Imagine you are a modern Rip Van Winkle who some 20-odd years ago fell fast asleep while working through what would have been yet another sleepless night at your law firm. You wake up to a new world where the recent digital revolution has transformed how people think and do business. Your old law firm is gone, swept away by the economic tsunami of a recent global recession. Some of your old lawyer friends have retired or left the practice for more rewarding pursuits; others struggle to keep their formerly profitable practices afloat. If you wish to continue working as a lawyer, you must now proceed alone. You have no firm or other lawyers to fall back on. Will you succeed? How?

Entering the Digital Dimension

A partner of a prominent law firm always takes a younger associate along to meetings with businesses run by people who never experienced pre-digital days. In casual clothes, both look the part. Chaperoning the partner, the associate bridges cultural divides, averting potential communication breakdowns.¹

They are everywhere. Eighty-six million strong—just in America alone.² Meet the Millennials—members of Generation Y—those born between the early 1980s and the early 2000s to a world that has always been

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1. Original with the author (based on remarks made by a managing partner of a law firm at a recent legal conference).
They now represent the biggest segment of the labor force, surpassing the number of Baby Boomers in this country.

They bump against us on the street and lounge in coffee houses, minding their own business, headphones on, always connected. We may have raised them and bonded with them as they grew up under our overprotective parental wings, helicoptering them to school and play activities, pampering them with the hottest gaming consoles and other digital wonders of the day. We may serve as legal counsel to some who have already risen in the world of business. We probably hired some for our offices, hoping they will take our traditional law practices into the future. But when dealing with them on a professional level, we realize that we are up against a whole new culture, a culture that both mystifies and threatens. We want to reach out to them and meet their expectations—we want them on our teams. Yet, for all their respect for our knowledge and experience, they don’t see us as role models of leadership for their own careers. They are so close and yet so far away.

We hold on to the world we know best, where seniors transmit life-accumulated experience and knowledge to juniors through face-to-face encounters and classroom-style lectures, hoping they succumb to our “do as we do” work philosophy. But Millennials find shelter in another world where things are mostly digital. They may be physically present with us, but their minds incline toward a new working landscape, a landscape centered less on rigid hierarchies of power than on the equality of digital empowerment and collaborative process. Many of us who formed our identities in the pre-digital world are nonplussed. The disconnect keeps growing.

We cannot reverse the advance of the new work culture. Sooner or later, we must let go of pre-digital notions: the digital gravity of cyberspace is pulling us in, ever so strong. The digitalization of the business environment is irreconcilable with our traditional concepts of reality. It calls upon us to redefine how we think and relate to one another. The sooner we recognize that a new era has dawned and leave the baggage of tradition behind, the sooner the new culture will become our own.

A Japanese proverb says that you can’t describe the flavor of fugu (a blowfish) to those who have never tasted it. Similarly, we cannot

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6. In these pages I use “digitalization” to refer to the process and strategy of shifting business operations to leverage digital platforms and resources, while I use “digitization” in the usual sense of converting analog data to digital.
bootstrap our cultural awareness by clinging to traditional thinking. Either we boldly launch ourselves into digital orbits or we’ll become pre-digital relics of limited significance to today’s business.

Succeeding in Digital-Land—A Promise of Transformation

Looking forward, in the light of globalization, information technology, economic decline, and demographics, the next 30 years seem destined to be a period of immeasurably greater upheaval.7

—Richard Susskind, consulting on legal education and training

Lawyers may imagine they can still live in the past. But clients have no such luxury. They must adopt new technology or die. They must view today in the light of the future. Let’s look at ourselves from the same distance to see if we deserve to be on our clients’ teams. If we hope to nurture true partnerships with clients, we must keep pace with technology and digital culture as they do.

Literature asserting the need to redefine the practice of law has been flooding the marketplace in recent years. Some authors go so far as to predict that the entire legal profession as we currently know it is vanishing. Such writings may instill fear among lawyers and, at best, force them to reassess their practices and their future. Beset by self-doubt about potential opportunities and their ability to continue making a living, some lawyers become paralyzed with fear.

Many lawyers should be scared because they long ago lost touch with market expectations. For most lawyers, however, the prospects of professional growth and steady expansion of client base have never been brighter. The unprecedented rise of the Internet and related technologies promises a future better than ever before.

