

Practice Innovations

MANAGING IN A CHANGING LEGAL ENVIRONMENT

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AT A GLANCE: To retain clients and effectively compete for new clients, a law firm today must consistently deliver a uniform quality of service. Building the brand and delivering the brand can help firms compete in a challenging environment.

By **Silvia L. Coulter**, Vice President and Chair, Hildebrandt Client Development and Growth Practice, Boston, MA

Build and Deliver the Brand— Productizing the Firm's Services

There is nothing quite like helping a prospective client see how your firm's services will help their company reach its business goals and having your firm hired as a result of your strong presentation and your ability to tie your services to their needs. Contributing to your firm's revenue builds confidence, wins accolades, and emphasizes that you are part of the team. But today, differentiating one firm's services from another is becoming increasingly difficult and a real challenge. To retain clients you've fought so hard to sell requires consistent delivery of the services and the brand that your firm promised with the sale.

This article will discuss two areas that will help today's law firm effectively compete for and retain clients in the evermore competitive legal environment: building the brand and delivering the brand.

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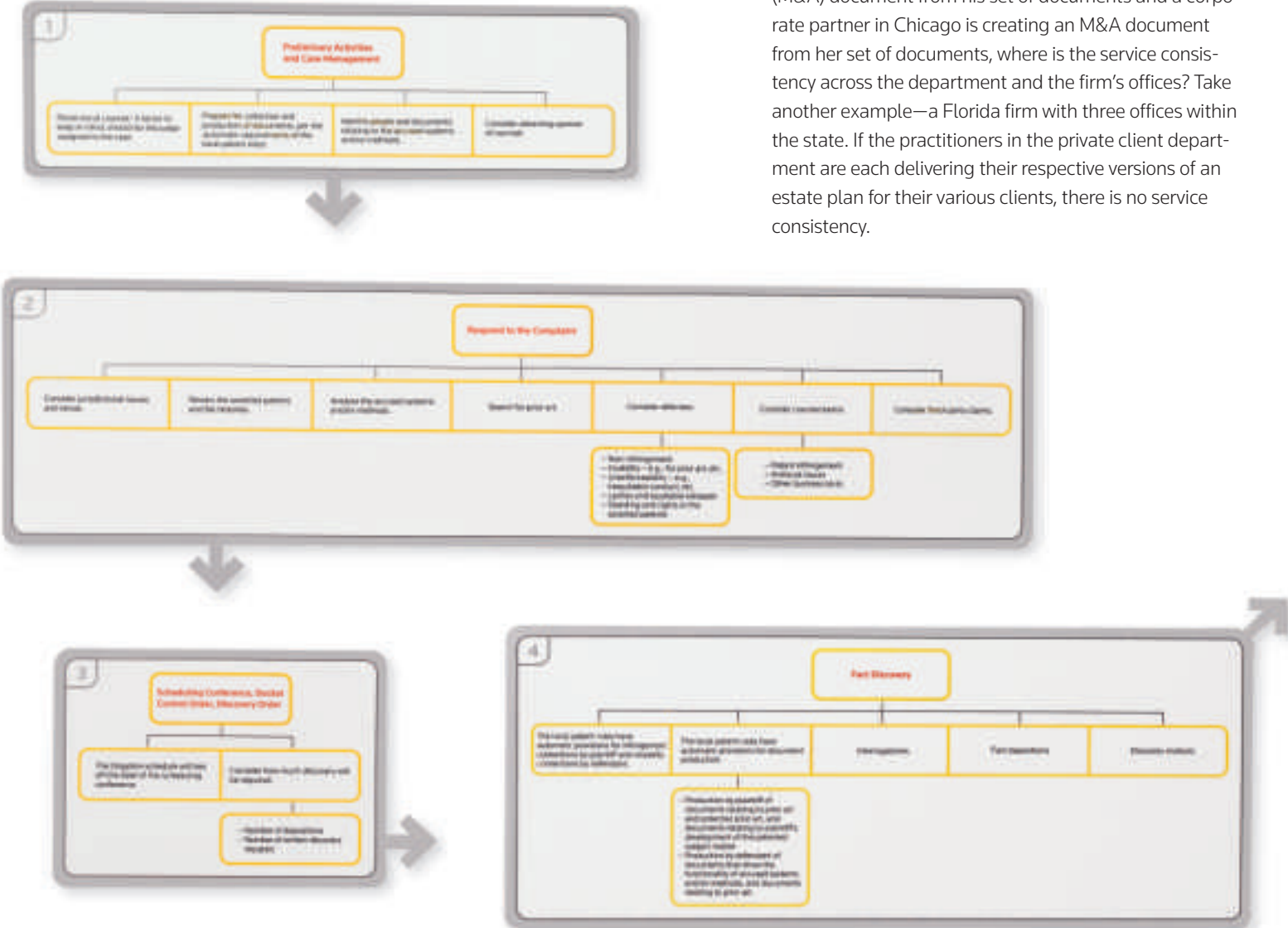


Build the Brand

Let’s examine brand within the product world of cars as an example. One could argue that, like legal services, one good car is the same as another. But effectively branding a product like a Mercedes ML350 or C-Class sedan and distinguishing it from others, by ensuring delivery of the same quality and consistency that you as a consumer expect, takes effort and careful planning and execution. What if the ML350 product was what you have come to expect from the brand and the C-Class your friend or spouse purchased was no better than a lower value brand? The brand would be compromised and you as a buyer would not be receiving what you expected.

