60 Law Office Management and Technology Tips in 60 Minutes: Assisting Your Legal Practice

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Use of technology tools is no longer just an option

Every lawyer needs to commit to using technology tools to increase the efficiency of the operation of his/her practice and to meet the expectation of clients.

There is a list a mile long of excuses lawyers use to explain their reticence to transition to new tools. They include the: "I can't read long documents on a computer screen. … I can't type. ... I'm completely computer illiterate. What if the computer breaks down, I'd lose everything."

Any excuses about lack of technological competence are simply no longer acceptable. The ABA Model Rules of Professional conduct have been amended with an additional comment to specifically require that lawyers have some degree of competency relating to technology. Specifically, comment 8 to Rule 1.1, which addresses competence, states:

"To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, and engage in continuing study and education."

Twenty-three states have now adopted the duty of technology competence and it is anticipated that additional states will do so in the near future. (See Robert Ambrogi, *23 States Have Adopted Ethical Duty of Technology Competence*, LawSites (originally posted Mar 16, 2015), http://bit.ly/LS_Tech_Competence.)

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You may be putting the future and your practice at risk and putting your clients at risk by clinging to traditional operating procedures and tools.

Why it is dangerous and inefficient to continue with traditional practices and tools

You cannot back up paper. It is simply too expensive and time-consuming to make a copy of every sheet of paper in a client file and store it offsite to protect against destruction. If your office burns, your computer crashes, or you experience some other type of disaster, such as being hit by ransomware or a tornado, you need to have a business continuity plan. Complete digital files, which include not only the documents you have prepared but also documents and notes relating to all matters, properly backed up in more than one location are the key element of such a plan. Most practice management software solutions provide a document management feature that ensures you have continued access to your electronic documents/files.

A large percentage of businesses that suffer a data loss go out of business and shut the doors within the following year. But as a lawyer, you will not even have that option as there will be professional obligations and duties that you have to make certain are properly handled on behalf of your clients. While cyber liability insurance helps address the financial risk should there be a disaster, you should act proactively to prevent losing access to client files and ensure your continued ability to professionally represent clients. (See Eileen R Garczynski, Standing Committee on Lawyers' Professional Liability, *Protecting Against Cyber Threats: A Lawyer's Guide to Choosing a Cyber- Liability Insurance Policy,* http://bit.ly/Cyber_insurance and *OAMIC'S Cyber Liability and Data Breach Endorsement* at http://oamic.com/oamics-cyber-liability-and-data-breach-endorsement.)

You cannot easily access your client files anytime you need them. Relying only on physical paper files means you can only work on your files when you are in the office or when you take the file home− and when you take a paper file home, no one else can work on it. But you cannot take home every paper file for every client who might have a weekend or evening emergency.

You also may end up stuck at home without warning, waiting on a repairman or taking care of a sick family member. You may need access to your client files. The Twenty- First Century law office must provide remote access to client files for the attorneys, and often the staff. Having complete digital client files means that you can use a tool to log in to the office remotely and access all your files−or you may just have your client files stored in the cloud.

But, remote access does the lawyer little good if the only thing available is the various drafts of word processing documents that were created in the office. You will want access to a complete client file, with images of the pleadings and correspondence from opposing counsel, along with the other relevant documents relating to the matter. You will want easy access to the calendar entries and file notes.

You project an image of being behind the times. If you hire law student clerks, they know from their peer group what is going on in other firms and practices. I've heard law students at law schools in many different locations make reference to the partners at firms being dinosaurs. Clearly as they consider their future options, joining the firm or practice led by a dinosaur may not be the most attractive one. Further, these future lawyers will be hesitant to encourage the firms they join to make referrals to "the firm of yester year."

Similarly, it doesn't take clients long to recognize that a firm is not operating as a modern business. Modern businesses have client portals where the client can check the status of their order, access billing information and documents, and communicate with staff. Modern businesses accept credit card payments that are encrypted and secure. If you haven't set up payment service, such as LawPay (https://lawpay.com/), that allows you to accept electronic payments, in many cases, you are decreasing the likelihood that you will receive timely payment for your representation. You are also signaling clients that you may not be that concerned with payment. Further, you may be sending the message that you are not willing to try new tools that will make it more convenient as well as easier for clients to fulfill their responsibilities. Adoption of practice management software options that integrate secure electronic payment opportunities, document management, document assembly, and client portal features demonstrates a commitment to clients as well as a commitment to engage in modern business practices.