In this book I trace the causes of anxiety about our profession’s future in the aftermath of the recent recession. As businesses race toward an ever-accelerating digital future, we can’t expect law practice to be an exception.

While dispelling uncertainty, the book offers a new concept of modern law practice, one predicated upon removing obstacles and achieving success in the rapidly changing marketplace. This new concept comes

The Digital Age: Lawyers’ Nightmare or Dream Come True?

to grips with the rise of new Internet-driven technologies and two of their rapidly maturing offspring: a digital mentality and a global mindset, both of which are taking hold of younger generations and progressive business enterprises. These epochal technological and mental shifts demand that lawyers not only adapt themselves but also take advantage of the resulting opportunities.

This book’s mission is to bring lawyers’ attitudes into sync with the realities of today’s marketplace. The Internet revolution and its two byproducts—the globalization of commerce and universal access to marketplace—have redefined how business is conducted worldwide. Yet these momentous changes found most legal practitioners napping, clueless to the potential of this new landscape. Yes, they may use Twitter or Facebook or even sign up for a LinkedIn account, but, with the mentality of a caveman who chanced upon a digital device, they fail to put all this bewildering stuff to good use.

The resulting disconnect between business and legal practice is already making many of us obsolete. Day in and day out, chunks of legal work disappear from the repertoire of services we can effectively offer our clients. Some pieces of legal work traditionally delivered by lawyers are now offered by non-legal providers; other bits are farmed out domestically, offshore or around the globe (to places such as India or the Philippines) to legal services outsourcing (LSO) external providers; still other segments are becoming so commoditized that automated software applications can now efficiently process them without our involvement.

Commentators and legal consultants tinker with stop-gap measures, never confronting the heart of the problem. To truly face current challenges, we must radically shift our way of thinking.

This book addresses the current situation and prescribes remedies by offering a new paradigm of law practice—a new way of interacting with the world. The role of a law firm and lawyers is redefined, as is their mutual relationship. Likewise, the relationship between law firms and their clients is reassessed and remodeled.

A new leadership mentality is key to the effectiveness of this new concept. Popular theories predicting a rapid commoditization and devaluation of legal services only compromise the essence of law practice while doing disservice to clients. Progressive law firms must create a work environment that fosters leadership competencies. By adding value to their clients’ businesses and becoming their business partners,

lawyers with leadership skills will not only retain clients but also attract new business. Modern leadership approaches suitable to today’s law firms and lawyers are an important part of this book. Here you will find the constituent elements of a lawyer-leader scrupulously dissected as the text unravels the mystery of what it takes to be a rainmaker and client-caretaker in today’s economy.

This book is not about lambasting lawyers for finding themselves unable to cope with the requirements of today’s marketplace. It is about fully integrating their practices with the emergent digital culture and the technological blessings of the new marketplace in which lawyers no longer behave as strangers in a strange land. Now is the time to become an indispensable partner to modern businesses, reclaim the lawyer’s role as a leader of society, and restore the image of law practice to that of the most noble of human professions.

Practical Takeaways for Digital Lawyering

For Private Practice Lawyers: Jump-Starting Your Digital Business

If you feel bewildered by the rapidly shifting dynamics of legal practice in the digital age, you are not alone. The Millennial mind-set may be unnerving if you think that all things digital are mere add-ons to today’s practice of law. Meanwhile, your clients are losing patience with your notion that lawyers are immune to technological changes and can stay disengaged from evolving business strategies. To them, you are just a part of a team, and no professional title will excuse you from keeping your digital acumen sharp.

Clearly we need a new approach for dealing with clients, an approach that will inspire in them trust and confidence that we do have the right stuff to add significant value as they build and execute their business plans.

Consider the following strategy, which will come to life as you immerse yourself in the rest of this book:

1. Create a state-of-the-art website where clients can meet, talk, and exchange information with you. Through digital pages, provide legal and business information tailored to client needs and testifying to your expertise and forward-thinking outlook. Think of the website with all its online applications as the essence of your practice. Don’t forget to enable electronic access to all legal research and information databases you will need to render optimal counsel and stay on top of legal and business developments.
2. Get on social media and start building your professional reputation. Show the digital world that you are part of the community by actively contributing and sharing your knowledge, insights, and ideas. People will notice you.

