable contracts, and recognize standard clauses and irregularities.

Contract management AI has the ability to make comparisons between separate clauses within the contracts and hundreds of examples to recognize various aspects of the contracts. While predictive algorithms and automation are still in their early stages within the legal field, AI could enable lawyers to engage in more accelerated and precise contract management.

By reviewing a single contract in less time, lawyers have the potential to review a greater number of documents. And that is just the beginning. Contrary to current popular opinion, it may well be that automation will lead to the ability of lawyers to perform more complex tasks.

Machine assisted document review

Law firms routinely need to analyze documents of all types, and they need this analysis to be both efficient and secure. As technology increases the amount of data available, already cumbersome tasks like e-discovery, are becoming more daunting for firms as they parse enormous amounts of data case by case. Relativity Analytics is an assisted

One result of software-assisted with document review is the additional insight a trained machine can bring to a case by making connections through data that humans may not uncover. The ability of software to see raw, unfiltered data without bias allows it to group data and reveal patterns humans may fail – or not want – to see.

review platform that aims to assist firms with their e-discovery and data governance efforts. According to Relativity Analytics, software can be brought into a project's workflow at any time to help visualize data patterns, prioritize documents and speed up review. Relativity Analytics learns from your choices to predict the correct decisions on as of yet unreviewed material.

Law firms and government entities often use document dumps to slow or halt the progress of a case by giving opposing counsel a seemingly impossible amount of information to parse. In one such case, Sheehan Phinney Bass & Green, a business law firm with offices in New Hampshire and Massachusetts, was faced with the task of reviewing 650,000 documents within a three-month arbitration deadline. Using Relativity Analytics, through a combination of keyword searches, email threading, clustering and categorization, Sheehan eliminated 95 percent of the documents, focusing on a manageable 30,000 documents containing key facts.

Charles Stewart, Manager of Electronic Discovery Services at Sheehan Phinney Bass & Green, says, "We use Relativity Analytics on every case. The combination of different features — email threading, categorization, cluster analysis — work in conjunction, often in a non-linear way, to get us the answers we're looking for and best serve our clients."

The firm Ballard Spahr faced a similar obstacle when assisting a client during a contract dispute. During discovery, Ballard Spahr was given an expansive collection of 2.8 million documents, many of which were irrelevant to the matter. The firm built a heat map that revealed the convergence of conceptually similar document groupings with essential data like key search terms and email domains. With a combination of assisted review methods, Ballard Spahr was able to eliminate 80 percent of the documents from review.

According to Caroline Pollard, Manager of e-Discovery Services at Ballard Spahr, "Analytics and visualizations in Relativity make our ECA process much more effective. The dashboards provide a quick, user-friendly view of our data, allowing us to act faster on the relevant issues."

A sometimes unforeseen result of using software to assist with document review is the additional insight a trained machine can bring to a case by making connections through data that humans may not have uncovered. The ability of software to see raw, unfiltered data without bias allows it to group data and reveal patterns humans may fail — or not want — to see.

THE ROBOT JUDGE

In addition to assuming roles within e-discovery and research, the capabilities of AI have developed to such a degree that AI can be used to make decisions. Consider the case involving a "robot

judge” that was created by researchers and partners at the University of Pennsylvania. The technology of the robot judge can be used to make judicial decisions through the analysis of patterns in case text patterns. The software predicted the results of nearly 600 cases in the European Court of Human Rights with a level of accuracy that approached 80 percent.

The researchers who conducted the study have indicated that the

Intelligence has the capability to absorb a statement of facts written by a lawyer to go along with a summary judgment brief, and generate case law that was decided on the basis of facts with a similar pattern. Furthermore, AI has the ability to recognize patterns and similarities throughout various statutes to increase the amount of research of statutory construction. It can also be used to recognize patterns throughout case law and other legal resources to make comparisons among legal principles.

fact that the use of AI alone will yield a very standardized work product, and therefore, it is advisable to view AI as a support system rather than a replacement at this point in its evolution.

Good work product requires some level of human intelligence in addition to AI. Although AI may serve to lower attorneys’ ability to charge for tasks that are easily automatable, such as compiling boilerplate standard contracts and reviewing basic contracts, attorneys will still have much work to accomplish, such as the analysis of abstract legal issues.

Good work product requires some level of human intelligence in addition to AI. AI may lower attorneys’ ability to charge for easily automatable tasks, but there will still be plenty of work to do in the area of analysis of abstract legal issues.

software is not intended to take the place of judges. However, it could help in the process of prioritizing cases while recognizing violations of treaties. It also shows how advanced technology is being used to facilitate the performance of tasks that have become more burdensome as legal projects become more complex.

