

FUTURE LAW OFFICE: Technology's Transformation of the Legal Field



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Executive Summary

Future Law Office: Technology's Transformation of the Legal Field examines how technological innovations have impacted and will continue to impact the practice of law, the management of law firms and corporate legal departments, as well as the relationships between legal counsel and their clients.

This report is the 12th in a series of white papers published annually as part of Robert Half Legal's Future Law Office research project. It includes the insights of Robert Half Legal staffing and recruiting professionals throughout our branch network in major North American and global markets, as well as the expert knowledge of other well-respected professionals in the legal field. The report also references extensive research and key findings from our surveys of lawyers from leading law firms and corporations in the United States and Canada.

Key Findings:

- With smartphones, tablet computers, wireless networks and cloud computing, much legal work can be accomplished outside the walls of the traditional law firm. As a result, telecommuting is on the rise among associates, and the physical footprint of today's law firm is shrinking. Some offices are even going completely virtual.
- Client demands for 24/7 access to information pertaining to their cases and matters have prompted law firms to set up secure portals and collaborative spaces to facilitate communication and interaction. This has heightened awareness of a critical need for secure technology sharing environments.
- Professional networking via social media sites is on the rise and gaining wider acceptance in the legal field. However, many lawyers and firms still have concerns about privacy and the inadvertent disclosure of client information when using social media.
- Technology has leveled the playing field to a great extent, enabling solo practitioners and small law firms to establish a large-firm-like presence online and serve clients in locations that fall outside their historical/traditional geographic reach.
- Information technology (IT) departments and their specialists are key to many law firm operations. Because of the internal nature of technology in the practice of law, IT departments are helping to support key business objectives.
- Technology has created new non-associate positions within law firms, such as IT forensic analysts, e-discovery specialists and social media strategists.
- If a corporate legal department has access to the same high-tech systems and tools as law firms (e.g., software to automate and manage a large number of contract updates), the department may opt to keep the work in-house and outsource more complex matters, such as e-discovery, to outside counsel.
- e-Discovery remains both a growth area and a challenge for law firms and their corporate clients. A rising number of corporations and law firms are partnering with third-party e-discovery services providers who handle document review and project management.

Changes Anticipated and Unforeseen

Technology has transformed nearly every aspect of the legal profession – from the physical layout of offices and courtrooms, and methods of communication, to how lawyers prepare for trial and present cases. Today, the legal field, like many other areas of business, is characterized by professionals who must handle and process a tremendous volume of information while communicating with geographically dispersed colleagues and clients.

Many technological innovations, such as smartphones, tablet computers, laptops, wireless networks and the use of social networking sites, have become more prevalent in law firms and legal departments. The resistance and skepticism of the past are fading, and today law firms and corporations recognize the need to adapt to these new developments or risk losing their competitiveness.

In 1995, attorney Robert J. Ambrogi, currently the co-host of the popular “Lawyer2Lawyer” podcast and author of the LawSites blog, wrote about technology and the legal field: “It is not so much that technology has imposed itself on lawyers, as that changes in the demands of law practice have required new solutions.”¹ This observation is as valid today as it was then. The digital age has created ever-growing amounts of information, notes Ambrogi. “The challenge for lawyers is managing mountains of data while still protecting clients and their confidences,” he says.²

In general, legal professionals are exploring how the latest high-tech tools and innovations can help them handle all that information and manage their legal practices. Dennis Kennedy, an information technology lawyer and legal technology author, who also writes for the *ABA Journal* and co-hosts “The Kennedy-Mighell Report” podcast, observes that client requirements have been a key driver of innovation among lawyers. He cites email as the classic example, noting that after initial resistance by lawyers, email is now an essential tool for client communication. In terms of deciding which tools to

adopt, Kennedy says, “The best approach law firms can take is to ask clients what would help them most and then base a substantial part of their technology strategy on client-focused initiatives.”³

“The best approach law firms can take is to ask clients what would help them most and then base a substantial part of their technology strategy on client-focused initiatives.”

Dennis Kennedy, information technology lawyer and legal technology author

The Future is ‘Virtually’ Here

Not long ago, most lawyers met with their clients in person or spoke to them over the telephone. Correspondence was paper-based and could take days to reach its destination. Networking meant talking face-to-face with colleagues during business lunches and social events. Law firms occupied well-appointed office buildings at impressive addresses.

Although in-person client meetings and networking events have not been entirely replaced by technology, and brick-and-mortar law offices are still plentiful, more virtual ways of communicating, practicing law and building a strong reputation are gaining traction.

► **Virtual Interactions.** Law firms and corporate legal departments are increasingly using online knowledge-sharing platforms such as SharePoint to facilitate collaboration among geographically dispersed team members. For example, the

international law firm, Minter Ellison, introduced a web-based video collaboration tool last year that combines Cisco technology with high-definition video, unified computing, real-time social networking and content management. The purpose was to enable associates in the firm's Australia, Hong Kong, China, New Zealand and United Kingdom offices to work together more easily.⁴

A number of online collaboration platforms, such as Firmex, Xerdict and Mavenlink, have been designed specifically for the legal profession. Firmex features secure, virtual data rooms where attorneys can perform due diligence, share files, create digital records or exchange documents. Some lawyers use Xerdict for collaborative case and project management while others use Mavenlink, an online platform that features shared work spaces.⁵

- ▶ **Virtual Law Offices.** The term virtual law office may conjure images of a law practice in cyberspace, but for many traditional law offices, this practice is already a reality. For example, when a firm provides clients with secure portals for uploading and viewing legal documents, this is an example of a web-based practice. Other examples include providing downloadable legal forms or interactive questionnaires for clients online, or using the Internet to serve clients in remote parts of the state where a lawyer is licensed.⁶



Connecting and Networking Through Social Media

Who would have predicted in 2004 (the year Facebook was launched) that lawyers would eventually use social networking tools to market their services, stay in touch with colleagues and build relationships that would help them advance in their careers? The legal profession is steadily adopting many forms of social media. Last year, according to the *2011 ABA Legal Technology Survey Report*, published by the American Bar Association (ABA), 85 percent of law firms utilizing social media were on LinkedIn, while 46 percent used Facebook.⁷

- ▶ **Networking via Social Media.** According to the *2011 ABA Legal Technology Survey Report*, LinkedIn and Facebook are the most popular social media tools among legal professionals (used by 96 percent and 34 percent of respondents, respectively). Seventy-one percent of those polled said they use social media for career development and networking, while 53 percent leverage these tools for client development and 34 percent for educational purposes.⁸

Then and Now: Wireless Access

2002: Products such as the BlackBerry wireless handheld device will enable lawyers to instantly access email and the Internet, whether they are in the courthouse or the boardroom.⁹

2012: Law offices are using secure extranets and portals, online service delivery networks and Software as a Service providers to interact with clients from any location.¹⁰

- ▶ **Software as a Service.** Cloud-based services for the general public, such as Google Docs, are the most familiar example of Software as a Service (SaaS). Some law firms are using secure SaaS tools to manage general accounting functions; backup and store documents electronically; sign documents from mobile devices; and organize and manage projects, matters, dockets and workflow. Lawyers in the United States are using SaaS applications to access case files remotely from any device, develop secure online client portals, and send encrypted messages and attachments.¹¹ SaaS computing also is gaining popularity in Canada due to its versatility, mobility and ease of use, particularly among solo practitioners and small law firms.¹²

The 21st Century Legal Professional

The growing use of smartphones, tablet computers and cloud-based tools among legal professionals has provided 24/7 wireless access to information and data. Legal professionals can now carry with them an entire digital law library; time-tracking and invoicing applications; scanned images, files and documents; legal dictionaries; the Federal Rules of Appellate, Criminal and Civil Procedure; up-to-date legal calendaring tools; complete juror information and more.

