









# Table of Contents

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# Executive Summary

Legal departments are experiencing an unprecedented period of change. The Covid-19 pandemic led to the rise in remote work, privacy regulations are increasing in their scope and complexity, and enterprise digital transformation is accelerating, all causing vast transformations in the way work gets done. In-house legal departments are now front and center in this new environment, increasingly facing the pressure to drive greater value, align the once independent legal function with the mission of the business, and orient its focus toward improved customer service delivery.

The Association of Corporate Counsel (ACC), in partnership with <u>DISCO</u>, is pleased to present the *Trends in Legal Transformation and Technology Report*, which captures insights from a survey of 278 law department leaders and legal operations professionals on how they have engaged in transformation within their departments, the kinds of initiatives they have focused on with respect to their investigations and litigation work, the barriers experienced, and the keys to success.

The results show that nearly a third of legal departments have made significant investments in transformation efforts over the past two years, specifically in data management/information governance, automation, analytics reporting, and legal project management initiatives. In doing so, most have achieved greater efficiency, cost savings, and improved data security and they indicate that the keys to success involve getting the right mix of talent in place, optimizing processes, and securing better technology interoperability. Those that found success tend to stick with it and plan to continue investing more in the future. Departments that have not invested in transformation initiatives say they are satisfied with the status quo and even if desired, they face a lack of budget and resistance to change.

This report is ultimately intended to help in-house legal professionals: (1) benchmark where their department stands in relation to how others are leveraging technology, (2) identify ways to reduce costs and gain efficiencies by seeing how other legal departments are affecting change, and (3) better understand what leads to improved ediscovery work product. We want to thank those who took the time to participate in the survey and we hope this report helps legal teams make informed decisions about how they can best develop a digital transformation strategy.



# Legal Departments That Have Invested in Transformation Initiatives Experience Clear Benefits

Thirty percent of departments surveyed invested substantially in transformation initiatives related to their investigations and litigation over the past two years. An increase in efficiency was the primary result but departments also experienced cost savings, improved data security, reduced risk, increased productivity, and they increased their chances of favorable litigation outcomes. Departments that did not invest in transformation initiatives cite being satisfied with the status quo as their primary reason.



# A Focus on Ediscovery is a Primary Driver of Cost Savings

As part of their transformation efforts, departments have focused on a wide number of specific initiatives including data management, legal project management, analytics and reporting, automation, legal holds, and ediscovery. Although each of these initiatives often result in improved outcomes such as greater efficiency and better data security, a focus on ediscovery is the primary driver of cost savings.



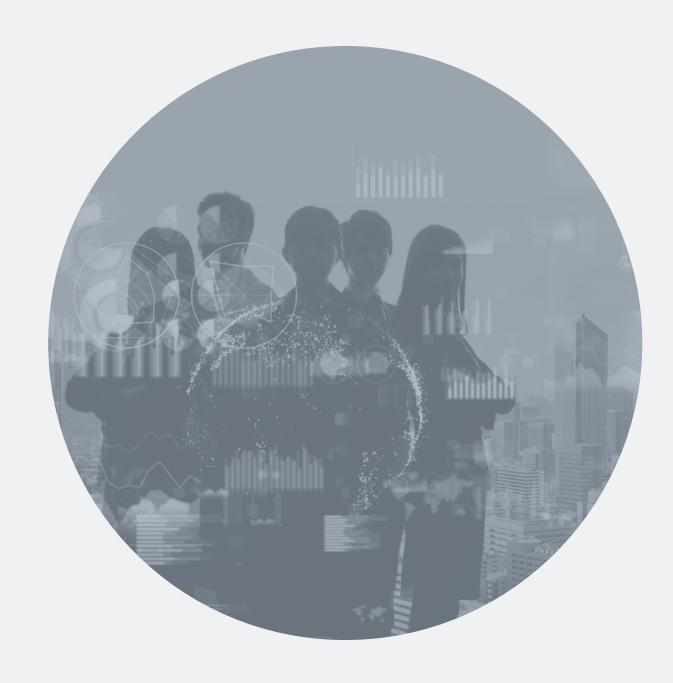
### Lack of Budget and Resistance to Change Are the Top Barriers to Transformation

Among departments that have prioritized transformational change, the top barriers experienced are a lack of budget and general resistance to change in the organization. Other barriers include having a lack of expertise, IT support, and executive support to help in moving forward with proposed initiatives. Recommended mitigating strategies include starting with small wins, creating heightened awareness among IT leaders, and demonstrating the potential financial impact of proposed changes.



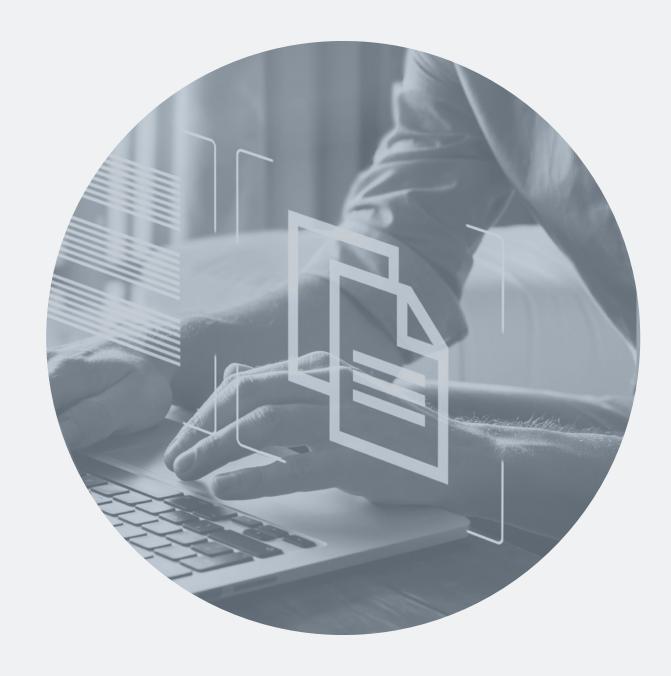
# Talent and Technology Interoperability Are Keys to Success

Seventy-six percent of departments surveyed said that getting the right mix of talent is the most important area that departments need to get right in order to serve the growing demands of the business. People serve as the foundation of the business and processes and technology will not improve outcomes without the right people involved. In addition, respondents cited having integrated technology and solution providers as the most important next generation investments for their departments, underscoring a clear desire for increased technology interoperability.



