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NextGen Technology: From Metaphysical Perfection to Complete Failure

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**NEXTGEN TECHNOLOGY:
FROM METAPHYSICAL PERFECTION TO COMPLETE FAILURE**

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I. Introduction

Note: The title of this paper is a nod to the great folks at *Wired* magazine, a must-read for anybody interested in new technology and its intersection with culture and business. Their helpful and entertaining product reviews rate new products on a scale ranging from “metaphysical perfection” (the best) to “complete failure.” See section IV below for more about *Wired* and its role in keeping you tech-savvy.

New technology should increase efficiency and save time – always a plus for busy lawyers. Unfortunately, figuring out which new technology will improve your efficiency also *consumes* time. In addition, jumping on the bandwagon of the latest advances in technology can be intimidating, because who knows what new and better options will appear next year, or next week, or even tomorrow?

In this paper, I explore technologies currently available on the web which can improve the efficiency of your practice. I also point to new trends in technology along with examples of the products currently coming out of those trends. Additionally, I recommend resources useful in keeping track of new developments in technology. And, just for fun, I include a list of wacky and entertaining new gadgets and applications that you might find useful, or, more likely, entertaining.

II. Established Online Technology to Increase Efficiency

A. Cloud Computing

Last year, we included “cloud computing” in the technology *trends* section of this paper. Its rapid adoption by law firms and other types of businesses have moved it into the established technology category. In a nutshell, cloud computing allows a firm’s software and files to be stored and managed remotely, or in “the cloud,” instead of on the firm’s own servers. Members of the firm can access the applications and data via the web. The firm pays the cloud provider not only to store the firm’s files but also to backup and encrypt the data. The cloud provider is also responsible for system maintenance.

One of the great advantages of cloud computing is that it provides firm’s employees with access to the firm’s files from anywhere on any computer at any time via the internet, thereby creating a mobile law office. As long as you have a web browser and internet access, you can access the material on the cloud. Pull up a contract on your netbook while on a plane, read the latest revisions to a client letter on your tablet at the coffeehouse, or access important documents while waiting at the courthouse with your laptop. Carefully selected cloud-based service providers will deal with hardware, software, and security issues for you.

Cloud computing encompasses a wide range of services of value to law firms. At the LegalTech New York 2011 conference, the IT director at North Carolina firm Ward and Smith discussed the firm’s adoption of the following cloud-based services:

NetDocuments for e-mail archiving and document management, Intelliteach for its help

desk ticketing database, Mimecast for e-mail filtering, EOS for its library catalog, and ADP for payroll processing. (David Snow, “Heavy Cloud Cover” February 4, 2010, <http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=1202480227400>). Cloud based services also include case management, along with calendaring systems and time tracking, and online e-discovery resources.

Cloud computing is not without its caveats. Lawyers may balk, understandably, at giving up total control of systems and documents or at having to go to a third party with IT concerns. Security and ownership issues are also relevant, especially in safeguarding clients’ data. Always be aware of who owns the data you store on cloud-based servers. Lawyers must also ensure that the confidentiality of client communication is not compromised when going through a third-party. In addition, the virtual nature of cloud computing can make geographic boundaries less noticeable, and a less-than-cautious lawyer might run into the data protection laws of more than one country (Chris Stephen, Cloud Computing: German Data Police Say “Nein” June 24, 2010, <http://blog.alderingcastor.com/blog/technology-and-litigation/cloud-computing-german-data-police-say-nein>).

B. E-Discovery

Electronic discovery programs continue to advance, providing analysis of documents in a fraction of the time manual analysis would take. Automated processing no longer stops at scanning documents to find specified terms; now, computers mimic human reasoning to extract concepts and deduce patterns of behavior. “Armies of Expensive Lawyers

Replaced by Cheaper Software” New York Times, March 5, 2011,

http://www.nytimes.com/2011/03/05/science/05legal.html?_r=1&scp=1&sq=armies%20of%20expensive%20lawyers&st=Search.

