

# Tomorrow in Legal Tech

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

© 2008 Sensei Enterprises, Inc.

“Beam me up Scotty.”

Captain Kirk in *Star Trek*, 1966

*Star Trek* is coming. We can feel it in our bones. In the not-too-distant future, lawyers will stride through their office door and command: “Lights. Music. Computer on.” And it will happen. We already have voice recognition software and we have “smart home” devices in abundance. All this will one day converge so that we can do much of what we do physically by voice command.

Likewise, tabletop computing is likely to take off. How much simpler to arrange our photos or graphics by manipulating them by hand on a tabletop than to do it the current tedious keyboard fashion. By the end of 2008, you can expect to see table top computers in high tech companies, in bars and on cruise ships – they will be used, at first, as devices for the technologically advanced (with deep wallets) and for entertainment purposes – but rest assured, their use will spread. Cameras will be made for table top computers such that they can interact with the table and upload photos without any physical connection – it will all be wireless.

Look at the surfaces around you – not just tables, but walls, ceilings, etc. They can all be turned into computer monitors by the simple use of projection devices. Virtual keyboards can go wherever you go for those things that still require typing.

We may be a tad short of the “beam me up” era, but we are getting mighty close. Perhaps most interesting is all the things we CAN do with one device or another and our frenetic attempt to cram all those functions into one device. One thing Apple’s Steve Jobs has always keenly understood it is that is important to cast your net upon the waters and reel in the functions that consumers want. Not all functions belong on a device simply because you can put them there. The device will be too cluttered and complicated. It is critical to find those selected functions that consumers are hungry for and make them available in a simple, user-friendly fashion. Hence, the frenzied purchasing of the iPhone.

Technology moves so fast that no one can truly keep up with it, even the technologists. Pretty soon, if the federal government has its way, we will not only be carrying national ID cards, but have some form of RFID on our person at all times telling everyone with a reader all about us. Worst case, we’ll be required to have RFID implants. Soon you’ll be able to walk into your drugstore and have the druggist look at the screen reading your RFID chip and call out helpfully “Hemorrhoid cream is on aisle 9 Ms. Baker!”

Right now, most of those who cater to the legal market are guessing at what lawyers want, but this guessing is likely to become more astute over time. Even the non-legal market will impact us. Are we not all shackled to Microsoft? There’s our prediction – for

the foreseeable future, we will remain shackled to Microsoft. Until and unless the third party software lawyers need becomes available for other operating systems, Redmond will continue to rule. But no sooner had we written those words than we read an article about three of the Fortune 100 companies exploring the possibility of replacing the Office Suite with Google's rendition of it. Microsoft may have short term dominance, but will its high prices and notorious inefficiencies play into the hands of competitors?

We are less certain about Google, which is no longer poised to become the second 800 pound gorilla in the land (as it was last year), but has solidly achieved that position. Google's privacy policies are under intense scrutiny in the European Union and growing scrutiny here in the U.S., but thus far, virtually every new Google venture has been received warmly by the public. Another prediction is the fierce battle of the gorillas as Google begins to infringe on the Office productivity space of Microsoft. Google is already the leader in Web 2.0 applications as desktop replacements. Microsoft is increasing the stakes and going after Google's market with their Live applications. This clash of the titans should be interesting to observe – from a safe distance, of course.

At the end of the day, lawyers want to practice law. There are lawyer/geeks to be sure, but they represent a small slice overall. So let us also predict that lawyers will be looking for hardware and software that performs legal core functions at a budget price. They may not be able to escape the clutches of Microsoft, but they are keenly looking at low or no cost utilities that make their lives easier. The utility JOTT, which is creating a lot of buzz as we go to press, is just one example of a simple need being fulfilled. Now that we all live and die by the Inbox, how much sense it makes to call a number and leave a voicemail that will be converted to an e-mail in our Inbox. How many scraps of paper have YOU lost? We lost count a long time ago.

One area in which we expect to see great progress is in collaboration. Right now, lawyers are struggling to collaborate easily, whether in collaboratively working on documents or attempting to hold a meeting. It probably isn't fair to call collaborative technologies nascent – they've been with us for a while. But technologies which are cheap and easy – oh boy, is there a demand for those technologies! About the same time as this article is published, the ABA will be publishing a guide to lawyer collaboration by noted legal technologists Tom Mighell and Dennis Kennedy – that's a book you'll want to buy if collaboration is something you want to do better – or to begin doing!