As a result, many associates are untethered from the office. Seventy-seven percent of lawyers polled for the *2011 ABA Legal Technology Survey Report* said they telecommute at least occasionally. When telecommuting, the vast majority of associates surveyed (88 percent) work at home; they also work in hotels (37 percent), others' offices (20 percent) and public places (15 percent).¹³

Cesar L. Alvarez, executive chairman at Greenberg Traurig LLP, observes, "Technology has created the expectation that attorneys will be responsive to clients 24/7. At the same time, it has provided flexibility that allows lawyers to manage their personal commitments while providing clients what they need on an almost immediate basis."¹⁴

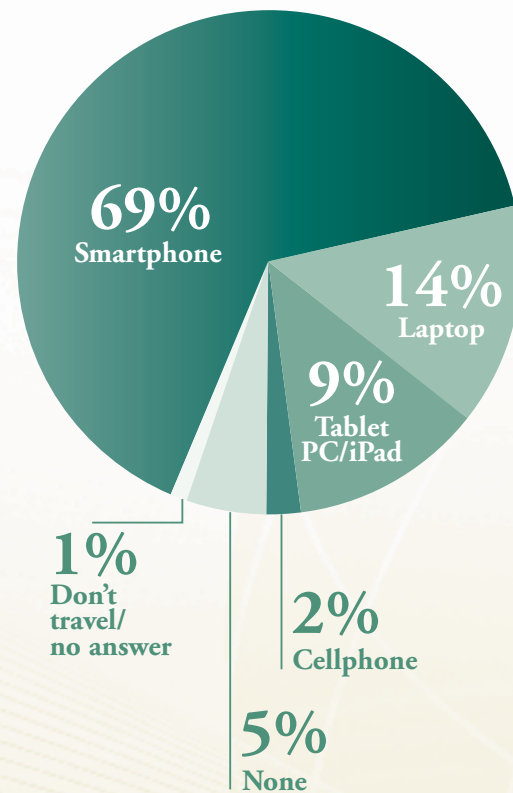
"Technology has created the expectation that attorneys will be responsive to clients 24/7."

*Cesar L. Alvarez, executive chairman,
Greenberg Traurig LLP*

Tyler E. Staggs, an associate at Spooner & Much, P.C., says that at his firm, the physical location where lawyers work is irrelevant. "It's up to the attorney to decide where he or she will work best and most efficiently," he notes. "Working outside of the office is not something that is considered to be less legitimate."¹⁵

Attorney Darren E. Nadel, a shareholder at the employment and labor law firm of Littler Mendelson, P.C., uses his laptop, smartphone and iPad daily. "Technology has changed the way I practice in almost every way imaginable," he says. "Working remotely or from other offices is now extremely practical. My presentations to clients, judges and juries are almost exclusively electronic. I communicate with my clients mostly through email. I can't remember the last time I sent a letter to a client."¹⁶

Lawyers were asked, **"When traveling, which one of the following technology devices, if any, do you use the most for business purposes?"** Their responses:



Source: Survey of 350 lawyers among the largest law firms and corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

“Technology has changed the way I practice in almost every way imaginable. Working remotely or from other offices is now extremely practical.”

*Darren E. Nadel, shareholder,
Littler Mendelson, P.C.*

Staggs reports that he and other associates at Spooner & Much rely heavily on the iPhone and iPad. “In addition to email and PDF management, we use our iPhones as Wi-Fi hot spots for our other devices when Wi-Fi isn’t available,” he says. “We use a scanning app to turn photographs into PDFs that can be emailed.”

The iPad has become an “essential” tool that Staggs and his colleagues use as a reader and a trial presentation tool. “We use the iPad and a projector to present evidence to the jury,” he says. “Because the iPad is small and light, you can use it while moving about the courtroom. It’s great not to be tied to the counsel table at a laptop, especially when your opponent is.”¹⁷

Technology has changed the process of trial preparation by giving lawyers enhanced tools to build a compelling and persuasive case due, in part, to automated litigation support tools. Increasingly, sophisticated presentation software and virtual platforms allow geographically dispersed legal team members to collaborate and share calendaring software, trial presentation applications and e-filing. In addition, access to Internet databases and corporate websites enables opposing counsel to find information, minimizing the need for private investigators. LexisNexis and law firms’ electronic libraries also are making legal research easier and faster.

Technological advancements have not occurred uniformly across the legal field since not all federal and state courts have upgraded their systems as quickly as some law firms and corporations. For example, in California, which has the largest state court system, the judicial council voted to cancel a \$2 billion computer upgrade for its trial courts, opting instead to allow local courts to make their own improvements.¹⁸

Even when courtrooms do utilize technology, such as Internet connections, projection systems and other amenities, lawyers may encounter technical difficulties of a different nature. The ABA notes that trial courts have “wide latitude in admitting or rejecting demonstrative evidence or visual aids.” To ensure that they’ll be able to use the sophisticated electronic presentation it may have taken them days to create, lawyers should notify the court and opposing counsel in advance about their intention to use digital presentation technology, the ABA advises.¹⁹

Although technology has affected positively the way associates practice law, it's important to be aware of potential pitfalls, cautions David W. Simon, a partner and the vice chair for strategic development of the litigation department at Foley & Lardner LLP, a firm that has extensively incorporated technology into its practice. One possible downside, he observes, is that the speed of technology can easily lead to "a less fulsome, complete, careful and nuanced analysis of some issues."

"Just because a fast response [to a client] is possible, it doesn't necessarily mean offering one is prudent. The best lawyers know the difference."

*David W. Simon, partner,
Foley & Lardner LLP*

"We really need to understand when our clients are best served by advice via an email and when a more careful, slow and considered analysis is required," says Simon. "Just because a fast response [to a client] is possible, it doesn't necessarily mean offering one is prudent. The best lawyers know the difference."²⁰

Since many clients now receive documents by rapid email delivery, they start to expect instant advice. This also can reduce the opportunities for the development of important personal and professional relationships.

David Lorenzo, principal at Rainmaker Lawyer Consulting, a national consultancy for law firms, recommends that law firms discuss accessibility and response times with their clients at the outset of an engagement. "The client understands the 'information overwhelm' we all face," he says. "If you set realistic expectations and then schedule 'update calls' at regular intervals, the client will have a better experience while working with you."²¹

In his own business, Lorenzo establishes clear communication guidelines. "Clients pay for my advice and not for my time. Just because technology enables instant response does not make responding in an instant a good business practice," he says.²²

Even as technology has shortened response times, it has created a situation that can make immediate response difficult, adds James R. Ukropina, Of counsel, at O'Melveny & Myers LLP. "At one time, returning client phone calls before the end of the day was a realistic objective," he says. "But the waterfall of client emails can make daily responses highly unrealistic."²³

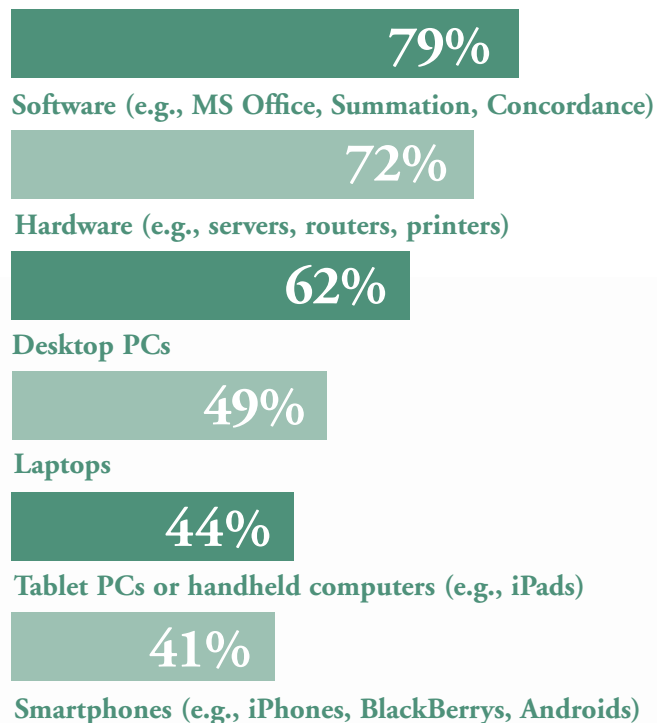
Ultimately, it's a matter of deciding the proper place for technology in one's life and practice. "Technology gives us the tools to do our jobs more effectively and efficiently than ever before – and pretty much from wherever we are," says Ambrogi. "Technology is not the be-all and end-all. Lawyers have to manage their time, manage expectations and manage their sanity. Sometimes you need to unplug. Log off Twitter and ignore those incoming emails in order to focus on one thing at a time."²⁴



Fifty-nine percent of lawyers surveyed by Robert Half Legal said their law firms plan to increase spending on technology in the next two years.

