USING TECHNOLOGY TO COORDINATE LAWYER & STAFF

By Perry L. Segal

Hats are available in all kinds of shapes, sizes, and colors. Some come right off the rack, some, like football helmets, are specialized, some are for men, some for women, and some are custom-made. There is definitely a hat for every individual. However, for the solo or small firm practitioner, it may seem like the office resembles a millinery factory! One will not likely get by on wearing a single hat. First, there is the defined function that the person shows up every day to perform. Then, there are all of the ancillary functions involved in managing an office. Growth, while desirable, only exacerbates these challenges.

At one time, the formula was simple; the likelihood of a person being required to wear multiple hats was directly proportional to the size of the firm. The problem, especially in the modern era, is that entities are not static. They may grow *or shrink* depending upon a list of factors, including economic expansions and downturns. Furthermore, shifts in corporate strategy may cause upheaval if a firm enters a new area of practice, while either maintaining – or abandoning – another. Also, contraction may result from nothing more than an effort to cut costs. The word is no longer "*down*sizing", it is "*right*sizing". Unfortunately, no matter what one calls it, if shrinkage occurs, the human resources who remain behind will be expected to 'pick up the slack'. In this context, will technology help or hurt?

Technology for the Purposes of Automation

No matter the size of a firm, technology allows the automation of mundane tasks, which in turn allows human resources to devote more of their attention to using the most fascinating technology of all; the brain. A law practice is a factory of *ideas*, not solid objects. This is an important distinction, because while intellectual pursuits make amazing use of technology, it is not utilized in the same way as it might be with manufactured goods.

If one sets out to design an automobile for the current year, one will go through all of the stages of planning, design, fabricating or procuring parts, and of course, assembling the entire vehicle. Except for needed corrections or modifications for that model year, the design will stay the same. In fact, aside from the available customizing options, sameness and predictability are *desired*, not discouraged.

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However, within a law practice, while there will always be similarities between clients, it is more akin to snowflakes; no two clients, nor set of facts they bring with them, will ever be exactly the same. Although elements of practice, such as certain procedures,

will usually follow the same rote pattern; there will always be the requirement of human intervention. The key is in understanding how one may automate specific processes via technology, while maintaining supervision over the others.

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Technology for the Purposes of Communication

As any child who has played the game of "Telephone" realizes, getting the message across is relatively easy when communicating to one person. However, as more and more people are added to the string, the message becomes muddled until at a certain point, it becomes unrecognizable from how it originated at the source.

Under the same formula, communication within a small practice is much easier to achieve, especially when one may be able to speak to another person in the room without using a telephone, an email, a text, or an instant message. In a counter-intuitive way, then, properly utilized technology may virtually eliminate this problem as a firm grows. How? By ensuring that whether a message is relayed to one person, or thousands of people, it remains uniform, unified, unwavering, and as complete as the originator desired; at least until a receiver edits, embellishes or worse; takes a portion of it *out of context*, completely changing its meaning before passing it on to others.

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The reason it is so critical to understand this within the context of a law office is that, in good faith, attorneys will endeavor to implement systems and processes to facilitate efficient communication without

properly understanding the risks. The issue that is sometimes forgotten during this process is that the person on the other end of these transactions is not likely to be an attorney, nor have any understanding of an attorney's legal and ethical responsibilities as they pertain to client communications.

Conversely, the technology provider is likely speaking to either an attorney – or representative of same – who doesn't understand how the technology actually *works*. This is a recipe for disaster. Therefore, no matter who within a practice generates a document or message, they must always be mindful of what may happen to that document or message once it is saved, stored, or communicated to others. Without that fundamental understanding, a firm is taking very real – and very dangerous – risks that may result in serious consequences.

Furthermore, it is imperative communicators remember that the tone of communication within a firm and its clients is critical. Personal opinions, jokes, and editorial comments may have a place, but if commingled with work product, they become a part of it. This may open up issues of bias, unprofessionalism, favoritism, etc. It may involve disputes between members of a firm, the clients, or adversaries of the clients. When communicating within a working environment, these are the three words to live by; "Just the facts!"

The Lawyer as Project Manager

In certain circles, a prevailing view is that attorneys are some of the worst project managers. However, this concept is somewhat of an oxymoron because, whether an attorney's area of practice is transactional or litigious in nature, they are always managing *something*, whether it is a project or a case.

Technology simplifies this by allowing lawyers and their staffs to collaborate, and makes sharing of ideas, resources, and documents scalable to any size. Keep in mind that, regardless of who may be assembled to work on a particular project or case, the person at the top of this pyramid will be an attorney. If that person is not well versed in managing a project, it is easy to identify a few of the likely results:

1.   Slippage (i.e. missed deadlines),