THE JUSTICE GAP

Artificial Intelligence has also been applied to the justice gap. For example, the DoNotPay robot automates the process of filing appeals of parking tickets. The same chat bot technology has been used to assist people in the U.K. in discovering whether they have been victims of a crime. This technology is referred to as LawBot, and as in the case of DoNotPay, was formed by law students at the University of Cambridge.

IDENTIFYING LEGAL PRINCIPLES

Some lawyers are of the opinion that AI can identify legal principles that apply to many cases and facts. Artificial

AI FOR RECRUITMENT

There has been resistance to using AI to replace objective decision-making. But this has not prevented law firms from replacing recruiters. There is a new application called Route 1 that has recruited thousands of lawyers and dozens of law firms within the first five months of its inception. Machine learning permits law firms to better serve their clients in that they are able to predict legal fees or tasks. Moreover, firms have the potential to increase their earnings because they can provide more services or manage their current services with more efficiency.

LIMITATIONS OF AI

While contract, e-discovery and other forms of AI technology are moving forward rapidly, assisted review does not yet have the complexity of a review conducted by humans. Its weakness is that it is not yet as adept as people. It serves as a vehicle to help lawyers scrutinize contracts, and thus, can be a useful supplement to legal work. But it cannot draft a contract independently. Attorneys should be mindful of the

THE FUTURE OF AI

Artificial intelligence technology may lead to the verification of the genuineness of contracts and their signatories. This could help the contract become more reliable and secure. Moreover, AI may play an integral role in the management of contractual duties. There may be automation of the extraction and management of the contract’s data, thereby resulting in the creation of actionable items. Those watching industry developments hope that as computable contracts become established in the legal field, they may help increase the trustworthiness and compliance elements of contract automation.

Artificial intelligence will almost certainly continue to play a larger role in review and litigation preparation. Machine learning can be used to predict the likelihood of success in cases argued before specific judges. Or, software can be used to scan for IP infringements with photo recognition software. Firms could potentially save substantially on legislation costs using these applications.

The future of AI will also rely largely on firms’ openness to unexpected uses of technology. As price pressure from clients and competition continues to increase, attorneys may find themselves more open to these types of new solutions.

- Roxanne Minott

virtual reality IN THE COURTROOM

Imagine twelve jurors sitting in the jury box, listening as the defense attorney presents them with imagery of a crime scene, showing various views and pointing out salient details. But instead of viewing a projection or large prints, they are seeing the evidence through virtual reality goggles. This may happen sooner than you expect.

Virtual reality (VR) refers to the display of imagery in such a way as to maximize the viewer's sense of immersion in a scene. In common applications, this involves a head-mounted unit with stereoscopic displays for a 3D view. Data from head tracking sensors allow the user to look around freely, and the displays react accordingly in real time.

The images displayed can be computer-generated graphics or photographs taken with special cameras. They can depict real-world locations — past, present, or future — or imaginary settings. Virtual reality can portray objective fact as well as conflicting testimonies — placement or position of people, or vehicle speed — when objective determination of those factors is not possible.

In October, 2016, it was reported that German prosecutors had developed a detailed computer recreation of the Auschwitz concentration camp and were using it to investigate some of the last remaining suspected Nazi war criminals. A common claim among these suspects is that their duty posts did not afford them a view of the atrocities being committed there, and so they should not be judged complicit.

The virtual Auschwitz, assembled from modern surveys and thousands of historical photographs, recreates even long-dead trees that could have prevented, say, a guard on a watchtower from being aware of crimes committed elsewhere in the camp. By donning VR goggles and virtually climbing the watchtower, investigators can see exactly what the suspect's view would have been. These techniques have already contributed to the conviction of one SS guard and have advanced investigations into dozens more. This is only the beginning of the potential applications for VR in the legal industry.

CRIME SCENE DOCUMENTATION

Degradation of a crime scene and the evidence it contains commences immediately and continues indefinitely. Thus, one of the pillars of crime scene investigation is to capture in the greatest possible detail the nature of the scene at the time of initial inspection. Cutting-edge robotics and photography will combine to usher in the next phase of visual evidence.

Prototypes already exist for photographic robots that largely obviate human photographers at crime scenes. These robots are equipped with 360-degree cameras and intelligent positioning systems that allow them to roam semi-autonomously or under the control of a technician and ensure they capture every corner of a scene.

If you have ever used Street View on Google Maps, you have already seen imagery captured using similar technology. These images are easily viewed using an ordinary computer with a point-and-click interface. But they are just as well suited to viewing through a virtual reality headset. The difference is not in the content, but rather in the viewer's level of immersion.

A BETTER VIEW

Jurors sometimes conduct a "view" where they visit the scene of the crime. The problem is, the conditions at the time of the view are not the same as they were at the time in question. This limits the benefit of the endeavor and can even bias the jury against one side or the other. Virtual reality can simulate not only the scene itself, but also historical conditions. This could be anything from the weather and light levels to the nature of the environment in cases where a long time has passed before trial. This particular application could eliminate the need to physically take the jury to the scene of the crime.