Source: Survey of 175 lawyers among the largest law firms in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Lawyers were asked, “**Where will the investment in technology be made?**”
Their responses:*



**Multiple responses were permitted.*

Source: Survey of 175 lawyers among the largest law firms in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Law Firms Utilize Technology to Improve Efficiencies

Technological innovation has created many powerful tools that are making the business of law more efficient and also competitive. This is evident on many levels: from the size, location and configuration of law firms' physical space to the storage and retrieval of information to how firms staff cases, market their practices, allocate resources and manage client relationships. This section explores several areas in which law firms are deploying technology to reduce expenses, generate new business and better serve clients.

Structure and Management

► **Physical Space.** As telecommuting becomes a more practical option in the legal field, many law firms require less square footage in their office spaces. Traditional offices are being reconfigured, often with shared work spaces for telecommuters, smaller offices for senior associates, and more conference rooms and open areas. With technology making it easier for law firms with multiple offices to communicate across time zones, many large firms are relocating nonlegal functions to cities with lower operating costs. Last year, for example, Pillsbury Winthrop Shaw Pittman LLP moved its information technology, finance, word processing and other back-office operations to Nashville to save costs.²⁵

The law firm of Greenberg Traurig is in the process of reconfiguring its more than 30 offices so they use less square footage. Cesar Alvarez, the firm's executive chairman, estimates the organization has redesigned about 25 percent of its office spaces and that it will take an average of five years to downsize its remaining locations when leases expire and new space becomes available.

"To try to downsize all of our offices to current client needs generally doesn't make sense unless we're moving to a new space," says Alvarez. "So in most cases, we wait to rent smaller space that's more efficient." In the meantime, he adds, Greenberg Traurig is reducing the size of its law

libraries and other excess spaces at each location. "That's one major way technology has influenced the configuration of our physical space," he says. "Since information is available electronically instantaneously, wherever our attorneys are, we don't need to devote two floors to printed volumes."²⁶

Lawyers were asked, "**Which of the following web-based technology tools, if any, does your law firm use in its practice?**" Their responses:*



*Multiple responses were permitted.

Source: Survey of 175 lawyers among the largest law firms in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

As law firms' physical configurations change, the space once taken up by the traditional, paper-based law library often is designated for other purposes. Although much of the content of a traditional law firm library is now available in digital format, this does not mean that law librarians are becoming obsolete. The *ABA Journal* notes that as research and information professionals, law librarians play a critical role in a world where lawyers need to quickly locate information amid rapidly growing volumes of data.²⁷

- ▶ **Legal Services.** Law firms are experimenting increasingly with the delivery of legal services online, such as utilizing secure client portals and using web-enabled document automation and interactive advisory applications. The Canadian law firm, Nelligan O'Brien Payne LLP, has adopted portal technology in response to its clients' demands for accessibility and ease of



Thanks to Technology, Not Even a Hurricane Can Shut Down a Law Firm

It's standard operating procedure at Greenberg Traurig to upgrade the law firm's technology systems regularly. As part of this process, the organization's technological systems are backed up in bunkers in remote locations. This enables Greenberg Traurig's offices to remain operational at all times, a strategy that was tested about five years ago, when a hurricane hit the Miami office.

"We were up and virtually running in about half an hour, with our lawyers working from their homes or other locations," says Cesar Alvarez, executive chairman. "Most of our clients had no idea our building was devastated since they continued to receive emails and work product from us."

Like Greenberg Traurig, law firms have become extremely reliant on technology and need to be cognizant of that dependence, Alvarez says. "When you're a law firm and billing your time, it's a very expensive proposition for your technology to be down even for one minute."²⁸

communication. "We have a portal for our institutional clients that provides not only file information, but also critical dates, management tools and reminders," says Steven Pink, LL.B., MBA, the firm's managing director. "We're also working on applications that will assist clients with risk management and workflow processes."²⁹

Darren Nadel notes Littler Mendelson regularly uses portals for particular clients or cases. "We often find clients have their own portals that they require all outside counsel to use in order to share documents, pleadings and other files related to a case," he says.³⁰

Technology has helped Foley & Lardner improve its responsiveness to clients. "Our availability and accessibility have increased, as has our ability to tap into a greater volume of information so that we can rapidly provide strategic advice to our clients," says partner David Simon. He adds that technology also has enabled the firm to enhance its efficiencies and provide value to clients at a lower cost.

"We can easily draw on our collective experience and expertise as a firm to provide answers quickly and economically," says Simon. "Foley is committed to using technology to improve client service."³¹ As part of that commitment, the firm's attorneys utilize a web-based budget management tool to effectively control costs associated with a legal matter and enable clients to track budgets and spending on a real-time basis.³² The firm also uses a custom portal, the "Foley Client Suite," which Simon describes as "a robust solution that allows diverse secure electronic access between clients and the firm, including access to calendars, contacts, and key documents."³³

Brett C. Bartlett, a partner at Seyfarth Shaw LLP, the chair of the firm's Atlanta labor and employment department, and a co-chair of its national wage and hour litigation practice group, uses email to stay in "constant dialogue" with his clients. "I don't see technology as a burden. Rather, it offers me the ability to continue an ongoing conversation with each one of my clients about their most important matters," he says.³⁴

“Whatever your target market might be, technology makes it easier to reach that market and communicate your knowledge and ability to a broad audience.”

Robert J. Ambrogi, Esq., LawSites author

► Technology Levels the Playing Field.

Firms of all sizes are using the same productivity-enhancing products, services and communication tools. In this way, technology has enabled small law firms to have a “bigger” presence and, in some cases, compete directly with larger firms.³⁵

“The most common examples of the leveling effect can be found in the use of technology in the trial setting by a small firm or solo practitioner,” says Dennis Kennedy, information technology lawyer and legal technology author. “Technology allows them to create more compelling arguments and visuals, manage and present cases, and convincingly win cases against better-funded opponents from much larger firms.”³⁶

Given that using technology to enhance services can be expensive, law firms must implement realistic budgeting and planning, recommends James Ukropina, Of counsel at O’Melveny & Myers. A budget should be comprehensive in scope and include not only the costs of hardware and software, but also IT management and internal education programs. Buying new technology is apt to be of marginal value, he notes, unless it is accompanied by good management and training.

“It is not only a question of what technology should be purchased, but also how the new program is executed within a law firm or law department. In short, one needs to ask whether the technology will have a favorable risk-adjusted return on investment after considering all the cost elements of that investment,” Ukropina says.³⁷

Kennedy notes that technology makes it relatively easy to set up and run a law practice. “In this economy, lawyers have found, either by choice or by necessity, they can start a law practice with a laptop, a smartphone and some cloud-based services – *and* provide levels of services comparable to or better than traditional law firms at a fraction of the cost,” he says.³⁸

The leveling effect also is evident in how law firms advertise their services, according to Robert Ambrogi, who notes that marketing initiatives used to require significant time and money. “Now, a solo, small-town lawyer can build a national or even international presence at little expense,” he says. “Whatever your target market might be, technology makes it easier to reach that market and communicate your knowledge and ability to a broad audience.”³⁹

Many law firms are using a combination of social media, websites, email and search engine optimization to reach a broader audience and attract new clients.⁴⁰ Some large law firms, meanwhile, are hiring full-time social media specialists to manage their blogs, Twitter accounts and other social media platforms.⁴¹

Then and Now: e-Filing

2003: Already more than 60 federal courts have e-filing, with the remainder scheduled to implement it by 2005 ... Currently, approximately 200 state courts have e-filing with more courts expected to adopt it in the near future.⁴²

2012: According to the National Center for State Courts, one-quarter of state courts have e-filing at the municipal level and at least 25 states have adopted e-filing in some form.⁴³

► **Knowledge Management.** Law offices have new options for file storage and management, specifically SaaS tools, such as Clio, Total Attorneys and other products designed to address the needs of the legal field, including ethical and confidentiality issues.⁴⁴ As more firms adopt cloud computing (or at least explore the possibility), there has been a sharp increase in the number of case and client management applications available. These products permit web-based document storage, calendaring, powerful file search capability, time tracking and billing, customized formats, workflow and docket management, online invoicing, Skype integration, mobile access and more.⁴⁵ Such technologies facilitate remote access to case information and expedite communication with clients, even when attorneys are working away from the office.

