The Municipal Lawyer: Predicting the Future of Legal Technology

Ross L. Kodner, Esq.
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Serving the Technology Needs of Lawyers Everywhere Since 1985

- Marquette Univ. Law School, 1986 (Law Review), Milwaukee, Wisconsin
- Founded MicroLaw in 1985
- Legal Technologist
- Over 700 law practices assisted
- Frequent author and speaker nationwide on legal technology subjects
- Chair, ABA LPM Section Computer & Technology Division 1997-2002 and Member, TECHSHOW 1997-2001 Board, Co-Chair, LegalTech Board
- Visiting Professor at Univ. of Wisconsin and Marquette Law Schools
- Chair, T3 Network of Legal Technology Consultants

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The Prediction Business is Pretty Risky





No one has anything but a murky crystal ball when it comes to predicting the techno.future. But what the heck, let's use some mystical incantations, random musings and give it a shot!

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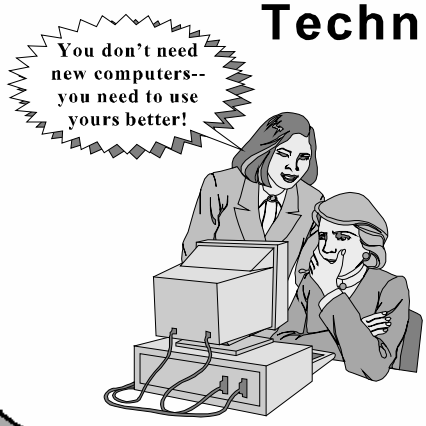
One: Law Practices Will Learn to Better Use Existing Technology



Don't know or don't understand? Get outside help--just as your clients seek you to guide them in unfamiliar and complex legal waters. Stop using Word/WordPerfect like a big typewriter! Take the time to learn Outlook or your case manager!

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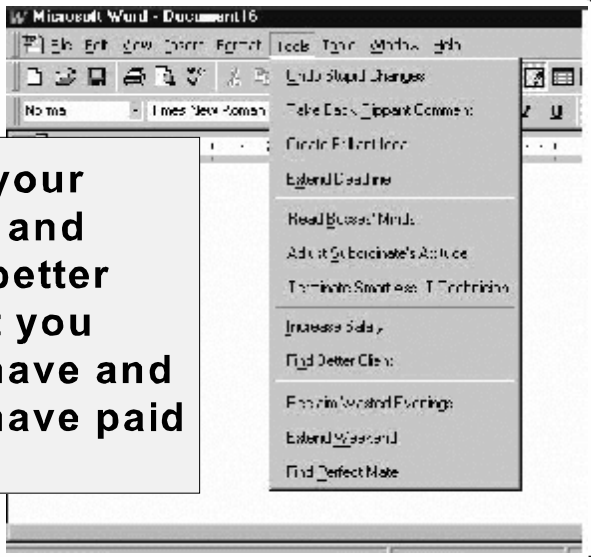

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Two: The One With the Most Knowledge Wins!



Knowledge management becomes more than a buzzword, and more than a large firm concept. People realize that DMSes and CMSes are solid KM bases and searching gets smarter

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Three: "Sales" is No Longer a Dirty Word



Law firms, large and small develop sales forces and leverage the CRM-like capabilities of case managers (or buy CRM products) in order to generate enough business to pay the bills

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Four: Law Firm Clients Finally Get Asked What They Want!



Marketing's one thing. But how do you know what clients want if you don't ask. Law firm marketing gets consultative with pre-need analysis and post-service satisfaction measurement

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Five: Law Firms Dump Hourly Billing!



- Clients hate hourly billing. The 10% of clients who pay 90% of the freight will demand project billing and intense cost containment
- Ignore this at your own peril and face elimination. Use technology to gauge your "cost of production", measure and monitor the competition and price services accordingly

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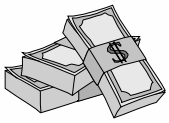
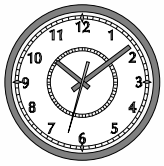
Six: Metrics, Metrics, Metrics!

It's all about what you bring in



Not how much time it took



Private law practice success measurement will shift from the front end to the back end. In other words, no one will care how many hours you work. Instead, what you ***collect*** will be the only thing that counts and will be the ultimate metric

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Seven: Related to Six, Leverage, Re-Use and Recycle



To decrease the cost of production and increase quality and consistency, document assembly systems will finally become mainstream - they're the way to "widgetize" law practice in the best possible sense

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Eight: It Will No Longer be Cool to be a Techno.Peasant



Lawyers who are ambivalent towards, or opposed to using and maximizing the effectiveness of technology in their practices will be . . . ***deleted***

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Nine: The Intersection of Technology and Substantive Law is Blurred Beyond Recognition