### Legal Departments are Split on How They Manage eDiscovery

Forty-three percent of departments manage eDiscovery in-house, while forty-two percent manage it through outside counsel or a managed service provider. The remainder use a hybrid model. Those satisfied with their ediscovery technology output build upon this dual management approach by establishing either strong collaboration with outside providers or enhancing in-house ediscovery expertise. One in four departments who currently outsource ediscovery are considering bringing it in-house.





### Focus on transformation initiatives in the last two years

Survey participants were asked to what extent their legal department or company invested in transformational initiatives to improve investigations and litigation over the past two years.

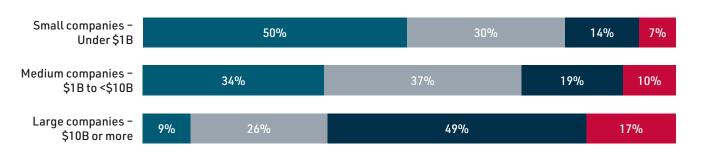
Overall, seven in ten departments did not focus on transformation or only dedicated a minimal amount of investment, while three in ten undertook some or a substantial amount of investment in transforming processes to improve internal investigation and litigation outcomes.

The level of focus on transformation initiatives varies widely by company size. In general, the larger the company, the more investment is dedicated to improving litigation and investigation performance. Half of participants representing small companies with under US\$1 billion in revenue reported not having dedicated any investment on transformation initiatives. Just seven percent reported a significant amount of focus. On the other hand, just nine percent of large companies (\$US10 billion +) indicated that they had not focused on transformation at all while two-thirds dedicated some or a significant amount of investment in transformation.



- Level 1: No focus on/investment in transformation at all
- Level 2: A minimal amount of focus on/investment in transformation
- Level 3: Some focus on/investment in transformation
- Level 4: A substantial amount of focus on/investment in transformation

#### BY COMPANY REVENUE



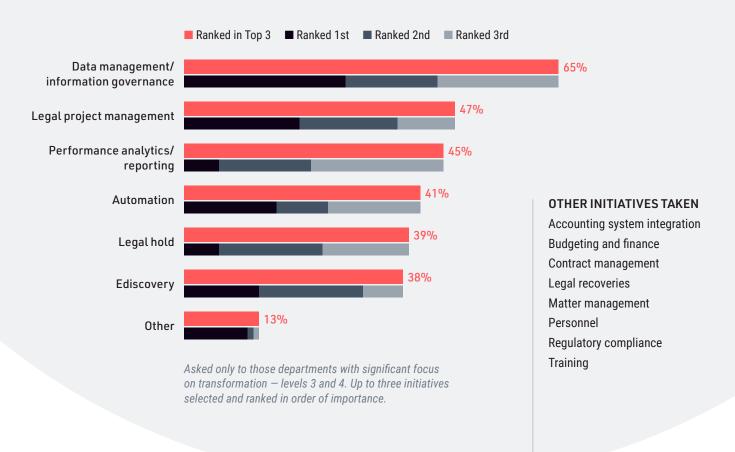
Top transformation initiatives undertaken

LEVELS 3 & 4

30%
of departments

Among the 30 percent of departments that experienced a significant investment in transformational initiatives over the past two years, we asked for them to identify the top three initiatives they undertook in order of importance. Respondents were allowed to select three areas and ranked them from most important (first) to least important (third). The results show the percentage of departments that selected each of these focus areas among their three choices and the breakdown of ranked selections by participants — first, second, and third.

Two-thirds of participants invested in data management and information governance, with 28 percent saying that this was the most important area where they had invested. Data management was significantly ahead of the other options listed, but a significant share of participants focused on each of these areas to some extent. Forty-seven percent dedicated some investment to legal project management, 45 percent to performance analytics and reporting, 41 percent to automation, 39 percent to legal hold, and 38 percent to ediscovery. Thirteen percent of participants also reported investing in initiatives related to other areas, such as contract and matter management, regulatory compliance, and staff training.

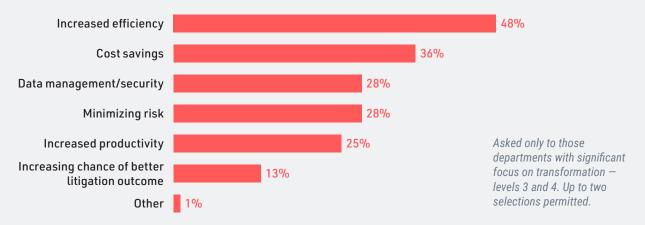


Having already invested significantly in transformation over the last two years, these departments were able to share their insight on the primary benefits of the initiatives taken. The benefits of transformation are broadly distributed, with no single benefit gathering a majority of responses. The primary benefit was increased efficiency, with 48 percent of respondents. Thirty-six percent reported having benefited from cost savings, 28 percent reported positive outcomes in data management and security, 28 percent indicated that transformation initiatives had contributed to minimizing risk, and 25 percent observed a boost to productivity. Thirteen percent also reported that a primary benefit had been an increasing chance of better litigation outcomes.

While both general counsel and legal operations professionals agree that the top benefit is increased efficiency, they diverge in other areas. GC tend to focus on cost savings, increased productivity, and minimizing risk, while legal ops professionals tend to emphasize improved data management/security.