However, a technology closely related to virtual reality, called "augmented reality," could make an actual view more useful. Imagine a jury attending a real-world viewing of the scene of a car accident. Each juror wears a pair of glasses whose lenses are actually transparent computer screens that overlay computer graphics onto their field of vision. Augmented reality could thus seamlessly combine a juror's first-person view of a crime scene with details derived from testimony.

As the jurors look toward the intersection where the accident occurred, they see the plaintiff's and defendant's vehicles approach each other at intersecting paths and collide violently. The plaintiff's attorney rewinds the simulation and replays it

nature of evidence, but how we conduct trials. Virtual reality affords the user a virtual presence in a real or imagined place. High-speed networking allows interactions between users in far-flung locations. Courtrooms themselves could become virtual, reducing the expense and effort necessary to assemble judges, jury and witnesses. They could all participate from their homes or offices. The implications for such applications are hard to fathom.

In the context of VR's near-future effects on the legal system, it is important to recognize in VR both its similarity to everyday evidence and its novelty. It is, after all, nothing other than a more realistic and immersive way to display photographs and computer graphics — evidence that is already

Judges tend to be reluctant to permit new types of evidence. It is not difficult to imagine that early uses of photographic and video evidence were met with skepticism. Virtual reality in the courtroom may get off to a slow start, but will likely become at least as commonplace as computer generated graphics, and perhaps even videos and photographs.

in slow motion, imploring the jurors to notice that his client had the right of way at the time of the accident, and the defendant should have yielded.

The scene is reset. Now the defendant gets to present their side of the story. Agreed-upon facts are portrayed similarly; facts at issue are different. This time, another vehicle is present. As the defense attorney points out, this vehicle blocks the defendant's view of the plaintiff. While the defendant still violates the plaintiff's right of way, the questions of negligence and the degree of liability are thrown into doubt.

INEVITABLE, YET UNPREDICTABLE

In the slightly more distant future, virtual reality seems likely to change not just the

commonplace. Cameras in widespread use today capture 360-degree, 3D imagery. And computer graphics are already able to portray an environment in striking detail. Virtual reality headsets are simply a more advanced display for those same images.

However, VR also represents a profoundly more impactful way of presenting evidence and testimony. To the extent that cases are decided on facts, VR may represent a clearer lens through which to view those facts. But as all attorneys know, interpretation, nuance and emotion are anything but absent from the minds of jurors. The greater advantage will fall, as it so often does, to those whose arguments, testimony and connection with jurors is more persuasive.

- Ryan Conley

the future of net neutrality



Loading Story...

President Trump's love-hate relationship with technology

During the 2016 campaign, then candidate Donald Trump ran one of the most influential accounts in the history of Twitter. Rather than being a tool to supplement his message, he used the 140 character limit strategically to bypass the media, attack opponents, rally supporters and set the campaign narrative.

If the MSN was talking about Trump in an unfavorable light, an off-color tweet could change the conversation. If the public was being annoying over unreleased tax returns, he would remind us that Crooked Hillary has unreleased emails. If there was a strong stance on an issue that he could flip, sure enough he would flop.

Hillary Clinton's account had a small fraction of the following and frequently posted restrained messages that envisioned a future Trump presidency. Instead of having the "this can't happen" effect, it actually served to normalize the idea. Trump fired from the hip, dominated headlines and ultimately prevailed.

On one hand, the president's promises for his first 100 days make clear his desire to beef up the nation's cyber infrastructure. These systems are technologically identical to the private sector's, which can and have been compromised on a regular basis. The frequency of data leaks, including the DNC and John Podesta email incidents, shows not to assume a system is secure.

President Trump has spent his first weeks in office delivering exactly what he promised. Many of his campaign promises were heavy on rhetoric and light on detail. His appointee to chair the Federal Communications Commission (FCC) has more concrete plans: gutting its regulatory powers and forfeiting control of the internet by ending net neutrality.

Crosshairs on net neutrality

When Tom Wheeler became the chairman of the FCC in 2013, many pundits and analysts expressed concerns about putting a former lobbyist for wireless and cable industries in charge of regulating the telecom industry. "Last Week Tonight" host John Oliver claimed the appointment was the "equivalent of needing a babysitter and hiring a dingo."

While President Trump has outlined his plans for strengthening the nation's cyber security, his stances on privacy and net neutrality are unclear. However, his newly appointed FCC chair, Ajit Pai, has a consistent track record and is expected to oppose an open internet.