Email is the primary way many of us communicate electronically today. But not every law firm has the tools and processes in place to encrypt email or email attachments when that is needed. The client may not appreciate the risk on their own, but when they are about to email you a tax return or a pay stub and you explain that is not a good thing to send via unprotected email and provide a method for the client to safely share the information electronically, they will recognize your professionalism and guidance.

Satisfied clients make referrals and re-engage with attorneys for subsequent matters when they feel the attorneys are committed.

You may be in violation of the ethical duty of technology competence. Not only do you need to be aware of the benefits and risks associated with the use of newer technology tools, but you need to be familiar with the risks of using traditional tools in the current security and online environments.

Practical tips

The concepts of providing responsive representation to your clients, increasing the efficiently of operations, managing the finances of your firm or practice, improving the level of technical competence (particularly in regards to the risks associated with cybersecurity concerns) and reducing the risk should an error or disaster occur through professional liability insurance (including cyber liability) are moving from good practices to required practices.

The technology tips outlined below, include information on additional resources, technology tools, products, etc. that may assist you in addressing the concerns discussed above.

Requirements for transition to a digital client file system

Transitioning to a system of digital client files, which are backed up and remotely available, requires the acquisition of sound basic hardware and subscription services.

1. When considering a transition to digital client files, many firms and practitioners initially think that the equipment necessary to accomplish the transition includes a single machine that performs printing, copying and scanning functions and may be leased or purchased. However, experts and firms that have previously transitioned will advise that attorneys and staff should an affordable **scanner** at each of their workspaces. If attorneys or support staff have to interrupt their work, travel to a single centralized scanner/printer/copier, and then wait for others to complete an ongoing copying/ scanning/printing project, they are less likely to enthusiastically support transition to digital files. Leaving your workspace to go to a central scanner also carries the risk of interruption and other unanticipated delays. By comparison, if the attorney or staff person has a scanner located in their own workspace, the interruption (of scanning an item and uploading it into a tool that provides a document management feature) is much less and the individual is much more likely to enthusiastically support the digital client file initiative.

The OBA Management Assistance Program utilizes the desktop **Fujitsu ScanSnap IX500 scanner**. Some of the features of this scanner include:

- Costs less than $500 (approx. $420 from retailers such as Amazon)
- Requires limited space (desktop storage for quick access)
- Easy set up on Macs or PCs
- Easy to operate (the big blue button almost makes operations error free – even

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for attorneys)
- Automatic feeder (50 pages)
- Scans at a rate of up to 25 pages per minute
- Duplex scanning (both sides of a page in one pass)
- Handles letter and legal sized pages, even when the page size varies within the document
- Comes with software that automatically makes PDFs text-searchable (OCR-optical character recognition)
- Scans wirelessly to a computer or other devices

2. **A law practice management system** is the principal organizing tool for your law practice and an essential resource for transitioning to digital client files. Most such solutions are now web-based and serve as an online document management and repository tool as well as a collaboration tool. Many law practice management solutions share some common features, including:

- Contact management and conflict checking
- Calendar and task management
- Email (perhaps secure)
- Document management
- Time and billing, sometimes including IOLTA/trust accounting functionality

Law practice management systems work by organizing each input of information around a matter into to a client file. In this way, these systems create a master client list and dashboard from which users can drill down to specific client items and files related to a specific matter. Law practice management tools are extremely powerful-if information is input appropriately. (See Jared Correia, Law Practice Management Software: A Holistic Remedy, AttorneyatWork (Oct.11, 2011),   https://www.attorneyatwork.com/law-practice-management-software-a-holistic-remedy/

Proper input is perhaps the most important element of successful utilization of a practice management solution. You must remember the old adage about garbage in means garbage out. This is why the next tip on policies, procedures, workflows and checklist is so important.

3. Any effort to transition to a digital client files system is destined to fail without the right equipment, without feedback and buy-in from the other lawyers and staff who will be affected by the changes, and without commitment and budgeting for new equipment and training. However, the most often reason for failure of such a transition to a digital system is the lack of planning.

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The planning effort includes development **of policies and procedures that are often memorialized in workflow and checklist documents**. For example, there must be policies regarding the handling of mail. Such policies would establish whether mail is scanned and discarded, scanned and distributed to attorneys, scanned and filed in paper files, or scanned and forwarded to the client. Workflows or checklist would then ensure that the policy is properly implemented by the individual staff members designated to receive and process the mail. A checklist might include the steps of scanning, uploading the scanned item to the practice management solution (PMS), ensuring that the practice management solution sent a notice to the attorney responsible for the matter, and filing the mail in the proper paper client file.

