Introduction

By James A. Calloway, Esq.

“Think upgrading and enhancing your firm’s technology is expensive? The investment you make now is far less than if you don’t make it until you have no choice.”

—Catherine Sanders Reach, Director of the Center for Practice Management, North Carolina Bar Association, and ABA TECHSHOW 2020 co-chair

“Technology is becoming an ever more integral part of the provision of legal services, both for the traditional forms of law practice and even more so for the new and emerging models we are seeing today.”

—Dan Pinnington, President & CEO at LAWPRO (Lawyers’ Professional Indemnity Company)

“If we are ever to provide access to justice to all who are in need, then legal technology must be a central part of the equation—it must be adopted and deployed to its fullest extent.”

—Bob Ambrogi, LawsitesBlog.com

“It’s true that technology will never argue a case in court or give wise counsel to a client, but there’s still an enormous amount of ‘lawyer activity’ that is plausibly within computers’ reach. If technology continues to gain the capacity to perform tasks that previously required human lawyers to carry out, then we could reach a point at which lawyers must seriously reconsider what types of services they can profitably sell. This is why it is critical that today’s lawyers embrace their technology tools as important aides and allies.”

—Jordan Furlong, author, lecturer, and thought leader who blogs at Law21.ca
A lawyer’s competency today involves understanding “the benefits and risks associated with relevant technology,” whether or not your jurisdiction has adopted the comment incorporating this phrase into its Rules of Professional Conduct.

This “new” so-called “duty of technology competence” was not forced on lawyers by regulators. It reflects the reality of business operations today. It is the existence and use of modern technology tools that requires the lawyer using these tools to consider both the risks and potential benefits of the technology they use in representing their clients. As I noted in a previous introduction to this guide, lawyers who refuse to learn about the technology that impacts their practice, and their clients’ matters, are now clearly heading for a listing on the endangered professionals list.

Advances in technology tools and their increasing complexity impact both society and law practice. Having an on-demand map in one’s pocket or car with step-by-step or turn-by-turn navigation tools is nothing short of amazing when we consider the maps of previous generations. And yet now our smartphones can maintain a digital record of, quite literally, every step we take. Is this a horrendous invasion of our personal privacy or a great source of potentially discoverable evidence for litigation? Or both?

Data security for lawyers is a challenging subject. Sometimes even the most tech-savvy, early-adopting lawyer can look back with some nostalgia to those bygone days when protecting client confidences meant strong locks on the office doors, a burglar alarm system, and training everyone who worked in the law office never to discuss work outside of the office. Today every computer connected to the internet is at risk of being compromised, and yet, if you are not connected to the internet, how can you do legal research, communicate with your clients, or waste time on social media?

But it is fair to also ask how a lawyer with a limited background in data security can make these important decisions. Sometimes it involves hiring independent consultants. But for smaller firms, one first step may be reviewing a guide that discusses security and technology tools before purchasing or subscribing to these tools.

Every business today seems to be in a constant race, not just to be better than their competition, but also to be better than they were last year. Meanwhile, we lawyers are trained in law school to predict future court decisions by applying the precedents of the past. So perhaps not surprisingly, our profession has been criticized as being slow to react to change, particularly
when it is driven by emerging tools and trends that are quite literally unprecedented.

Before lawyers can provide groundbreaking new client services or develop new and improved business models, they have to have fundamental and reliable tools they use every day. They need everything from computers, scanners, and printers that function reliably to appropriate software tools that can handle lawyers’ daily work to mobile devices that are secure enough to handle confidential client data.

I have great long-term relationships with the representatives of many legal technology companies and service providers. Many of these companies have, to use the cliché, built better mousetraps for the legal profession. Most representatives are honest and helpful. But it’s fair to note that they are the representatives of their company and their basic job function is to sell their products and services. Hopefully they do that by matching their products’ features with their potential customers’ needs.

But objective advice is always appreciated. And sometimes the problem with lawyers making purchasing decisions about technology tools is that they may not fully understand what they need and that they don’t know what they don’t know.

The 2020 Solo and Small Firm Legal Technology Guide provides objective information about the products that you need to successfully practice law. At times this book will help you make a final decision when trying to select the best tool among competing products. On other occasions, this book will help with a baseline understanding of what a particular product, or class of products, is supposed to help a lawyer accomplish. Sometimes the book will be referenced by a lawyer who knows there’s a challenge but is unsure what tools might be helpful to meet it.

Every lawyer needs to make sure his or her basic operating tools are adequate because every lawyer needs to develop the skill to powerfully use these tools. Nothing is more frustrating for lawyers than investing money in purchasing and time in training to use a technology tool, only to discover that it does not accomplish the intended purpose.

This guide can help the lawyer sort through a wide selection of tools not covered in most basic law school curriculums. The expertise of the authors building on their years of experience producing previous editions of this book make this publication an extraordinary value for the solo or small firm lawyer.