
HAS TECHNOLOGY CHANGED THE PRACTICE OF LAW FOR THE BETTER?

By Gary L. Barr

With the technological advances of the last twenty-five years, many now view the practice of law as more organized than ever, with less opportunity for error. The practice of law is also more frenetic than ever, with never enough hours in the day. Which description is right? It all depends on your point of view.

Twenty-five years ago, a law office was a much different place. Technology for office staff consisted of a typewriter (hopefully, a correcting Selectric), a telephone and probably a transcription device. Assistants would type a document and attorneys would normally get only one shot at revising it. If there was a typo on a page, the entire page was retyped. Think of the wasted hours spent on just the word processing portion of drafting a pleading or brief.

With the introduction and development of computer and e-mail technology, support staff does much less typing and, ironically, attorneys do much more. Instead of a typed letter mailed to a client, an e-mail from the attorney is often acceptable. At first blush, word processing advances and the desire for most attorneys to be responsible for much of their own correspondence may be viewed as a time saver for legal staff. However, 25 years ago, one secretary would be assigned to one attorney; now, one secretary works for multiple attorneys, effectively doubling or tripling overall word processing responsibilities. And, word processing is just one element of the multitude of tasks that are now expected of staff.

Technology has enabled and required both the attorney and legal assistant to multitask. No longer are typing 120 words per minute or taking dictation key measurements of a secretary's skills. Legal secretaries must know how to work in Outlook, Word and WordPerfect, manipulate PDF files, update contacts, and

know how to maneuver in many different other electronic media to help attorneys stay organized and efficient. The tasks and the volume of responsibilities are much more intense and varied than in earlier times.

As a lawyer's capacity to get things done grows, so have the responsibilities of their assistants. Are the attorneys' contacts updated on their Blackberry and synced with the office computer? Making sure client appointments are made and kept, and that attorneys are aware of their upcoming responsibilities requires more technological expertise than ever before.

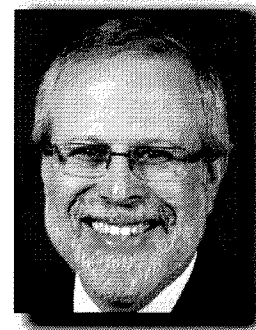
Litigation

With the advent of Fast Track, litigation now moves much more quickly. Twenty-five years ago, attorneys were fortunate if a case went to trial in four to five years. Now, cases go to trial in 12 to 18 months. This not only puts more pressure on attorneys, but on staff too. Hearing and filing dates and important deadlines leading up to trial now come rapidly. Fast Track can be a blessing for clients but a curse for staff as it is often under the gun when preparing for trial.

Arbitration

Arbitration was created to eliminate the need for trial in many types of civil litigation. It was meant to save time and cut paperwork. In many respects, arbitration has been enormously successful. But for legal staff, arbitration requires an understanding of an entirely new set of guidelines. Each arbitrator has his or her own nuances and requirements. Staff needs to know how each arbitrator wants briefs presented—down to font size and style, line spacing and margins.

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Communication

The increased ability to reach attorneys when out of the office has been a welcome change for legal staff. Previously, attorneys would call the office to collect messages—usually between meetings or court appearances. If the office had to reach attorneys in an emergency, they would usually call the court to send a message to the attorney and hope for the best. Usually, attorneys had to call from a payphone (remember those?). Now, if an issue arises at the office that requires immediate attorney attention, staff can reach the attorney through a cell phone or Blackberry. This instant access takes much of the stress off the support team because they do not need to make the independent decisions that attorneys should rightfully make.

There is a downside to the increased ability to communicate, however. Like everyone else in business, law firm clients expect almost instantaneous response, and some clients get upset if they do not receive an immediate reply. Transactional work, which typically does not have the constant deadlines of litigation, also now moves at lightning speed. Documents used to be mailed to clients or opposing counsel; the client or opposing counsel would review the material and mail back the changes—easily a 10-day to two-week process. Now, that process is condensed into a few days or even into a few minutes. The result is more strain on attorneys and their legal staff to quickly respond.

Again, like other businesses, law firms use less telephonic communication. Client communication is mostly by e-mail—even to the point that a telephone conversation now seems awkward. On one hand, clients save money because e-mail communication is quicker than attempting to set up phone meetings, and can be used even while the attorney is out of the office. On the other hand, some things get lost in translation when using e-mail—voice inflection, ability to flesh out an issue to the fullest extent, and the personal bonds that develop when communicating “live.” Also, attorneys are bypassing their assistants and communicating directly with the client, putting the legal staff at

a disadvantage. They may not know the intricacies of a case when a client calls demanding answers.

Research

Another function added to the legal staff’s daily workload is research. Never before has there been such relatively easy access to information through Google Search and even through social networking sites such as Facebook and MySpace. In years past, research on a potential client, opposing counsel, or other entity would take days if not weeks to obtain. Now, assistants may easily research a person or a company with a few keystrokes online. More complex searches, including online asset and title checks, can reveal much about a potential client or legal opponent.

Instant research has other value. In one instance, an attorney received an interview request from a publication. Before calling the reporter, the attorney’s legal assistant quickly researched and downloaded information about the publication and the reporter. This knowledge enabled the attorney to conduct the interview from a much stronger position.

Unquestionably, law is a more frenzied industry than it was 25 years ago. What was once sent overnight, evolved to faxed, to e-mailed and now text messaged. Each advance has required more technological knowledge and faster response time. Have we reached our limits to absorb new technologies? Don’t count on it. The industry can never go back to the more leisurely pace of years past. Law firms and their staff are wired to expect and embrace newer and faster ways of doing things. This means the fevered pace will continue to increase for the legal industry as new technological breakthroughs develop.

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