#### Primary benefits...

#### ... of the most important initiatives taken



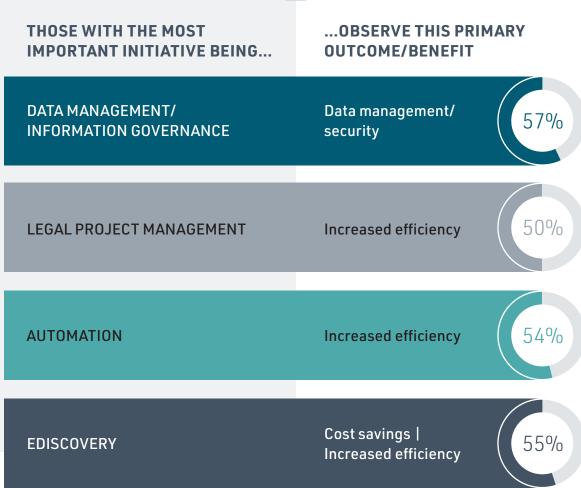
#### ... of transformation initiatives by job title



# Main outcome/benefit based on type of transformation initiative taken

While overall no single benefit to transformation was selected by more than 50 percent of departments, we looked at whether there were any variations in the benefits observed depending on the specific initiatives taken. The most common benefit observed for those who indicated that the main initiative taken related to data management and information governance was improved data management and data security (57 percent). Those who mainly focused on legal project management and automation, on the other hand, were more likely to benefit from increased efficiencies – 50 percent and 54 percent of respondents, respectively. The departments that reported that ediscovery was the main area where they had undertaken transformation initiatives indicated that the main benefits of those efforts were increased efficiencies, but also cost savings (55 percent).





**SECTION 2** 

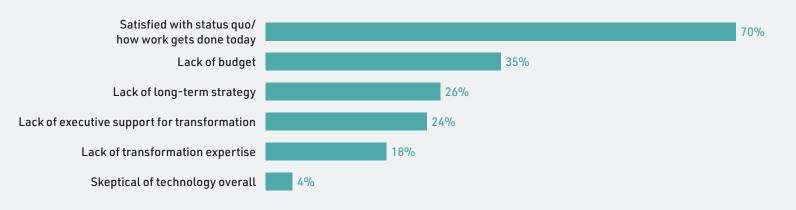
# Blockers to Transformation

# Reasons for a limited focus on transformation LEVELS 1 & 2 70% of departments

The results in section one showed that 30 percent of departments have undertaken a significant amount of transformation with respect to their investigations and litigation. In doing so, they have primarily focused on and invested in data management and information governance activities and experienced greater efficiency and cost savings within their departments as a result. Section two presents the "blockers" to transformation among the 70 percent of departments that experienced little to no investment in transformational initiatives over the past two years.

The 70 percent of departments that experienced a limited investment in transformational initiatives were asked why there was little to no focus. Seventy percent reported that they are satisfied with how litigation-related work gets done today, which was by far the most common response. However, respondents were allowed to select up to three reasons, and about one-third reported budget constraints, and about one in four reported a lack of long-term strategy and not enough support from executive leaders to focus on transformation.

Eighteen percent of participants signaled that the limitations in transformations are due to a lack of expertise within the team, and a small minority of four percent voiced skepticism about technology being an asset to improving litigation and internal investigation outcomes.



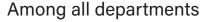
Asked only to those departments with limited focus on transformation — levels 1 and 2. Up to three selections permitted.

We then asked participants whether transformational change in the areas of litigation and internal investigation is a priority for the next two years, and most departments agree. Fifty-nine percent of departments overall consider transformation a priority, but what is interesting is that departments that have already invested in or focused on transformation initiatives are more likely to *still* consider it a priority than those departments that have not focused on transformation recently. This data suggests that respondents view legal transformation as an ongoing activity, not something with a defined beginning and end point.

Only 38 percent of participants who reported not having focused on transformation at all in the last two years (level 1) do consider it a priority moving forward. Six in ten departments that had undertaken a minimal amount of investment in transformation (level 2) think of further transformation efforts as a priority, and the numbers are significantly larger for those who have already taken steps to transformational change. Eighty percent of those with some previous investment in transformation (level 3) consider it a priority for the next two years, and practically all participants (96 percent) who reported having significant investment in transformation initiatives previously will keep doing so in the near future.

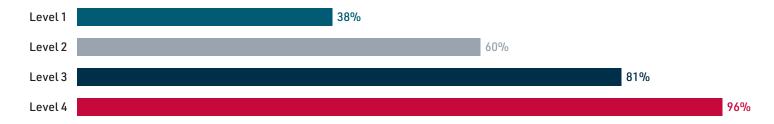


#### DEPARTMENTS THAT CONSIDER TRANSFORMATIONAL CHANGE A PRIORITY FOR THE NEXT TWO YEARS





#### By level of transformation initiatives already taken

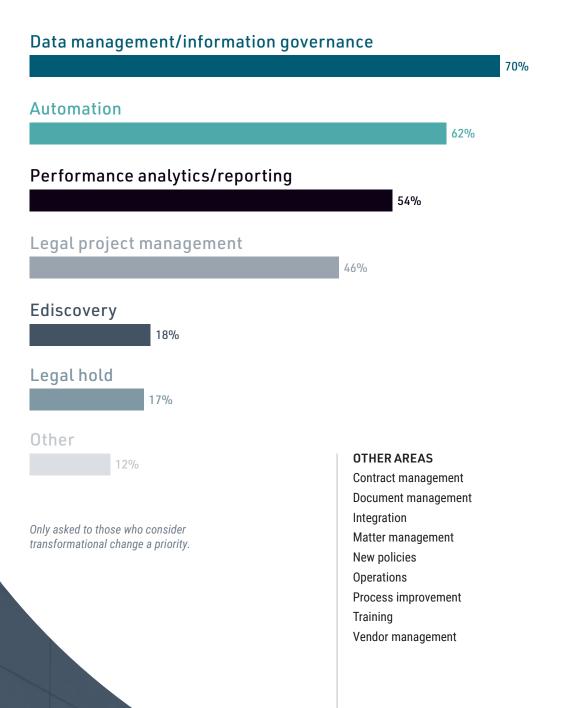


Departments that prioritize transformational change

59% of departments

# New areas departments plan to invest in

Data management and information governance is the area that most departments that consider transformational change a priority will focus on in the next two years. This is also the most common area that departments that had undertaken significant transformation over the past two years had focused on. Sixty-two percent of departments will invest in automation, and 54 percent will dedicate efforts to performance analytics and reporting. Almost half (46 percent) will also dedicate efforts to improving legal project management.



