Bridging the Great Technology Schism: A Brief Manifesto

by Kevin Harrang , Esq.

It's heresy these days to question the prevailing theology of technology, which, as everyone knows, is supposed to make our lives better. But at least for some of us in the legal profession, it often feels more like we're on an episode of "The IT Guy" on "Saturday Night Live" — there's someone who knows how it all works, it's just not any of us.

Advances in information technology should be like gifts from heaven — things that make our work easier, faster and, most of all, higher-quality. (More profitable wouldn't be bad either, come to think of it.) If that describes how everyone feels about things at your workplace, then congratulations — you have reached the Promised Land.

On the other hand, if the technology in your organization sometimes seems like a rigid and inflexible theology to which you have never really converted, you're not alone. The schism, if you will, between the high priests of technology and the laity of users, is a divide that a lot of us feel needs to be bridged.

What's bothering us? At least from the perspective of this practitioner, this brief manifesto should be nailed to the virtual wooden door of information technology's grand cathedral:

Feel Our Pain: Start with where attorneys are and how we got here. For the increasingly thin cohort of lawyers who did not begin their careers after everyone became computer literate (AD or After Dial-Up), law firms abounded with secretaries whose job it was to type your documents, keep your calendar and retrieve the briefcase you left under the table of the restaurant where you had lunch. While that might not seem like the good old days compared to the age of the smartphone, it should be appreciated how much clerical work has moved to attorneys in the form of managing email and documents on our PCs (not to mention billing systems). This might not be so bad for the new generation of legal professionals. But it rarely feels to more senior attorneys that information systems are evaluated based on how much time and effort they demand of the professionals whose lives they are supposed to make easier.

There Are No Solutions, Only Successful Experiments: The good news is there is a dizzying array of technologies and tools available to the legal profession. The bad news is that many still require lockstep conformity by users who are supposed to abandon how they might work now in favor of the new method or practice required by the system.

It's easy to think of the goal of IT systems as getting everyone to do the right thing, such as uploading their documents wherever they are supposed to go. A better way to think about such things, however, might be like new products, which are judged unsuccessful in the marketplace if nobody uses them. The goal should be people clamoring for the new tool or system like rabid fans lining up for the new iPhone, not taxpayers receiving the new Form 1040.

Accommodating Individual Work Styles Won't Create Chaos: While there's no formula for successful technology deployments, there is one sure-fire way for things to go wrong: Try telling everyone how to use their PCs. One of the challenges of being right when it comes to technology is that it's so difficult to avoid thinking that everyone who disagrees is, well, wrong.

Maybe some things really should be pushed top-down, such as password strength for remote access, but this needn't be the model for everything. For example,

firms frequently devote great energy and debate to things like common taxonomies (categories) for email folders and document groupings, rather than letting users set these up how they make sense for their own practices. Advances in indexing and search technologies can and should support this kind of productivity, not stomp it out.

Help Lawyers Overcome Our Worst Instincts: Although trying to push new work styles down from the top is rarely successful, good technology can give users incentives to overcome their worst instincts from the bottom up. A good example of this is privacy and permissions for information and documents. Left to their own devices, lawyers will worry, "What if someone sees something they shouldn't?" rather than focus on the question that's often more important: "What if someone doesn't see something they should?". Of course, things like ethical walls must be implemented where required, but these should be the exception, not the rule.

It's typically harder to find information in a law firm having to do with, say, adverse possession, than it is to locate the same thing in the unorganized vastness of the web. (To test this, ask any new associate whether they find it more useful to search the web or your firm's system when they want to find information.) Technologists can help attorneys realize that the vast majority of work product can be shared by default without the sky falling, which would unlock a wealth of organizational data currently as invisible as dark matter in the universe.

What Lawyers Need

Much technology, such as gadgets, are for users who love their coolness as much as what they accomplish. But, for lawyers who need to keep and bill their time in six-minute increments, such technological advancements are more like steps backward. Somehow, priorities like streamlining the burden of timekeeping and billing have been displaced in favor of, for example, properly tagging and uploading documents in the firm's document management system.

Perhaps if we can better talk about issues like these, we can once again sing from the same hymnal. P2P

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