Chapter 5 - Management and Personnel Technology Considerations

The Technology Decision-Maker. Appoint someone who is responsible for the ultimate decisions regarding technology in your firm. That person should not be a dictator, but instead be open, curious, intelligent, and have a technology vision. It will be necessary for that person to understand technology concepts and legal applications. It will always be easy to criticize the decisions of this person because of the fast paced changes occurring in the technology area. However, as long as the person uses due diligence in researching, understanding and applying the collective knowledge of the group, then that is all that one can ask. Also, be aware of the self-anointed attorney technologist or consultant who has not kept up with the technological changes, who sells a particular piece of software, or who crusades for one particular pet application.

Technology Committee. A technology committee can be a formal and/or informal link as an organization adopts technology as part of their integrated strategic plan. The committee is important to facilitate and support the integration of technology. Presentations at office meetings can be sponsored or co-sponsored by the technology committee. However, lines of authority need to be defined between committee and administrative staff. The chairperson of committee should be a person with a practical technology approach. The chair should be able to communicate the benefits and be the bridge between the technology and non-technology employees. It may be necessary to outsource part of the technical work, as an attorney's time constraints may not permit him or her to keep abreast of the changing technology market place. The committee can be a benefit, or a hindrance, if they refuse to listen to new ideas and technologies.

Within your organization there will be the controllers, followers, adopters, and naysayers. The controllers will see this as something they want to take over or control. If they have an experienced background with law and technology, they are invaluable assets. If they want to control just to control, then your organization may be severely handicapped if they choose solutions, which are not appropriate or to costly. The followers will follow the lead of the management and will adjust to the new technology. The adopters will readily accept the new technology and will assist in implementing and making it successful. The naysayers are the group that can undermine a successful implementation. There are a whole host of covert and overt reasons why they will be against the project. Unfortunately, it is necessary to minimize their influence or convince them of the merits of the project.

Do not neglect minor technology issues in the firm. Have the technology needs of the branch offices been adequately considered? Branch offices need to be included in the entire process. It is unfair to exclude them based on the distance from the office or smaller size. You should seriously consider videoconferencing or other communication means to include them in meetings.

Place key decision-makers, experts and people impacted by the decisions on a committee. Technical people, as well as legal professionals, should be on the committee. How are people who are resistant against change going to commit to the mission and objectives of the firm? What type and when should the entire law firm be included in the planning? Communicate with all members of the staff have them become stakeholders and buy into the solutions. Plan big, start small, and change the course if you need to. Include all staff - attorneys, paralegals, and support staff - on your planning committee. They are all stakeholders and will be impacted by your technology choices. Make sure partners and others are in agreement and accountable for

the direction.

Understanding Computer Concepts and Legal Applications. Determine available and emerging technologies and how they apply to your practice. Assess what other law firms are doing or not doing. Ensure that the members understand computer concepts and how they apply in a conceptual sense to legal applications. List the different automation functions that are being considered: advanced word processing, time and billing, databases, and so on. Determine what functions you want to automate. It is unnecessary that one becomes a technologist but one must understand what document assembly, full text, the Internet, and so on mean. Information and understanding must be acquired before one can formulate a vision. Have a vision of what you want your firm to look like in 1, 5, 10, and 15 years. Will it be a “virtual” firm? What do your clients want in that same time span? Do they want to share development of your technology plan with you? What is the technology direction and focus of the firm? The key leaders must visualize practicing law in the future. Your team must be agreement on the direction and focus of the firm.

Technology Agenda and Strategic Objectives. Formulate a technology agenda and objectives of what areas of automation will be developed. Part of the agenda statement should include "to use technology and management innovation to maintain a position of leadership in the legal community.” Another goal would be to include the provision of quality legal services for your client at a fair fee. Identify and focus on the lawyer’s needs and provide the technology to assist them. For example, how can technology assist them in managing their billable hours? Will a calendar and docketing system provide the control over their caseload needed to assist them? What do our clients want? Do we become partners with them in integrating the practice of law and their business using technology? Do we share case management systems, automated document assembly systems, databases, and so forth? Prepare a one, five and ten year plan, realizing that changes will be necessary.

Re-engineering Law Office Processes. As you begin to analyze the law office and litigation functions, you will soon discover that one may have to consider changing the workflow and business processes to meet your automation goals. For example, since the docketing, scheduling, and timekeeping software will be on the computer, should the staff member who is part of the law firm section or litigation team handle all of these duties, or do you still route docketing matters to the docketing clerk? A very good book to read for answers is *Reengineering the Corporation* by Michael Hammer and James Champy. It provides an insightful look at reinventing business processes. If you will be using paperless images on a case, should the documents be imaged when they arrive at the doorstep, or should the attorney determine if they should be placed in the imaging database? Should the scanning be outsourced, or should the firm invest in the equipment and training to do it in-house? Should we hire a new person to take care of some of this responsibility? There are many questions that must be asked as you re-engineer your law office processes and workflow.

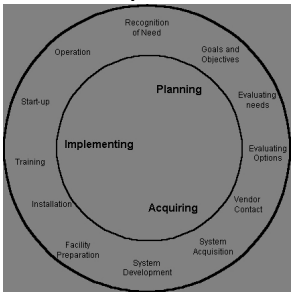
Job titles and duties of employees will change as we use computers more and more in the practice of law. For example, the WWW and other databases are filled with valuable case information that has been uncovered. Internet specialists will become an integral part of the law firm structure. Also, evidence specialists will be hired to locate, categorize, and computerize witness facts and document information, and to control other discovery materials in an electronic method.

The Virtual Law Office. As we become more interconnected, more and more people will be

telecommuting from home or branch offices. Workers are finding fewer distractions while working away from the office. As this trend continues, specific strategies should be considered. For example, office space and other resources may decrease, depending upon your firm's approach to this work schedule.