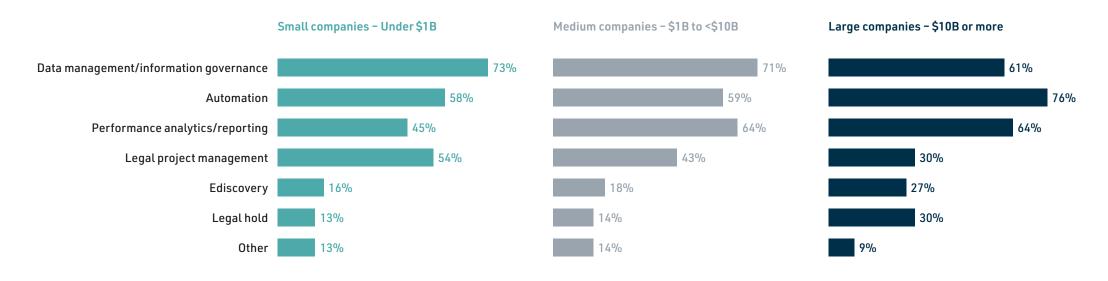
Departments in companies of different sizes have slightly different transformational priorities, though a majority of participants across small, medium, and large companies report their intentions to invest in data management and information governance, and automation. The former is the most common area for small and medium companies — 73 percent and 71 percent, respectively — while automation is the top priority for three in four respondents in large organizations.

On the other hand, most medium and large companies will also focus on performance analytics and reporting, while under half of departments in small organizations consider this an immediate priority area. Small companies will, however, invest more in legal project management (54 compared) compared to departments in medium-sized (43 percent) and large organizations (30 percent). Large companies are about twice as likely to invest also in ediscovery and legal hold compared to departments in small and medium organizations, which is likely related to handling larger amounts of litigation.



Data management/information governance is the top area in which departments are investing.

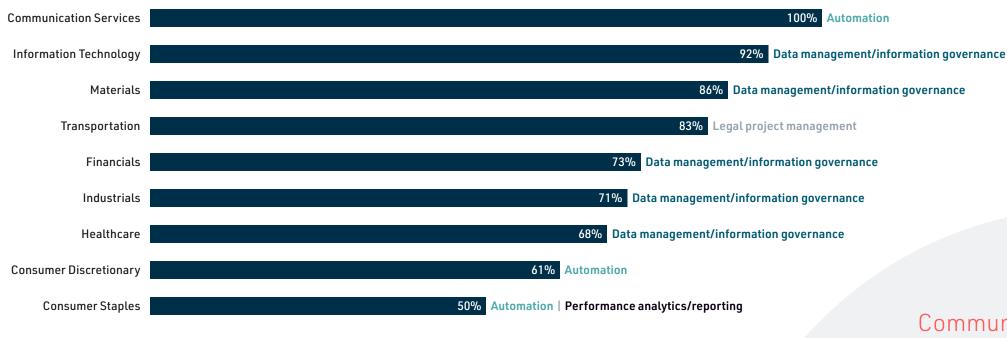
#### BY COMPANY REVENUE



### Most common transformational area

#### BY INDUSTRY

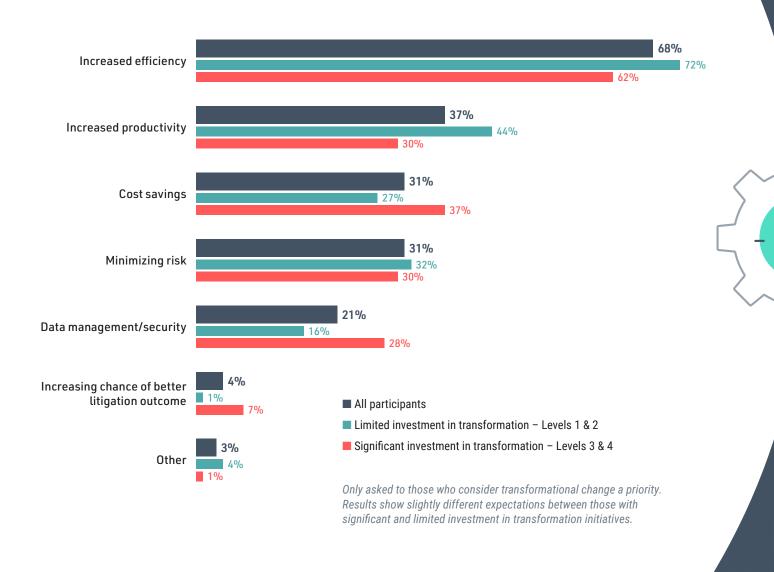
There is some variation across industries as well. The most common area of focus for organizations in information technology, materials, financials, industrials, and healthcare is data management and information governance, while companies in communication and consumer discretionary primarily focus on automation. Transportation companies on average make legal project management a priority, and organizations in consumer staples focus on several areas, with only 50 percent of participants indicating a preference to dedicate efforts to automation and performance analytics and reporting.



Most common area that departments in each industry plan to invest in. Only industries with five or more participants are reported.

Communication services, consumer discretionary, and consumer staples industries are investing more in automation.

# Expected benefits or outcomes from investing in new initiatives



Departments that prioritize transformational change hope that the main benefit of their initiatives will be increased efficiencies, with almost seven in ten expecting to achieve this desired result. Thirty-seven percent hope transformation will result in increased productivity, 31 percent expect to reduce costs and minimize risks, and 21 percent anticipate improvements in data management and security. The expectations of the benefits of transformation, however, differ slightly depending on whether departments have already invested some resources to initiatives in that direction.