The FCC's first question under Wheeler was whether to implement "fast lanes" on the internet, allowing companies to pay to have their service prioritized to customers. If Internet Service Providers (ISPs) could prioritize traffic from companies that could afford it, then other sites would fall into a "slow lane." This would give ISPs full authority over prioritizing what content internet users could access easily and what they could not. The political and social implications of handing control of the flow of information to a few large, for-profit companies were seen as chilling by advocates of a free and open internet.

Wheeler called for comments on the issue. Over 100 companies signed a letter in support of an open internet. The FCC received almost four million comments, the most in the commission's history. On February 26, 2015, the FCC voted to apply Title II of the Telecommunications Act of 1996 to the internet, changing the classification of internet content from information to telecommunications. Title II states that covered entities cannot "make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services." Making ISPs covered entities gives the FCC permission to regulate the internet and to create rules that prohibit individual companies from controlling access to information — in effect discriminating against those who cannot afford to pay higher prices.

On March 12, 2015, the FCC released the Open Internet Order, which applies to all broadband internet access services. The Order established new rules governing net neutrality and reinforced rules governing transparency, in accordance with the commission's February 2015 vote.

Many supporters of net neutrality believe that creating internet fast lanes amounts to a form of extortion, forcing

The Open Internet Order was seen as a monumental win by many businesses and individuals. It protects the ability to access the internet equally and fairly without additional costs. The internet is no longer a series of tubes filled with cat videos. It is essential to the modern economy, it allows dissent to be heard and it has become the gateway by which societies' connected lives thrive.

businesses to pay or be throttled.

Large companies like Netflix or Google could afford it, but any small business or startup that could not pay the toll would bear the unfair burden of slow connections. Many ISPs offer their own streaming services, and the rule prevents them from deteriorating the quality of their competitors' connections.

Opponents of categorizing internet service providers under Title II are, naturally, internet service providers. The top five ISPs (Comcast, Verizon, AT&T, Time Warner Cable and CenturyLink) collectively run a \$100 billion industry and are interested in protecting and growing their revenue streams.

The cable industry has spent significantly in an attempt to prevent and appeal any form of internet regulation. ISPs did not back down when net neutrality passed. Instead, they rolled out data caps, a classic move from the mobile carrier playbook. Comcast, the nation's largest ISP, started consumer trials, allowing for 300GB a month and charging for any data use over that amount. The FCC continues to receive complaints in the tens of thousands against these practices.

Internet service providers for their part claim that net neutrality is the most anti-consumer, anti-free speech and anti-innovation policy to ever exist. And they have not stopped lobbying to have the rules changed. Service providers have been aggressive in their attempts to take back the internet, and the new FCC chairman might just hand it to them.

The new sheriff in town

Ajit Pai was selected by President Trump to serve as chairman of the FCC. The appointment of FCC chair does not require Senate approval, and Pai stepped quickly into the position. Prior to this appointment, Pai spent two years as Associate General Counsel for Verizon and then almost a decade serving in various capacities within the Federal Government until joining the FCC staff as Counsel in 2007.

Former president Barack Obama appointed Pai to serve on the FCC in 2012, following a tradition of filling empty seats with the minority party, and he was unanimously confirmed. Through his entire tenure, he was a vocal opponent of Open Internet rules. Before the FCC's 2015 vote, he argued against net neutrality frequently and publicly. Pai's views opposing net neutrality were controversial. As the issue gained notoriety pending the commission's vote in early 2015, protesters attended his press conferences calling on him to "Represent the people!" rather than representing telecoms.

In his prior service at the FCC, Pai made it clear he has an agenda and will not waste time implementing it. He has already shelved a plan that would allow consumers to purchase their own set-top cable boxes instead of leasing them from the cable company. Customers spend an average of \$231 a year to rent these boxes, even long after the cost of the unit been paid off.

Pai's plans include reversing the Title II rule applying to ISPs, effectively killing net neutrality. ISPs, anticipating new rules, have begun offering customers something called zero-rating, a practice by which companies like Verizon and Comcast offer their customers access to their own respective streaming services without counting against customers' data limits, essentially making their own content cheaper in terms of broadband usage.

In his first week as FCC chair, Pai dropped all inquiries into claims that the practice of zero-rating unfairly discriminates — marginalizing some internet content — because, “These free-data plans have proven to be popular among consumers.”

Americans in rural areas have limited or non-existent broadband connections, which is creating a growing digital divide. Pai has been a strong supporter of bridging that gap, suggesting infrastructure development could be encouraged with tax breaks and reduced regulation. While the need to bridge the gap is real, Pai's means of doing so could directly benefit the major ISPs (Comcast, Verizon, AT&T, Time Warner Cable and CenturyLink) that have already divvied up the country and blocked or absorbed any competition.