Lawyers everywhere need to understand that new laws and new techniques mean new knowledge is mandatory. This means understanding e-Discovery issues and the broad, sweeping (and chilling) impact and reach of HIPAA

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Ten: Lawyers Get Sued For Techno.Malpractice

We see the first successful lawsuits against lawyers for:

- Failing to backup client information adequately
- Infecting clients, courts and others with viruses
- Disclosing confidential client/case information by sending out Word documents with Metadata

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Ten (.1): Lawyers Need a Crash Course in Practicing Safe Computing

Lawyers get a techno.clue that electronic security is not primarily a technology issue but rather and attitude. Lawyers also realize that protecting client and firm confidentiality carries technology burdens such as protecting from data loss and virus infection (or spreading viruses to others)

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Eleven: Tablet PC Systems Finally Become "Hot"

By the third generation, Microsoft and its hardware cronies get Tablet PCs right and widespread legal use is the norm:



- No Tablet PC weighs more than 2 pounds
- Every Tablet PC gets at least 16 hours per battery charge
- Handwriting recognition tolerates any writing style and is typically 99+% accurate
- The average Tablet PC is no thicker than two legal pads
- The cost of a well-equipped Tablet PC is under $2000

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Twelve: Every Lawyer Totes a PDA

handspring is now...
palmOne



Whether a converged Palm/Phone/Blackberry or "just" a PDA or a "wrist PDA", no lawyer would be caught without their PDA. Toting calendars, rolodex, case notes and practice tips, not to mention their e-mail and web access, PDAs for lawyers become as ubiquitous as cell phones are today

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Thirteen: Revelation - IT isn't the same thing as LT!



The difference between IT staff and Legal Technologists becomes clear and the two roles evolve in a separate, but connected way:

More law practices and law departments will have lawyers as ***Chief Technology Officers***, under whom work the ***Chief Information Officer*** and ***Chief Knowledge Officer*** (or smaller firms and law depts. outsource these positions to credible consulting resources)

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Fourteen: PDFs First! (Which means WordPerfect Resurges)





OK, this one's out there, at least in the second part. "PDF First" becomes the war cry for electronic collaboration and document exchange, fueled by more and more courts requiring electronic filing in PDF format. Because of this, as well as continually higher prices and more onerous licensing policies for Microsoft Office, an Oracle-owned and 100% Word-file-format-compatible WordPerfect sees a groundswell of resurgence as lawyers come to their senses and use the best tool for the job

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Fourteen(.1): But Word Processing is Subsumed to E- Mailing



It becomes "exotic" to send word processing documents and even more "exotic" to actually print and mail a letter to anyone. E-mail dominates all legal communication and document generation/exchange.

Outlook is also renamed "Lookout!" because it continues to be a magnet for every hacker and virus writer on the planet

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Fifteen: Technology Becomes a Law Practice Profit Center



- No one has ever accused most lawyers of being good businesspeople
- That all changes. The "new" economy and the threat of financial extinction create a new class of lawyers who learn that understanding business techniques = the best chance to thrive in modern law practice
- Ashift to leveraging ***only*** technology that can be shown to generate a positive ROI and which generates more profit than it costs
- Visualizing technology as nothing more than an expense and a necessary evil becomes the hallmark of all the failed law firms that dot the landscape of the near future.

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Sixteen: The Big Five "Technology=Profit" Moves

Legal technology moves that translate to fast ROI and become virtual money machines:

- Get a version of Windows that actually works (in other words, ban anything below Win2K)
- *Deploy a well-implemented and well-planned case/practice management system*
- Use a document manager - and make sure people ALL know how to use it
- *Deploy a knowledge management strategy which is far more of a liveware issue than a hardware and software issue*
- Train often, train right and train again - think CL(T)E - Continuing Legal Technology Education
- *Manage paper by going Paper LESS™ and make more money*

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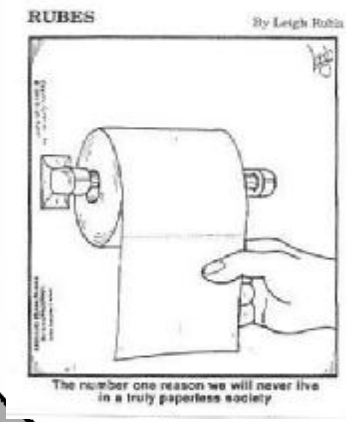
Seventeen: The Mythical Paperless Office Fades into Oblivion . . . the Paper LESS Office™ Becomes the Norm



Law firms experience a shift where the primary file is electronic and the paper file becomes secondary. My Paper LESS Office™ process becomes the norm as lawyers turn digital paper into electronic paper and build completely contiguous electronic case files.

Related to this is the recognition that scanning best works when viewing it as a way to photocopy documents to one's computer screen instead of always trying to OCR documents (with lousy results).

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Eighteen: Use Technology to Bring Quality of Life Back into Your Practice!