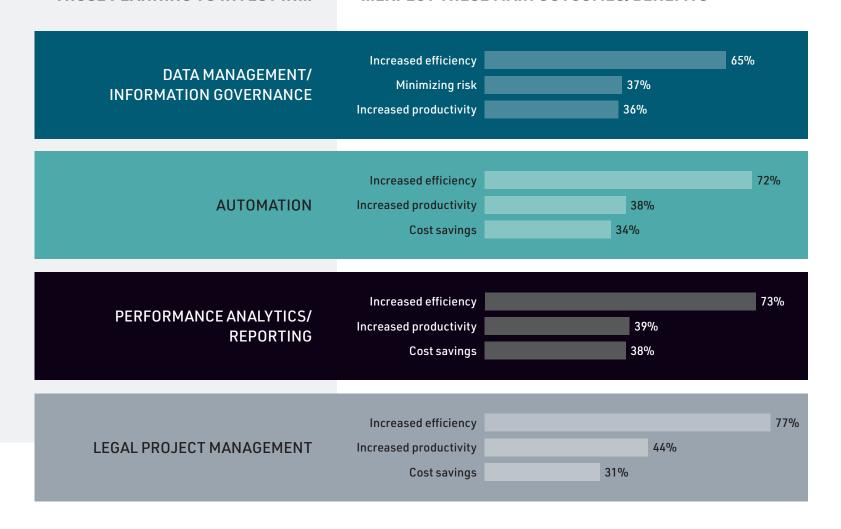
Departments that have not focused on transformation yet, or have done so only minimally, are more likely to expect increased efficiency (ten points more) and productivity (14 points more) than those who have already undertaken significant transformation efforts. The latter departments are looking to obtain additional benefits, notably cost savings (ten points more) and enhanced data management and security (12 points more). Those with some experience in transformational change therefore are looking into spreading the benefits obtained from these initiatives in several areas, whereas those who are beginning to prioritize transformation prefer to focus on efficiency and, to a lesser extent, productivity.

# Expected outcome or benefit based on investment area

There seems to be no clear relationship between prioritizing different transformational investment areas and expecting different benefits and outcomes. Respondents that will invest in these four areas expect that increased efficiency will be the main return on investment. Those who will focus on data management and information governance are a bit less likely to expect better efficiencies and hope to minimize risks, while those who will focus on automation, performance analytics and reporting, and legal project management transformation expect to benefit from improved productivity and reduced costs.

#### THOSE PLANNING TO INVEST IN...

#### ...EXPECT THESE MAIN OUTCOMES/BENEFITS



#### Risks and blockers to achieving transformation and best mitigating strategies

Departments that prioritize transformational change have their priorities set and the objectives in sight, but they will also face several blockers and challenges prior to achieving their desired results. We asked respondents what risks most need to be managed to achieve transformation out of an itemized list. The visual on the right provides examples of best risk mitigation strategies offered by participants in open-ended comments.

Half of respondents point at limited budgets and organizational resistance to change as the main risks to transformation initiatives. Twenty-five percent are concerned about the team's lack of expertise in transformational change, and 23 percent anticipate that the IT team may not be supportive enough in driving transformation. Twelve percent indicate that it will be difficult to achieve transformation without executive support, and 11 percent point at other blockers, mostly related to the lack of support from other business functions and teams, as well as the lack of bandwidth and time to decisively focus on transformation.



#### OPEN-ENDED RESPONSES FROM SURVEY PARTICIPANTS: BEST MITIGATING STRATEGIES

"Demonstrate the negative costs associated with the lack of transformation and how transformation will reduce those costs – both tangible and intangible."

"Explain that an upfront cost will result in long term savings due to increases in efficiency."

"Find small, cost-effective methods that can be used. If these are helpful, then it is easier to advocate for more expenses next year."

"Clearly articulate a plan that shows how transformation benefits the organization, mostly around revenue growth."

"Meet with stakeholders to explain why we are proposing changes, why the proposals will result in better outcomes, and why they are feasible from a training and implementation perspective."

"Provide real world examples of inaction increasing costs and risks, whether internal or from others in the industry."

"Bring in outside expertise and work with other departments who have successfully implemented new technologies to share best practices."

"Leverage legal operations to do market research and become subject matter experts on existing technology solutions."

"Provide examples of likely cost savings from adding expertise in-house."

"Build relationships with the right people, using executive leaders to assist."

"Heightened awareness by IT leadership of the value derived from potential efficiencies gained through transformation."

"Identify opportunities to reduce IT support in other areas if new systems are adopted."

"Demonstrate the positive financial impact that transformation will bring."

"Provide benchmarking data to convince why the change is needed and why their support specifically is required."

"Tie expected outcomes to organizational goals, and address the issue repeatedly, don't give up, and be tenacious."

"Demonstrate the legal necessities and risk associated with not pursing transformation."

"Focus on the time and cost savings that will come after implementation."

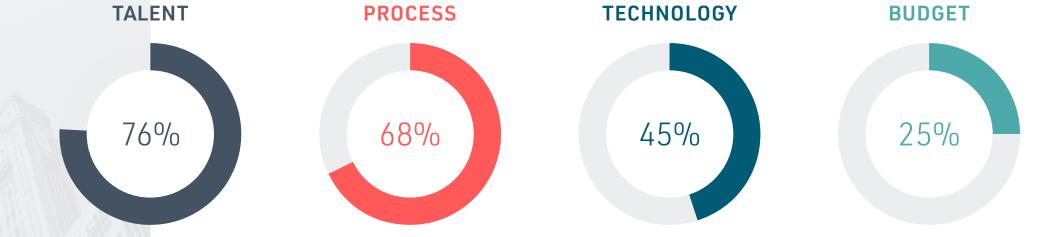
"Use transparent communication and set up clear objectives."