Now switch your thoughts to legal services. Think of a firm with 16 offices across the globe. If a corporate partner in San Francisco is creating a mergers and acquisitions (M&A) document from his set of documents and a corporate partner in Chicago is creating an M&A document from her set of documents, where is the service consistency across the department and the firm’s offices? Take another example—a Florida firm with three offices within the state. If the practitioners in the private client department are each delivering their respective versions of an estate plan for their various clients, there is no service consistency.

FIGURE 1: TYPICAL IP LITIGATION CASE PROCESS



A competitive firm can beat your firm on service reliability and pricing every time. Creating a consistent brand (in this case a consistent service product) and, therefore, an expectation on the part of your firm’s clients that is not only met but exceeded every time, gives your firm an advantage over the competition. So, if your firm is selling “high quality legal services,” that’s not enough. The high quality proof is seen in the eyes of the recipients—the clients. Making sure your high quality is experienced across the client base means making sure you align the partners’ expectations with the clients’ expectations and build exceptional quality and service into every part of the service delivery.

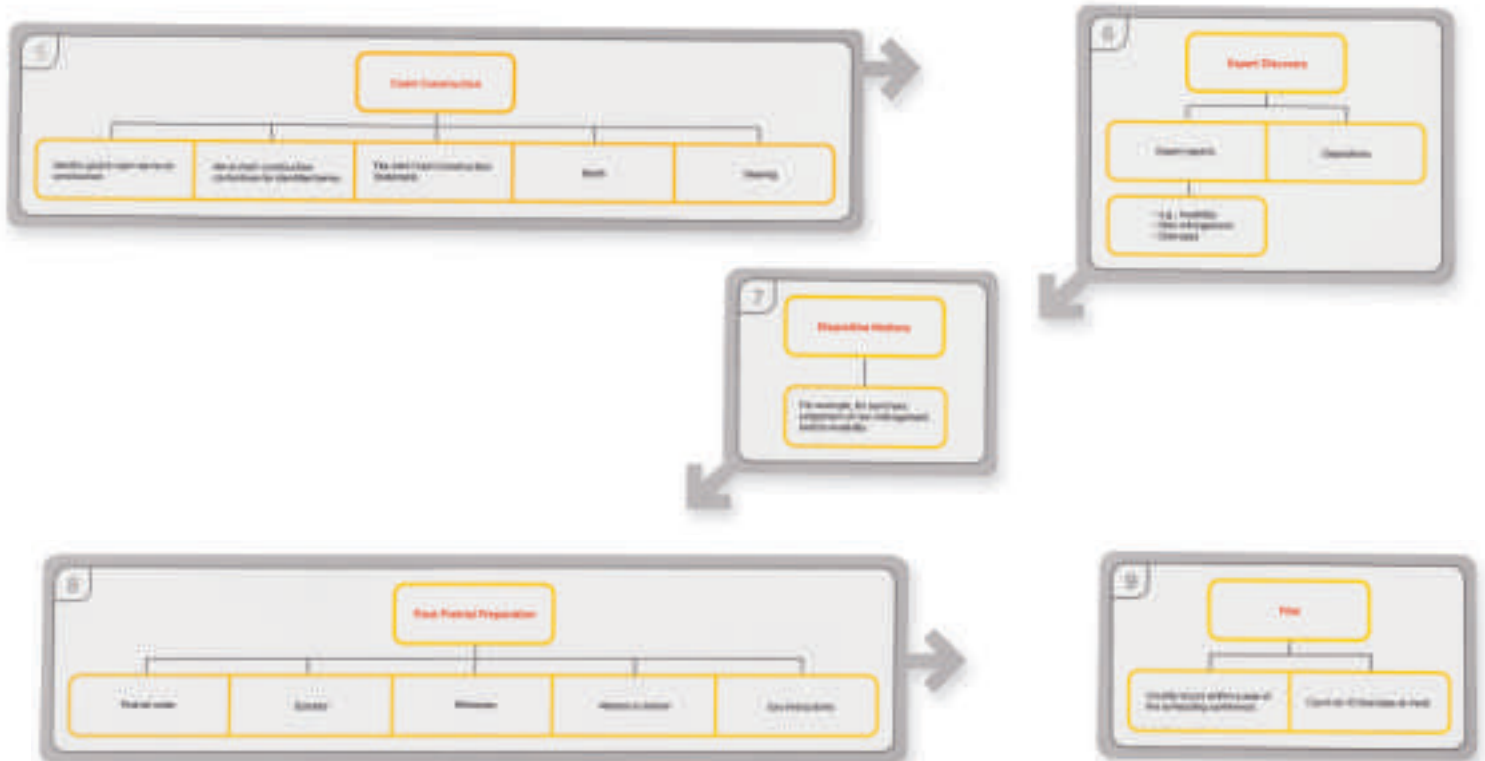
Let’s look at a few ways a firm can achieve this. Start with the substantive legal product itself. Work with a small group within the firm to create a pilot project. Start with the core service offerings of the group and agree on which documents will create the library of baseline documents from which to draft. Some firms have absolutely mastered this process and use their firm’s intranet site to house each department’s or practice area’s documents. If the firm has this reservoir of documents across offices, it has created a brand of M&A, for example, that allows it the opportunity to build a pricing strategy around their M&A product. To facilitate this process, it is useful to break down every aspect of the M&A transaction. Creating this knowledge-based repository of your firm’s

deliverables will be a first step in creating a consistent brand delivered by your firm.

