

Chapter 5 - Management and Personnel Technology Considerations

Selecting and Retaining a Technology Consultant

The fast paced changes in the information technology revolution can be overwhelming and intimidating. Technology selections may determine the success or failure of your firm. It sounds dramatic, but we only need to look to the recent past and look at mainframes, Wang and Apple computers systems, to make us tread cautiously through this revolution. Failure to make the right selections can mean that hardware and software purchases may have to be discarded. It is imperative that important technology changes, such as the Internet and Intranets, be incorporated into your present and future planning efforts. Your firm does not have to be on the bleeding edge of these technology efforts, but should be on the cutting edge to maintain your competitive edge.

That is why I strongly suggest that a “consultant” should always be part of your technology planning efforts. However, competent, knowledgeable legal consultants are difficult to locate. They should be independent and not tied financially or through other forms of remuneration to specific hardware or software vendors. All too often, I have heard “independent” consultants tout the utility of specific software packages while they were obtaining a commission or other form of incentive from the software company to sell their products. Also, be aware of vendors offering “unbiased” advice as to the ideal setup for your law office. Many vendors do not understand the “business” of the legal profession and provide solutions tailored for other types of businesses.

Many firms “appoint” a partner, associate or staff person, such as a paralegal, to be the “computer person” in their organization. Whenever technology questions, decisions or research arise, this person handles them on behalf of the firm. Unfortunately, the world of technology is moving at such a rapid rate in all areas that it is difficult if not impossible for the in-house person to stay abreast of the latest technology advancements and then choose the right solution for the firm.

You also need to realize that an attorney and other professional legal staff’s mission are to provide legal services to their client. It is not to know how to best connect to the Internet or which document assembly package is the best. There is a tradeoff for using the services of your professional staff to research and determine the best technology solution for your firm. Always consider that a lawyer or paralegal bills at a certain amount. Will the in-house person selected arrive at an accurate technology answer within a short time? Will it actually cost more for the in-house person to understand the technology then to bring in a consultant? The final decision can be done in-house, but do not replace the function of a technology consultant with a skilled legal advocate.

A legal consultant should be used when considering a:

- Major hardware or software system change;
- Office relocation or addition;
- Merger of firms;
- Annual or semi-annual needs assessment;
- Addition of numerous lawyers;
- Any other event that significantly impacts your information technology system.

A legal technology consultant's job is to understand the hardware and software applications used in the legal industry. There are several reasons that one should retain the services of a reasonably priced competent legal technology consultant. They are able to:

- Keep abreast of the latest product releases and the trends in the legal industry as well as in the general computer industry;
- Bring knowledge gained from other jobs to your firm to enhance your efficiency and effectiveness;
- Provide a presentation of latest technological changes;
- They may be able to provide a link to the best prices in town;
- Can provide annual or semi-annual assessment of your needs;
- Can grow along with your technological growth.

Selecting a Consultant

The process of selecting a consultant should focus on a number of important factors. A consultant should:

- Understand your legal practice;
- Have the personality, temperament, and people skills to get along with firm members;
- Have substantial prior experience working with law firms;
- Have great communication skills. Be able to use simple language to communicate about technology issues so that you understand the concepts. Beware of consultants that speak mumble jumble;
- Be stable and professional;

- Be available for fast response;
- Always maintains a solution oriented approach;
- Charge a reasonable fee for services. Consultants charge generally from \$75 to \$200 an hour.
- Check out the consultant's references. Ask for the contact person for the consultant's last five jobs, not just the references the consultant provides you;
- Have the required technical skills for the particular project;
- Have the required legal applications knowledge for the project.

Agreement with consultant

In order to prevent an unpleasant experience, consider using the following contractual clauses and methods to ensure a favorable result:

- Disclose and discuss the firm's legal and technology goals.
- Set forth in writing the responsibilities and duties you wish the consultant to assume. Set forth the proposed services and deliverables (reports, deadlines, benchmarks). Incorporate proposals into the contract.
- Set forth in writing the project's anticipated cost. Does the consultant bill by the project or by the hour? When is payment due and how should it be made? Save a final payment until the project is completed and accepted.
- Consider dividing the project into pieces so the cost will be based on the individual subprojects completed. Provide an early notification method if the consultant feels that there will be a cost or time overrun on the project.
- Request a written explanation of why such an overrun may occur.
- Reserve the right to terminate at any time paying for services received. Set forth the name if you want a particular consultant. Do not permit the consultant to enter into contracts on your behalf.
- Delineate the lines of authority in writing. Do not allow the consultant to obtain approval from another member of the firm on a project or extension of a project without your approval.
- Discuss the methodology of how price quotes will be obtained. Be sure to compare apples to apples.
- Discuss strategies on quality of products, lowest prices, staff training, implementation strategies, installation of products, conversion of old documents or data to the new format, and testing.

Consultants can provide tremendous value for the money and can guide you through the information revolution. Take time in your selection process. They can save a tremendous amount of aggravation and free you to practice law and not technology.