"You said I should spend more time with our children, so I turned their faces into icons."

Legal technology, selected correctly and implemented effectively, can help get some semblance of life back, not to mention injecting some fun back into law practice

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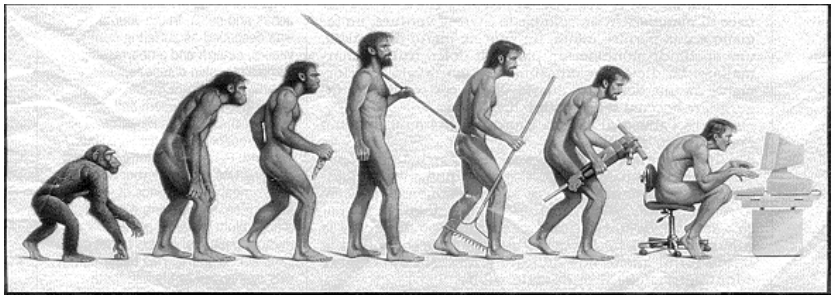
Nineteen: Legal Technology Constantly Evolves - Embrace Change Instead of Fearing It



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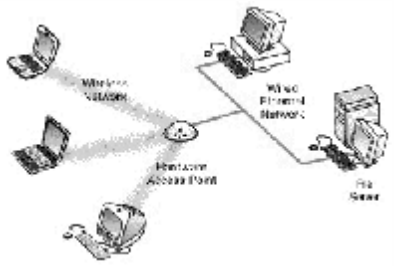
Twenty: Wireless Everything, Everywhere!

- We all go wireless - with security
- It's amazing - it works! The most common type is 802.11b - many laptops come with it already
- 802.11g is the system to buy
  - *Compatible with "b"*
  - *Faster - up to 54 mbps v. up to 10 mbps*
  - *Much more secure than "b"*
  - *About the same cost*
  - *Wireless Access Point - $125 to $750*
  - *Wireless PC Access - $50 to $125*
  - *Wireless Print Servers - $100 to $300*
- Wireless office buildings, courtrooms and entire cities





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Twenty One: Tech Vendors Get a Security Clue

- It's impossible to read the paper today and not see a "security" horror story
- Most legal tech products make security complicated, obtuse, hard to install or configure
  - *Most products that have security come with it TURNED OFF*
  - *Most law firms never fully activate the security features in the products they buy*
- This madness has to stop
- I have a proposal for all hardware and software vendors . . .



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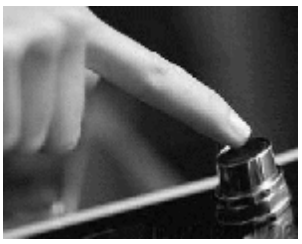
Twenty Two: It's Time to T.O.S.S. Insecure Products!

- Here's my idea: T.O.S.S. - which stands for:

T*ouch* O*nce* S*ecurity* S*etup*

- What does it mean?
  - *Each hardware or software product would have a "TOSS" button*
  - *Whatever security capabilities the product has would be activated, at least at a basic level, in one step*
  - *While user input could be asked for, or additional configuration possible, it would standardize security setup and make it easier for all law practices to secure their systems*



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Twenty Three: Cellphones Out, Smartphones In

handspring is now... palmOne



Within 3-5 years, cell phones for lawyers will entirely disappear, replaced by "Smartphones" - combining Web access, always on e-mail with real-time synchronization with our office case managers and billing systems

It's inevitable!

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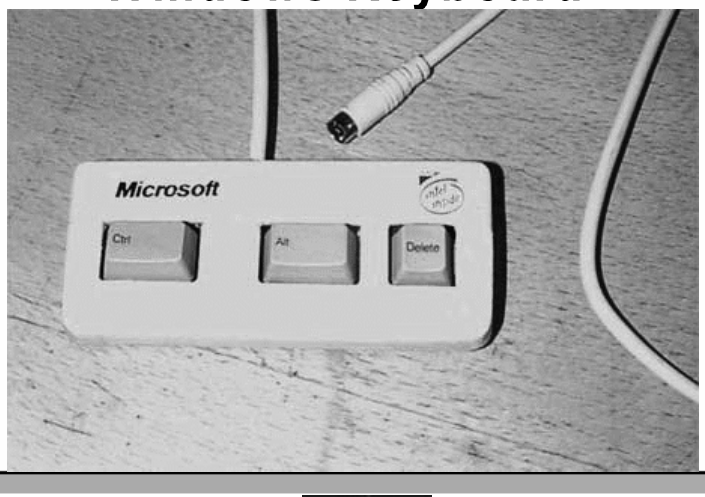
24: Microsoft Releases a New Windows Keyboard



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Twenty Five: The Ultimate Oxymoron is Officially Recognized . . .

MICROSOFT SECURITY

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So Don't Worry if You're a "TechnoPeasant": There's Hope!



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