CRITICAL TECHNOLOGY SKILLS FOR A LAW OFFICE

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Probably sixty to sixty-five percent of what I "do" at the Pennsylvania Bar Association and as a private consultant involves technology. Writing about it. Creating and presenting seminars about it. Giving daily advice on the hot line about it. People are not always happy with the message I deliver, but gratefully most are mindful of the phrase "don't kill the messenger."

Technology Planning and Budgeting

Developing a technology plan and accompanying budget for technology is the first essential technology skill in my opinion. Whereas virtually all large firms and most mid-size firms budget for technology, an amazing 88% of respondents to last year's technology survey, which was sent to all ABA members practicing in firms with six or fewer lawyers, as well as to the members of the General Practice, Solo and Small Firm Section's SOLOSEZ discussion listserv, indicated that they have no formal budgeting process for technology. I interpret that to mean that there is also no technology plan. Most solos and smalls still haven't "gotten it" that technology planning and budgeting are essential tools to ensure that

- what you buy today will work with what you buy tomorrow;

- you get a reasonable return on your investment;

- you invest proactively instead of reactively; and

- you purchase based on need and quality, rather than price alone.

Automating the back office

Another important skill to acquire is the ability to use legal-specific software for accounting and case management.   Over the years I've visited a large number of offices which have not automated the accounting function. And not all are solo practices, I might add. What I find without exception is

- a lot of wasted time each calendar quarter and especially at year end tallying up information manually

- a total lack of meaningful information on which to base good business decisions

- poor billing and collection habits

- poor profitability

- inflated accountant bills

I can't help but wonder why any law firm, regardless of size, would not automate the back office functions when tried–and–true legal–specific software is so readily available. Yes, there is an initial investment both in software and training. But that investment is quickly returned in saved time and accounting fees. Thereafter additional benefits continue to flow from the use of improved and readily available information, better billing and collection habits, and so forth.

Don't Waste Valuable Hours Playing Office Geek

Learning when NOT to provide your own computer support is another critical skill. That is, being able to quickly identify something you should handle, and

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something you should delegate either to internal talent or external support.

I know some of you are very technically adept. In fact, I am amazed at the skill level of many of the attorneys I meet. And you may even enjoy the technical support role. But is that what puts bread and butter on your table at home? Is anyone paying you to be a techie?

Corporations have shown us for many years the bottom line benefit of concentrating on core business activity, and outsourcing the rest. Lawyers need to pay some attention in this area. Don't kid yourself that this is just "extra" time you invest because you like messing with the technology. The truth is that you have only so many hours in each day, and you're not miraculously going to find more hours when a technical problem occurs. That means you are not paying attention to your core business, whether it is the professional side (client work) or the business side (marketing and administrative management) which is pushed aside. There are things that *only* you can do on the business side. And you are already feeling like there are too many demands on your time as it is. Why are you adding to the load with chores which *can* be adequately outsourced?

Better to pay someone to fix, upgrade, install, diagnose (the most time consuming), and otherwise deal with the technical issues while you continue to produce billable time, than waste it dealing with issues you're not equipped to handle.

Get the proper software utilities to make your life as easy as possible when problems arise, so you can quickly determine whether it is something you can or cannot handle easily. And make sure you get adequate training so you know how to properly use the tools.

Know How to Protect Your Computer System and Documents

Knowing how to properly protect your computer(s) and your client work product and confidentiality is another critical skill for every law office. That means that you must know enough to do the following yourself:

- perform full daily backups

- store backups offsite

- rotate backup tapes

- restore a document from backup

- keep your virus software updated

- keep your firewall turned on

- properly utilize anti-spyware and malware software and keep it updated

- make sure your critical equipment like network servers, telephone and vmail servers, digital copiers etc are properly protected from electrical spikes and brown-outs with uninterruptible power supplies, and recognize when they are not properly working

- strip metadata from outgoing documents and emails

- ensure that if you have a wireless internet or network set-up that the security is adequate to block intruders from gaining access to sensitive information

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Become Staff Independent By Using Your Technology

Every single attorney in the firm should know enough about the firm's software and hardware to be able to do the following. If you can click the mouse, use two fingers on the keyboard, and/or dictate, you *can* accomplish these tasks. But you will need training assistance to get to this point:

- locate, open, edit, print, save and close a document

- produce a simple letter from scratch using templates, styles and copy/paste

- fax a document

- copy a document

- scan a document

- open, save, create, and send an attachment to an email

- create and respond to email

- effectively use the basic telephone system features of forward, retrieving and leaving voice mail messages, and conferencing

Understand the "E" Words

It seems that just the other day I received calls on a daily basis from panicked firms which practiced bankruptcy law, and had waited to the last minute to find out how to eFile. They called expecting miracles of me. Instant education. Instant guidance on equipment and software purchases. No learning curve. Yeah, right. I'm good, but not *that* good! But somehow, it seems that everyone managed

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to conquer the new procedures. Today, according to the ABA, over 50,000 lawyers and staff are registered to eFile in at least one state or federal forum.

There are a lot of additional "E" topics waiting for you out there, including eBilling, eCollaboration, eCommerce, eDocument Management, ePostage, eFaxing, eDiscovery and eSecurity. No doubt about it, the "E" words are now part of our legal landscape. What does it mean? Well, if you take away the "e", these are all topics regarding processes and products we are familiar with. The difference is that now all of these processes and products are being delivered through or on the world wide web. And it's not enough anymore to be "unaware". You need to educate yourself in order to know the impact of some of these new issues on your practice, and on your clients as well.

eDiscovery is a prime example of one of the "E" words which is having a significant impact on all businesses. It isn't just for trial attorneys, because it impacts electronic records retention policies for virtually all companies. If your firm or your clients don't have one, you've not done your homework, and you're at risk.