Helpful e-discovery resources:

- Dennis Kennedy, Electronic Discovery Resources at <http://denniskennedy.com/resources/legal-technology-central/edd/> provides links to a plethora of resources on electronic discovery

Examples of e-discovery software

- Clearwell <http://www.clearwellsystems.com/index.php> searches for concepts rather than keywords
- Cataphora <http://cataphora.com/> detects broad behavior patterns and deviations from those patterns
- Blackstone Discovery <http://blackstonediscovery.com/default.asp>

C. Telephonic Court Appearances

Save time, money and the environment by scheduling a telephonic court appearance via an online system. The companies below make it easy to schedule your routine, non-evidentiary appearances with participating courts.

- CourtCall <http://www.courtcall.com/> Court Call allows you to use an online scheduling system to schedule your routine, non-evidentiary court appearances via telephone, saving travel time, gas and cost. The site shows which courts

currently participate. The fee you pay to use the service is split between CourtCall and the court. At this time, CourtCall appears to have a lengthier list of participating courts than TeleCourt.

- TeleCourt <http://www.tele-court.com/> also provides online scheduling of telephonic appearances with participating courts. The Tele-Court Live Courtroom Connection tells you who is scheduled to appear, who is connected, and who is actually speaking in real time over an internet connection.

D. Virtual Receptionists

These services answer and direct calls according to your directions, so a call could be routed to a different extension or to your voice mail depending on the time of day it is received. Many will send you an instant text (SMS) message with a transcript of what just came in via voice mail, allowing you to be available for emergencies without getting sucked into calls that can wait until you are ready to devote time to them. Most services offer flexible plans, providing either full-time, part-time or temporary service. Examples of virtual receptionist services include:

- My1Voice <http://www.my1voice.com/>
- Total Attorneys <http://www.totalattorneys.com/services/virtual-receptionist/>
- <http://rubyforlawyers.com/>

E. Automated Software Installation and Updating

Streamline your software installation and updating using an online service to automate the installation and updating of multiple software applications. These services are not

specific to the legal industry, but they can save valuable time and reduce frustration.

Two leaders in this area are:

- Ninite <http://ninite.com/> provides a simple interface allowing you to choose from a list of applications which you would like installed or updated on your computer. On the home page, check the box by each desired application and click the Get Installer button at the bottom of the screen. Ninite will then create an executable file you can run to have all of the selected programs loaded or updated without any further action by you.
- InstallPad <http://installpad.com/> works similarly to Ninite. The difference is that InstallPad automates program installation and updating from a list of programs you provide, thereby making more programs available to the user. Unfortunately, it is only available for personal use.

F. Project Management

Online project management software provide groups with a means of tracking tasks and deadlines, sharing documents, and communicating. Whether the project involves preparing a case for court or organizing a conference, project management packages can help your team stay organized and meet deadlines. The Connected Lawyer writes in his blog at <http://www.legalpracticepro.com/the-connected-lawyer-basecamp/> that he uses Basecamp's online project management software to share case information with his clients. Each client has access to all of the documents and court dates in the case and can leave comments as the case progresses.

Examples of online project management products include:

- Basecamp <http://basecamphq.com/> is a bare-bones web- based project management product at a reasonable price.
- Onit <http://www.onit.com> is a online project management and business collaboration tool for legal and business professionals

III. New Trends

A. Smarter Automated Document Assembly and Contract Drafting

Document assembly products create templates for documents, resulting in improved efficiency and increased consistency. The latest products are cloud based, allowing for anytime, anywhere access, and the advances in these tools have resulted in products that simplify the process of creating complex templates and “know” which questions to ask the user. The Document Assembly and Case Management Blog describes recent advances as “revolutionary” and a step toward the “thinking machine.”

http://bashasys.info/index.php/weblog/automation/merge_templates_and_clause_libraries/.