For a closer look at what is meant by productizing a service, see Figure 1, which breaks down the intellectual property (IP) litigation process. By defining each step and the documents that coincide, the firm has a consistent approach to helping an IP client. Further, by using this approach to involve a client in the process, the firm has an opportunity to make its service somewhat tangible to the client. Another use for this process is creating consistent pricing models. Review a financial history of the various stages of the IP process, say from matter inception to motion for summary judgment, and determine the cost. This provides an opportunity to determine a strong approach to pricing the services and offering clients a budget for their planning purposes. Granted, this is a somewhat granular approach to demonstrate the point. Once the services are defined within the various practices of the firm, it’s time to take a look at the bigger picture—the overall firm product or brand.

“Tightening the broader range of services and ensuring there is quality and consistency across practices, and in many firms across offices, provide clients with an inherent guarantee of quality.”

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AT A GLANCE: With the evolution in both technology and organization since 1990, visionary law firms began to systematically create intelligence functions to predict opportunities. What forces will affect future intelligence gathering?

By Linda Will, Consultant, Minneapolis, MN



Competitive Intelligence in the Year 2012

The information revolution coupled with computer technology forever changed the way law firms practice business. The paradigm shift of the early '90s was not so much about the information itself; rather it was about the collection, organization, preservation, and retrieval of that information, across law departments. Dynamic changes occurred in time and billings, workflow processes, knowledge management initiatives, and e-discovery practices. Law firm marketing evolved from the basic hosting of client events to the implementation of aggressive sales tactics and strategy. And the CRMs (Customer Relationship Management) created to manage the selling process grew from address books to depositories of complex internal and external intelligence. The gathering of information on competitors, industries, and marketplace became increasingly popular, as law firms strove to incorporate competitive intelligence practices in business development initiatives.

Law firm marketing was not the only process to evolve. As resources became more sophisticated, business research evolved into intelligence that provided actionable data to a firm's management. Content was filtered,

compiled, and analyzed until it was intelligent, authoritative, and reliable, becoming, in turn, the foundation of a firm's growth plan. Resources, even the most sophisticated, were, at best, only the conduit. Many firms have created the position of competitive intelligence (CI) librarian or market research analyst (depending on the department for

which they report) to coordinate and manage a firm's intelligence efforts. Now librarians and analysts are able to take fragments of information and opinions and create order, value, and insight. From this development, visionary law firms can begin to systematically create

intelligence functions to predict opportunities.

Change is a constant, and the legal industry abounds with theories regarding the evolution of research methodologies. But is there a way to actually predict and define the forces that will impact future intelligence gathering?

In the spring of 2006, Harvard Business School Professor Andrew McAfee wrote an article entitled "Enterprise

"[Y]ounger knowledge workers voiced the desire to experience the same ease of sharing and collaborating in their work environment that they had outside of the office."

2.0: The Dawn of Emergent Collaboration.” In the article, McAfee stated that knowledge workers tended to use two ways to extract and share information within their workplace. The first was through channels that shared information on a one-to-one basis or one to a limited number of users. This included instant messaging or e-mail (TO, CC, BCC, or Forward). The second method of sharing was via platforms such as an intranet or corporate Web site. With further study, McAfee discovered that the majority of knowledge workers used channels more often, though they were not completely happy with this limited means of collaboration. McAfee went on in the article to discuss social media and coined the term Enterprise 2.0.

In 2006, the use of social media tools (SMTs) was not widely considered for business organizations. However, by 2007, many companies were strongly interested in professional SMTs to capitalize on the collaboration aspects that were the by-product of social SMTs.

What was the tipping point? The answer was: the employees. As more and more Web 2.0 social networking applications, such as MySpace and YouTube, grew, younger knowledge workers voiced the desire to experience the same ease of sharing and collaborating in their work environment that they had outside of the office.

We have always been able to distinguish between data, information, and knowledge. Data comes from research and collection, so information then is organized data. Knowledge, in turn, is built upon information. Data and information are easily transferable, but knowledge, or intelligence, is built by a person and is not so easily transferred from one to another. Communities and social media, however, facilitate the transfer of knowledge. So it should not be surprising that social media with its sharing, storytelling, and collaboration should be the next platform for the dissemination of CI.

So what are some of the popular social media applications that are making their way into business organizations and what are their business cases?

In July of this year, the consulting firm Leader Networks released a survey commissioned by the legal marketing firm LexisNexis Martindale-Hubbell. The survey found that about half of lawyers are members of online social networks, such as LinkedIn, Facebook, and MySpace, and that more than 40 percent of attorneys see online networking as having the potential to change the business and practice of law over the next five years. The survey also found that:

- networking sites are the most popular among lawyers between the ages of 25 and 35

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AT A GLANCE: Seeds of our future technology trends exist in today.