While the process may seem to include a significant amount of detail for what might be considered an easy task, if the proper planning has not been undertaken, you should anticipate that confusion will follow and client satisfaction will likely be adversely affected. (See Nerino J. Petro Jr, How to Start and Run a Paperless Office, http://bit.ly/ABAGPSoloDigital_Workflow, for a discussion of development of and sample of a workflows used in a "paperless" office.)

Before you begin to build your policies, procedures, workflows, and checklist, you may want to do some reading on how these tools work and how to customize the tools for your practice. Two such resources are suggested in the next tip.

4. Read the **Checklist Manifesto**: How to Get Things Right by Atul Gawande and **Checklists for Lawyers** by Daniel J Siegel, Molly Barker Gilligan and Pamela A Myers. Resist the temptation to skip the Checklist Manifesto, which was authored by a Physician. While the Checklist for Lawyers was published by the Law Practice Division of the American Bar Association in late 2014 and is thus very timely and directed at the legal profession, the Checklist Manifesto is an easy read and provides some important illustrations regarding why checklist should be built in a particular fashion.

Technology competence

Not only may Rules of Professional Conduct require technology competence, but clients expect that legal practitioners are competent in the use of technology. Potential clients may have a negative reaction to law firms or legal practices that are projecting an image of being behind the times.

5. It is now common practice for banks to provide 24/7 online banking and for physicians to provide their patients with access to their medical records, test results, appointment information, billing information, and other communications through client portals. Individuals have developed similar expectations regarding communications from

attorneys. Because, like physicians, attorneys have concerns about maintaining confidentiality and limiting access to privileged information, **most practice management solutions have developed secure client portals** that allow clients to securely access information and files related to their cases. Below is an example of the client portal feature provided by MyCase.
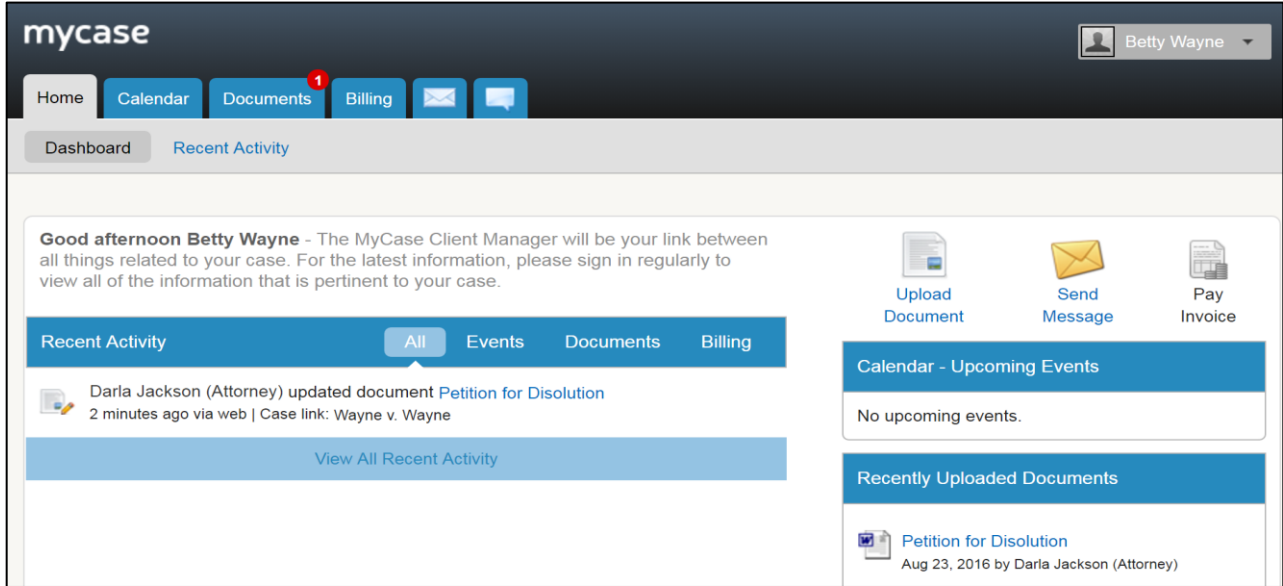
6. In the past, placing an ad in the Yellow Pages might be the sole marketing effort of an attorney. Potential clients no longer routinely look in the Yellow Pages for an attorney. Rather, those needing legal help search the web to locate a lawyer. As a result, today a **website is an essential tool** for a law firm or legal practitioner. Notwithstanding, many firms or solo practitioners have limited budgets and technical knowledge that would allow them to create or hire an outside consultant to create a website that is responsive for mobile device users. (See Website Wizardry: The Right SEO for Your Law Firm, The Digital Age, at http://bit.ly/DigitalEdge_Web). One practice management solution, **LEAP, offers the option of website design and maintenance** to law firm subscribers of its excellent practice management solution. While the inclusion of this feature does result, in part, in an increased cost ($129 per user per month as opposed to $39-69/per user per month), the increased cost is certainly less than the amount that would usually be paid to a professional search engine optimization (SEO) and website design consultant.

