

## LEGAL TECH: LOOKING BACKWARD AND FORWARD WITH ANDY ADKINS

By Sharon D. Nelson, Esq. and John W. Simek

Technology has become so much a part of the fabric of our lives that it is almost hard to recall the good old days. Remember when you had to use your finger to dial a phone? And cursed out those who had a lot of zeroes in their phone number because it took longer? If you weren't home, the phone just rang until the caller figured out that you weren't there. No answering machines. You never knew who was calling – you just took a chance and said “Hello?” and hoped it was your sister and not a bill collector.

Our old friend, Andy Adkins, the Director of the Legal Technology Institute and a former American Bar Association TECHSHOW Chair, has been thinking about the old days. Andy is the author of a terrific new book, [The Lawyer's Guide to Computerized Practice Management Systems](#), available from the ABA's web store. We caught up with Andy, who also works as a legal technology consultant and asked him to reflect on times past and what the legal tech future might look like.

*What do you remember about your first computer Andy?*

Heck, in 1989, the PC/AT was *the* computer to have with a 10MB hard drive, 640KB of RAM memory, and running on Microsoft DOS 3.3. If my memory serves me, the cost was just under \$2,000. The 3½” floppy disk was *not* yet available, Microsoft *Windows* was but a twinkle in Bill Gates' eye, and HP's main printer was the *HP LaserJet*. And the word processor of choice? *WordPerfect 5.0*. I actually wrote my master's thesis in WP5.0/5.1 and became an “expert” using WordPerfect.

*What software did lawyers use back then?*

At that time, lawyers were just starting to use computers on the desktop and not too many firms were networked. Most law firms used WordPerfect 5.0 and 5.1, many had a time and billing system, like TABS III or Alumni Computer Group. The *only* case management system, *PI/CMS*, was developed by a personal injury lawyer and marketed by Shepard's/McGraw Hill. Legal research for Westlaw or Lexis was through a proprietary direct connect system. The Internet was just forming as an idea in Al Gore's mind, e-mail was unheard of, and lawyers were worried about using the fax machine (client confidentiality) which was just starting to make an impact on how law firms conducted business.

*We know you've been watching the industry, as a columnist for Law Office Computing magazine for ten years and as an Editorial Board member of Law Technology News for eight years. If you had to identify five of the most important contributions to legal tech over the years, what would you pick?*

**1. WordPerfect 5.1.** Face it, WP5.1 was the best damn word processor ever created. When WordPerfect came out with version 5.1 and a clean screen, a few days of typing and you'd have all the function keys down pat. Before WP, you either typed the

document in carbon copies on your IBM Selectric III, or if you were a larger firm, you'd send it to the word processing department that used either a Wang or an NBI system. WordPerfect brought word processing to a new level and to the desktop. When you called tech support, you'd get a real person on the phone; someone who actually knew how to solve your problem. If for some reason your "hold" time was more than a few seconds, you got to listen to soft music from a WP disc jockey, who also informed you of the wait time for your particular question. I think I remember at one time that WP employed more than 1,000 help desk technicians who answered the phone. At their peak (WP5.1), WordPerfect held about 90 - 95% of the legal marketplace.

**2. Microsoft Windows, 32-bit processing.** First, as much as I abhor Microsoft, face it—without Microsoft we would not be as advanced in the computer industry as we find ourselves today. I've been through various versions of DOS, various flavors of Windows, but when Microsoft brought out the 32-bit version of Microsoft Windows (Windows 2000), it was such a significant improvement over previous versions. While some may argue the integrity, I'll argue the stability. Now when one program crashes, it doesn't crash the entire system. It does make me crazy that Microsoft still releases software before it's ready, Vista being a prime example. The real world, IMO, is Microsoft's *beta test* site.

**3. The Internet.** Without a doubt, the Internet and its graphical interface, the World Wide Web, has certainly changed the way we gather information, whether it be legal research, news gathering, or simply Net surfing. The Internet has transformed our society into an information gathering resource. I love the ability to go to the Net to learn something so mundane such as, "Has anyone ever thrown a baseball faster than 100mph?" or "Did Michelangelo willingly paint the ceiling of the Sistine Chapel?" It's so easy to find out the answers to these questions. Oh yeah, it's also useful for legal stuff. For example, secondary legal research, such as finding out if an expert witness really *is* an expert, or conducting a detailed investigation for a particular interested party. Law firms are of course expanding their marketing services with the use of creative firm Web sites. The Internet has transformed the legal profession.

**4. Electronic Mail.** E-mail can be a useful tool, but many's the time I've heard lawyers have this love/hate relationship with e-mail. They love the ability to communicate with clients, answer questions, and provide correspondence through attachments. They hate spam (don't we all) and they hate having to deal with attachments they can't open. With e-mail being delivered to our phones now, it's easy to answer email, in the car, in the airport, heck, even in the bathroom. Lawyers are billable from anywhere – what a sea change!