By **Don Philmlee**, Principal Consultant, DonPhilmlee.com, Washington, D.C.



Law Firm Technology of 2012

What will law firm technology be like in 2012? The key to answering that question with some degree of accuracy lies in a quote from American poet Mark Strand: “The future is always beginning now.” There are many technologies around today that are no doubt seeds of future trends. These technologies may be our best clues to parting the veil of the future and predicting what law firm technology will be like in 2012.

Broadband Wireless Everywhere

Wireless Internet has proven to be both useful and addictive and, similar to other areas of technology moving into the year 2012, it will continue to get faster and more widely available.

In 2012, expect to see an array of wireless access choices:

- high-speed fourth generation (4G) cellular networks (we are now using 2G and 3G networks)
- city-spanning wireless broadband called WiMax (now in its infancy)
- faster and free Wi-Fi (similar to what many now use at home and at work)

With improvements in speed and security, the wireless of 2012 will be commonly and seamlessly available. Also expect to see wireless features and capabilities expanding beyond computers and into cars, planes, and public transportation.

Software as a Service (SaaS)

Many law firm applications today are (or can be) Web-based—examples include litigation support, e-mail, contacts, calendar, time entry, case management, and document management. Word processing, presentations, and spreadsheets are curious holdouts to this trend, remaining tethered typically to desktop-based versions of Microsoft® Office. Because of the ongoing cost of maintaining and upgrading desktop-based applications, the law firm of 2012 may fully embrace the use of Web-based applications similar to Google™ Docs or Adobe® Buzzword. Such software services provide basic

Office functionality and only require a Web browser and high-speed Internet connection. Because they are potentially less expensive, they pose a real chance of replacing today's desktop-based Microsoft Office applications.

Digital Books

Driven by demand, economics, and green initiatives, information is increasingly being digitized and made available via the Internet or some form of electronic media.

While digitized media can be read on a desktop or laptop computer, dedicated electronic readers (or book replacements) have appeared in today's market. The most notable examples include the Sony Reader and the Amazon Kindle. Both devices are low power consumers and extremely portable. Additionally, the Kindle can wirelessly download new books or updates.

While this new wave of electronic readers bristles with impressive technology, these devices are in their infancy right now, possibly a crude form of what will come. Today, these devices mark a shift in how we interact with books. By 2012, the descendants of these devices will likely become the norm.

The seeds of change are apparent today:

- Law schools are reviewing technology for their students and discussing the use of electronic casebooks.
- Amazon has legal titles available for the Kindle.
- West published its first electronic casebook in 2007 and has plans to add more titles.

Computer in the Palm of Your Hand

The idea of having a computer in the palm of your hand has been a much sought after goal. Processing power is getting faster, storage is cheap, and battery technology is getting better every year. Today's devices

are a combination cell phone and computer with high-speed Internet, full-scale Web browsers, cellular capabilities, and an offering of the basic core applications, such as e-mail, contacts, and calendar, all rolled into one device, possibly with a touch screen.

The palm-sized computer of 2012 will likely sport these same features, but will also have additional features, some of which may include the following:

- **Grand Unified Computer** — The device works as a fully functioning hand-held device but can also be docked with a keyboard and monitor at the office to act as a laptop or desktop. Such a portable device may be a user's only computer and would truly be a personal computer.
- **Cell Phone/Office Phone** — Not just cellular capable, it can operate as a fully functional office extension.
- **Talk to It** — Given current advances in voice-to-text technologies and digital dictation, the palm-sized device not only will operate by voice command but also will offer seamless real-time voice-to-text (digital dictation).

Wireless Power

In 2012, portable electronic devices will likely recharge using wireless power. This technology will eliminate the need for a power cable. Devices can be wirelessly recharged today using a technique called inductive coupling—a common example of this is a high-end electric toothbrush. Unfortunately, inductive coupling only works over very short distances (inches not feet). By 2012, we may see a newly discovered method in use. In 2007, researchers at MIT found they could transfer power seven feet away using a method they called resonant induction. With wireless chargers in cars, in airplanes, at home, and at work, electronic devices could recharge whenever they were in proximity to a wireless power source.

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AT A GLANCE: Enterprise 2.0 may be what's needed to aid law firms to improve communications, streamline day-to-day processes, and reduce the time necessary to retrieve relevant information. This article explains Enterprise 2.0 and why it's relevant to law firms, especially as a new generation of technology-savvy attorneys joins the practice.

By **Nina Platt**, Principal Consultant, Nina Platt Consulting, Inc. Minneapolis, MN

Enterprise 2.0: Moving Web 2.0 into the Workplace

Worrying about the state of the nation's or the world's economy will not improve it. Predictions say we are heading into a downturn unprecedented in recent history. To survive, law firms will need to be creative. Beyond the steps that many law firms have taken in these early days, the use of technology to improve communication internally and with clients, improve day-to-day processes, and reduce the time spent looking for information makes sense.

What technology or platform should firms consider using to achieve these and other firm goals?

Enterprise 2.0 may be just what is needed. Introduced by Andrew McAfee of Harvard Business School in his MIT Sloan Management Review article "Enterprise 2.0: The Dawn of Emergent Collaboration," Enterprise 2.0 uses Web 2.0 technology within the organization or law firm. To determine how law firms can make use of Web 2.0 and Enterprise 2.0 to meet firm goals, it is important to understand their origins.

