Automating Your Law Practice

Increasing productivity in the legal industry has been a mantra for years. Much has been written about law office automation, attempts to generate less paper through automation and scanning, Ross Kodner's concept of the "Paper-Less" office, and so on. However, many, if not most, attempts at law office automation have succeeded only to a very partial degree when they have not failed utterly. On the face of it, this might appear very surprising since when the appropriate technology and adequate hardware are adopted, productivity increases and the corresponding Return On Investment (ROI) are both rapid and substantial (not to say spectacular). Twenty years ago, the standard relation of attorneys to assistants was 1:1. Today, it is closer to 2:1 or even 3:1 in many firms.

The Best Laid Plans...

There are several broad reasons why plans to automate and increase productivity never get off the ground:

- Generalized fear of/reluctance to change. Many firms still use their computers as glorified typewriters: "We've always done it this way" is an attitude that will lead a firm into a descending spiral.
- Reluctance to commit the necessary resources, both financial and in terms of time. "I can't afford it" and "I don't have the time" are both self-defeating, and virtually never true. After all, if you can save a half hour a day, how can it possibly be that you "don't have time" to save 125 hours a year? Similarly, how can a firm "not afford" to capture 10-15% more billable hours per attorney per year? For a single attorney billing 1,500 hours a year at $200 an hour, this represents $30-45,000 more in billings per year.
- Lack of adequate planning and preparation. You need an overall plan for what you want to do, as well as an implementation and training plan.
- Finally, there some physical limitations and constraints that are important to take into account when trying to go over to scanning more and using less paper. These frequently limit implementation.

How to Make it Work

Vendors often push "new functionality" without regard to the actual needs or workflow of the firm. A good example of this is copier vendors who have become very aggressive at pushing copiers with scanning functions built in. To make an automation plan that will work you should start *not* from a particular program or function, but from an analysis of your needs. Make some lists: what are the half-dozen things that you would like the firm to be able to do that you cannot do at present? What are the half-dozen things that really annoy you about your current technology? What are the main bottlenecks in your current workflow (length of time to locate documents? Filing paper?)? What are the processes that currently work well for you (so that you can be sure to keep them)?

Lastly, since it is difficult to even be aware of procedures that could be made more efficient, ask colleagues how they deal with particular issues. You may want to consider subscribing to a specialized listserv such as Technolawyer.com or hiring a consultant to draw up a technology plan. A consultant specializing in law firms is likely to have seen a variety of successes (or failures) in several hundred firms of varying sizes and practice specialties and therefore be in a position to make suggestions applicable to your specific needs.

Once you have done this, you need to match your needs to the hardware and software available to meet them.

What Do You Need?

Typically, legal automation deals with the following areas:

- Gathering all the information concerning a matter into a single electronic "place," thus substantially reducing the number of times you need to fetch a physical file and speeding up response time to requests or the need to gather information. Any time I hear someone say "let me get the file," I know that their practice can be substantially improved in this area. Practice management software such as Amicus Attorney or Time Matters does this.
- Practice management software should link to time and billing / accounting software to eliminate double entry of time. The combination of these two will substantially increase the amount of billable hours you capture (as always, with the *caveat* that the software is used systematically). Many firms use Quick-Books or Timeslips. PC Law is an integrated time and billing and accounting package that will do both, with considerable increase in efficiency.

Note that virtually all software makers are energetically adding features in an effort to "capture the desktop," that is, to be the main program that is open all the time. Time Matters (which has just been acquired by LexisNexis) recently added Billing Matters (and "Accounting Matters" is no doubt on the horizon) and PC Law will likely expand its "practice management" functionality in the near future.

- The ability to automate the generation of repetitive documents that are used over and over. This need is greatest in transactional practices, but everyone does retainer letters, rejection letters, referral letters, and so on. One of my trusts and estates client has a system that will generate, for both client and spouse, over 40 pages of basic Wills, Trust Agreements, Living Wills, Power of Attorney,

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Automation *(Cont.)*

Appointment of Health Care Agent and Designation of Guardians and Conservators – *assuming that information has already been entered into his system*. Once that has been done, generating the documents takes under 2 minutes. Then the attorney is free to do the "interesting" part - the special provisions, exceptions etc. that are unique to that client. This sort of document assembly can be done through templates and merge files, or with specialized programs such as Hot-Docs or GhostFill, sometimes referred to as "merge documents on steroids."

• The ability to manage all the documents the firm produces and receives, including organizing and searching through them. Perhaps most importantly, to enforce a system that prevents human error in storing and locating documents. This is document management software. For small and medium size firms, the best option here is Worldox, although programs such as Time Matters have basic document management functionality built in.

• Increasingly, firms also wish to scan incoming documents, transcripts, or forms and make them part of the document repository. Making transcripts available electronically can vastly reduce the extremely time-consuming process of preparing deposition digests for example.

• Specialty practices frequently require specialty software: closing software for real estate; software to calculate income and support arrangements for family law practices, trial preparation and litigation support software, and so on.

• Finally, many lawyers have particular utility programs that they swear by: advanced cell phones, Blueberrys, outlining software, "instant macro" programs such as Active Words, and so on.

Scanning Documents

Documents that are produced in-house are relatively easy to manage since they already exist in electronic format. However, paper documents have traditionally posed a problem. In addition, many on-line forms are now available primarily in Adobe Acrobat format, and some federal courts are requiring that documents be submitted in Acrobat format in addition to a traditional word processing format. What is the best way to deal with these issues?

Faster PCs and better software have made scanning documents much more feasible than in the past. However, there are still several hurdles that have to be overcome before you have a solution that will actually work.

The first issue is workflow. Who scans documents, when, where and how?

For the daily scan of incoming documents, letters, etc., the most efficient way to do it is to have the person who opens the mail scan everything that is needed. Visoneer makes an excellent line of relatively inexpensive scanners that will go scan to 20 pages/minute. The Fujitsu line also has a good reputation and faster models.

For larger scans, you may be tempted by high-speed copier/scanners. However, there is frequently a significant workflow issue here. A person goes to the copier, switches it over to scan mode, goes back to their desk to scan. When they are done, they go back to the copier a second time, remove the documents, and re-set the machine to copy. Some of the newer/larger machines do the scanning to a hard drive in the copier, and the scan can be retrieved later. If this is not the case, I recommend putting a dedicated scanning PC next to the copier so that everything can be done in a single step (this also reduces the number of licenses you have to buy for scanning/OCR software).

Planning, Planning, Planning

Everyone is familiar with the "putting out brush fires" model of implementation. You need an overall plan, even if you do not intend to implement all of it right away. Ideally, you should develop a multi-year technology plan, including a (gasp!) *budget*, that provides for replacing about a third of your equipment every year. The IRS to the contrary notwithstanding, the useful lifespan of most computers is about three years.

If you are implementing multiple pieces (document management, practice management, scanning), decide on what order and pace to implement them. Ideally, you want to give people a chance to get used to each new piece before implementing the next one, so that they don't get overloaded. Be sure to include a major piece of the budget for training. Lack of training will lead (at best) to seriously underutilization of programs you implement and can lead to a complete failure of the implementation. ∎