BY MICHAEL R. ARKFELD

Trends in Legal Technology–
Advantages and Challenges

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WITHOUT A DOUBT, the information and communication revolution is having a significant impact on the practice of law. Already we are seeing many practitioners across the country implement technology solutions in their practices. They are taking advantage of these efficiencies to practice law faster, from anywhere and for less cost. Where are we headed? What is in store for the future as the digital practice of law becomes a reality? The following are some of the trends that are developing in that practice. As you can see, most of these are fueled by the Internet, wireless communication and the conversion of paper and other analog materials into a digital format.

Clients and Their Expectations
- Client collaboration—Many firms already are collaborating with their clients using group computing, extranets, video-conferencing and other technology tools. Sharing and managing case information is becoming a real-time interactive process between firms and their clients. Clients are expecting immediate responses using e-mail, cellular phones, pagers and other communication devices.
- Client brokering for legal services—Because the Internet is creating borderless interaction, clients are retaining lawyers from all over the globe based on the best service and price. Clients are implementing new technologies in their businesses, and they expect outside counsel to mirror their efforts.

Competition and the Digital Firm
- Globalization—Law firms are no longer limited by their physical borders, but have clients throughout the world. Today the technology revolution in computing and telecommunications is dismantling the formidable barriers of physical location, time zones and local, regional and national borders. It is reshaping the way we work and live.
- Small boutique firms—By using outsourcing, contract attorneys, the Internet and technology, small firms are challenging areas of practice and litigation typically reserved for large firms.
- Multidisciplinary practices—Accounting firms, business consultants and lawyers are providing a variety of comprehensive business, electronic and legal services for clients.
- Kiosks and Web sites—Self-help kiosks and Web sites are starting to proliferate as routine, fairly easy legal tasks are automated.
- Numbers of lawyers—The increase in lawyers will continue as law schools continue to graduate record numbers of attorneys.
- Nonlawyers—Paralegals and document preparers will continue to service clients with lower fees.

The Wired Lawyer
- Virtual law firms and the mobile attorney—The Internet, networking, application service providers, wireless communications and the downsizing of computers support the lawyer practicing from any physical location at any time.
- Constant learning—Lawyers constantly will have to learn how to use new technologies in an effective, productive manner.
- Quality of life—Issues concerning a balanced lifestyle will increase as technology allows attorneys to work even more.
- Unbundling of legal services—Clients increasingly are asking lawyers to handle only a certain part of a legal problem, with the client handling other parts.

Law Firms in the Brave New World
- New fee-setting methods—The firm has to address client pressure to use different fee methods, other than the traditional billable hour, while utilizing cost-saving technology.
- Technology leverage—There are significant technology advances that the firm will have to implement to stay competitive. For example, intranets and extranets will become commonplace, as will real-time collaboration with your clients over the Internet.
- Shared knowledge/intellectual capital—The firm's "knowledge" will be recognized and the need to capture and share the knowledge within the firm and with clients will enhance the value of the firm. Document assembly, expert systems, work product management and best practices will become increasingly important.
- Mobile attorney—The firm will have to address the issues raised by telecommuting and how to support the attorney on the move.

Surfing the Technology Wave
- Internet—As the wide bandwidth infrastructure is put into place, the Internet
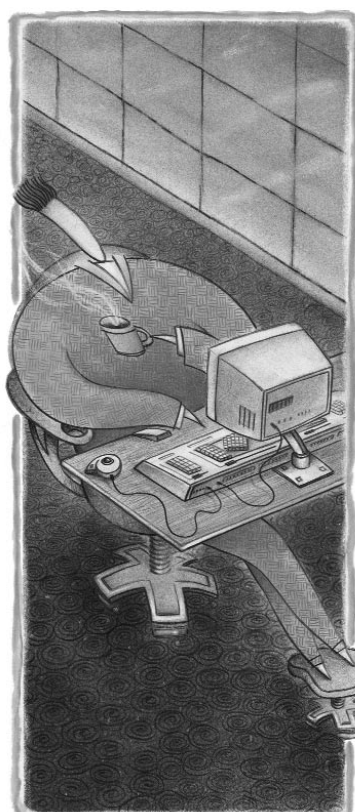
will become the dominant communication medium in the legal system. The Internet will bring together the platform for data, information and knowledge that will be delivered to the attorney without the necessity of significant training, computers or other computing obstacles. Security and ease-of-use features will improve, and application service providers will deliver many of the law firm functions, such as litigation depositories and case management, directly over the Internet.

- Paperless, borderless communication—E-mail, videoconferencing, digital documents and electronic filing will support the paperless, borderless practice of law.
- Computing appliances—Computers are becoming more powerful and smaller in size. Use of voice recognition, wireless handheld PCs and multifunctional computer devices will continue to grow and provide an advantage to the wired attorney. You will be able to access your case files, court files or any other information through various wired and wireless appliances.

Cyber-Litigation

- Digital presentation—To save time and money, paperless trials will become more common, and lawyers will use slide show presentations, animations, simulations and graphics. These strategies also will increase fact-finder understanding and assist in simplifying complex issues.
- Case preparation—Document depositories, outliners, databases, full text, images and real-time transcription will provide instant and real-time access to case information from anywhere and at any time.

These trends already are affecting practitioners in our state. The State Bar has been active in providing education and other services to assist its members in understanding and applying technology in their practices. From its Web site (www.azbar.org) to its Technology Task Force, E-Commerce Section and the Arizona Bar Online Committee, it strives to assist members with the latest technology tools, education and services. If you want to assist the Bar's efforts in promoting technology services and education, contact me at Michael@Arkfeld.com and I will forward your interest on to the appropriate person. ⚖