Then and Now: Case and Knowledge Management

2004: Popular practice-centered technologies include case management software accessible via a web browser, Voice Over Internet Protocol phone systems and mobile, pervasive computing devices ...⁴⁶

2012: Information sharing in the “cloud” is becoming more common, particularly for case and client management. Law firms of all sizes – from solo practitioners to mega firms – are using products that provide online document storage, calendaring and searchable client file organization that can be accessed from any location at any time.⁴⁷

The High-Tech Legal Support Professional

Technology has dramatically changed the work of legal support professionals. “Paralegals have new career opportunities in e-discovery, information management and technology-based litigation support,” says Tracey L. Young, PACE registered paralegal® (RP) and president of the National Federation of Paralegal Associations, Inc.⁴⁸

Lynne DeVenny, paralegal at Elliot Pishko Morgan, P.A., Practical Paralegalism blogger and co-host of “The Paralegal Voice” podcast, notes: “Today’s paralegals are expected to be more efficient and productive – and to wear more complex hats due to technology. The time we’re saved from standing at copy machines and redacting documents by hand is now spent doing more substantive work, and learning new technologies.”⁴⁹

DeVenny observes paralegals need a technology skill set that includes advanced proficiency in Microsoft Office and legal research platforms such as Casemaker and Westlaw, as well as knowledge of practice and litigation management software and familiarity with legal and productivity applications for smartphones and tablets. She also recommends that paralegals stay current with developments related to e-discovery. “Even if your firm has not yet done electronic data collection, if you work for litigators, it’s just a matter of time,” DeVenny says.⁵⁰

The shift to cloud computing presents new challenges for paralegals, legal administrators and other support professionals, observes Karen D. Griggs, past president of the Association of Legal Administrators. “Managing documents in the digital world requires a higher level of organizational skills,” says Griggs, a certified legal manager (CLM) and an administrator at Baker Sterchi Cowden & Rice LLC. “Legal professionals have to learn new processes so they can utilize all the functions of new technologies. This will enable them to provide greater efficiencies and better service to clients and attorneys.”⁵¹

▶ **Hiring and Staffing.** Technology has reshaped the criteria law firms and legal departments use when hiring attorneys and other legal professionals. “The more tech-savvy a job candidate is, especially in the area of litigation, the better his or her prospects are in the current competitive job market,” says attorney Charles A. Volkert, executive director of Robert Half Legal and co-managing director of Robert Half Legal eDiscovery Services. “One emerging key theme with litigation is the importance of understanding the available electronic document review tools in order to identify the right technology to handle review work.”⁵² Demand has increased for full-time attorneys, adds Volkert, as well as for lawyers brought in on a project basis to handle document review and other aspects of e-discovery.

▶ **Making an Investment in IT.**

Historically, the legal profession was characterized by archaic systems and manual processes. Law firms were not among the early – or even mid-stage – adopters of technology. Today, the legal profession has embraced the value of technological innovation and its importance, notes John Reed, executive director of Robert Half Technology, a provider of IT staffing services and professionals. “The most progressive law firms are realizing the benefits of investing in technology, not only in terms of improving productivity, but from the standpoint of being able to work more effectively, efficiently and accurately,” he says.⁵³

“The more tech-savvy a job candidate is, especially in the area of litigation, the better his or her prospects are in the current competitive job market.”

Charles A. Volkert, Esq., executive director of Robert Half Legal and co-managing director, Robert Half Legal eDiscovery Services

Reed adds that firms are starting to think more strategically about how they can use technology to better manage their data and ensure their electronic data remain secure. “It’s a long-range approach versus the day-to-day, tactical way of thinking about technology,” he says.⁵⁴

As a result, IT departments and support staff within law firms are becoming as commonplace as law libraries and librarians once were. IT departments and chief financial officers are collaborating on strategies to invest in tools and processes that support the law firm’s business goals without draining its budget. Such initiatives include Web 2.0 applications that provide revenue analysis, support project management and promote client relationship development.⁵⁵

Reed notes that in the past, a law firm might have a particularly tech-savvy partner or a few associates who were willing to adopt new technologies. Now firms are taking more of an enterprisewide approach, often with an IT manager who coordinates a formal, structured implementation of technology for the entire organization. Firms seek tech experts who can upgrade servers, telecommunication systems and desktop systems, as well as IT professionals with experience supporting multiple systems.

“Law firms are looking for IT professionals with strong backgrounds in records management systems, document retention and security,” Reed says. “They also seek individuals with backgrounds in forensics who can collaborate with lawyers on e-discovery matters and investigations.”⁵⁶

Although law firm spending on technology as a percentage of revenue has not yet returned to pre-downturn levels, many firms are making strategic investments in IT. More than half of the firms responding to the *2011 Technology Purchasing Survey* conducted by the International Legal Technology Association (ILTA) and InsideLegal spend between 2 and 4 percent of their total revenue on technology. The top areas of spending are characterized by basic, practical investments such as desktops, laptops and notebooks; network or server upgrades; storage area networks; and virtualization.⁵⁷

David S. Leone, Esq., director of litigation support services at Saul Ewing LLP, says his law firm reorganized its litigation support department to make better use of technology on a daily basis. This involved a shift to the cloud and teaming up with a SaaS vendor. “We’re in the business of serving our clients. We’re not in the business of having server farms,” Leone says of the firm’s decision to outsource the hosting function. “Our goal is to use the best software we can get at the lowest price, and that means we’re going to the cloud.”⁵⁸

It’s important that law firms stay informed about new technological developments and evaluate how they might benefit from the way the organization operates and serves its clients. “Our philosophy is to envision the law office of the future, then strive to become that firm now,” says Tyler Staggs, an attorney at Spooner & Much.⁵⁹

“Our philosophy is to envision the law office of the future, then strive to become that firm now.”

Tyler Staggs, associate, Spooner & Much

▶ **Security and Confidentiality Issues.**

The advent of cloud computing has introduced new concerns regarding the security and integrity of confidential, privileged information. The ABA's Commission on Ethics 20/20 notes that lawyers must make reasonable efforts to "prevent the inadvertent disclosure of, or unauthorized access to, information relating to the representation of a client."⁶⁰ Fifty-five percent of law firms report virus or malware infections that led to downtime/loss of billable hours (42 percent) and consulting fees for repair (37 percent).⁶¹

Tools to prevent such breaches include firewalls, secure software, passwords and encryption. In order to make informed decisions about which systems and devices are necessary, and whether they are being used appropriately and consistently by all staff members, law firm partners and administrators should have sufficient knowledge about available options. The decision to use an outside provider of technology services for document storage does not relieve lawyers of the responsibility to ensure data is protected. When working with third-party vendors, firms need to confirm that adequate security measures are in place and that the service provider understands the confidential nature of the information. Lawyers also must know where client information is kept, who has access to it and what procedures to follow in the event of a security breach.⁶²

James Ukropina, Of counsel, at O'Melveny & Myers, observes that in light of the security risks inherent in IT departments, client security is now one of the most critical issues facing law firms and corporate legal departments.⁶³

Clients expect reasonable efforts by their legal counsel to ensure the security and privacy of sensitive material – from both unauthorized insiders and outside hackers. In response to client concerns, law firms are strengthening password security and monitoring access to files, networks and systems.