It is no surprise that Pai is also against government involvement in mergers. While President Trump has said on numerous occasions that he opposes the Time Warner / AT&T merger, promoting Ajit Pai to chairman sends an entirely different message. Pai is a strong supporter of the newly minted AT&T + DirecTV entity buying up Charter Communications. His issues with the deal are only the stipulations imposed by the FCC, which include requirements that the companies must expand coverage to 12.5 million customer locations and not implement data caps or overage fees for seven years.

arguments at a glance

IN FAVOR OF NET NEUTRALITY:

- Net neutrality prevents large service providers from controlling and managing access to protect their financial interests at the expense of consumers.
- Net neutrality prevents a tiered, discriminatory internet on which those who can pay more have access to different and faster services.
- Net neutrality protects small businesses and startups, especially those competing with large ISPs, that cannot pay higher prices for access.

AGAINST NET NEUTRALITY:

- Net neutrality gives the government the power to micromanage too many aspects of the internet.
- The ability to regulate ISPs opens the door to billions of dollars of taxes on broadband, costing millions of jobs (*this prediction has not materialized*).
- Limiting the ability of ISPs to manage data consumption reduces competition and innovation and decrease consumer choice, especially in rural areas.

Ajit Pai has allies in Congress who also support rolling back net neutrality protections. U.S. Rep. Marsha Blackburn (R-Tenn.) has filed the Internet Freedom Act, which would overturn current rules. She is a vocal opponent of the 2015 Open Internet order and has said that rolling back net neutrality rules will be a priority of the 155th Congress. Blackburn was recently picked to chair the U.S. House Energy Subcommittee on Communications and Technology.

Democrats for their part are presenting a united front against any changes to current net neutrality rules. Senator Ron Wyden (D-Ore.) has compared the upcoming battle to the act of pushing a rock up a hill, but still claimed that if people get involved at the grassroots level, as they did in 2014 and 2015, it is possible to stop a rewriting of the regulatory framework. Senator Ed Markey (D-Mass.) has claimed that if Congress or the FCC tries to roll back the rules, there will be a “political firestorm that will make the 4 million who communicated several years ago look like a minuscule number.”

To his credit, Pai does believe that the FCC's current rule making process is too secretive. Much of the debate takes place behind closed doors and does not become public until items are being voted on. An upside to the appointment is that Pai hopes to publish discussions and meetings, giving the public a chance to be more informed on the commission's decision making.

Americans have fewer choices, higher prices, and more data caps and limitations when compared to much of the developed world. Keeping net neutrality in place and the internet open with Pai as FCC chair and a Republican-led House and Senate will be a challenge. However, those opposing the administrations' plans have thus far indicated their willingness to make their voices heard — loudly. Ajit Pai may find it more difficult to change the rules than he hopes. Polls have shown that over 80 percent of Americans — Republicans and Democrats — support net neutrality. The question remains whether enough people will make that opinion known before it is too late.

- Justin Torres

ALEXA...

HELP ME SOLVE THIS MURDER

In a first of its kind case, police ask Amazon for data to help solve a murder.

Amazon has been asked to produce audio recordings from its personal assistant device, Alexa, in a murder trial. This is the first time such a request has been made. What legal and privacy issues arise from this request? What data do personal assistants record and retain? How long are those recordings that reach the cloud for translation kept? Do all personal assistants, such as Siri, Google and Cortana face similar legal issues?

The case that started it all

James Andrew Bates of Bentonville, Arkansas had a “guys' night in” gathering with food, football, beer and vodka shots on November 21, 2015. The group of four got together at Bates’ house, expecting to have a good time. According to those at the party, it was a good night. Bates and his friends allegedly hung out until 1 a.m., when Bates decided to go to bed leaving two of his buddies drinking in the hot tub.

In the morning, one of the individuals was found dead in the backyard. Bates called 911, and claimed to have found his friend face down in the hot tub when he opened his back door. Police stated the deceased man’s blood and injuries pointed to a struggle. They also noted an attempt to clean the scene, and determined the death was not an accident.



The deceased, 47-year-old Victor Parris Collins, was a former Georgia police officer. The water in the hot tub was red tinged, containing what looked like body fluids and blood. The victim had swollen and bruised lips, blood coming from his mouth and nose, a black eye and cut on his eyelid.

Detectives also noted the hot tub's rim and the patio had been hosed off. Two cushions and three tub knobs were scattered on the ground, indicating a possible struggle or fight. There appeared to be diluted blood spots on the cover of one cushion, and there was also blood spatter on the sides of the hot tub and the hot tub cover. None of these observations would seem to indicate a drowning as alleged by Bates.