Web 2.0

Tim O'Reilly, computer book publisher and catalyst for technology change, first introduced the term Web 2.0 at the first Web 2.0 conference in 2004. He defined Web 2.0 as follows:

Web 2.0 is the business revolution in the computer industry caused by the move to the internet [sic] as platform, and an attempt to understand the rules for success on that new platform. Chief among those rules is this: Build applications that harness network effects to get better the more people use them. (This is what I've elsewhere called "harnessing collective intelligence.")

This definition is based on seven core competencies as referenced in his article “What Is Web 2.0: Design Patterns and Business Models for the Next Generation of Software.”

- services, not packaged software, with cost-effective scalability
- control over unique, hard-to-recreate data sources that get richer as more people use them
- trusting users as co-developers
- harnessing collective intelligence
- leveraging the long tail through customer self-service
- software above the level of a single device
- lightweight user interfaces, development models, and business models

What does all that mean? The simple answer would be Web users collectively using collaboration and knowledge-sharing tools that have been in the market for the last three or four years. It could be a blog, a wiki, a search engine, a social networking site, a site that provides link collections with tags that users assign, or a RSS feed. What O’Reilly did was to put all of these technologies and more under one umbrella term called Web 2.0.

Enterprise 2.0

Andrew McAfee followed O’Reilly in further defining how these tools are used within an enterprise, including law firms. His definition is as follows:

Enterprise 2.0 is the use of emergent social software platforms within companies, or between companies and their partners or customers.

By platforms, he means blogs, wikis, etc. He further defines Enterprise 2.0 with what he calls SLATES, which

stands for Searching, Links, Authoring, Tags, Extensions, and Signals.

Searching

According to Forrester Research, when it comes to employees finding information, “44% believe they can easily find what they need on their intranet based on navigation/browsing.” At the same time, the Pew Internet and American Life Project reports that “87% believe they are successful in searching the Internet.” Yet, according to Peter Morville, author of the book *Ambient Findability*, “employees spend 35% of productive time searching for information online.” Finally, in their book *Information Ecology*, Thomas Davenport and D.J. Patil report “the Fortune 1000 stands to waste at least \$2.5 billion per year due to an inability to locate and retrieve information.”

With those kinds of statistics, it is clear that improving searching is imperative. Intranet users at law firms who are asking for simpler searching reinforce this. For example,

- When Morrison and Foerster introduced its search system called AnswerBase using Recommind, it did so in response to comments like “I want one place to go to find all the answers I need—and make it as simple as Google.”
- When Freshfields Bruckhaus Deringer developed its know-how system called Athena using Autonomy, it did so in response to similar comments: “Give me Google.”

Links

Linking gives users the power to build links developing a structure that reflects how people think.

EARLY VIEW OF ENTERPRISE 2.0 ELEMENTS



Search - Discoverability of information drives reuse, leverage, and ROI.



Links - Using URLs to forge thousands of deep interconnections between enterprise content 24/7.



Authorship - Ensuring every worker has easy access to Enterprise 2.0 platforms.



Tags - Allowing natural, organic, on-the-fly organization of data from every point of view.



Extensions - Extend knowledge by mining patterns and user activity.



Signals - Make information consumption efficient by pushing out changes.

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By William Scarbrough, Chief Operating Officer, Smith Haughey Rice & Roegge, Grand Rapids, MI, and Austin Doherty, Chief Knowledge Officer, Hogan & Hartson L.L.P., Washington, DC

Practice Innovations: A RETROSPECTIVE

The July/August 2008 issue of *Law Firm Inc.* featured its annual law librarian survey. This year it focused on law librarians' expertise in business intelligence research and proclaimed on its cover: "Librarians have become ... key contributors to their firm's growth." What a positive reversal from the previous decade when instances of downsizing, outsourcing, and outright elimination of library staffs by law firms suggested hard times ahead for the profession.

To be sure, ill-considered moves against law firm libraries were critiqued widely even as they were occurring in the '90s. In July 1995, the American Association of Law Libraries appointed a Task Force on the Value of Law Libraries, which included several members of the *Practice Innovations* editorial board. In 1996, the task force issued an extensive set of advocacy materials, in the form of a marketing toolkit, styled *Law Librarians: Making Information Work*, which documented the strategic contributions of law librarians. By 1997, Baker & McKenzie, which had terminated its entire Chicago library staff in March 1995, had rehired a librarian. By November 2004, Baker issued a press release announcing the appointment of a director for its "new regional structure of the North American libraries," a move which the release affirmed would enhance the firm's ability "to provide the highest quality of legal services" to its clients.

The predecessor publication of *Practice Innovations* was called *Information Innovators*. Formed in the wake of the U.S. law library community's vigorous reaction to the developments of the '90s, *Information Innovators* sought to showcase the many talented library professionals who were making important contributions to their firms' utilization of emerging information technologies.

Information Innovators ran from 1996 to 1999. Its authors were almost exclusively law librarians or expatriate law librarians holding IT or other positions in their firms. Representative articles covered such issues as Internet access requirements, intranets, distance learning, videoconferencing, groupware, and attorney work product databases.