Firms also are more aware of the new methods hackers are using to circumvent security measures in order to obtain confidential data for identity theft, fraud, corporate espionage and other crimes. For example, hackers can eavesdrop on closed-door meetings and read text messages using sophisticated spyware and an inactive cell-phone as a device.⁶⁴

U.S. public companies are required under new rules from the Securities and Exchange Commission (SEC) to report when they are the victims of cyber espionage.⁶⁵ Such disclosure rules might also apply to SEC-reporting companies if their retained law firm has client company information that is hacked. An official in the Federal Bureau of Investigation's Cyber Crime division noted in an article for *Corporate Counsel* magazine that many law firms are much more vulnerable to cyber attacks than their corporate clients. They should "assume that hackers will infiltrate their network, and they should identify which digital assets are most at risk and put the most security around those areas."⁶⁶ Ukropina advises law firms to consider spending significant resources to protect client information and seek consulting help if needed.⁶⁷

Then and Now: Litigation and Trial Preparation

2005: Many firms are using litigation support software, such as Summation and Concordance, for lawsuits involving massive amounts of documents. According to the ABA's legal technology survey, only 11.7 percent of attorneys use trial software.⁶⁸

2012: In 2011, 28 percent of law firms surveyed by ILTA and InsideLegal said they had purchased litigation support software; 19 percent indicated they planned such a purchase in the next 12 months.⁶⁹

The law firm of Saul Ewing, whose lawyers regularly use mobile devices such as iPads and smartphones, solved the security problem by asking, "Is there an app for that?" says David Leone, director of the firm's litigation support services. The answer was Citrix Receiver, app-like software from Citrix Systems Inc., a maker of cloud, collaboration, networking and virtualization technologies. "We can download Receiver to attorneys' iPads and Android devices and give them secure, encrypted access to our existing environment," says Leone. "This enables access to everything we have on a desktop on a mobile device. It's incredible in terms of the amount of content we can leverage, and it's increasing the efficiency with which we serve our clients."⁷⁰

Client Relationship Management

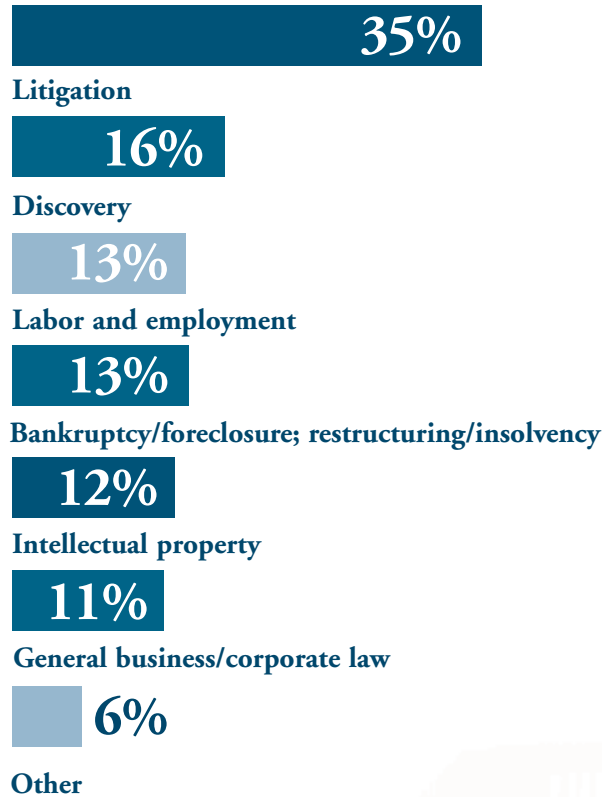
► **How Cases Are Staffed.** Lawyers used to turn almost exclusively to paralegals, legal secretaries and other support professionals for tasks such as research, drafting a contract or filing a brief. But technology has either automated such tasks or enabled tech-savvy lawyers to more easily perform them and it continues to significantly affect case management. Tools that expedite pre-planning of cases, budgeting, knowledge management and alternative billing are expected to become even more widespread in the coming years.⁷¹



Seventy-seven percent of lawyers interviewed by Robert Half Legal said they were concerned about the legal implications of employees using social media for business communications within their companies.

Source: Survey of 175 lawyers among the largest corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Lawyers Are Most Likely to Use Attorneys on a Project Basis Versus Hiring Full Time for These Legal Matters:*



*Multiple responses were permitted.

Source: Survey of 350 lawyers among the largest law firms and corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

- ▶ **e-Billing.** Forty-eight percent of lawyers surveyed by Robert Half Legal said their law firms have seen an increase in clients requesting e-billing compared to two years ago. Corporate legal departments continue to request greater efficiencies and cost savings from outside counsel, and law firms are responding with streamlined e-billing. Firms can opt for integrated software solutions, such as ProLaw or AbacusLaw, that combine matter management, budgeting, e-billing and other functions.
- ▶ **Marketing and Advertising.** Many law firms are using their websites and social media more extensively for attorney recruitment and reaching out to prospective clients. Law firms are hiring consultants, strategists and specialists to help them develop and implement online marketing and communication initiatives. Donna Farrugia, executive director of The Creative Group, a division of Robert Half that provides creative staffing services, notes that these firms are focusing their marketing efforts on building dynamic corporate websites and hiring video, animation and multimedia designers.

“Law firm websites tended to be static in the past,” Farrugia says. “Firms are paying much more attention to user experience now. They are hiring web copywriters who can quickly grab a reader’s attention and optimize content for search engines.

“Law firms also are exploring social media, but it’s such a new area that they are proceeding slowly, and focusing more on which platforms to use, and how to build profiles and solicit client testimonials,” she says. “While law firms are not yet hiring for specialized social media positions, such as community managers or directors of social media, many firms have plans to use social media services as part of their overall marketing strategy.”⁷²

In “Social Media in the Legal Sector,” a survey of members of the Legal Marketing Association conducted by LexisNexis and Vizibility Inc., 93 percent of respondents said they plan to use professional social networks, such as LinkedIn, as part of their marketing programs. Blogging (83 percent) and Twitter (75 percent) also were highly ranked. Other social media tools that law firms are contemplating leveraging for marketing purposes include consumer social networks such as Facebook and Google (57 percent) and video sites such as YouTube and Vimeo (47 percent).⁷³

Although lawyers and law firms can control what they post online, they need to keep in mind that it’s impossible to control what others post about them, notes David Lorenzo, principal at Rainmaker Lawyer Consulting. Bloggers and users of social media such as Facebook or Yelp may post negative or unfounded criticism, and law firms will have to decide how to respond. “The best way to combat negative comments on review sites is by providing remarkable service,” he says. “If you do respond directly, moderate your response and be humble.”⁷⁴

Lawyers were asked, “**For which of the following situations, if any, does your law firm use social media tools, such as Twitter, Facebook or LinkedIn?**” Their responses:*



**Multiple responses were permitted.*

Source: Survey of 175 lawyers among the largest law firms in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Corporate Legal Departments Leverage Technology to Streamline Workflow

Like law firms, corporate legal departments are finding technology is reshaping the way they handle cases and matters, staff projects, distribute resources, and interact with outside counsel. Many legal departments are focusing in particular on technology solutions that enable them to save time while reducing costs, including project management software and knowledge management systems that enable easy access to documents and facilitate communication across business units.⁷⁵ Facing increased pressure to comply with an ever-growing set of regulations governing corporate activities, legal departments are seeking effective management tools.