**SECTION 3** 

# Transformational Success

Most critical decisions legal departments need to get right to better serve the business

Section three presents some of the keys to transformational success according to those surveyed. When asked what the most critical decisions are that a legal department needs to get right to serve the growing demands of the business, respondents overwhelmingly said "talent" and "process." Seventy-six percent believe that talent is critical to achieving meaningful results following transformational change, and 68 percent say that getting the right processes is also essential. Participants believe that technology-related decisions are not as critical, with 45 percent, and just one in four believes that budgetary decisions are crucial.



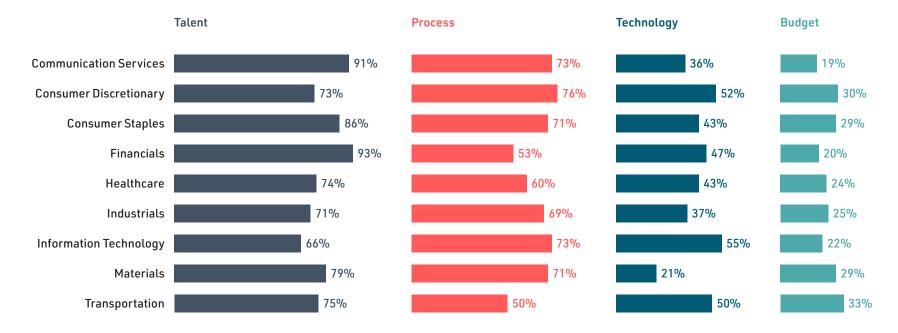
#### BY COMPANY REVENUE

Participants in medium and large organizations emphasize the importance of getting talent-related choices right a bit more than those in smaller organizations, and those in large organizations, especially, think that getting the right technology support is essential — 58 percent. Participants across company sizes believe budget is the least critical element, with just around one-quarter across categories.



To highlight a few general deviations across industries, participants in the financial industry overwhelmingly focus on the importance of talent (93 percent) while putting less emphasis on processes (53 percent). Companies in information technology, on the other hand, place less importance on talent-related decisions (66 percent, the lowest value across industries) and more on getting the right technology solutions (55 percent, the highest value across industries). Budget decisions rank consistently as the least critical factor of transformation success, except for organizations in materials — technology ranks lower with only 21 percent saying it is the key element to success.

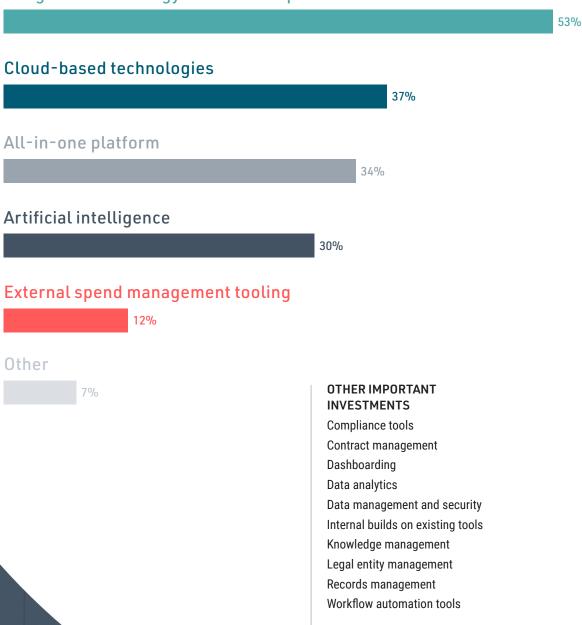
#### BY INDUSTRY



# Most important next generation technology investments

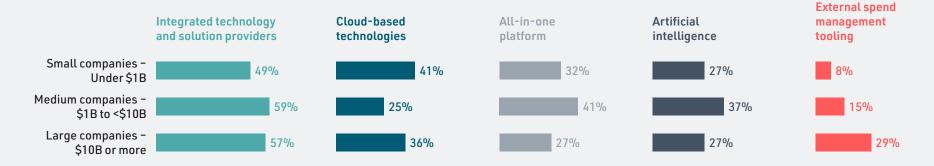
While talent and processes were reported as the most important contributors to transformational change success, we also asked participants about their views on what next generation technology investments would contribute to improving performance. Most participants (53 percent) believe that integrated technology solutions are a key investment needed for transformational success, while around one in three reported that investments in cloud-based technologies (37 percent), all-in-one platforms (34 percent), and artificial intelligence (30 percent) are also worth considering. Twelve percent point at external spending management tools as another required investment to improving legal department outputs, and seven percent indicated other technology tools that their departments are considering, including compliance, contract management, knowledge management, and record management tools.

#### Integrated technology and solution providers



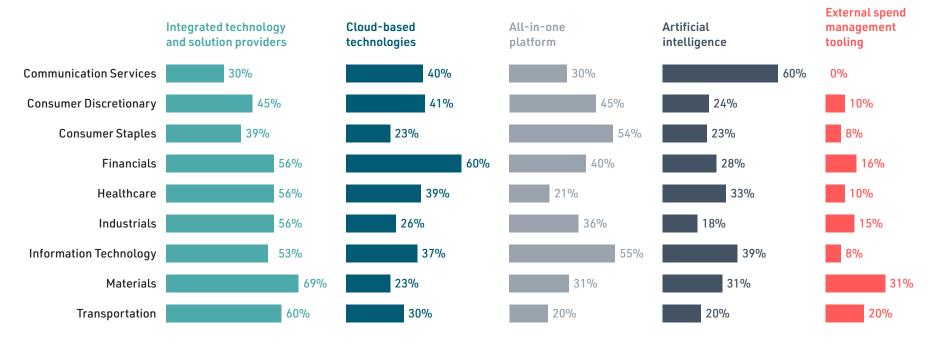
Participants across small, medium, and large companies think that integrated technology and solution providers are one of the most important technology-related investments that departments need to consider. Those in large companies are slightly more likely to emphasize investing in external spend management tools than those in smaller companies, likely due to the need to manage larger outside spend budgets, but these tools still rank at the bottom of the list of priority investments among large companies.

