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## Taking Control of Technology: What Small Firm Decision Makers Need to Know

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**T**echnology has been described as the great equalizer between small and large firms and as the salvation of the solo practitioner. It places in lawyers' hands the tools they need to practice competently and effectively in today's world.

There is a technology debate today, not about whether law firms should utilize computers, but about how. Even if some lawyers resist becoming computer literate themselves, their staffs, associates, and partners have accepted and even embraced this brave new world. Unfortunately, most lawyers fail to take full advantage of the technology they already have at their disposal. They are often confused and frustrated about how much and what kind of technology they need.

If the law office decision makers fail to understand what different applications can do for them, they may not achieve many of the benefits that technology offers. For many lawyers, the learning curve to acquire technological proficiency is so steep that maintaining the status quo is easier than changing the way they practice law.

For firms that want to take control of their technology, the first question to ask is what applications does the office need? This question should precede debates about what hardware and software to acquire, because the choice of applications will drive the choice of products. To start anywhere else is to allow the tail to wag the dog.

### **Generic v. Customized Software Products**

Law office systems may be generic software products (often preloaded in computers by the manufacturer), programs sold specifically for law offices, or even applications designed specifically for a firm. Generic software is usually less

expensive than industry-specific or customized software. The manufacturer discounts the software as an incentive for the hardware manufacturer to load it, and spreads the development costs among a wider customer base.

Costs for installing a new product and teaching employees to use it proficiently can be substantial. And it is no secret that not all products are equally easy to implement. Generic packages are usually fairly intuitive at the beginner level—most users can learn basic operations by browsing through dialog boxes and help menus. Intermediate and advanced functions may require training, and outside consultants may have to be brought in to create templates that will work properly.

Software developed specifically

for the legal industry or a substantive practice area might be harder for both lawyers and staff to learn. Unless the firm has an in-house technology guru, it may have to bring in a consultant or utilize the company's tech support just to get started. Once installed, law-specific programs sometimes produce more problems than typically arise from generic software modified in-house, because the generic software has been tested more stringently before it is sold to consumers. On the other hand, software designed specifically for law practice and beta-tested in real law offices may operate more intuitively than products created for businesses generally.

A generic solution might not suit all firms, but many will find that most of their computing needs can be met by software loaded in their

## SUCCESSFUL TECHNOLOGY DECISIONS

Here are a few troubleshooting suggestions that can help your firm implement new technology systems:

- Designate—or hire—someone in the firm to be the technology guru (not necessarily a lawyer).
- Don't penalize people for the time they spend learning; in fact, encourage them to experiment with new programs, to surf the Net, and to become comfortable with hardware and software.
- Know when to use consultants. Many times, you or your guru can solve the problem yourself, but for matters involving system design and training, a consultant can save both time and money.
- Read as many technology books and articles as possible.
- Go online for information (see [www.abanet.org/lpm](http://www.abanet.org/lpm) for specific sites and links).
- Talk to other lawyers who have dealt with the same problems.
- Budget money for computer maintenance and upgrades (don't assume that today's technology will suffice two years from now).
- Amortize the cost of technology over its useful life.
- Make the introduction of new technology as easy as possible.
- Don't add everything at once (take one step at a time).
- Know what you want or need (as opposed to what looks cool) for your practice.
- Review your decisions periodically—new options are offered constantly.

computers when they're purchased. In order to make good decisions, lawyers should compare *all* the associated costs and benefits of the alternatives they are considering:

- Purchase price.

- Hardware purchases and upgrades.
- Installation costs (including lawyer/staff time).
- Consultant costs (which can vary considerably).

- Conversion expenses (conversion from manual or older computer systems).
- Learning costs.
- Lost time due to unfamiliarity or working out the bugs.
- Value of time saved (hours x billing rate).
- Number of hours the program will be used.

## WHAT APPLICATIONS DOES YOUR FIRM NEED?

Although every firm is unique, most will require at a minimum many if not all of the following computer applications:

- High-level word processing, including advanced functions for composition, design, merge/sort, footnoting, and importing and comparing documents.
- Document assembly, integrating standard boilerplate forms and modifications in language as well as factual information about particular cases.
- Calendaring, including court dockets and appearances, appointments and meetings, statutes of limitations and deadlines, flags and reminders.
- Personal information management, including individual calendars, contact lists, daily to-do lists, personal notes, and records.
- Centralized time and billing, including capability to track hours and centralize billing and collections functions.
- Financial management, including budget and financial planning, expense reports, income and cash flow reporting, trust accounting, and payroll.
- Database creation, including client records, filing records, and specialized applications for particular cases.
- Spreadsheet capability.
- Presentation and graphic effects, producing slide shows and materials for training, client seminars, CLE lectures, and court appearances.
- Substantive practice systems, which systematize processes for handling cases in areas where the firm handles a substantial number of cases.
- Conflicts checking, including not only conflicts among current and former clients but also personal conflicts involving the firm's lawyers.
- Case management.
- Client contact, including current information and future marketing ideas, record-keeping, e-mail, communications, data and file transfers, and court filings (where available).
- Electronic research—online and CD-ROM.
- Shopping, including office products, computers, and professional services.
- Document scanning/copying/faxing.
- Videoconferencing.
- Continuing legal education.

One program used two hours per day, 250 days per year, for three years, will have been in use for 1,500 hours during the life of the software. Another program might be used only once a month for four hours; over its three-year life span, it will have been active for fewer than 150 hours (one-tenth of the utilization in the prior example). Dividing the purchase price by the number of hours the product will be used will produce a much more accurate picture of the cost than will looking at the purchase price alone.

### Small Firm Challenges

Large firms can spread out the cost of new technology; they can hire professionals to free lawyers and staff from technical details or consultants to provide training or organize systems. They can operate redundant systems until the bugs are worked out. In solo practices and small firms, the burden of transition falls directly on those who are developing and learning new systems at the same time that they're operating old ones—increasing the burden of implementation substantially.

Obsolescence also impacts small firms more heavily. Large law firms have the luxury of treating an investment in technology as a regular, budgeted expense, whereas small firms tend to view the acquisition of technology as a capital expenditure. Small firms would do themselves a favor by recognizing that they should budget for technology the same way they do for

staff and other necessary costs of operation.

Although some small firms and solos have embraced technology, many struggle with technology issues. Even when the firm embraces technology abstractly, actual implementation of new systems may make the commitment seem problematic. For one thing, it may be difficult to take the time to change ways of doing things that have worked for decades. For another, firm leaders who support change may mistakenly think that technology will be utilized primarily by support staff. Without an understanding of the new systems and applications, these lawyers

find it difficult to be leaders when problems arise.

A variety of products and services tailored to the small firm are already on the market. One place to go to get up to speed quickly is the ABA TECHSHOW™, sponsored by the Law Practice Management Section and a variety of program partners. ([www.techshow.com](http://www.techshow.com)). There are also magazines such as this one, *Legal Technology News* and *Law Office Computing*; newsletters such as *The Lawyer's PC*; and numerous other resources for those willing to look for them.

Small firm and solo practitioners are constantly challenged when it comes to technology. But

if you intend to practice successfully in the new millennium, you have no alternative. Certainly, there are choices about how to utilize technology, and all firms must make decisions based on their particular needs. But you will have to invest psychologically as well as monetarily in order to remain competent and to compete with other service providers. ■

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