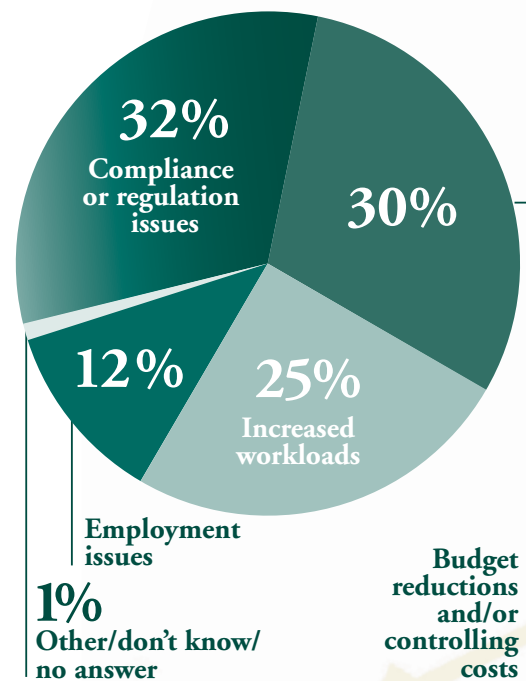
Tech Tools to Manage Increased Workloads

Technology has brought about greater efficiencies and economies of scale within corporate legal departments, both in terms of in-house workflow management and the relationship with outside counsel. Among corporate legal departments surveyed by ILTA and Hyperion Research, high-priority issues include document management (83 percent), e-discovery (76 percent) and workflow automation (70 percent). When sharing information and collaborating with outside counsel, 39 percent of respondents surveyed by ITLA and Hyperion said their legal department provides outside counsel some access to their internal systems, but only 20 percent said they access outside counsel's systems for matters relating to compliance, litigation/e-discovery or extranets.⁷⁶

Members of the Association of Corporate Counsel (ACC) are interested primarily in technological innovations that save time and reduce costs, notes James A. Merklinger, ACC's vice president and general counsel. "Contract and matter management are still priorities, but there appears to be an increasing need for these systems to include the ability to track

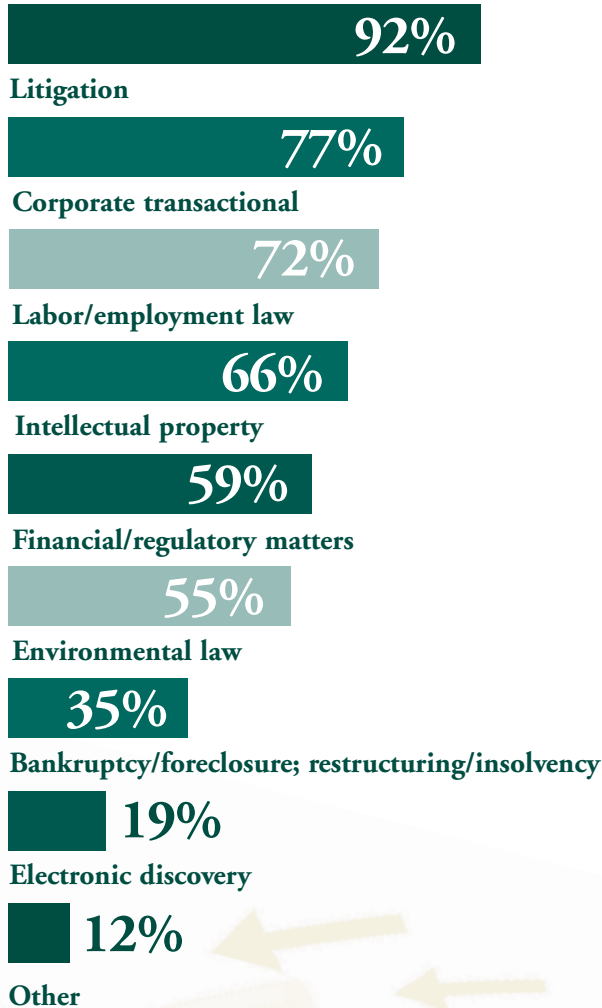
and measure data with the purpose of evaluating how efficiencies might be found." In-house counsel also rely on technology to provide assistance with compliance, Merklinger adds. "The increasing accountability of in-house counsel and the demands of ever-growing regulations are creating a need for systems that make it easy to quickly access documents related to a matter or transaction," he explains.⁷⁷

Lawyers were asked, "Of the following, what do you anticipate will be your legal department's single greatest business challenge in 2012?" Their responses:



Source: Survey of 175 lawyers among the largest corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Lawyers were asked, “Which of the following legal matters will be assigned to outside counsel in the next 12 months?” Their responses:*



*Multiple responses were permitted.

Source: Survey of 175 lawyers among the largest corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

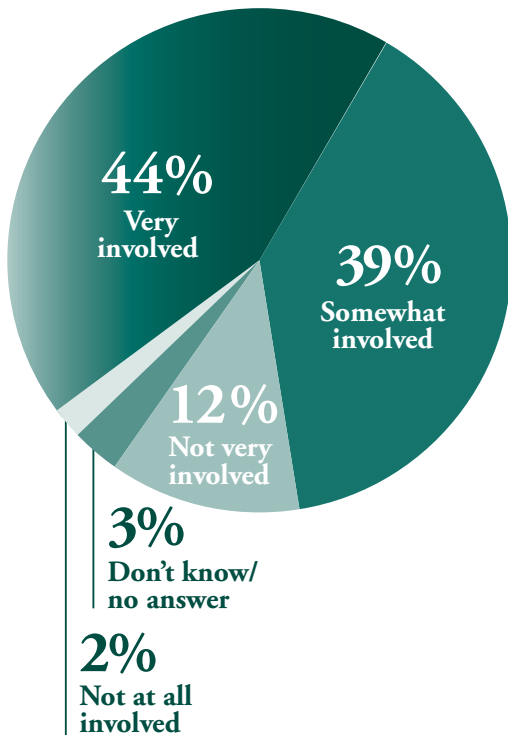
- ▶ **Document Management.** Tools such as automated document management systems have enabled the legal and compliance department at Hyundai Capital America to better manage repeatable, labor-intensive tasks, notes Timothy Collins, the company’s associate director of compliance. “We try to use hosted, cloud-based systems for document management with automated notifications that remind us when a contract is ending or when a vendor needs to provide us with something, such as a certificate of insurance,” he says, adding that the department also is adopting this system to manage its licenses.⁷⁸
- ▶ **Tracking Legal Spending.** Corporate legal departments continue to reduce outside legal spending in their ongoing efforts to cut costs. According to an ACC and Serengeti Law survey, 92 percent of law departments are required to provide their corporate management with monthly or quarterly reports on legal spending. Law departments are relying on technology, specifically Internet-based matter management systems, to help them track and categorize spending on outside legal counsel so they can target areas for potential cost reductions. The *ACC/Serengeti Managing Outside Counsel Survey Report* shows that in 2010, nearly 42 percent of legal departments utilized web-based expense tracking systems hosted by vendors, and 23 percent planned to adopt them. Other legal departments used either internal matter management software or “homegrown” systems such as spreadsheets and databases.⁷⁹



Eighty-three percent of lawyers polled by Robert Half Legal said their company has an effective governance policy for employee use of social media at work.