#### BY COMPANY REVENUE



Integrated technology and solution providers tend to be the most common next generation technology investment across most industry sectors, except for communications, consumer staples, and financials. In these three sectors, the most important investments are artificial intelligence (60 percent), all-in-one platforms (54 percent), and cloud-based technology (60 percent), respectively.

#### BY INDUSTRY



**SECTION 4** 

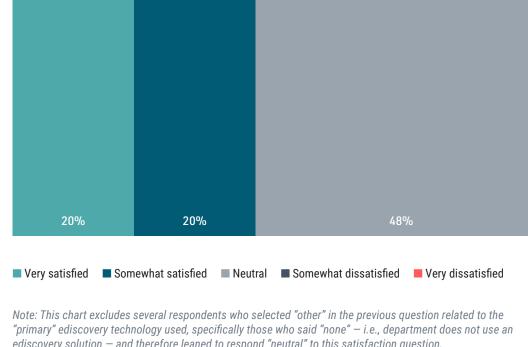
# Leveraging Ediscovery Technology for Transformation



#### Satisfaction with the cost and quality of Ediscovery technology solution

This final section focuses on how technology, and ediscovery technology in particular, can be leveraged to support transformational initiatives related to investigations and litigation in the legal department.

Respondents were first asked about their level of satisfaction with the cost and quality of their current ediscovery technology solution. About half of respondents (48 percent) are neutral. Forty percent reported being generally satisfied — with 20 percent saying they were very satisfied — and only 13 percent are dissatisfied with the value and output they are getting from ediscovery tools.



ediscovery solution — and therefore leaned to respond "neutral" to this satisfaction question.

# Causes of satisfaction with ediscovery technology solutions

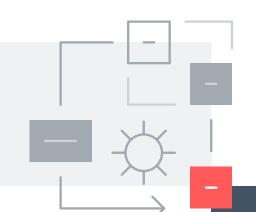
Survey participants who reported being satisfied with the cost and quality of their current ediscovery solution were mostly happy with the tools being easy to use and providing superior user experience (59 percent). Around one-third indicated that they valued legal hold automation (36 percent) and streamlined works and processes (31 percent), and 26 percent credited both the ediscovery solution's early case assessment and productions. Around one in five applaud the following features of ediscovery technology tools: being an all-in-one product (21 percent), the customer support provided by the vendor (18 percent), and the advance analytics and active learning of the software (18 percent). The chart provides a comprehensive list of all the positive elements valued by those who are satisfied with their ediscovery technology.



Ease of use is the top area of satisfaction with ediscovery technology solutions.



# Additional steps taken to improve ediscovery output



Apart from their satisfaction with the cost and quality of their ediscovery solution, these participants were further asked about what other steps they had taken to improve ediscovery outputs. Half of them established defined processes and strong collaboration with outside counsel or other services providers to improve discovery performance, and 43 percent report that they invested in building in-house ediscovery expertise. Thirty-five percent revamped processes and workflows, and five percent moved ediscovery entirely to an in-house team. Twenty-three percent of those satisfied with their ediscovery technology tool did not take any additional steps to enhancing ediscovery productivity.



Revamped processes and workflows

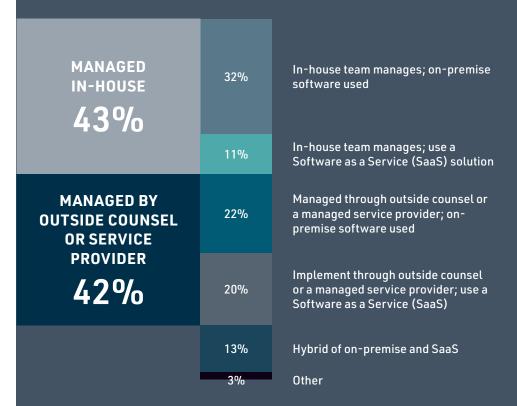
35%

Moved ediscovery to an in-house team

5%

Asked to those who reported being somewhat or very satisfied with their current ediscovery technology solution (n = 40).

### Departments manage ediscovery in a variety of ways

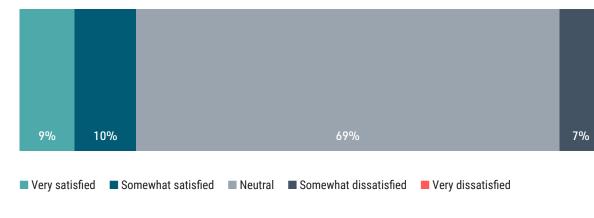


None

# Satisfaction with the cost and quality of the ediscovery technology provider

In terms of how departments handle ediscovery, they are evenly divided with about 43 percent of respondents reporting that it is managed in-house, and 42 percent reporting that outside counsel or other service providers manage ediscovery for the department. Whether managed in-house or externally, both on-premise ediscovery software and software as a service (SaaS) solutions are used. Thirteen percent of participants use a hybrid of these two software types, and three percent of respondents manage ediscovery using a combination of in-house resources and external vendors.

Those who manage ediscovery externally, either through outside counsel or a managed services provider, were asked about their satisfaction with the cost and quality of the services provided. Most respondents are neutral (69 percent), about one in five is generally satisfied, and one in ten is dissatisfied.



Asked only to those who manage ediscovery by outside counsel or a service provider (n = 58).

# Value drivers from using ediscovery service providers

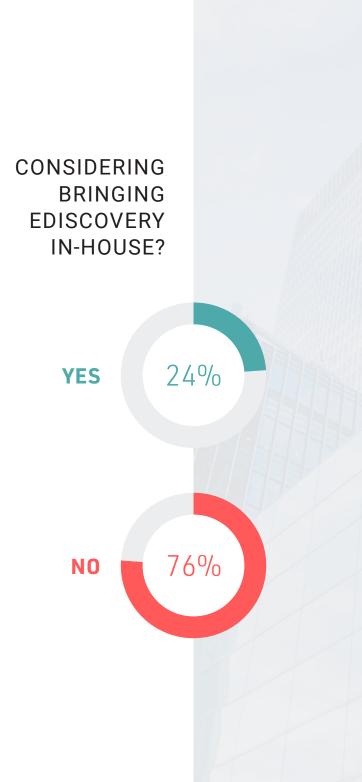
Respondents who are very satisfied with their ediscovery outside service provider experience point to the vendor's ability to assist with meeting deadlines on time-sensitive matters, the ability to help the in-house team scale when needed, the support handling global matters, and the discovery expertise of the vendor's staff as key value drivers for outsourcing ediscovery.



