



ARE YOU E-READY FOR YOUR E-FUTURE?

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The other afternoon a flyer arrived in my inbox from the Law Practice Management Section of the American Bar Association. It advertised the eCourts Conference of 2004, which is held in Las Vegas in mid-December. Within the one page advertisement were found several additional “e” words, including eLawyering, eCourts, eFile, eScheduling, eSignatures, eService, and eDiscovery.

What first struck me was the lack of hyphenation following the “e”. I knew that email had become mainstream when it became mostly written without the hyphen (e.g. email instead of e-mail). Could it be that all the rest of these relatively new nouns and verbs had been so quickly incorporated into the mainstream legal landscape?

It seems that just the other day I received calls on the Pennsylvania Bar Association Hot Line on a daily basis from panicked firms which practiced bankruptcy law, and had waited to the last minute to find out how to eFile. They called expecting miracles of me. Instant education. Instant guidance on equipment and software purchases. No learning curve. Yeah, right. I’m good, but not *that* good! But somehow, it seems that everyone managed to conquer the new procedures. Today, according to the ABA, over 50,000 lawyers and staff are registered to eFile in at least one state or federal forum.

I decided to review my subject files on technology. I found some additional “e” topics there including eBilling, eCollaboration, eCommerce, eDocument Management, ePostage, eFaxing, and eSecurity. No doubt about it, the “e” words are now part of our landscape. What does it mean? Well, if you take away the “e”, these are all topics regarding processes and products we are familiar with. The difference is that now all of these processes and products are being delivered through or on the world wide web.

Right now some of these processes and products are much easier to use than others. Not all work well with others. And some barely work at regular “dial-up” speeds. That’s why we’re seeing a push to deliver high-speed internet access across America. And that’s why there are consortiums out there like OASIS, which has

been working since 1993 to advance eBusiness standards on a global basis. Sponsoring member organizations include giants like Microsoft, Citrix, Fujitsu, Hewlett-Packard, Hitachi, IBM, Intel, Microsoft, NEC, Nokia, Novell, Reed-Elsevier, Sun Microsystems and more. We can therefore expect to continue to see real improvements in web-based products and services.

All right, Ellen, what's the point? Well, in the very first article I ever wrote for the Pennsylvania Bar Association, entitled *Hop On Board or Get Off the Tracks*, (PA Bar News, March 8, 1999), I wrote:

The next decade and beyond may be painful for many of the attorneys who are of the baby boom generation or older. By and large, these are the practitioners who have not yet embraced technology as an integral part of their practice strategy. As a result, they are becoming woefully unprepared to compete with their peers. . . . Get on board by getting up to speed, get off the tracks and be quickly bypassed by your peers, or become road kill – it's your choice.

Ok, the point is that for most of you out there, you didn't learn eFiling until the bankruptcy (and select other) courts made you. I talk almost every week with at least one attorney who still has no computer anywhere in the office, or refuses to use email and the internet because it is "too dangerous." (And not all of these individuals, I should point out, are "old fogies." Many are what I consider relatively young; late thirties and early forties.) In each case I ask what the clients have requested, and in each case I am told that clients have specifically asked for the attorney to use email routinely, and many even express distinct dissatisfaction with the attorney who refuses. Yet, the attorney remains intractable regarding using even this most basic technology tool. Ok, before some of you get smug, take a look again at all of the "e" words in the first few paragraphs, and ask yourself honestly how many of those you've *proactively* pursued without being pushed by a client?

Some of these issues are really important. EDiscovery, for example, impacts not only those of you who have a litigation practice, but also each and every one of your client's records management policies, particularly with respect to electronic records management. What do you know about this? These "e" products and services are not just tools for you to use. They are impacting your clients in very real ways, and you may be missing the boat in recognizing new opportunities to counsel them. But if you don't understand these tools and services, and use them, you won't realize their potential impact on your clients.



Some of you are finally getting it. It has been over five years since I wrote the words quoted above, and they are *just* starting to sink in. I am literally swamped with calls about technology right now. Upgrading computers or purchasing ones for the first time. Selecting practice management software and software for supporting specific areas of practice. Gingerly exploring tools like voice recognition software and PC-based dictation and telephony. Establishing first web sites. Many of you are feeling a little like Buck Rogers or a Star Trek escapee — boldly going where no attorney has gone before. For my part, I'm *thrilled* to be part of this process.

What I wrote in 1999 is just as valid and timely today; maybe more so. Many firms—with no correlation to size of the firm—have become extremely adept at using these tools. Their success has inspired and accelerated their desire to use and try more tools. So the gap will widen further. As more of your peers move forward using technology tools, those of you who resist will become further behind. Less able to compete. A dinosaur awaiting extinction.

Don't wait until your very existence is threatened. Don't wait until the courts or clients force you to embrace technology, and then react. Be proactive. Learn what your peers have already discovered; technology can actually *improve* your quality of life in significant ways. Yes, there is an initial investment. That investment includes money, and time on your part to select and learn to use the tools. But it doesn't signify the "end" of your life. It's the potential start of a new and better way of doing things. Attorneys are incredibly resistant to change. This fact should not surprise you. So you will need to struggle with your natural tendency to maintain status quo.

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