The following are examples of document assembly and contract drafting products currently getting press:

- Contract Express <http://contractexpress.com/>
- Exari <http://www.exari.com/>
- HotDocs <http://www.hotdocs.com/>
- KIIAC <http://www.kiiac.com/> KIIAC creates and maintains document templates and clause libraries used in drafting contracts. The buzz about KIIAC centers on its ability to analyze existing contracts and create templates. On February 14, 2011, KIIAC announced the launch of ContractStandards.com, a web site that seeks to collect and share global contract standards, document automation tools, and provide a framework for collaborative development.

B. High Quality Desktop Videoconferencing

Although videoconferencing has been around for quite a while, the quality available at one's desktop has been prohibitively low. Now, the prospect of high definition desktop-to-desktop videoconferencing leads legal technology expert Richard Susskind to predict that it will "radically change the way in which lawyers and clients communicate" (September 16, 2010 interview with Legal IT Professionals at <http://www.legalitprofessionals.com/Guest-columns/richard-susskind-about-law-firm-it-management-and-cloud-computing.html>). Videoconferencing services can run on a firm's own networks or on a remote network, allowing face-to-face meetings and collaborations wherever one has access to the internet. Recent releases include:

- HP released its Visual Collaboration products in late 2010. These provide high definition desktop video with reduced network requirements and bandwidth needs (David Chao, The Web Conferencing Blog, November 22, 2010 at <http://davidchao.typepad.com/webconferencingexpert/2010/11/hp-launches-high-definition-videoconferencing-for-the-desktop.html>)
- Also in late 2010, Fuze Box debuted Fuze Presence, its multi-party high definition videoconferencing technology, which is cloud based and will work on a number of mobile devices, including the iPad, Android Tablet, smartphones, and and laptops

C. Even Smaller, More Portable and Increasingly Energy-Efficient Devices

As more companies enter into the tablet and smartphone markets, look for tiny, low-energy devices providing even better quality video.

Examples:

- pocket projectors: Research scientists from the German company Fraunhofer Applied Optics and Precision Engineering have created a mini-projector so small it will fit in your pocket yet still project bright and brilliantly-colored images. The new projector consists of an optical system eleven millimeters square and three millimeters thick through which a powerful LED lamp shines.

- speedy tabletop book scanners: one product receiving much of the attention at the January 2011 Consumer Electronics Show is ION Audio's Book Saver. ION asserts that this tabletop device will scan an entire print book and convert it to PDF in minutes, and that it will be sold for around \$150. Ion responded to questions about potential copyright law issues by maintaining that the Book Saver is only intended for personal use. See "Book Saver—or Copyright Threat?" *Library Journal*, February 15, 2011, p. 44.
- flexible e-devices: in February, 2011, researchers in e-paper (coming from fields such as electrofluidics) predicted that within three to five years the first generation of truly flexible e-devices will be available. These devices would be like an iPad made out of paper-thin plastic which can be folded or rolled up and placed in a pocket. They expect that within ten to twenty years we will see virtually indestructible full-color e-devices, as thin and flexible as a rubber place mat, charged with sunlight and ambient room light, and impervious to water damage. ("Researchers Predict Future of Electronic Devices, See Top Ten List of Expected Breakthroughs" February 8, 2011, <http://www.sciencedaily.com/releases/2011/02/110208101324.htm>)
- thinner, lighter tablets: with Apple's scheduled release of its iPad 2 this month (set for March 11), we will see a tablet that is 33 percent thinner and 15 percent lighter than its previous incarnation and offers new functionality, including video chat. Other upcoming tablets getting buzz include the Motorola Xoom and the

BlackBerry PlayBook. For more about tablets showcased at the 2011 Consumer Electronics Show, see “CES 2011: Blackberry Playbook, Motorola Xoom tablets shine in Las Vegas” The Washington Post, January 11, 2011,

<http://www.washingtonpost.com/wp-dyn/content/article/2011/01/11/AR2011011103153.html>

IV. How to Stay Current on New Technology

So much new technology...and you have so little time to keep current. How does a busy lawyer keep a finger on the pulse of technological advances that are actually helpful in a law practice? Fortunately, good resources exist specifically for the purpose of tracking technology relevant to the legal services industry.

