



HOP ON BOARD OR GET OFF THE TRACKS

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The next decade and beyond may be painful for many of the attorneys who are of the baby boom generation or older. By and large, these are the practitioners who have not yet embraced technology as an integral part of their practice strategy. As a result, they are becoming woefully unprepared to compete with their peers.

To some of you technology means nothing more than automating the back office (accounting and time & billing) the secretary (word processing) and perhaps the young lawyers (electronic research and maybe calendar and to-do lists). Somehow that seems adequate. But it isn't any more.

When we operated in the fairly safe, easy DOS environment, where we did one thing at a time, and generally did it well, it was enough to implement limited automation. Now that we are in the wild and unpredictable world of windows where many different kinds of software are interconnected to automate a much greater part of our daily and professional lives, we cannot walk slowly down the tracks while the automation train approaches. Get on board by getting up to speed, get off the tracks and be quickly bypassed by your peers, or become road kill – it's your choice.

Automation is changing the landscape of law practice management at an accelerating—sometimes alarming—rate. In just one recent issue of an industry publication these examples were featured in stories or news items:

- § Most state bars and many state courts are wrestling with the issue of law firm web sites: whether they should be regulated as advertising, and what constitutes the unauthorized practice of law by web sites of out-of-state law firms.
- § There seems to be a rush to the U.S. Patent and Trademark Office to register law firm names and slogans. Since 1993 the number of service mark registrations for legal services has more than doubled.

- § Some federal judges are now using video conferencing technology for sentencing proceedings to avoid the time and cost of traveling to remote locations, and thereby enhance the use of limited judicial resources.
- § The *American Lawyer* provided the first-time-ever ranking of law firms based on their technology.
- § A U.S. district judge created a web site to keep plaintiffs and their counsel updated on 20,000 cases and 450,000 potential claimants. Orders, calendar and other filings are located on the site, and take the load off courtroom staff who were formerly occupied answering calls. This same judge requires that lawyers file their documents electronically through an e-filing service vendor, or hand deliver them to the courthouse on disk.
- § Electronic filing is expanding to such jurisdictions as the Southern District of New York bankruptcy court and eight federal courts, with many more on their way.
- § Sacramento County, California's small claims court has gone totally paperless, with plaintiffs filing claims on an automated terminal in the lobby of the court building, and all court actions being entered into a database.
- § Baker & McKenzie is developing a global customized time & billing software package which will consolidate information from over 2,000 lawyers working out of 59 offices in 34 countries, which transact business in 34 currencies and use 21 languages. The software is already being tested in several offices.
- § Over 60 New York law firms, most large, send representatives to a monthly meeting of a Word Legal Users Group to discuss issues related to document migration (from WordPerfect), conversion, and training. Collectively, they are addressing areas they wish improved directly with Microsoft Corporation.
- § Ethical considerations are reviewed as to when and how lawyers might be able to bill clients for technology investments in systems such as litigation support, desktop faxing and such.
- § Is groupware (Lotus Notes) or an Intranet or Extranet a better tool to promote collaboration with clients and the firm's attorneys in multiple offices?
- § A fifty-plus attorney firm selects and implements a new contact management software package firm-wide.



Enough? Remember, this is just one issue of one publication. Your peers are, willingly or not, embracing technology, and incorporating it into their daily practice. Those who cannot get on board with this may risk committing malpractice for failing to use the tools which are readily available, and which the competition may regularly be using. Equally as important, clients are looking seriously at the deployment of technology to meet their needs efficiently. It is not enough to be the smartest attorney, you must also WORK smarter, too, which means using sophisticated tools. Consider the following true story:

A corporate lawyer had one hour to prepare for a meeting with a potential client who wanted to set up a new limited liability company, doing business in several states. Using WordPerfect 8 templates along with downloaded forms and fee schedules from the internet web site of the Department of State for each of the states where the client wanted to do business, the attorney had all documents drafted and all cost information ready by the time the client arrived.

Where do you and your firm's attorneys stand in this technology pecking order? Can you be competitive? To upgrade your skills, you need to first identify your reluctance. Think typing is a "secretarial job"? Then consider voice recognition software. Have you explored software to enhance your practice area? Have you considered automating conflict checking or calendar management? Either or both will positively impact your premiums for professional liability insurance. The MOST important thing right now is to think hard about what you can do to automate aspects of your practice to speed production, eliminate duplication and error, and/or improve client communication.

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