Complete the Majority of Your Research Online

More and more firms are dismantling their libraries in favor of online research and CD libraries. The cost of housing and updating all those linear feet of books has become prohibitive, and mostly ineffectual. In some states, like Pennsylvania, members of the Bar Association can get free or steeply discounted Lexis or Westlaw access. And no one sees your research lying around on the library table. Don't laugh. It's a serious problem and malpractice risk in office sharing situations and in law offices with law firm subtenants.

Know What You Know — Implement Knowledge Management

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Initiatives and Mine Your Computers and the Internet for Strategic Intelligence

The gathering of strategic information is the first and most important step in developing any marketing plan. It is an essential part of the everyday workings of a successful law practice. Quality strategic information can enable anyone to become more successful at marketing. One of my frequent mantras is "good business decisions require good business information—in the absence of good business information one is only guessing."

Your firm must be able to do market research on identified target client industries and especially any client-related sources of strategic information. Your firm also needs to be able to identify other industries which might have similar needs for the skills available at the firm.

Your firm needs to maximize internal communications in order to share some critical strategic information about marketing ventures of partners, hot prospects, partner achievements which may lead to cross-marketing opportunities, and even the availability of new forms and capabilities.

Your firm needs to protect its intellectual capital and stop reinventing the wheel. That means implementation of document management and image management software, and the proper training to use it well. At some firms the very software designed to improve efficiency becomes an impediment due to lack of training for new hires. What if you're too small to invest in document management software?

If you want your office to be its most productive, your firm needs to consistently and efficiently organize all the "stuff" which lands on your firm's computers. Every firm has a horror story about at least one past

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secretary or temporary whose electronic filing system was so bizarre that the documents he or she created still have not been found years later.

Some firms are reluctant to "impose" a system.   When such a system is proposed, those who must follow it often grumble that their creativity and autonomy will be stifled for no good reason. And often the firm backs off as a result. Wrong move! There's plenty of room for creativity in law firms, but the arena of electronic records organization is not an appropriate venue for it to be demonstrated. Failing to create and enforce a firm-wide system ultimately creates chaos which wastes valuable time and resources.

The system which I find makes the most sense from a "best practice" perspective is to organize by client. Each client should have an electronic folder. Each discrete matter would be a subfolder. Under each matter subfolder would be folders which mimic those initially created in the file, based on the area of practice. So for example, the subfolders for a litigation matter might include correspondence, pleadings, orders, motions, depositions, and other. The key to success is not to go overboard by trying to define too many "categories" of subfolders.

Once the general electronic organization is established, the next step is to work on file naming conventions. Even with long file names, some consistency is required to ensure you can easily find what you're looking for. Let's look for example at the conventions and resulting filenames which might be employed in the correspondence folder. Common abbreviations include LTR for letter, MEMO for memorandum, FAX for faxes, DEF for defendant, and so forth. The name of the recipient should always be included, as should a few key words. Some firms may also want to include the original date in the filename.   Here are some example filenames:

LTR 042304 Jim Smith re request from def for conference

MEMO 032104 to file re research on chemical additives

FAX 010404 Jim Smith re settlement proposal from def for review

Notice how easy it is to determine precisely what the documents contain. And by capitalizing the "type" of item, it stands out even more clearly.

Your email inbox should be similarly organized. Create a subfolder for each client. You probably will not feel the need to create another layer of folders by matter. It will depend on the volume of emails you receive. Create rules which automatically route inbound emails from clients directly to their folders. (After you read them, you can drag them to the appropriate matter subfolder if you've created them.) If there are other individuals which are associated only with particular clients, you can also create rules to route their emails directly to the appropriate client folder. Don't think this will allow you to "forget" that the emails exist. In Outlook, each folder in the inbox displays the number of unread messages in bold, so you always know new items are waiting to be read.

Your inbox should also has a variety of folders created by subject matter. For example, you may receive emails regarding firm administration, marketing, technology, and other areas involving the management of the business side of the practice, or areas of practice like employment or family law. Again, for things like news alerts and electronic newsletters you subscribe to, you can make a rule to route them to the appropriate subject file.

Last but certainly not least, your firm should know how to utilize the variety of presentation tools available. They are much more sophisticated that the enlargement-on-foam-board tools of yore. They include such tools as computer

animation, which visually represent an expert's testimony, projected images of photos, documents, charts and graphs, deposition testimony which is highlighted and annotated, or which combines video and text and is indexed for precise recall by the attorney during a witness' testimony, or a simple PowerPoint or Graphic.

These tools are equally effective for zoning and planning commission hearings, tax assessment appeals, pretrial matters, and mediations. In fact, they're especially good for mediations because the materials are easy to present, can be viewed by all parties together, and all the materials are kept in one location.

Presentation tools are also excellent for explaining concepts to clients and educating them on the legal process. For example, a divorce client or estate planning client can watch a PowerPoint slide before meeting with the attorney, so that many of the common questions have already been answered.

Studies have consistently shown that visually reinforced information remains easier to understand and remember, and is in fact up to 650 times more effective than oral argument alone. Today's jurors are largely a television generation. Even the baby boomers who preceded the computer age are still used to viewing a television screen. Therefore, computer-based presentation tools are more appealing and effective to today's jurors..

The use of high-tech visual aids makes a great impact on the client as well as the juror. Trials progress more quickly when visual aids are used. They provide clarity, and enable concepts to be presented and grasped more quickly. As a result, time and money are saved for the courts, attorneys, and clients. And when visual aids are used during mediation, issues emerge earlier, helping the parties assess risks and benefits more quickly.

In order to make effective use of these tools your firm should consider utilizing a third party vendor for support and training. After one or two positive experiences, you will probably be ready to utilize the tools on your own.

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