**5. Industry "Coopetition."** I don't know who coined this term, but I started hearing it in the mid 90's. Cooperate with your competition. No one, outside of Microsoft, dominates the entire legal marketplace. Yes, there are several software companies that are leaders in various niche markets, but where there is a market leader there is also competition. I believe it was WordPerfect that started opening up its architecture first to allow 3<sup>rd</sup> party software companies to integrate their products with WordPerfect. In other words,

information in one product could be passed along electronically to another. WordPerfect provided this with the ability to generate documents within information from a database developed by a completely different company. Soon, we started seeing computerized case management systems that integrated with financial management systems (time, billing & accounting). We saw Microsoft Outlook lead the way with the user interface—many companies have developed their software using a similar type of interface. Industry “coopetition” is good and while we are inching closer to seamless integration, it will be a while before we really have seamless and transparent integration between software companies, especially in the management type systems (case, financial, document, CRM, legal research, litigation support, and email).

*Any disappointments along the way?*

We’ve all got our disappointments, especially when it comes to computers. Fortunately for me, there are not too many. Technology continues to improve in both hardware and software, and prices continue to drop. What more can you ask for? But, along the way, there are a few things that have been disappointing.

**Voice Recognition Software.** For some reason, IMO, voice recognition just isn’t where it needs to be. I figured by now, we’d be talking to our computers like Scottie does on Star Trek: “Computer - Sue the Bastards.” Well, maybe not that much recognition. But, I was hoping by now that voice recognition would take commands as well as dictation and be accurate. But, I find it still disappointing. I know there are some out there that swear by it, and my problem is that I probably don’t spend enough time with it. But hey, I’ve got to make a living and can’t spend more time correcting spelling errors than by typing.

**Case Management Software.** Case Management System software is, in my opinion, *the* most important piece of software a law firm or law department should have, after time and billing. The disappointing fact is that only about 1/3 of the legal profession uses case management. There are lots of excuses and reasons, but let me share with you two things that I believe are the reasons why law firms don’t jump on the CMS bandwagon. First, case management systems, for the most part, require a law firm to standardize the way they do things – frankly, many law firms are not ready to change their culture by standardizing. The second major reason I hear, lawyers are individuals and don’t like to be told how to do things. When you have lawyers who tells you, “I can do everything a CMS can do with Microsoft Outlook,” then they don’t fully appreciate all the work that goes on in the office trying to accommodate that attitude. For example, lawyers who share clients—in how many *electronic* locations will you find the same basic client information? Attorney “A’s” MS Outlook; attorney “B’s” MS Outlook; attorney “C’s” MS Word case and client file; the firm’s time & billing system, etc., etc. The same information is in multiple locations. Now what happens when that client moves or basic case information changes? This is the same problem we faced for years with the old rolodex cards we used for conflict of interest.

**The Law Firm’s General Lack of Respect for Technology** Lawyers want the computer to work the way they want it to, with all the bells and whistles, yet they don’t want to

take the time to learn how to make it work. IT spends so much of its time putting out fires that there is very little time to properly plan for technology. Even when they do find the time, law firm management often scoffs at the idea of spending more money on technology.

*Is your crystal ball working today? What do you see over the next 15 years?*

**Smaller, Faster, Cheaper.** No doubt, technology is getting smaller, faster *and* cheaper; at least in the equipment. I remember back in the early 1990's an AT&T 6300 desktop computer, complete with a 10MB hard drive, dual 5 1/4" floppy disk drives, a green monochrome monitor, and a whopping 640kb of RAM cost about \$5,000. But, it was *the* computer to have. Now, we can get a computer with 100 times the computing capacity for under \$500. But the cost of using technology is going up. Things are more complex, and you need competent people to understand them and make them work.

**PaperLess.** It is ironic that with such an increase in computer use that there is an equal increase in the amount of paper generated. But over the last five or six years, the legal profession has begun to understand that while computers can help you become more efficient, finding information (in the form of paper) can be quite a nightmare. My good friend and fellow technology consultant, Ross Kodner, introduced the concept of *PaperLess*, not paperless, but less paper. This involves using a combination of scanning and imaging technologies and document management systems. If you can create less paper by getting more information into the computer system *and* having an easier method of finding that information, then you've got a *PaperLess* office. I believe that with the advancement of copy machine and multi-function technologies, law firms will have the luxury of *easily* converting paper into electronic formats. The increased use of Storage Area Networks (SANs) will help store these document repositories and document management systems will help you easily locate the documents.

Our thanks to Andy for sharing some of his insights. Without a doubt, the practice of law has been revolutionized by computers. It is fun, and instructive, to step back and look at how we practiced law just a generation ago. It is hard to imagine how we will practice law a generation hence.

*The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology and computer forensics firm based in Fairfax, VA. 703-359-0700 (phone) [www.senseient.com](http://www.senseient.com)*