Examples of Resources Focusing on Technology for Lawyers

- The American Bar Association’s section on Law Practice and Management http://www.americanbar.org/groups/law_practice_management.html includes technology as one of its four core areas. Its annual law technology conference, the ABA TechShow, will mark its 25th year in April, 2011.
- The American Bar Association’s Legal Technology Resource Center http://www.americanbar.org/groups/departments_offices/legal_technology_resources.html provides a phone and e-mail hotline to answer lawyer’s technology questions. Its staff provide continuing legal education classes focusing on legal technology, and each year the center conducts the ABA Legal Technology Survey

in which thousands of practicing attorneys participate.

- International Legal Technology Association <http://www.iltanet.org/> ILTA defines itself as “the premier peer networking organization, providing information to members to maximize the value of technology in support of the legal profession.” Members have access to ILTA’s publications, webinars, online discussion forums, and more. ILTA’s annual conference is a big event for law office IT staff and for lawyers who want and need to remain tech savvy.

Law Technology Blogs

Blogs are a great way to keep current on emerging trends in any technology. The following are respected blogs focusing on technology and law:

- Three Geeks and A Law <http://www.geeklawblog.com/> These self-described “geeks” write about law and technology from the perspective of their individual fields of knowledge management, internet marketing and library sciences
- Dennis Kennedy <http://denniskennedy.com/> practicing lawyer and respected writer on the use of technology in the practice of law
- TechnoLawyer Blog <http://blog.technolawyer.com/> aims to provide “[a]ll the legal technology and practice management news that's fit to blog.”

Not Legal-Specific But Great for Tracking Technology Trends

- Wired <http://www.wired.com/> and its monthly counterpart *Wired* magazine <http://www.wired.com/magazine/> strive to deliver “the most original and complete take you’ll find anywhere on innovation’s impact on technology, science, business and culture.” Wired is the go-to place to track cutting-edge technology in an entertaining print or online package. Recent issues of *Wired* magazine included articles on “Why the Basis of the Universe Isn't Matter or Energy—It's Data” and “Inside the Mad Science of 7 Renegade Researchers.” Also look to *Wired* for merciless product reviews.
- ZDNet <http://www.zdnet.com/> extensive site featuring technology news and product reviews

V. Just-for-Fun Gadgets & Web Sites

Now that the latest technology has increased your efficiency and freed up hours a week for you, here is a list of gadgets and web sites that are either useful or just plain fun (to help you eat up all of that time you saved):

- Sleepyti.me’s Bedtime Calculator <http://sleepyti.me/> calculates the best times for you to fall asleep based on the time you need to awaken and the average length of sleep cycles.

- Sifteo Cubes <https://www.sifteo.com/> are 1.5 inch computer cubes with sensing technology which allows them to detect motion and other nearby Sifteo cubes. The cubes operate off a wireless connection to your computer and interact with each other, allowing for new gaming possibilities. For a video showing the Sifteo Cubes in action, see <http://www.youtube.com/watch?v=dFoNOtctaME>.
- Snip.ly <http://www.snip.ly/alpha> Use Snip.ly to create a link to a specific snippet within a web page. Simply enter the web address of the site. Snip.ly will bring up the text and images on that site. Highlight the text you want and click “snip” to create a link usable for directing readers to the exact piece of text (or image) you would like them to see.
- Nike+ SportWatch GPS <http://nikeplus.com> provides GPS tracking with a shoe sensor linked to the Nike+ ecosystem, allowing runners to track their runs. The wrist strap includes a USB port so the runner can plug directly into a computer without a cable to record running stats. This product is set for release in early April 2011.
- Looxcie Wearable Camcorder <http://www.looxcie.com/> This little camcorder looks a bit like a Bluetooth headset. It wraps over your ear and records what you see for up to five hours. You can instantly select a clip of the last 30 seconds recorded and send it in an email message or to a social networking site.