In 2000, *Information Innovators* evolved organically into *Practice Innovations*. New words carried a new reality. It has become increasingly difficult to draw a line between where one law firm service area ends and another begins. The information professional is often at the intersection of several: law practice, research, marketing, IT, professional development, and general firm management have all become interlinked with talented law firm librarians at the hub. The paths *Practice Innovations* has followed during its first 10 years of existence demonstrates the very positive direction the law firm library profession has traveled.

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Law Firm Libraries: The Focal Point for Competitive Intelligence	July 2007
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Technology Gateways to Law Firm Information	March 2001	Using RSS* Feeds for Business Development	March 2007
Personal Digital Assistants and the Business World	July 2001	Enterprise Search: Moving from Application to Architecture	July 2007
Technology Management in the Global Law Firm	October 2001	Come Together, Right Now	July 2008
Keeping in Touch with Technology—Videoconferencing	March 2002	Rethinking Work Flow	October 2008
Disaster Planning for Data Security	March 2002	Enterprise 2.0: Moving Web 2.0 into the Workplace	January 2009
Conquering the Mountain	July 2002	TOPIC TRENDS	
Portals: Strategies for Enterprise Application Integration	October 2002	ARTICLE TITLE	DATE
Technology Consolidation: Evaluating Enterprise Application Suites	March 2003	The Rise of Law Firm Operational Teams	October 2005
What Is E-Learning?	March 2003	Direct Client Contact	August 1997
The Invisible Web	July 2003	Large-Firm Technology Trends	August 1997
Malpractice by Computer?	October 2003	Second Annual Information Innovator's Institute	August 1997
Blawg On!	October 2003	A Look at the Future of Technology	August 1998
Document Lifecycle Nirvana	March 2004	Future Firm: The Changing World Context	March 2000
Going Wireless in the Law Firm	March 2004	Boot Camp for Summer Associates	October 2001
Knowledge Permeability	October 2004	The Global Expansion of Law Firms	July 2003
Innovation in the Use of CRM Technology Is Just Beginning	October 2004	Shared Service Centers—Are Law Firms Ready for the Latest Corporate Trend	March 2004
Best Practices in Electronic Discovery	March 2005	As Practice and Industry Group Focus Takes Center Stage, So Does Accountability	October 2004
Enterprise Search: Daring to Go Where No Search Engine Has Gone Before	October 2005	Attorney Professional Development	July 2005
Document Drafting Tools	July 2006	Investing Together in the Future	October 2005
Podcasting	July 2006	Information Resources Today	July 2006
The Third Generation Internet	October 2006	The Future of Document Management	July 2006
The Pragmatist's Guide to Project Management	October 2006	Law Without Walls	July 2007
		Being Civilized in a High Tech World	October 2007
		Law Firm Technology Trends for 2008	January 2008

Deliver the Brand

To make your firm the Ritz Carlton of law firms means delivering on the brand (i.e., high quality) that clients have come to expect of the firm. Figure 2 depicts a broader view of the various points of intersection the firm may have with its clients. There is value in studying how the firm delivers service through these various channels and, therefore, how the product or the brand is engrained in the culture of the firm. Granted, these various client intersections are not what we come to think of generally as the legal product. However, if the core of the service is the lawyer and his or her specific substantive legal services, then the wrapper around the core is the rest of the firm and the various ways in which the client experiences the firm. Tightening the broader range of services and ensuring there is quality and consistency across practices, and in many firms across offices, provide clients with an inherent guarantee of quality.

Think of Disney World or other famous brands on whose services you have come to rely. Your expectations are always met and often exceeded regardless of which corner of the Magic Kingdom you are experiencing. The same holds true for private clubs, high-end hotels, etc. A law firm is the same. The brand must hold true no matter which partner, associate, support team member, or area of the firm the client is experiencing.

Review the firm from the clients’ eyes and work to align the firm’s strong legal services with the other various ways in which the clients experience the firm.

In summary, we hear a lot about productizing a law firm’s services. Review the various practice areas and seek ways to standardize the substantive legal work. Then view the rest of the firm and its service areas from conference rooms and reception areas to telephones, e-mails, and voice mails to make sure the product the firm is delivering is consistent across the firm, its practices, and its offices.

Exceed client expectations and clients will continue to be loyal to the firm.

FIGURE 2



- 50 percent of attorneys between the ages of 36 and 45 participate
- 36 percent of attorneys who are 46 and older are members of such sites as well

Vanessa DiMauro, Leader Network's president and author of the survey, said that although lawyers are traditionally slow to adopt new technologies, the survey indicates that they are open to using online networking tools. In fact, many lawyers felt that using LinkedIn provided a means to connect with potential clients, as well as with colleagues and peers, without the time-consuming demands of personal interaction. Others felt that Facebook, which is primarily a social networking site, was more valuable because it promoted more personal postings, as well as notification when one's contacts had been updated.

Those who are accustomed to blogs, i.e., Web logs, have gone the next step to wikis (a collection of Web pages designed to enable easy access for the purpose of contributing or modifying content) as a way to collaborate and share ideas. And then there is the micro-blogging service called Twitter, which allows for brief conversations of up to 140 characters. With Twitter you can find out what people are reading and thinking about and personal details, such as whether they have a family or hobbies and what they include? Twitter provides a special connection that is more personable in nature. Chris Brogan on his blog, chrisbrogan.com, lists 50 ideas on using Twitter for business. Arguments for a business case include monitoring personal or competitor reputations, soliciting opinions, and sharing like interests.

