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# *Introduction to 2014 Small Firm Technology Guide*

*by James A. Callnway, Esq.*

“Any sufficiently advanced technology is indistinguishable from magic.”

—Arthur C. Clarke, well-known science fiction author

You have to be of a certain age to recall when most lawyers thought computers were only word-processing tools for staff and when all telephones were attached to walls by cords. Now almost every type of professional office has computers at every workspace. Many of the technology tools we have today seem like magic, and the number of things one can do from a smartphone continues to amaze us all.

Solo practitioners and small law firms have great opportunities created by technology in that they can communicate and collaborate easily worldwide and can use today’s powerful tools to do things that a few decades back could have been done only by a large firm with legions of associates. But rapid changes in technology also impact the entire legal profession in ways that are not at all positive.

The small law firm often cannot hire a human relations coordinator or full-time IT (information technology) staff. By necessity, the small firm lawyer cannot just practice law but also must handle several administrative duties. It has been said many times that the small firm lawyer wears many hats.

I recall once talking on the phone to a senior lawyer and hearing a happy baby gurgling in the background. He explained that his legal assistant's babysitter was sick and he had a brief due that day. "I may not be able to format that brief correctly, and I cannot type fast," he said. "But I know how to take care of a baby."

*The 2014 Solo and Small Firm Legal Technology Guide* may not replace a law firm having a full-time IT director, but annually it provides the bedrock information for a small firm lawyer who *is* the firm IT director, like it or not. Some of the book will be read and reread, while other portions will be skimmed or skipped depending on the immediate technology needs of the firm. But a law firm of any size today can no more avoid technology than a trial lawyer can avoid the courthouse.

I was honored to be asked to write this Introduction, particularly because the introductions to prior editions of this book had been written by my friend Ross Kodner. There was shock and sadness around the country when Ross suddenly passed away last summer. Ross was a champion of the smart use of technology in the law office. He spoke at so many legal technology conferences, CLE programs, and bar solo and small firm conferences that the total number of lawyers who have heard Ross speak about legal technology or have read his writings must be staggering. Sharon Nelson, John Simek, and I were all first recruited to speak at ABA TECHSHOW by Ross Kodner. He always loved to show small firm lawyers how technology "smarts" could improve their practices and their lives. Thanks for everything, Ross.

This is the second edition of the *Guide* released since the ABA revised its Model Rules of Professional Conduct to require that a lawyer be competent with the technology tools that lawyers must use today.

The official comment to Rule 1.1 on Competence added the language below (*italics mine*):

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

No doubt this will be threatening to some of our fellow lawyers, and some jurisdictions may not include this provision in their version of the Rules of Professional Conduct. But to many, this aspect of competency has been obvious for some time now. Mastery of technology is clearly an important

business skill for survival, and too many law firms are allowing the press of day-to-day business to delay training and planning for the future.

This guidebook is here to provide the basics of what a lawyer really needs to know about networking, encryption, or social media. But it also provides some deep expertise. It is the law office technology book for lawyers who love technology—and for those who hate it! It is a quick reference guide you can count on when someone tells you that you simply have to drop everything to purchase some gadget or software unfamiliar to you. If you need more information, you can find a huge amount of information on any topic online. But some of that online information will conflict, and some will be promotional material. A baseline understanding from a trusted source is the foundation of good research on technology tools.

Some time-challenged lawyers will simply use the examples in the book as their shopping list. But the main goal should be to learn what features of a product are useful for your situation so you will know when that 25 percent discount or a new release actually *is* a great deal.

But competency in serving clients is only one aspect of why lawyers should have a general understanding of today's technology.

Technology is harnessed today to increase efficiency in small businesses, and even though lawyers still prefer the term *profession* over the term *business*, a small law firm is a small business. We've seen whole classes of businesses become roadkill on the great information superhighway. Because of changes fueled by technology advances, there are far fewer travel agents, music stores, bookstores, and newspapers. It can be hard to conceive that the virtually ubiquitous access to free, instant photographs caused Kodak to declare bankruptcy at the beginning of 2012.

