LI Feature

LEGAL INDUSTRY/BUSINESS MANAGEMENT

Technology No Longer a 'Nice to Learn' for Attorneys

For legal professionals it's a necessity to keep business intact

In May the International Legal Technology Association (ILTA) provided a snapshot of technology's centrality to the future of the legal profession in a report titled, "Legal Technology Future Horizons." The ILTA report shared the following survey results based on answers from about 500 lawyers and other legal sector professionals: 73 percent agree or strongly agree that IT-enabled innovation will be a critical differentiator for law firms; 77 percent agree that technology firms will continue to disrupt the legal industry; and 91 percent expect client demands to drive increased transparency in the legal process.

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Fully utilizing the latest technology available has shifted from a recommendation to a virtual necessity during the past several years.

"In this turbulent environment, IT is seen as a critical enabler of the delivery proposition for the 21st century law firm," says the report. "A simple choice is emerging — to either embrace and invest in the opportunity, or to suffer the consequences of a lack of commitment."

Fully utilizing the latest technology available has shifted from a recommendation to a virtual necessity during the past several years. The legal market has tightened and client expectations have risen to the point where those firms who continue to resist are at risk of seeing their books of business dwindle. Legal administrators have a major role to play in ensuring that their firms — and the senior partners who are often most reluctant — get over whatever humps stand in the way.

UNDERSTANDING TODAY'S CLIENT

Until the past several years, attorneys at large firms had a well-structured support group who would help with their work for clients, says Jobst Elster, Head of Content and Legal Market Strategy for consultancy InsideLegal. "These days, they have to deliver more quickly and they have technology to do a lot of this stuff on their own," he says. "If a client sees you're manually numbering for 300 pages [in a document], they think, 'I'm paying for that?' Especially in a time of doing more with less, and cost-cutting, you need to make sure all users, especially the actual billers, have those basic skills."

Judith Flournoy, Chief Information Officer at Kelley Drye & Warren LLP in Los Angeles, says clients are in the driver's seat in a way they never were before — and they're asking questions they never

would have asked. She sees the recent move by Casey Flaherty, the General Counsel of Kia Motors, to audit his law firms' technology — and share that information publicly — as the start of a wave.

"How quickly can you format a document? That question never would have come up [previously]," Flournoy says. "[Client] expectation is that a service should be provided to them in the most efficient and effective way possible. Their expectation is that not only should you have really smart lawyers, but they should be able to use technology more efficiently to work smarter."

Earl Manguiat, Director of Information Technology at Scarinci Hollenbeck, LLC, in Lyndhurst, New Jersey, says that business has been "moving toward real-time" since the iPhone and other smartphones came on the market. "They don't expect a document within days, or within hours," he says of clients. "They expect it 15 minutes later. … When somebody emails you, they expect an answer right away."

THE URGENCY FOR TECH SAVVY ATTORNEYS

Firms that don't make efficient use of technology are going to cost clients — and themselves, says Jeffrey Roach, President of consultancy Encoretech. "If you use technology properly, it really can become that competitive advantage," he says. "If you don't, probably money is being wasted." For example, he adds, "The cost of discovery [on a given case] is going to balloon, because nobody can find emails related to that particular matter."

Clients are definitely more price-sensitive than they were five years ago, says Douglas Caddell, Principal at Legal CIO Consulting llc. They figure, "I don't want to pay somebody three hours to struggle with technology if it can be done in 15 minutes using the proper tools," he says. "One of the consequences [of not embracing technology] is, in the near term, that you end up with dissatisfied clients who get bills higher than they expect. … Going out of business is probably a longer-term thing, if firms as a whole don't embrace technology."

However, sometimes it takes those drastic consequences to gain the attention of the attorney. Angela M. Hickey, Executive Director of Levenfeld Pearlstein, LLC says, "If lawyers cannot find a way to be better, faster, cheaper, their clients will leave." Sometimes it even takes a more personal course of action, such as reducing an attorney's compensation level. Hickey has seen it before. "Sometimes the firm will say, you're costing too much — it's costing too much for you to do this."

Andrew Jurczyk, Chief Information Officer at Seyfarth Shaw LLP in Chicago, agrees that attorneys and their firms will lose profits if they don't accept and adopt technology. "If your client keeps getting something in one day from another firm and three days from you, because you haven't adopted technology, they're going to get tired of waiting. The book of business could just begin to dwindle away."

"It may take years. It may take more than a few months," Jurczyk adds. But at the end of the day, it's going to happen. If you can't respond in the time they want, they'll find people who will.

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THE MINDSET OF THE RESISTANT LAWYER

Jurczyk can't believe anyone is still techno-phobic in the age of Apple and Google. "How can people resist technology today? How can they do business without it?" he says. Nonetheless, Jurczyk says his firm has a handful of attorneys "that still operate in a paper world. Their secretaries print out their emails. It's just the way they're comfortable working. Those same people still have iPhones and use them, but maybe for different purposes."

Roach says he's not always sure how much attorneys are resistant to technology in general — especially considering younger lawyers' use of apps like Facebook and YouTube — versus how much they're resistant to taking the time to learn about it. "Lawyers' time crunch is very real. They're not making that up," he says. "They're evaluating what's the best use of their time."

Hickey agrees that attorneys often don't have the time to learn the technology — but she thinks that they're often fearful, as well. "If they feel like what they do is going to be replaced with technology, what is left for them to do?" she says. "Firms that can answer that question for attorneys will see them embrace it."