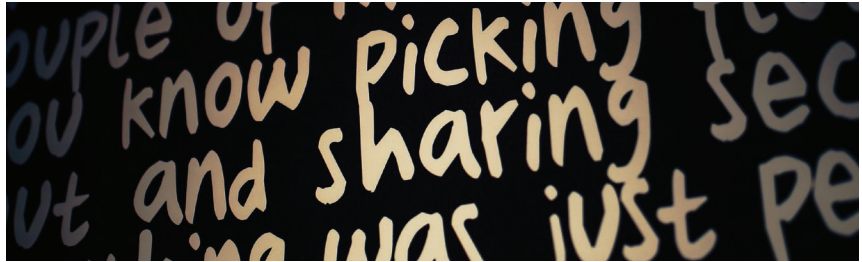
Phone records indicated Bates had made several calls, some to his parents and some to the other friend who he claimed had remained in the hot tub with the victim. In reality, that friend had been given a ride to his home just down the road, and had arrived at 12:30 a.m. The calls were made between 12:53 a.m. and 4:22 a.m. on November 22, 2015, when Bates was allegedly sleeping. Bates was the only person at the scene at the time of the death.

In line with detectives' suspicions, the Arkansas Chief Medical Examiner determined that Victor Collins died by strangulation, with drowning as a contributing cause, and ruled the case a homicide. The blood spatter samples were identified as belonging to Collins.

Police arrested and charged 31-year-old Bates with first-degree murder on February 22, three months after the incident.

The core issue in this case

The core issue in this case centers around the police requesting audio recordings from James Bates' personal assistant device, an Amazon Echo found on his



Personal assistants may respond to words they perceive to be a request, even if unintended. This means they are responding to a voice that said something the internal software mistakenly recognized as its wake word, prompting the device to record.

premises: the same device that was streaming music near the hot tub where Collins was found dead. Detectives want to retrieve information to help support the homicide case against Bates.

This request to obtain information from a personal assistant is the first of its kind. One can certainly predict it is not likely the last request makers of personal assistant devices are going to receive.

The Echo is a speaker that also includes a personal assistant feature that reacts to voice commands. It only responds, in theory, to its individual "wake word." In this case, the wake word would have been "Alexa." Once activated, Alexa also records requests spoken to it. Those questions may be erased.

Evidently, some personal assistants also respond to words they perceive to be a request, which may not be intended as such. This means they are responding to a voice that may have said something that the internal software mistakenly recognized as its wake word. On this basis, police are requesting a warrant to review any activity that may have been recorded, intentionally or accidentally.

The issues surrounding personal assistants go deeper. Not only does the personal assistant sometimes

mistakenly respond to what it deems is a wake word, it also responds to what it perceives to have been a question it was not asked — meaning it is picking out random words or parts of sentences, interpreting them as a request and offering a response based on what it mistakenly perceived. It then becomes clear why the police would want to access the audio logs from the Echo located next to the hot tub.

Colorado criminal defense attorney, Miller Leonard describes the situation by saying, "The probable cause necessary to search a computer or electronic media is if there is probable cause to believe that the item in question contains or is contraband, or contains evidence of a crime, or fruits of a crime, or instrumentalities of a crime. Evidence of crime can include evidence of ownership and control. According to the Supreme Court, the probable cause standard is satisfied by an affidavit that establishes 'a fair probability that contraband or evidence of a crime will be found in a particular place.' Thus, in the case in question, the prosecutor must have convinced a Judge that such probability existed."

Some audio may have been retained on the Echo itself. Utterances are recorded by a microphone to a binary audio file and sent in a JSON

(JavaScript Object Notation) message to the Alexa server. A JSON message is a data-interchange format, easy for machines to generate and easy for humans to read and write.

If nothing overwrote/erased the existing audio buffer files in Bates' Echo before it was taken by police as evidence, it may contain audio files from the night of the murder. Forensically speaking, police may also be able to recover any deleted audio from the local file system, much like retrieving deleted material from the hard drive on a computer.

Amazon initially refused to cooperate, but offered account information and a purchase history for Bates. They later provided partial information to the police in response to their warrants.

Detectives were also interested in accessing all other logs/records from any internet connected device present in Bates house, such as his water meter. Those logs revealed he had used over 140 gallons of water between the hours of 1 a.m. and 3 a.m., the night Victor Collins died, which supported the theory Bates had hosed the hot tub and patio down to hide evidence.

The legal questions surrounding the police's ability to access to personal information about an individual from internet-connected devices are still untested. On one side of the debate is the idea that using such personal information is an invasion of privacy. People who are using devices intended to enhance quality of life should still have a reasonable expectation of privacy in their own homes. Those on the other side of the argument say that if people with these devices are committing illegal acts, and those acts are recorded, police, judges and the public have a right to that information as evidence.

Always listening?

