Out of Control? Is the Technology Tail Wagging the Law Firm Dog?[1]

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Technology is meant to be a tool to assist lawyers. Yet the IT strategies being pursued in many law firms today appear to be motivated more by the desire of in-house IT departments to justify their existence. Or else by partners keen to score public relations 'brownie points' at the expense of their competitors. Set in this context, we need to ask whether recent advances in technology (including online legal research, know-how intranets and knowledge management systems) are useful additions to the law firm infrastructure? Or are they just novelty technologies that do not meet the needs of users, distract firms from their core objectives and represent the worst thing to happen to law librarians in recent years?

Relax. This is not going to be a rant by some neo-Luddite who regards technology, per se, as a curse that should be opposed at every available opportunity. I will admit there is an element 'geek' running through my veins: I not only write about technology but I also like nothing better than to read about it. And as for mail order catalogues from IT suppliers! One of those will keep me quiet for hours as I read the small print and ponder whether I really need, or at least can justify the price of, a new watch with built-in GPS (global positioning satellite) navigation system – well you never know when you might get lost making your way across town – and a digital music player for playing MP3 files I have downloaded from the Internet.

You are right, I don't need one, but it is all a facet of being a member of what Ian Hargreaves, the Director of the Centre for Journalism Studies at Cardiff

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[1] Based on a keynote paper presented at the 9th Special, Health and Law Libraries Conference, *Rivers of Knowledge*, Melbourne, 26–29 August 2001

University, recently described in the *Financial Times* as the 'cool stuff generation'[2] In other words, we are hooked on gadgets containing ever more superfluous features and usually accessed via little screens so pokey that anyone over the age of 40 probably needs special spectacles to read them

Maybe it is because we never grew out of the fascination with all those gadgets the character Q was forever developing for James Bond to play with. Certainly the endless enthusiasm some law firm partners have for the latest handheld computers (they may be on A$750 per hour but they still panic like the rest of us when they lose their palm pilots) seems to bear this out. And, compared with some of the other deadly sins on offer to distract us from our daily toil – sex, drugs and fiddling our expenses claims – being a gadget junkie is pretty small beer. But is even this starting to get out of hand?

Consider these statistics from Hell – and, 'yes', I am familiar with the old adage that there are lies, damned lies and statistics:
- by next year some lawyers will be spending four hours a day dealing with email,
- 40 percent of lawyers with email already receive more than 40 messages a day – 360 million messages a day in UK,
- 20 percent of lawyers with laptops take them on holiday, and
- 45 percent of lawyers believe the introduction of IT has made their lives more stressful

And that is only email Now, consider some of the other technologies out there which most people within a law office have had to cope with over the past five or six years:
- operating systems – DOS, Unix – all 57 varieties (actually the figure was nearer 237, I once had to count them), Windows 3.1, 95, 98, NT 2000, ME/Millennium, CE, Pocket PC and XP,
- word processing file formats – Wang, WordPerfect, Word DOC or RTF – and didn't we just love the shift between Word 6.0 and Word 97?

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[2] Hargreaves, Ian 2001, Creative Business Supplement, *Financial Times,* July

- hardware – 8086 to 80486 chips, Pentiums 1 to 4, processor speeds,
- ports – USB, Serial, SCSI, parallel, PS/2, Ethernet, Firewire,
- storage – hard disk size, CD, DVD, CD-RW, DAT, Zip, and
- phones – analogue, digital, texting, WAP, GPRS/2.5G, 3G.

But what benefits did any of these changes bring – apart from creating more sales for IT suppliers and more implementation and upgrade 'jobs for the boys' in a law firm's in-house IT department?

In fact as the in-house IT empires grow, the question must be asked: is the IT department supporting the firm or is the firm supporting the IT department? What indeed is the difference between Jurassic Park III and a law firm IT department? Well one is a high tech adventure playground populated by dinosaurs and the other is a Hollywood movie.

It is also worth noting that technology is no longer just restricted to the fee earning and support departments of law firms. It is also now making an impact upon the library and information services departments – but to what effect? Currently there are three trends predominating:

1. The know-how intranet red herring – is it a job creation exercise for consultants?

Earlier this year the magazine *Managing Partner* (UK) conducted a survey to assess how knowledge management is being applied within the legal industry. The results tend to confirm my own long held concern that many law firms are still relatively clueless when it comes to knowledge management (KM) projects. For example, on return on investment (ROI), although 65 percent of firms in the sample said there had been an ROI benefit, only five percent reported increased revenue and just three percent said profits had increased. Instead, 30 percent talked about the rather more woolly benefits, such as increases in overall efficiency/productivity, while 24 percent cited reductions in research time.

It is also worrying to see that although some firms claimed they were spending over $1.5 million on their KM projects, 32 percent were not providing any staff training on how to use the system, 12 percent were not providing support staff (including secretaries, legal trainees and assistants) with access to the system, nearly 40 percent did not update the system on a daily basis, and nine percent left the updating to trainee solicitors. Then again, as 53 percent of firms offered their partners no incentives to update the KM system, and many of those that did resorted to short term gimmicks such as handing out chocolate bars (as if that is going to sway a lawyer on A$300 an hour), perhaps it is a good thing that only three percent of firms offered their clients access to their knowledge management systems![3]

2. Physical downsizing

CDs and online services occupy less space than books, estimated space saving as much as 40 percent.

3. Staff downsizing

If lawyers have direct access to legal resources via the desktop and the Internet, who needs librarians?

Already we are starting to see blood being spilled on the library carpet. For example:

- online services and digital publications are not a cheap option – in some instances they are more expensive,
- the decision makers are not the people trying to do legal research from the desktop,
- lawyers are not trained, nor have the time to learn, how to carry out effective online legal research, and
- the US experience with downsizing suggests that you will always need a librarian – and you cannot take a laptop to the loo.

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[3] Seely Brown, John & Duguid, Paul, 2000, *The Social Life of Information,* Harvard Business School Press, Boston

So how can you learn to stop worrying and start to love your computer? Here are a few pointers:

- start moving from a try-to-know-everything to a need-to-know approach,
- be selective – only focus on the technologies and applications you *really* need to know about and use,
- learn enough about a system to become self reliant on a day-to-day basis – develop a comfort zone,
- is that upgrade really necessary? If it ain't broke it don't need fixing. Or, to put it another way, if there is no obvious business benefit, why is your firm spending its time and money trying to implement a particular new system? Was that migration from WordPerfect to Word really necessary? Does anyone want that knowledge management system? Does anyone recall what happened to that old business process re-engineering project? and
- keep computers in their proper context – legal technology is no more special than a kitchen kettle.

Two final thoughts:

- technology exists to serve people – all mobile phones and computers have an 'off' switch.
- technology is just another tool – do not over exaggerate its importance – it is people that count.