But just like e-mail, postings to social media need to be done with the understanding that the attorney-client privilege still prevails. As blogs and networking sites become more prevalent, more and more human resources departments will be monitoring them for job candidates and for employees' online presence. Recruiting departments, too, will monitor them as a means of ferreting out information on possible lateral hires.

Finally, as content evolves from context and collections to connections, more and more databases are following the Amazon.com template of "readers who read this, also read this" as a means of finding related information. Indeed, Thomson Reuters is already doing this with its Westlaw® ResultsPlus®, which establishes a relationship between like information.

On Westlaw Business (westlawbusiness.com), a product recently introduced by Thomson Reuters, the M&A Center home page has a Rumored Deals link. You can also search a database for rumored deals. As a harbinger of what is to come, Thomson Reuters' gamble that there is even a value for inferred information is not off base.

In the "Arts and Leisure" section of the New York Times for August 17, 2008, the lead article discusses the Daily Show, which promises "to bring you all the news stories first ... before it's even true." The article states that when Americans were polled in 2007 by the Pew Research Center for the journalist they most admired, Jon Stewart, the Daily Show's fake news anchor, came in fourth, tied with real news anchors Brian Williams, Tom Brokaw, Dan Rather, and Anderson Cooper.

The future, it appears, will provide a place for speculative information, and it will be this inferred connectivity of information that will become the basis for authority.

**“The best way
to predict the
future is to invent
it yourself.”**

Going Green

The law firm of 2012 will be considerably more environmentally friendly. This will be driven by a multiplicity of factors: spiraling energy costs, readily available green technologies, client demands to work with environmentally conscious firms, and additional government regulations.

Some of these technologies will leverage the efforts of the law firm of 2012 to be green and cost-effective:

- **Virtualization** — Consolidation of the firm’s servers using virtualization technology will consume less power and use less space, resulting in a smaller carbon footprint for the firm.
- **Less Paper (not paperless)** — Reduction of paper use by promoting the use of digitized paper, scanners, and electronic readers (as well as the recycling of existing paper). Firms will actively discourage the use of printers and copiers.
- **Telecommuting** — Firms will encourage and promote working remotely. The lower financial and environmental impact will be an attractive benefit to both potential and current employees, as well as environmentally conscious clients.
- **Collaboration** — As law firms increasingly adopt the use of more collaborative applications, it will become much easier to use virtual workers. In 2012 expect to see the widespread use of virtual assistants. These are remotely located contractors who provide specialized professional services (administrative, technical, legal expertise) and are associated with, but not directly employed by, the firm.

Convergence

There is one word that will summarize the technologies used by a law firm in 2012—convergence. The technologies of 2012 will combine the descendants of today’s technologies.

A current example of such technology convergence is the cell phone/smart phone. It started as a simple device dedicated to making telephone calls. Today the basic cell phone has overlapped and merged with other technologies to become the smart phone that can also provide e-mail, Web browsing, document editing, videos, music, and maps and tell us where the closest movie is playing.

Collaborative technologies, remote access, high-speed Internet, pocket-sized desktop computers, digital books and readers, virtual assistants, and Web-based applications all add up to a more nimble, mobile, tech-savvy, and green law firm.

Summary

Much of the technology of 2012 may be no more than an outgrowth of technology available today. It is also just as likely there will be a few surprises waiting that will be dramatically different from today’s technology. For some, such change may be cause for concern. However, the best advice about dealing with changing technology is not to just wait for it to happen to you but to be proactive and work to make things happen for you. Early computer pioneer Alan Kay put it best when he said, “The best way to predict the future is to invent it yourself.”

“[P]artners and their law firms will need to consider Enterprise 2.0 as that new generation enters the workforce.”

Authoring

Authoring turns users into content creators. It allows individual users to author independently using blogs or groups to author collaboratively using wikis. Both move content creation for an organization's intranet from designated gatekeepers and distribute it throughout the organization, which makes the intranet a better tool for business. Social networking tools are another example of authoring.

How can law firms use authoring? Many use blogs and wikis internally to improve communication and collaboration for matters, projects, practice groups/areas, and industry and client groups. Other law firms use these tools to organize and communicate policies, procedures, and more.

Tags

Tagging allows users to categorize content to improve search results and findability. Tagging creates categorization similar to the subject headings used by libraries but, unlike library subject headings, tagging generates a system that grows through the use of terms assigned by users. Examples found on the Internet include services like Technorati and delicious.com. In a law firm, tags could be used to organize a collection of work product, best practices, or research.

Extensions

Automatic categorization by computer, rather than users, extends access to content within an intranet by placing content into categories and then making suggestions of what would be useful to the end users. In this case, the computer does pattern matching to find similar or related content. Amazon.com provides its customers with extensions when it tells them that purchasers of one book also purchased another related title. Recommind provides categorization, and its full-text concept search is an example of pattern matching.