Source: Survey of 175 lawyers among the largest corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Lawyers were asked, “How involved is your legal team in providing counsel to your company on employee use of social media?” Their responses:



Source: Survey of 175 lawyers among the largest corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

► **Collaboration Tools.** The most promising technological developments for streamlining in-house workflow and communication with outside counsel are collaboration tools, programs and services that make it easier to share information and work as a team on projects, says Dennis Kennedy, an information technology lawyer and legal technology author. “From group calendaring to videoconferencing, and real-time document editing to online discussion, there are many useful collaboration tools available that can greatly enhance client relationships and allow lawyers to work more effectively,” he says.⁸⁰

Security, Social Media and the Corporate Legal Department

Social media tools, such as Facebook and Twitter, initially did not see rapid or universal acceptance among corporations due to concerns with security and confidentiality. But greater numbers of businesses are leveraging these tools to build their brands and reach customers. A study by the University of Massachusetts Dartmouth found that in 2011, 62 percent of Fortune 500 companies had active Twitter accounts and 58 percent were on Facebook.⁸¹

In terms of the types of information companies can disclose on their social network pages, the U.S. Securities and Exchange Commission has issued rules regarding shareholder forums. In Canada, National Policy 51-201 regulates disclosure of information by public companies.⁸² Such rules pertain to authorized company representatives and spokespeople, but what about rank-and-file employees and their use of social media? Although corporations are embracing social networks for business purposes, concerns persist about employees’ use of social media on company time. Led by their legal departments, companies often adopt two sets of policies – one for the use of social media by the company for marketing and advertising purposes and another governing use by individual employees. When used appropriately, social media can enable a company to differentiate itself in the marketplace, grow its customer base, increase brand awareness and win the goodwill of its target market. But ineffective or ill-planned use can alienate customers, increase liability and expose a company to charges of fraud or defamation.⁸³

Regarding policies governing employee use of social media during work hours, there is no standard set of rules. Some policies prohibit employees from logging on to social media sites at any time during the workday, whereas others only restrict employees from using company computers to access social networks. For example, Timothy Collins says Hyundai Capital America’s corporate policy stipulates that only work is to be done on company equipment. The legal department staff currently does not use social media during the workday for professional purposes, such as communicating with outside counsel. The preferred methods of contact are still email or the phone, he says. Corporate social media

policies can only go so far, however. Collins observes that with the proliferation of smartphones, most corporate employees do not need their employers' equipment to access social networks.⁸⁴

Seventy-seven percent of lawyers surveyed by Robert Half Legal said they are concerned about the legal implications of employees using social media for business communications within their companies. Social media law is an emerging specialty in the legal field that could see higher demand as companies contend with myriad issues surrounding the use (and consequences of misuse) of social media platforms.

Technology's Effect on Relationships With Outside Counsel

Have technological innovations changed the types of projects corporate counsel assigns to its outside law firms? It depends on the case or project, in-house resources and the quality and cost of outside counsel.

“We still assign litigation to outside counsel. Ultimately, I want to hire the best lawyer for my legal matter, so the technology is somewhat irrelevant in that decision-making tree.”

Christopher M. McManus, vice president and general counsel, GHX

► When to Call on an Outside Firm.

Companies are being more deliberate in how and when to solicit outside assistance. Christopher M. McManus, vice president and general counsel at GHX, a healthcare technology company, says he might consider using an outside law firm for contract updates, for example, if the firm has access to efficient IT systems and software tools. On the other hand, if his department uses the same technologies, he would look at keeping the work in-house to handle the project at a lower cost.

“We had a large update to our contract that impacted about 600 customers,” says McManus. “Historically, we would have worked closely with outside counsel. Instead, we partnered with our IT department and created automated tools to produce and track the project.” He estimates that handling the contract update in-house saved the legal department between \$30,000 and \$50,000 on outside counsel fees.⁸⁵

GHX's experience highlights a critical element in the current relationship between legal departments and outside counsel: If both parties have access to the same technology tools, when should in-house counsel hire an outside firm? “We still assign litigation to outside counsel,” says McManus. “Ultimately, I want to hire the best lawyer for my legal matter, so the technology is somewhat irrelevant in that decision-making tree.”⁸⁶

In some instances, technology has enabled small and boutique law firms to compete with larger firms for the business of corporate clients. In determining when to use outside counsel and which firm to choose, however, general counsel do not always regard technology as a deciding or even relevant factor. Instead, non-tech considerations, such as location and connections, may prevail.

“You often need the breadth and technical resources of large law firms for M&A, international due diligence or large-scale class action matters,” observes Joseph K. West, president and CEO of the Minority Corporate Counsel Association (MCCA) and former associate general counsel and head of outside counsel for Wal-Mart Stores, Inc. “But in cases that are fairly localized, such as tort litigation, land use matters and zoning issues, a client may decide it makes more sense to use a smaller firm whose attorneys know the local bench, bar association and zoning board.”

West adds that in these instances, technology will not necessarily trump local experience: “Many a multinational corporation has lost a case because its law firm didn't have opposing counsel's 'hometown advantage.’”⁸⁷

► Tools for Better Communication.

Corporate clients seek greater transparency from their law firms in all areas, such as the staffing of a case, its status and billing. Some law firms are using secure portals to facilitate communication and provide clients with speedy, anytime access to information. Brett Bartlett, a partner at Seyfarth Shaw, says his firm uses technology to make information management transparent to clients who want to take a more active role in monitoring the day-to-day progress of legal matters.

“Our interactive, secure extranets provide portals where we store commonly used documents, logs of counsel provided to our clients, case-related documents, calendars, budgets, and links to budget and fee-tracking tools,” Bartlett says. “Some of our clients even request that we push reports of fees expended on matters, which we can update daily. Our goal is to keep our clients as informed about their matters as they want to be.”

In addition to putting information on the extranet, Bartlett notes that Seyfarth Shaw’s associates use direct email reporting and videoconferences to confer with clients about legal strategy and to discuss the work the firm is doing and the outcomes it has achieved.⁸⁸

The ACC’s James Merklinger maintains that it is essential for law firms and clients to discuss knowledge management processes and best practices. “How knowledge is shared is important,” he says. “Whether by collaboration tools, social media, webcast or other forms of technology, it can lead to developing a long-term relationship of real value between a law firm and its client.”⁸⁹

The e-Discovery Challenge

One area of law in which technology has brought about dramatic changes is in the realm of discovery. The volume of electronic data generated each day in the business world is growing exponentially and poses a tremendous, almost overwhelming, challenge for law firms and their clients. Further complicating the issue of e-discovery are the risks associated with disseminating information via social networks and storing data on cloud-based platforms. Given the complexity of data management and discovery in the digital age, it’s not surprising

that more than one-quarter (27 percent) of lawyers polled by Robert Half Legal for its e-discovery services practice said if their law firm or corporate legal department were to face an unexpected request for discovery, they would not have a standard operating procedure in place to handle it.

Businesses recognize the necessity of implementing sound, defensible processes for handling data. Corporations are searching for efficient ways to organize, store and retrieve hundreds of millions of emails, memos, files and reports that could become material and discoverable in the event of litigation. For their part, law firms seek to provide their clients with the best possible advice and guidance about which documents to keep and how to maintain them. Both corporate legal departments and law firms are striving to develop some degree of e-discovery expertise, but the scope and complexity of e-discovery is so great that few have sufficient resources to manage it on their own.

“By its very nature, e-discovery cannot be done just by lawyers,” says Charles A. Intriago, president and co-founder of the Association of Certified E-Discovery Specialists (ACEDS). “The law office of the future cannot depend solely on its own resources to manage the electronic discovery process, particularly in large cases.”⁹⁰

“By its very nature, e-discovery cannot be done just by lawyers. The law office of the future cannot depend solely on its own resources to manage the electronic discovery process, particularly in large cases.”

Charles A. Intriago, president and co-founder, Association of Certified E-Discovery Specialists

Then and Now: e-Discovery

2005: One major trend in legal technology that will continue to be an issue in the coming years is e-discovery. As businesses move steadily from paper-based to electronic creation and storage of documents, the volume of discoverable material grows exponentially – and so do the logistical dilemmas for law firms.⁹¹

2012: e-Discovery is a booming area within the legal field, growing at an average annual rate of 5.6 percent. In 2011, the e-discovery industry was worth an estimated \$786.5 million and revenues are expected to grow at a 6.1 percent average annual rate, reaching \$1.1 billion by 2016.⁹²

e-Discovery often involves three parties: the client, outside counsel and an e-discovery services vendor, with each playing a distinct role in the process, observes Charles Volkert, executive director of Robert Half Legal and co-managing director of Robert Half Legal eDiscovery Services. “The client should have defensible plans and processes in place to handle an e-discovery request,” he says. “Outside counsel need to have a sound understanding of the e-discovery process with a primary focus on practicing law and legal strategy, while the services provider can work closely with the client to manage document review and e-discovery.”⁹³

“In addition to clear role definition, well-defined workflows and frequent communication are essential to a smoothly run e-discovery process,” says attorney Joel Wuesthoff, a director with Robert Half Legal eDiscovery Services. “You need good workflows so everyone knows who does what, when and in what order. And there has to be communication among the client, law firm and services provider so all are clear about what their responsibilities entail.”⁹⁴

“In addition to clear role definition, well-defined workflows and frequent communication are essential to a smoothly run e-discovery process.”