There is a distinction to be made between passive and active listening with personal assistants. It is not correct to say that all devices with microphone-enabled capabilities are always on. In fact, many devices referred to as always on are only using the microphone to detect a wake word or phrase, meaning something has to trigger them. What is more accurate is that there are three categories these devices may be placed into, allowing for the fact that some devices do more than just one thing. Those three categories are:

- Manually activated devices that require a user to perform a physical action to turn the device on
- Speech activated devices that require a wake word or phrase
- Always on devices that constantly transmit data, like security cameras

As trailblazers head down this unknown path, new rules, regulations and laws will evolve as required. The future for gathering evidence may take on new dimensions if police are able to access personal data from internet connected devices.

Each category has different privacy concerns based on whether or not the data obtained from them is stored externally in the Cloud, by a third party or stored locally. It is also critical to know whether or not the device in question is used for voice recognition (biometric identification) or speech recognition, as in translating voice to text.

Speech-activated devices

The Echo is a speech-activated device that relies on processors to remain in a state of passive processing and listening for a wake word. It buffers and re-records locally but does not transmit or store any information until it hears its wake word. When the wake

word is used it starts recording. The Echo then is not really listening to its environment; it is using the microphone as another environmental sensor. This distinction will be crucial in lawsuits alleging invasion of privacy.

Always on devices

Always on devices are designed to record and send information constantly. Many Americans have these devices in the form of baby monitors, home security cameras, or newer devices like the OrCam 13s, a wearable video cam for those who are visually impaired that translates text to audio in real time.

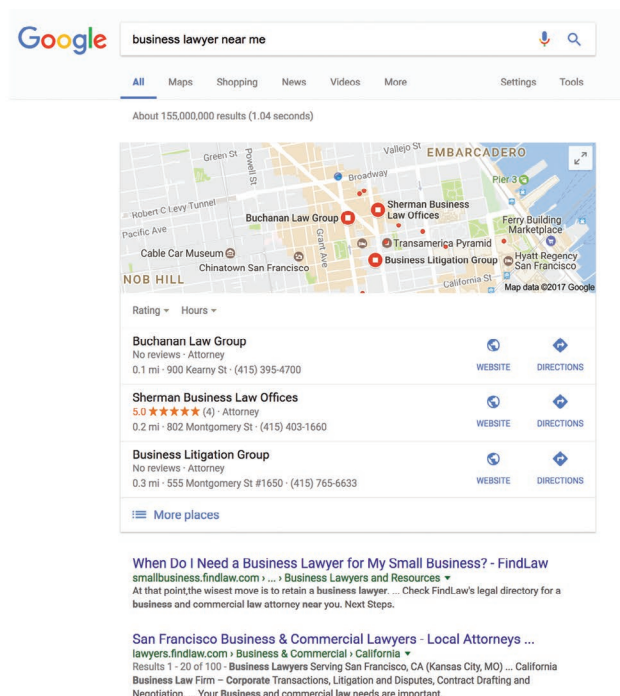
Regardless of the method used to activate a device, legal issues relating to the status of voice data are bound to arise. This is new territory that many current laws were not written to address. In some cases the authors could not have anticipated such technology. Current legislation that may apply

relates to laws that protect biometric information. Other regulations and laws may apply based on the content of the voice communications.

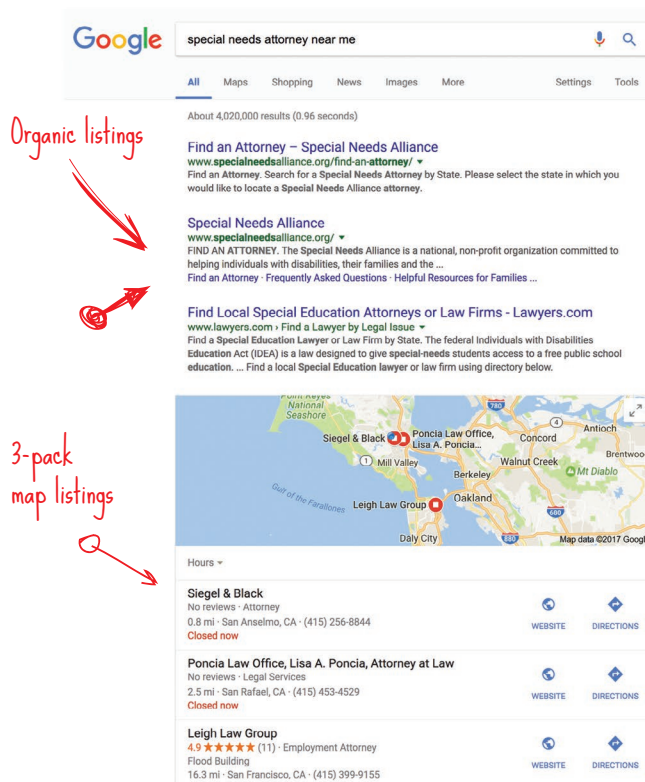
Lawyers will have to wait and see how courts treat requests for data from personal assistants and whether such requests prompt new legislation. Currently, police may attain a warrant for cellphone data when investigating accidents or other crimes in which the victim or perpetrator carried a smartphone. It is not much of a stretch to imagine personal assistants being added to the arsenal of crime detection tools available to law enforcement.