Some older attorneys resist keeping current because they figure they're retiring soon, anyway, Caddell says. "If you're retiring in five years, how do you win that lawyer over? It's really hard to do unless a client [convinces them]," he says. One senior partner with whom Caddell worked repeatedly told him that he didn't want a computer. "One day," Caddell says, "[the senior partner] called down to me and said, 'I need to get proficient on this.'" The senior partner changed his mind after his major client said, "You need to connect with us."

Flournoy definitely sees a generational component to the resistance, noting that younger attorneys are often primarily responsible for tasks that secretaries would have handled in the past. "This generation is a bit more open to using technology, to the extent they understand how it benefits them," she says.

Manguiat chalks up the resistance at least partially to human nature. "People, in general, are resistant to anything new," he says. "It's normal to be resistant to something different. Attorneys, in particular, really need to be sold on the idea of being able to [service] their clients whenever they are needed."

IDEAS FOR SUCCESSFUL TECH ADOPTION

Administrators can help to convince attorneys that fighting the time crunch is worth it, Roach says. "Show them that their upfront investment [of time] is going to save you over the long haul. If they believe that is true, they will have their 'a-ha' moment."

Training styles can make a difference

To break the ice, "Lead with the sexy stuff," Roach says, who also suggests starting with using the attorney's iPad to create a presentation. "You have to start with a hook. You have to start with what's cool. Then, build in document production, or Excel."

The design of training can help to overcome resistance, Elster says, keeping in mind that classroom-style instruction is a very last-century model. "It's just now how people work anymore," he says. "Get them the training and get them the knowledge when they need it, on their mobile devices or at home, with a two-minute quickie video. You need to feed it to them how they're used to consuming it." Roach suggests a similar approach by breaking down longer topics into a series of shorter ones, and personalizing the training to the user.

Flournoy tries to give her attorneys what she calls the "iPad experience" with applications crafted around how users think and work. "The iPad is very much about the user experience, crafted around the way they want to use the device, the applications they've downloaded, arranged in the way that makes sense to them," she says. "It's not that lawyers are resistant to technology; they're resistant to the stuff that doesn't make sense to them. They don't understand why it's useful."

Flournoy's firm introduced a 1-to-1 program modeled after the Apple store Genius Bar in which trainers spend scheduled time with individual attorneys and review what they want to know. "The trainer comes in with suggestions, like 20 cool things you can learn in 20 minutes," Flournoy says. "We're trying to find ways to entice people and get them excited about or interested in what's available."

Even many attorneys who resist technology have gotten used to consumer-friendly devices through companies like Apple, so why not deliver your training on those, Elster asks. That means administrators sometimes overcoming their own resistance to attorneys using their personal devices, he points out. "It's a function of how [training] is being delivered," he says. "If you can show an attorney that there's real value to using technology, that it will help and strengthen their client relationships and bring them business, that's when you have their attention."

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Engage early adopters

Getting attorneys involved at the front end helps to gain buy in, Elster says. "It's a matter of including attorneys in the pilot programs, especially when it comes to something like a document

management system, or other core technology that attorneys use every day," he says.

Caddell recommends leveraging the small cadre of early adopters and using them as an example. Then, impress upon others, "It's really not about technology; it's about client service," he says. Leave alone the attorneys who represent an "immovable object" and demonstrate to the others "how it will improve their practice and ability to serve their clients. "

Rope in other legal staff

Hickey has found that paralegals can be an effective liaison to the attorney, in that they're trusted to understand an attorney's work in a way that IT staff are not. "The IT group is removed [from day-to-day legal work]," she says. "If the paralegal says, 'It's going to make a world of difference for us,' that has captured the attention of attorneys."

Also, consider that new technology has glitches. "The paralegal provides a great opportunity to vet a process or application — and also to get insight that the IT people might not necessarily have," Hickey says. "If a paralegal says, 'Nobody cares about that,' that's important for the IT group to know."

When approaching attorneys directly, legal administrators need to be very concise and show how new technology addresses a problem that attorneys have — not a problem that administrators have, Hickey says. "You have to bring it really close to home — how is this going to make your day easier?" she says.

FINAL CONSIDERATIONS

Leadership and management have the responsibility to make attorneys comfortable with the safety and workability of new technology, Jurczyk says. "It's a matter of being able to grow your book of business. That requires the use of technology sometimes," he says. But older attorneys nearing retirement are sometimes not worth the time and energy, he adds. "They have clients who are perfectly happy with what they're doing and how they're doing it."

However, some of those who eschew technology are younger and need to be educated, Jurczyk says. "I hear different excuses," he says. "People are afraid of scanning because what if a page gets missed. But a page can get missed on paper. It's more the fear of the unknown, or the ignorance of what the technology can do."

More broadly speaking, Manguiat says of technology, "The No. 1 selling point is, and the reason attorneys are resistant, is that they don't know what they can achieve. They don't know what they are missing. Once you have proven to them that this is the future, this is where everyone is going, they are on board. If we don't do this, we're going to fall behind, and it's going to become harder for us to compete."

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Ed Finkel is a full-time freelance writer and editor who covers law, technology, medicine, education and youth, and other issues. His legal writing background includes work for the *ABA Journal, Student Lawyer* magazine, the *Illinois Bar Journal and Chicago Lawyer.*

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