Joel Wuesthoff, Esq., director, Robert Half Legal eDiscovery Services

Wuesthoff adds that although such strategies make the e-discovery process more manageable, it's better if companies and their outside counsel are proactive in developing and managing processes around e-discovery long before the need for it arises. “When approaching the issue of e-discovery, counsel and their clients should be thinking about litigation risk management,” he says. “It starts with information governance – where records are retained, for how long and under what circumstances they're disposed of – and continues with getting the right, experienced professionals involved in the early stages of litigation.”⁹⁵



One-third of law firms and companies surveyed by Robert Half Legal eDiscovery Services plan to increase spending on electronic discovery-related services in the next two years; 56 percent anticipate no change in spending.

Source: Survey of 350 lawyers among the largest law firms and corporations in the United States and Canada. The survey was commissioned by Robert Half Legal and conducted by an independent research firm.

Conclusion

Technological advances have driven – and enabled – change in the practice of law. In some instances, such as information sharing, technology has played a facilitative role, providing lawyers and their clients with instantaneous, continuous and flexible modes of communication. In other respects, such as e-discovery, technology has posed new challenges that require sophisticated approaches and customized solutions.

While the legal field has not been at the forefront of technological change, it is catching up to other industries, observes John Reed, executive director of Robert Half Technology. “Healthcare has seen significant advancements in the last few years in terms of electronic records management and methods of accessing information. The legal field is moving along that same path. As more legal professionals see the benefits of current technological tools, they’ll become more willing to adopt the next wave of innovations.”⁹⁶

Where is the legal field headed? No one knows for certain, but here are some informed opinions:

- ▶ **Technology will reshape client expectations.** Clients will expect law firms to use technology to lower costs and achieve better results, predicts Steven Pink, managing director of Nelligan O’Brien Payne. As a result, the next-generation law firm will need to use technology extensively, offering interactive client portals and applications to assist clients with risk management and workflow processes.⁹⁷
- ▶ **Law firms will take a more proactive approach to technology.** In order to leverage technology to work more efficiently and serve clients better, law firms should either employ or consult with IT professionals to evaluate the firm’s systems and recommend enhancements, says lawyer Robert Ambrogi.⁹⁸
- ▶ **More legal services will be delivered via the Internet.** Websites such as Amazon, Facebook and Google have influenced the public’s expectations about the availability of information and ease of accessing it. As a result, law firms will need to focus on strategic use of the Internet – from collaboration tools to client communication, self-service options and other online modes of delivery of legal services and products, says Dennis Kennedy, an information technology lawyer and legal technology author.⁹⁹
- ▶ **Tech advancements could curtail the billable hour.** Tools that allow legal departments to collect, analyze and benchmark spending on outside counsel will likely drive demand for alternative fee arrangements, observes Joseph West, MCCA president and CEO.¹⁰⁰
- ▶ **New practice areas will emerge with social media.** We may see entire practice areas built around the role of social media in litigation, remarks Donna Farrugia, executive director of The Creative Group. She adds that new positions, such as “social media attorney” or “internal counsel on social media,” may be on the horizon. These professionals will specialize in web tracking analytics and know how to obtain social media injunctions and social networking gag orders.¹⁰¹
- ▶ **Demand for e-discovery expertise will increase.** As corporations seek guidance about how to manage the growing volume of electronic data, associates who are well-versed in guiding the e-discovery process will be in high demand, says Charles Volkert, executive director of Robert Half Legal.¹⁰²

About Future Law Office

- ▶ **New legal issues will continue to surface.** “Technology has costs beyond the price of systems and software,” says James Merklinger, ACC vice president and general counsel. He asserts that as law firms and legal departments implement technologies relating to the cloud, cross-border e-discovery and social media, they will have to pay close attention to the potential liabilities those technologies may introduce, such as inadvertent disclosure of confidential information, violation of privacy laws or failure to follow e-discovery rules in various jurisdictions.¹⁰³
- ▶ **Future technology will impact the legal field.** It’s impossible to foresee all the changes that will occur or the impact they will have on careers, case management and client relationships. But as attorney Robert Ambrogi observes, “There is a distinct advantage to lawyers who are ahead of the technology curve.” The best preparation is a willingness to consistently evaluate which technological innovations can be used to achieve a competitive advantage, cost savings and improved delivery of legal services.¹⁰⁴

Technology’s Transformation of the Legal Field is part of the Future Law Office project, an annual research initiative conducted by Robert Half Legal that examines key trends in the legal profession. This is our 12th white paper in the series, and it is based on interviews with experts in law firm and corporate legal department management, as well as our own legal staffing specialists throughout North America and other professionals in the field of law. Our findings also are based on information from state and national legal publications and associations.

Robert Half Legal regularly commissions surveys of lawyers on a variety of workplace and legal management issues. Relevant statistics from these studies, which include responses from lawyers among the top law firms and corporate legal departments in the United States and Canada, are cited throughout this paper. All sources, including experts and articles consulted by Robert Half Legal, are listed in the Appendices.

About Robert Half Legal

Robert Half Legal is the premier provider of highly skilled legal professionals for law firms and corporate legal departments on a temporary, project and full-time basis. The company also offers managed review and e-discovery services. We have built long-standing relationships with leading professional associations, including the Association of Certified E-Discovery Specialists, Association of Corporate Counsel, Association of Legal Administrators and Minority Corporate Counsel Association. Robert Half Legal was recently voted the “Best National Legal Recruiter” and “Best Litigation Support Staffing Firm” by readers of *The National Law Journal* (May 28, 2012). Robert Half Legal is a division of Robert Half International, which again was named to FORTUNE® Magazine’s “World’s Most Admired Companies” list (March 19, 2012), ranking #1 in the staffing industry.

Appendix A: Experts Interviewed

Cesar L. Alvarez, executive chairman, Greenberg Traurig LLP

Robert J. Ambrogi, Esq., author, LawSites blog

Brett C. Bartlett, partner, Seyfarth Shaw LLP

Timothy Collins, associate director of compliance, Hyundai Capital America

Lynne DeVenny, paralegal, Elliot Pishko Morgan, P.A.

Donna Farrugia, executive director, The Creative Group

Karen D. Griggs, CLM, past president, Association of Legal Administrators; administrator, Baker Sterchi Cowden & Rice LLC

Charles A. Intriago, president and co-founder, Association of Certified E-Discovery Specialists

Dennis Kennedy, information technology lawyer; legal technology author

David S. Leone, Esq., director, litigation support services, Saul Ewing LLP

David Lorenzo, principal, Rainmaker Lawyer Consulting

Christopher M. McManus, vice president and general counsel, GHX

James A. Merklinger, vice president and general counsel, Association of Corporate Counsel

Darren E. Nadel, shareholder, Littler Mendelson, P.C.

Steven Pink, LL.B., MBA, managing director, Nelligan O'Brien Payne LLP

John Reed, executive director, Robert Half Technology

David W. Simon, partner, Foley & Lardner LLP

Tyler E. Staggs, associate, Spooner & Much, P.C.

James R. Ukropina, Esq., Of counsel, O'Melveny & Myers LLP

Charles A. Volkert, Esq., executive director, Robert Half Legal; co-managing director, Robert Half Legal eDiscovery Services

Joseph K. West, president and chief executive officer, Minority Corporate Counsel Association

Joel Wuesthoff, Esq., director, Robert Half Legal eDiscovery Services

Tracey L. Young, RP, president, National Federation of Paralegal Associations, Inc.

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