As I write, Kodak has emerged from bankruptcy with a new focus on digital imaging for businesses—we must all reinvent ourselves.

No serious observer can dismiss the well-documented impending challenges to the legal profession, including the online delivery of legal services by non-lawyers. These services directly compete with the small law firm providing general legal advice and services to individuals and small businesses.

The lawyer wearing a CEO hat should recognize that some changes are inevitable. With most types of businesses, the need for improvements to increase efficiency is simply a part of doing business today—not that technology tools trump the traditional and critical skills that successful lawyers have.

Knowledge of the law and local practices, a commitment to good client service, dependability, loyalty, thoroughness, and plain hard work are all required of the successful lawyer.

But proper adoption of technology can improve the lawyer's life *and* the work product for clients.

Let's examine how one basic operation should be accomplished.

A lawyer drafting a document for a client recognizes a specific client situation that requires adding several paragraphs into the primary document and creating a new separate document. Traditionally the lawyer could search prior work for the precedent language or draft the provisions from scratch. Even when using a simple form where no customization is needed, there would be names and dates to add and other items to proof-read. Then the new document would be created (hopefully from a saved form), and the information related to this client would be manually filled in by a lawyer or legal assistant. Certainly this would take billable time charged to the client.

But the aspirational goal, which is completely attainable with today's tools, would be for the drafting lawyer to recognize the situation and click on a button or item from a list to insert the needed provisions. No customization would be required, as the inserted language would either match defined terms within the document or automatically fill with required information (a/k/a data) for this client and/or transaction. The new document would also be created quickly and filled with the required data. The lawyer would then consult the firm's checklist or workflow outline to determine if additional tasks needed to be done as a consequence of these changes.

What would have taken the better part of an hour for drafting and proofing would now be done in minutes. But of equal importance is the fact that the firm has a standardized process so every client of the firm with this situation receives these additions to his or her documents. These provisions were vetted by the firm experts and reflect the state of the art (and the state of the law) as far as the firm is concerned.

Time that would have been billed to the client is saved, which results in both a better value for the client and a potential loss of revenue to the firm. This is why a discussion of law office automation should go hand in hand with a discussion of billing at least some tasks differently than by the hour. But the benefits of automation are greater: The lawyer and legal assistant avoided a part of their work that is tedious—replacing names,

dates, and other data when using prior work and proofreading the same document multiple times. One goal of this process is to free the legal professionals for more creative, challenging, and valuable work. Other benefits could include quicker turnaround for client projects and fewer nights spent burning the midnight oil at the law firm.

The scary thing is how soon the above project will be handled by the lawyer saying to the computer, “Take the Jones AX50 data and create documents 43, 47, and 47B. Print the draft to my screen.” Only law firms that have successfully incorporated the current improvements in process will be ready to take that next step.

All of these technology tools are just that—tools. So the smart small firm lawyer today will need to combine these tools with processes. Whether these combinations are called workflows or legal project management or some new term of techno-jargon (or management-speak) really matters not. Law firms that invest in these processes will obtain advantages over those firms that do so more slowly and incompletely—or not at all.

Some of the advantages in the service delivery to clients will include:

- ◆ using secure, encrypted client portals for delivery of information instead of completely insecure e-mail and attachments
- ◆ never asking clients for information they have previously provided because it has been misplaced or cannot be quickly located
- ◆ using digital client files that can be accessed by several lawyers or staff simultaneously and that can never be “lost” (if the firm does its data backups correctly)
- ◆ having the ability to answer routine questions from the client instantly (e.g., “What is my total bill right now?”)

There are many resources and systems available on time management and efficiency. You may have adopted the late Stephen Covey’s *Seven Habits of Highly Effective People*, David Allen’s *Getting Things Done*®, or Merlin Mann’s *43 Folders*. I often direct lawyers to the easy-to-read book *The Checklist Manifesto* by Atul Gawde.

*The 2014 Solo and Small Firm Legal Technology Guide* can help you purchase new tools to replace those that have become outdated or broken. But the highest and best use of the *Guide* is to use it with some of the tools profiled in it and other information to build improved processes and systems in your law office, setting your firm on a path to success and creating your own future.

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