Only reports the responses from those who manage ediscovery through outside counsel or a service provider and are very satisfied with the cost and quality of the services (n = 5).

# Prospects of bringing ediscovery in-house

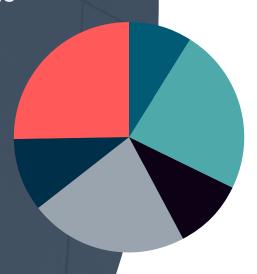
Participants that reported not being very satisfied with their experience with their ediscovery services provider — i.e., somewhat satisfied, neutral, somewhat dissatisfied, or very dissatisfied — were asked whether they are considering bringing ediscovery in-house. About 25 percent of survey respondents say that they are considering moving ediscovery in-house.



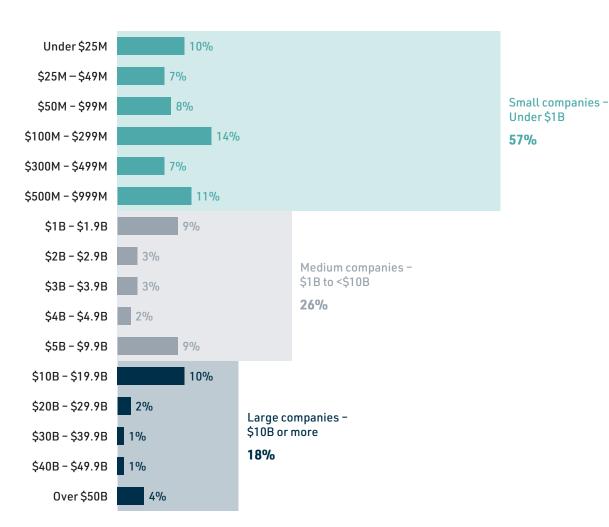
### Participant Profile

#### **COMPANY EMPLOYEES**

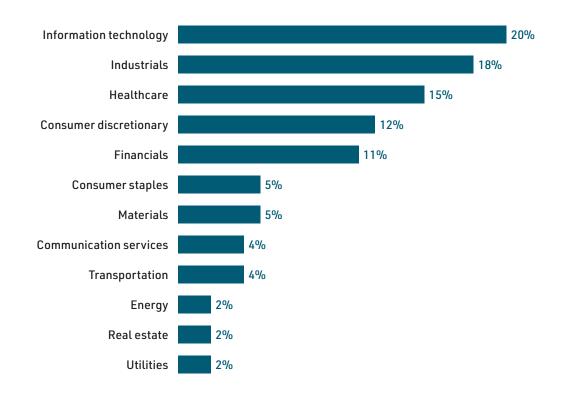
9%
23%
10%
22%
10%
25%



#### **COMPANY REVENUE**



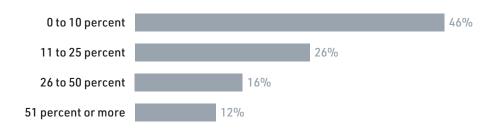
#### **INDUSTRY**

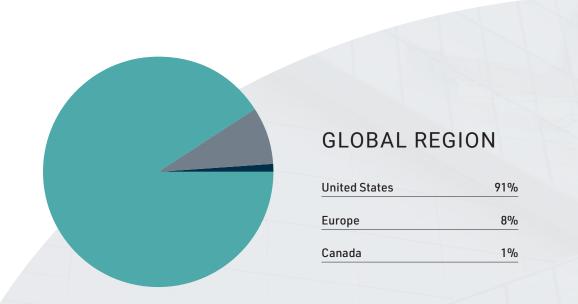


#### **JOB TITLE**



#### PERCENTAGE OF LEGAL EXPENSES DEDICATED TO LITIGATION AND INTERNAL INVESTIGATIONS





### Methodology

#### **SURVEY INSTRUMENT**

The survey questionnaire was offered through an online survey platform. Personalized survey links were sent by email to the target population, which allowed participants to save their responses and fill out the questionnaire in more than one sitting, if needed.

#### **FIELDING PERIOD**

The survey opened on May 23, 2022, and closed on June 17, 2022. Reminder emails were sent weekly.

#### TARGET POPULATION

We targeted ACC members in Europe and North America, specifically in the following job functions: chief legal officers and general counsel, legal operations professionals, and in-house counsel with expertise in litigation and ediscovery.

#### **PARTICIPATION**

A total of 278 in-house counsel and legal operations professionals participated in the survey.

#### **ANONYMITY**

Survey responses were completely anonymous. No information is linked in any way to an individual respondent. The results are provided only at the aggregate level.

#### DATA ACCURACY

Not all respondents answered all questions. The percentages provided are based on the number of valid responses received for each individual question. Many survey questions offered the opportunity to select multiple response options. In those cases, percentages may not total to 100 percent.

#### **OPEN-ENDED RESPONSES**

Some survey questions required open-ended responses. Many of the quotes and citations from participants that we present throughout the report were shortened or edited due to space or style needs, or to remove any identifiable information related to individuals or their organizations, if necessary.

#### ABOUT ACC

The Association of Corporate Counsel (ACC) is a global legal association that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other organizations through information, education, networking opportunities and advocacy initiatives. With more than 45,000 members employed by over 10,000 organizations in 85 countries, ACC connects its members to the people and resources necessary for both personal and professional growth.

To learn more about ACC's Research & Insights please contact ACC Research at +1.202.293.4103 or visit acc.com/surveys.

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