3. Learn digital communications skills and work on your writing and presentation technique. Blog and blog again. Respect your audience, and adjust your preferences of communication and conversation platforms to them: tweet with tweeters and text with texters.

4. Acquire a Digital Mentality and polish your Digital Virtues (detailed on page 103). Develop a strong digital culture within your firm. Use mentoring or other methods to help all lawyers upgrade their legal, business, management, and leadership skills, rewarding loyalty, promoting long-term relationships with clients, and fostering a culture of sharing and always being connected. In sum, become a Digital Lawyer (a concept introduced on page 166). Connect and stay connected.

5. Assume social responsibility and become community minded. Think of your broadly conceived pro bono work as your digital aptitude test. Share with the community for the sake of sharing. This attitude will serve as a launching pad for reaching the heights of digital leadership.

6. Start cultivating modern leadership skills by empowering clients and other lawyers—strive to make them better than they are. More than that, your mission is to stimulate them to transcend your own achievements and limitations. Being a “good lawyer” and insisting on your special technical prerogative will not do. You are expected to actively contribute to clients’ strategies, to team up with them in the spirit of digital equality, and to know their concerns. Rather than looking at yourself as a leader, look at all team members as leaders, giving them tools to excel. As a modern leader, you will make sure your vision extends way into the future—the future of law and the future of business. Standing aloof as a “legal oracle” is passé. Broad collaboration based on your extensive knowledge and expertise will make you invaluable. But to share your insights and knowledge that extend beyond the law, you must integrate your legal acumen with evolving social norms and business methods. Know more about clients’ businesses than clients themselves do. Improve your knowledge of the world—read as if there were no tomorrow. “Ignorant leaders” is an oxymoron.
7. Think globally. Build a global network of other lawyers to work with. Today’s clients need lawyers who specialize in multiple legal areas and can provide integrated solutions around the globe; they need assurance that wherever their business takes them, lawyers will take care of things. Those modern clients expect a one-stop legal service that understands their business and speaks their language. A firm without a global network today is suspect. If you cannot connect with a lawyer in Paris, Dubai, Seoul, or Brisbane by tomorrow, you may be obsolete.

8. Make your counsel relevant to business. Extirpate, banish, and exorcise from your firm the temptation to act as sophomoric lawyers who, with a know-it-all attitude, smugly end their tasks by telling clients what the law is. This is not the end but the beginning of your job. Law and business are two sides of the same coin. Integrate and translate your legal finding into business counsel.

9. Keep changing with the times. Stay on top of technological developments and advances. Early adoption of technologies will help you stay culturally relevant.

10. Take care of clients’ current and future needs and constantly add value to their operations. And always be ready for the next recession.

For In-House Counsel: Is Your Outside Counsel Digitally Fit?

With the upheaval of legal services triggered by power realignment in the legal marketplace following the recent global recession, in-house counsel face difficult challenges in selecting outside lawyers. When pressured to procure outside legal services at lower costs, can they magically secure “more for less” without sacrificing quality? While the price does matter, it may be the least important factor in counsel selection. Unless you choose an outside counsel wisely, today’s savings may spell tomorrow’s financial disaster.

Hiring decisions must be kept in perspective. To stay on top of competition today, businesses must keep abreast of new technologies and be at home with changing social mores. Connecting and being connected is key to success in the digital economy. Lawyers who can help clients in this process will add real value. Such lawyers stay connected and help others connect. To find them an in-house counsel might consider the following checklist for maximizing the chances of receiving good quality
legal solutions at a reasonable price while minimizing future risks that the representation may backfire.

1. *Are they business-connected?* Weed out lawyers who, through their websites, brochures, and blogs, focus solely on themselves, their knowledge, and accomplishments—they haven’t adjusted to the digital environment. Seek out lawyers who demonstrate a genuine interest in clients’ business affairs as evidenced by previous business exposure: Have they combined their JD studies with pursuing business management courses? Have they worked in-house before joining law firms, helping with corporate operations and analyzing business strategies? Such lawyers connect with you through what is closest to your heart—your business.

2. *Are they globally connected?* Is your prospective law firm napping in the parochial past, or has it extended its network to serve business globally? Does the firm’s website talk to you in a single language only? Then seeing the world as one is probably not relevant to them. Expect excuses, rationalizations, and many ifs and buts.