Great attention should be paid to the integration of technology into law office design. Consideration will have to be given to what, where, and how technology will be integrated. Computers, video conferencing, voice and data communications networks, and security devices all have to be planned for in setting up and designing your office at home or at work. Individual law offices will decrease in size and technology conference centers will become larger in order to meet with clients, conduct depositions, and electronically handle your client's business. A little forethought ahead of time will drastically cut remodeling needs prompted by integration of technology. See also, Chapter 1, *The Virtual Law Office.*

Plan of Action – Technology Life Cycle. The following System Development Life Cycle discloses the technology issues that need to be considered during different phases of the implementation process.



Source: *Planning, Acquiring, And Implementing Court Automation,* National Center for State Courts and State Justice Institute (1993).

In regards to a particular case, there may be additional implementation factors to consider. For example, what is the size of our firm, nature and size of case, time constraints of litigation, number and location of parties involved, client interest, cost savings, and size of budget. Compare it to the manual handling of indexing and imaging of documents. Consider the possibility of early settlement, number of witnesses, and number of documents. What is the capacity of the firm's hardware and software?

If you are soliciting services through a systems integrator for hardware, software, networking and other services, a Request for Proposal (RFP) should be developed. An RFP, if properly prepared, will enable one to obtain similar competing bids from vendors. Software and hardware prices are constantly changing and the vendors generally keep track of these changes and pass the savings along to you.

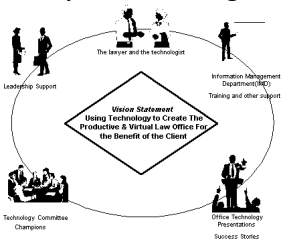
Creating a Technology Minded Legal Culture. Reward employees - attorneys and support staff - who bring and assist in the implementation of new technological advances. Foster an environment of efficiency and forward thinking on technology use. Let your clients know that you are using the technology and that the firm's staff is committed to being efficient in the handling of their matters. Encourage employees to take risks and then compliment them even if the course of technology action was not successful. Keep asking whether your firm is taking advantage of the latest and most cost effective advances for your clients.

Support the technology change by providing education. Classes, books, periodicals, audiovisual, and other aids should be available. Keep current with PC Magazine, Law Office

Computing, Wired, and other publications. Network through professional organizations, hire technical experts, and support the risk takers.

Team Implementation. Successful implementation of technology requires a team effort. Participants must include representatives from the partners, associates, paralegals, secretaries, and members of the information management department. You must realize that automating even one application, such as timekeeping, impacts all the members of your firm. If they are left out of the planning process, it could seriously hinder your success. They must commit to the technology vision and objectives. They will become the focal point of your implementation plans.

Take time to build a team for implementing projects. Have buy-in from all levels of employees. Communication, teamwork and patience should guide your actions. For each new legal application - E-mail, document assembly, etc. - what is the strategy and timeline for implementing it? Consider a pilot program for each application. Remember that people will use technology if it is easy to use, convenient, and provides real value in their life. Implement effective quick solutions that work. Don't hesitate to praise and give recognition to firm employees on adapting to the new technology.



Focus on benefits and not failures, since they will also occur as the new system is implemented. Identify problems that stand in the way of automation. Set objectives for solving these problems. Lawyers generally do not absorb new training in a classroom environment and may feel embarrassed by their lack of knowledge in the computer area. Training should be available on an individual interactive level. Identify software and hardware products that meet your needs. Make sure that objectives and decisions are set and that there are available resources to implement this direction. Keep leaders and employees advised of progress. Measure the progress in Return on Technology Investment (ROTI) and in other intangible ways.

One source of office unity is preparing and presenting an office technology seminar using in-house lawyers and support staff as speakers. The employees become increasingly committed and learn in the process. Everyone benefits, the presenters as well as the audience. Cover computer concepts, as well as the legal applications. One major consideration is whether these employees are credited in some manner for working on office technology projects. Recognize their value as they try to provide a positive motivational learning experience for their fellow staff members. Presentation questionnaires should be distributed to understand the effectiveness of their efforts.

Use outside speakers and locate lawyers or other legal professionals that use the software or hardware. Monthly presentations will keep the employees focused on technology applications. However, focus on computer concepts and practical lawyering applications. If you present only theory, the audience will quickly tire of the presentations. Show them immediate value and ease of use. Recruit the computer novice to present. The other employees will say that if that person can do it, they also can. Outside speakers, consultants, and vendors can be a good source for presentations. However, ask ahead the message they will be presenting. Contrary

messages to your organization can be damaging. National and local technology seminars provide good content material for presentations and a list of potential speakers. Always follow up after the presentation and report back to the staff if any action is taken.

Technology Budget – Hardware, Software and Staff. There are a number of major components when constructing a budget for technology which include:

- Hardware and Software;

> "They're only puttin' in a nickel, but they want a dollar song."
> - Song title

- Technical support;
- Data management;
- Application development;
- Training. Sufficient IS personnel should be available to assist the legal professional in completing their work. Fifteen years ago, few lawyers used computers, so few IS people were needed. Now we see lawyers using computers on the road, at home, and at other locations. Lawyers need to be lawyers and not computer technicians. Approximately 10 years ago, one IS person was needed for every 50 users. Recently, we have seen ratios of 1 IS person for every 20-25 users. In addition, we see secretaries and others filling part of the IT need. In any case, computer software experts should be available to lawyers for any software they are using to assist them to complete their work and ultimately, maximize the profit for the firm.

Funding technology purchases can come from many sources, such as cash from normal business operations, partner capital, bank financing, or leasing.