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Embracing Legal Technology

By: Kevin L. Nichols

The pendulum has shifted dramatically for how lawyers develop business, litigate cases, and obtain/demonstrate the necessary evidence to win their cases. When I started my legal career 13 years ago, I used “redwells”, binders, *Word Perfect*, *Excel* spreadsheets, hundreds of boxes, redaction tape, actual labels for Bates numbering, and warrooms where people literally lived at the office. Now, law firms are much more technologically savvy, utilizing complex document management systems, eDiscovery/ remote online document review platforms, and social media to brand, market, and drum up business. My, how times have changed. Although most of the large (250+ attorneys) law firms have embraced technology and have developed litigation support departments, IT help desks, etc. to meet the growing challenges and needs of their clients, many of the small (<25 attorneys) to mid-sized (25>249 attorneys) firms have been left behind. It is time for small and mid-sized firms to embrace legal technology and allow it help them win their cases too.

Here are 5 reasons why small and mid-sized law firms should embrace technology:

1. It Equalizes the Playing Field – Gone are the days where the “little guys” get bombarded with a sea of documents that used to hide the “needle in the haystack” from opposing counsel. Using affordable methods of forensic collection technology and reliable eDiscovery services, data can be extracted effortlessly from harddrives of computers and electronic devices. Keyword searches and other “culling” methods can reduce the review subset to manageable levels where a thorough document review can be performed. eDiscovery can level the playing by finding key documents that can prove your case.
2. Reduces Waste – Producing 5-10 copies of dozens of boxes of documents is one of the biggest wastes of paper and destruction of the environment of all time. I have visited warehouses of boxes of documents that need to be retained and preserved for years. Why not scan documents and send massive document productions via a secured FTP, CD, or DVD. 5 boxes of documents can be kept on a thumb drive or disk, reducing space and allow you to take massive quantities of documents with you “on the go!”

3. Saves Time – Lawyers and legal professionals can review documents and/or access their office computers from all around the world, just as long as there is an internet connection. Presently, lawyers can conduct interviews with clients and potential witnesses via WebEx/GoToMeetings, video conferencing, and Skype. Online hosted document review solutions allow users to access their data from anywhere, review, issue code, and redact all from the comforts of their home. Lawyers are even appearing via video conference to participate in depositions. Small and mid-sized firms can maximize their resources by being smart about needing to travel and how they can become more efficient. Smart phones and tablets are making it even easier to get more accomplished in half the amount of time and with the right software, you can even use your devices during trial.
4. Saves Money – Technology can make law offices much more efficient. Scanning and routing incoming mail via email cuts down the need to maintain paper files, creating and maintaining chron files, and over using expensive copiers that breakdown and require lots of maintenance. Moreover, the reduction of review time and the ability to collaborate with others via electronic methods, allow attorneys to focus on what is important, practicing law. Maintaining large libraries, magazine subscriptions, etc. can be costly and time consuming. Having a Lexis or Westlaw account and subscribing to the same publications online can make a significant cost saving impact (not to mention, save the environment). Using software for calendaring, conflicts, eFiling, etc. can also save money in the long run by not having to hire staff to do the tasks these methods can do for you.
5. Is More Effective – Counting on a jury comprised of a 10th Grade education to determine the outcome and damages for a complex pharmaceutical patent litigation case, is an expensive gamble in of itself. Let alone, relying on an expert with the brain of Einstein but with a distinctly strong Russian accent to communicate his intimate knowledge of this product to this jury is a difficult task. What if you incorporated 3D animation to illustrate this expert’s knowledge, which whittled down the dispute and clearly showed the infringement in 30-45 seconds? Technology has a funny way of doing things like that.

Technology’s purpose is to make life easier. Although, I have problems with replacing human beings completely because we all need to earn a decent living to feed our families and survive, technology can save time and money, and allow smaller adversaries the ability to battle and defeat the Goliath’s of the world. Often times, small and mid-sized firms feel as though they do not have the time nor the resources to invest in these types of solutions to common problems. Many of them will avoid asking for ESI (electronically stored information) in document requests or will use foam “story boards” in trial because they are too comfortable, do not want to deal with the expense, or are unwilling to venture out to new, uncharted territory. My recommendation...take the leap...take the plunge...embrace technology.

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