3. *Are they connected with you?* Lawyers who do not engage you in a meaningful conversation conducted on an equal basis are passé—their influence is on the wane. Lawyers who want to “talk to you” are culturally disconnected and will likely prove a liability to your business in the long run. The lawyers you need are your partners with whom you do not hesitate to discuss legal or business matters from an equal position. They talk with and never to you.

4. *Are they always connected?* The pesky annoyances of unanswered calls or e-mails have no place in the digital age. An unanswered message? A per se violation of the code of acceptable behavior. A law firm you need never disconnects.

5. *Are their connections safe and secure?* In a world where cyber assaults, cyber harassment, and breaches of cybersecurity are on the rise, you cannot entrust your reputation and confidences to firms that not only cannot help protect you against those threats but are themselves (together with the data you entrust them with) vulnerable to cybercriminal attacks.

6. *Do they protect access to client information?* Avoid firms without established reasonable internal control systems and policies for safeguarding client information access. Too much is at stake to consider law firms that do not make the protection of clients’ secrets and confidences a high priority.
7. Do their quoted fees bear a reasonable connection to the value expected to be added through their involvement? Price in isolation is neutral—it is what it is, neither high nor low. Trying to collect $10,000 from a supplier through a lawsuit costing $20,000 looks professionally irresponsible—legal fees in such a case, as low as your lawyers’ hourly fees may be, will always look too high in the context of a dubious business advantage. But a lawyer spending a reasonable amount of time at a $700 billable hourly rate while coining strategies capable of saving a client millions will add true value.

8. Are they socially connected? Racial and gender integration of a law firm speaks louder than anything else does about the firm’s efforts to adapt to the digital age. You don’t need explanations anymore why a huge majority of a firm is of a particular gender, race, or religion—it’s res ipsa loquitur.

9. Are they community-connected? In the culture of sharing and volunteering, behaving like Scrooge betrays an out-of-touch, anti-social attitude. Beware of lawyers who don’t see the forest of your operations in a wider business and social context for the trees of their fees. A record of no ongoing pro-bono involvement is suspect.

10. Do they connect through live, communicative, interactive websites and modern digital technologies? Lawyers’ timidity to use cutting-edge innovations sends a clue of potential inefficiencies and inhibitions that may cost you more in the course of a relationship. Look for websites that engage and communicate with you, feed you information you need, and challenge you to reach better solutions through creative blogging and webinars. Boilerplate websites that don’t reach out to you are suspect: don’t expect to receive creative, up-to-date, or personalized legal advice there.

Lawyers who can pass this muster are likely to be modern leaders capable of adding significant value to your business. They are your winners in the digital age and leaders in their field.

How to Use This Book—Executive-Summary

Road Map

Think of this book as a journey mapped out to help you adapt your practice to the requirements of the digital age.

First, you will retrace the paths that led us to our present crisis. Knowing where we came from will clarify how we need to change.
The recent recession highlighted entrenched habits that bogged us down on pre-digital byroads and left us far off modern business highways traveled by our clients (Pre-Digital Lawyers’ Story, beginning on page 1). This knowledge will reveal what matters most in successful lawyering (Lessons Learned—Immutable Attributes of Good Lawyering, beginning on page 39). The next part (Are We Relevant Today, beginning on page 65) shows that even as you start to get your footing in the new digital environment, your skills do benefit your clients. But here’s where things get interesting.

Starting on page 85 (beginning of Rise of the Digital Lawyer), you will explore cyberspace, getting a taste of digital law practice. You will meet the concepts of Digital Mentality and Digital Virtues—tools to hone your competitive edge. Here the concepts of a Digital Lawyer and Digital Law Firm will boost your practice to the next level. If you are eager to skip ahead, just skim the earlier parts and go directly to the Rise of the Digital Lawyer, keeping earlier chapters for reference or later reading.

You will then learn leadership best practices for a lawyer leader in the digital environment (Lawyers as Leaders in the Digital Age, beginning on page 139). En route you will discover how to cement lasting relationships through soft powers of attraction and invisible leadership techniques from a long-term Internet perspective. Finally, you will receive the keys to a dimension reserved for digital leaders only. With your pro-bono awareness in perfect sync with your online and offline communities, you will become a fully accomplished Digital Lawyer. Bon voyage!