Signals

Enterprise 2.0 moves information users beyond simple searching through signals. Signals notify users of information that may be useful to them using RSS feeds. RSS, or Really Simple Syndication, generates alerts when new content is added to an intranet or Web sites like blogs based on a predefined profile of the user's needs or interests. Some firms provide their users with current awareness services where the lawyers receive alerts based on their profiles.

Beyond RSS, some firms are looking to aggregation or mashup of content to make information easier to find. With aggregation/mashups, an interface would be created that pulls content from disparate sources, placing that content in context for the user. An example of the use of this in law firms is the creation of an interface that presents company information provided from external and, sometimes, internal sources.

Conclusion

The year 2009 is expected to provide many challenges for businesses, including law firms. Enterprise 2.0 offers law firms the opportunity to leverage the dollars they have spent on technology while improving access to information and improving the productivity of lawyers and staff. To be successful, that technology must be easy to use and give users more control over how they work and the content they contribute.

Recently new associates have begun to have an impact on how law firms use technology. They have used the technology now called Web 2.0 or Enterprise 2.0 since its inception. Blogs, wikis, and social networking sites provide them with a means of communication that may be foreign to the firm's partners. Those partners and their law firms will need to consider Enterprise 2.0 as that new generation enters the workforce.

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BOOK REVIEW:

Inside the Future: Surviving the Technology Revolution

by Henry C. Lucas Jr., Westport, CT: Praeger Publishers, 2008

A revolution in technology is fundamentally transforming business, leading to new business models, new relationships among firms, and new organizational structures. This revolution is a major opportunity for some individuals and firms and an existential threat to others. Change is happening much more quickly than at any time in the past, and we must adapt to it. In fact, says author Henry C. Lucas Jr., “[T]he future competitiveness of the country depends on our ability to innovate and implement change enabled by technology.” (p. 199)

Technological changes can be competence-enhancing or competence-destroying. Competence-enhancing change lets individuals and firms use existing skills in new ways to reduce costs and improve efficiency. Competence-destroying change makes existing skills and products obsolete: individuals must learn completely new skills or lose their jobs; firms must adopt new business models or go out of business.

Online airline ticketing shifts work to the individual passenger; travel agents are bypassed, potentially a competence-destroying change. Consumers downloading music can buy individual songs instead of having to buy complete albums. The Recording Industry Association of America unwisely tried to resist by suing its customers, then grudgingly realized it needed a new business model.

Online communities and social networks form around an idea or topic without regard for time or space barriers. These groups spread information rapidly

through e-mails and blogs and can be surprisingly influential, as the defeat of Senator Joseph Lieberman in the 2006 Connecticut Democratic primary suggests. Companies and politicians using social networks to reach potential voters and customers need to respect their power, and “be willing to listen to community members, accept their feedback, and change policies and procedures if so requested.” (p. 56)

Customers benefit as technology transforms service industries (where most Americans now work), forcing companies to unbundle services, lower costs, and increase convenience. Technology leverages the work of knowledge workers, increasing their efficiency and productivity. Firms and their employees need to be continuous innovators to compete effectively.

Citizens benefit when government adopts technology that provides 24/7 access to service through Web sites. “E-government” improves efficiency tremendously by letting citizens serve themselves online, encourages citizen participation, and reduces cynicism. E-government increases transparency and reduces opportunities for officials to demand bribes, particularly in countries where government is seen as corrupt.

In manufacturing, technology first leads to automation of production. Communications technology now enables firms to source work from locations with the best price/performance ratios. In the printing industry, for example, as craft-based activities were replaced by computer-based ones, head counts and labor costs

**“Technology leverages
the work of knowledge
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were reduced, while speed and quality improved.

Health care is an industry that is behind the rest of the economy in adopting technology, and failing on both quality and efficiency. The United States spends more per capita than other industrial countries for poorer results. Physicians’ practice groups are too small to afford health information technology, and it does not enhance their revenue. For individual physicians, manual techniques are often faster, and, since physicians are paid by procedure, using technology imposes an opportunity cost. In contrast, doctors quickly adopt new treatment technology, which does enhance revenue.

Electronic medical records could provide a complete medical record to doctors where care is being delivered, build up a database of outcomes to support evidence-based medicine, which relies on more than the individual doctor’s knowledge and experience, and reduce duplicate tests.

Barriers to change include skepticism, resistance, and bureaucracy. As in health care, those who bear the burden of implementing technology may not benefit from it. A company like Kodak may find it “hard to look past a highly profitable, cash-cow

business like film” (p. 185) and realize that it may be doomed by a new technology. But, “if you miss a giant technology transformation, the results are disastrous.” (p. 152) Many jobs will be lost, and the

firm may even disappear.

Manufacturing jobs are disappearing, leaving only low-wage service jobs for high school dropouts and graduates. The United States will need “a highly educated workforce that is able to come up with new innovations to keep the U.S. economy competitive with other nations.” (p. 134) For Lucas, then, it is essential for the government to adequately fund and support education at all levels to prepare future workers to

be competitive. Education must stress innovation and creativity and rely less on standardized testing. Firms must try to anticipate how current and emerging technologies might impact their businesses and constantly evaluate new business models. Individuals need to understand what technology can do, not necessarily how it works, and be prepared to change how they work. Parents should encourage their children to learn as much about technology as they can and to consider careers where technology is competence-enhancing.



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