- Kerrie Spencer

Standard: Map on top, organic results beneath



Disruption: Organic results at the top of the page



Middle of the pack

In some keyword searches on Google, the local pack is no longer at the top of the search engine results page.

You have probably become accustomed to seeing a map at the top of Google's search results page when searching for a local business. In results, the map comes first, followed by what is known as a 3-pack of map listings. Organic results and ads are displayed below the map. However, this logic may be changing.

When conducting research on trends in legal search, *BLF* noticed something new: Results occur for which the local map is not at the top. Instead, organic search results with no advertisements are shown above the local map finder. Only when Google assumes that you are looking for something in your vicinity, when performing a local search, it places the map first in listings.

In one instance, a quarterly keyword rankings report revealed that six out of 47, or 13 percent, of the keyword searches *BLF* tested contained organic search result listings that display above the local map and local 3-pack. The outcome is not staggering, but it could be prevalent enough to warrant SEO adjustments, depending on the terms for which your firm is optimizing.

What does Google hope to achieve?

Google frequently tweaks its algorithm in order to adapt to user trends and behaviors. Moz estimates that Google changes its algorithm 500-600 times every year. Google is constantly testing to try to determine how best to serve users. In this golden age of information, where knowledge is at our fingertips, convenience — the ability to say, hey, the map's right here — may no longer be the foremost

generally the best match for what people truly want to find with their searches.

How does this affect SEO?

If Google's placement of organic listings above the map, 13 percent of the time, is foreshadowing a more serious trend, then it will mean that a website with high authority, that Google sees as a leader in its industry, is capable of ranking higher than a local business, even for a local

that previously thrived because the convenience of their locations was prioritized for searchers may suffer.

What is causing the shift?

At this point, marketers can only speculate, but this change could be one outcome of a local algorithm update Google rolled out in September of 2016, nicknamed Possum. Possum is an update designed specifically for local search. Its goal is to diversify local search query outcomes and prevent spam from reaching the local results. Among the known changes are:

1. *Local businesses outside the physical city limits of a highly populated metropolis saw an increase in ranking.* Now, offices in the suburbs can compete for the same keywords as a business operating in the city, which used to be out of reach to them.
2. *Local results are receiving enhanced address filtering.* For example, if a large firm has multiple listings for different departments that are in different suites but located at the same physical address, only one of those listings will appear in the map.
3. *Search results show differences with only slight keyword variations.* For example, "Bay Area Estate Planning Attorney" and "Estate Planning Attorney in the Bay Area" yield different results on the local map.
4. *The physical location of the searcher is now more important.* Google is looking at the IP address of a searcher and placing priority on the searcher's physical location over local keywords.

Google Possum is a fairly new update, live for less than six months. More changes will be discovered as search marketers work to uncover the intricacies of the update. And only time will tell if the local map will see more upheaval in the months to come.

- Dexter Tam

If Google's placement of organic listings above the map, 13 percent of the time, is foreshadowing a more serious trend, then it will mean that a website with high authority, that Google sees as a leader in its industry, is capable of ranking higher than a local business, even for a local search term.

priority in search results. With so much accessibility to data and material, authority and relevance may be taking more precedence among the myriad metrics that determine rankings.

Could Google be giving preference to organic page listings?

If Google is giving slight preference to non-local, organic listings, will the 3-pack no longer sit as top-prized real estate? As Google attempts to increasingly tailor results to specific users, this shift could be specific to individual searchers. If a user is frequently searching for specific market queries, Google could be giving this user the opportunity to see highly-personalized search results.

To promote the top-quality, organically ranked web pages while demoting the local map could be the result of an analysis of user behavior. If people are willing to scroll further down to find what they are looking for, and are doing so consistently, Google may be testing to see how moving the map affects this behavior. Organic page listings are

search term. This seems to prove that having an exceptional website can trump convenience. Despite not getting the expanded listing that a website on the local map receives, which includes ratings, reviews and hours of operation, being at the top of page one increases opportunities for conversations, word-of-mouth referrals and gives searchers confidence that your website is the best resource.

How will the local SEO landscape change if Google moves the map?

If Google does indeed start rolling out additional changes to its algorithm that positions the map lower in the results, the potential future for local SEO will diminish. There will be less of an emphasis on local optimization. Marketers will likely put more priority on keyword search queries, topic optimization and improving their respective websites for enriched search engine results through the use of schema markup. All of these tactics will be of benefit because the most effectively optimized pages will reap greater rewards. However, local businesses



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