Another arena of change will be in the courtroom. We believe that judges will become more receptive to courtroom technology and some local court rules will change to make it clear that lawyers can indeed bring laptops and perhaps even phones into courtrooms as a matter of course because that is where their cases and calendars are. Mind you, it is likely that if cell phones go off, as they were wont to do in the old days when rules allowed them, irritated judges will do what one of our judicial friends did – throw the phone out the courthouse window. In all likelihood, a lawyer's courthouse ID (and those IDs are sweeping the nation as a way to avoid security lines) will also allow the entry of his/her technology.

Technophobic judges still abound, but they are lessening in number – and the legal world is pushing hard for change. All of the U.S. district courts now have mandatory electronic filing – and the appellate courts will follow in the not-too-distant future. The states are clearly moving in the same direction, some faster than others. But adoption of e-filing as standard is a major domino which will topple other dominos and accustom the legal world – in the cities – and in the boonies – to working electronically.

We are currently up to about 2000 legal bloggers and a relative handful of legal podcasters. Those numbers are sure to rise. Blogging is easier and cheaper, but we'd be surprised if both areas didn't continue to grow.

Thinking of getting a BlackBerry? Our advice is not to do it. Our prediction is smartphones like the Treo 700WX, which integrate with an Exchange server, will be too alluring to resist. BlackBerry usage may well have peaked, especially since it requires additional software and hardware that the Windows Mobile devices do not.

The new iPhone? Currently not a business device. If you're feeling like Father Christmas, get one for your kids. It's new, it's slick and it wasn't made for anyone who wants to conduct business. However, we'll go out on a limb and predict that the iPhone will "begin" to infiltrate the business market as third party applications become available and Apple opens the connectivity options. At the end of the day, we don't think it will cut the mustard and will fall short of meeting the REAL needs of the business community.

Lawyer advertising has already shifted in part from the print world to the electronic world and that trend is expected to continue. We buy pizza online, we buy movie tickets online, we cruise online, and yes, we find lawyers online. Time to ditch or at least diminish the Yellow Pages advertising and move into the whizbang of electronic marketing.

Vista? Don't rush in. Microsoft still hasn't finished mucking the kernel and current word is that Service Pack 1 won't be released until sometime in the spring of 2008. The next year will see growth in Vista usage, but most of it will come through normal upgrade replacements, not a rush to Vista itself. And at that, most consultants are telling folks to order replacement machines with XP where possible, at least until Vista stabilizes. Recent studies have shown that no matter what you run Vista and XP on, XP runs significantly faster. Tell us again why you would trade a race horse for a nag?

A lawyer shift to Macs? Nope, we don't predict that. They are easier to switch to now, given the interoperability of the new MAC operating systems with Windows, but the Windows applications will continue to dominate the market. Granted, some attorneys will purchase the Mac and dual boot to a Windows environment, but most will just stick to a straight Windows machine. Still, there's more interest in this area than ever before. Watch for Brett Burney's new book on Mac for Lawyers to surface in 2009. If anyone can give lawyers a credible reason to move to a Mac environment, it will be Brett.

Electronic discovery? Look for a steady shift to native format production, and a consequent saving in ED costs. Those who are married to TIFF production will limp

along for a while with gullible clients, but the smart ED vendors are making the move to native now and using TIFF only in situations where native format doesn't work, primarily where redaction is involved.

In the next year, and every year for years to come, look for a shakeout among ED vendors. Everybody decided all at once that they could do ED - it was the California Gold Rush all over again. Many can't do it all, many don't do it well, and many charge highway robbery prices because that's what the market has borne in the past. Lawyers and law firms are getting shrewder and the days of charging astronomical prices that bear no relation to time and effort are numbered.

Backup? The biggest change is that more and more lawyers are moving to the relative simplicity of an external hard drive for backup. Cost-effective, reliable, and easy. More adopters are likely.

Outsourced backup? The prices are (relatively) high, there are security concerns and more than a few have outright failed to deliver on their promises. We guess that lawyers will continue to do it, but there seems to be a growing do-it-yourself trend now that backing up reliably has gotten easier and cheaper.

The list of predictions could go on and on but our crystal ball is murky and undoubtedly, we have already written words we'll have to eat. That's just how it goes in the legal tech world.

One thing we can say for sure: no one REALLY KNOWS. Technology evolution has been a constant source of surprise and no one has a perfect record of predictions. The only thing we can say for sure is that the computer you just bought is already well on its way to obsolescence – for sure, those in development are faster, smaller and contain more robust resources. We are moving at warp speed, with no sign of slowing down.

Even the guru of gurus has been known to be wrong. Witness a one time prognostication from Bill Gates: *“640K ought to be enough for anybody”*

Predictions are a dicey business.

*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)