7. Social media permeates our society today. Nearly two-thirds of all Americans today use social media, with the figure climbing to 90% for younger Americans. (See Pew Survey results at http://marketingland.com/pew-survey-nearly-two-thirds-of-all-americans-use-social-media-146026.) With this level of involvement it is also essential for attorneys to engage with and communicate with clients and potential clients on social media. Additionally, because of the potential value of information posted on social

media to serve as evidence, it is necessary for the attorneys to know the characteristics of particular social media platforms in order to be able to advise their clients on the use of social media during a case and to be able to locate and introduce evidence in litigation. Resources such as Paul D. McGrady,Jr., *McGrady on Social Media*, which is available electronically on Lexis Advance, provide information that may serve as a basis for understanding the characteristics of particular social media platforms.

8. The technologically competent attorney must not only have knowledge of social media platforms but should also be familiar with tools to search for the social media presence of opposing parties, witnesses, and in some cases potential jurors. Services and products such as **X1 Social Discovery**, http://www.x1.com/products/x1_social_discovery/, and **PageVault** https://www.page-vault.com/webpage-capture/, are useful tools for searching and capturing social media data in a way to maximize the likelihood of authentication and admission in future litigation.

9.   Robert Ambrogi reminds us of a quote by Apoorva Mehta, founder of defunked Lawford & founder of successful grocery-delivery service Instacart concerning lawyers. About his experience with Lawford, Mehta said, "I didn't know anything about lawyers when we started. Turns out, they don't like technology, and they don't like to share things." (See Robert Ambrogi, The Failure of Crowdsourcing in Law (So Far, At Least), LawSites, http://bit.ly/Lawsites_CrowdsourcingResearch) Notwithstanding the idea that certain sections of the legal community tend to be slow to adopt technology, with the increasing adoption of social media, which supports the crowdsourcing movement, lawyers are becoming more comfortable with contributing to resources that "community source" access to legal authority and research. Whether it be that lawyers want to improve their web presence or be it because they want to use and support the developing free legal research resources, some lawyers are participating in "crowdsourcing" efforts such as **Casetext**. For additional information about the Casetext effort see Jake Heller, Why We're Crowdsourcing the Law, https://casetext.com/posts/why-were-crowdsourcing-the-law.

10. **RECAP** (PACER backwards) is a way of "crowdsourcing" access to Public Access to Court Electronic Records (PACER). RECAP is an extension (or "add on") for the Firefox web browser … helping PACER users build a free and open repository of public court records. RECAP users automatically donate the documents they purchase from PACER into a public repository hosted by the Internet Archive. And RECAP saves users money by alerting them when a document they are searching for is already available from this repository." (https://www.recapthelaw.org/about/) A short video providing additional information about RECAP is available at http://bit.ly/RECAPPACER.

11. **Data visualization and analysis features** are developments intended to make legal research more efficient. **Fastcase**, is a leading next-generation legal research service that is provided at no cost by the bar associations in many states. "Fastcase has an interactive map of search results, so you can see the most important cases at a glance . . . Fastcase's Interactive Timeline view shows all of the search results on a single map, illustrating how the results occur over time, how relevant each case is based on your search terms, how many times each case has been "cited generally" by all other cases . . ." (See https://www.fastcase.com/whatisfastcase/) While Fastcase has featured the Interactive Timeline for some time, Fastcase7, the newest interface displays the timeline more prominently than in previous versions.

12. **Ravel** is another research tool that features data visualization and analysis. Ravel, developed as a cooperative effort between Stanford University Law School's Center for Legal Informatics and Stanford's Computer Science Department, was launched in 2012. Before turning its attention to data driven analysis of judicial actions, Ravel focused on providing data visualization to assist researchers in identifying the most cited and relevant cases. Ravel's case coverage includes the U.S. Supreme Court, federal circuit and district courts, and the state courts of all fifty states.
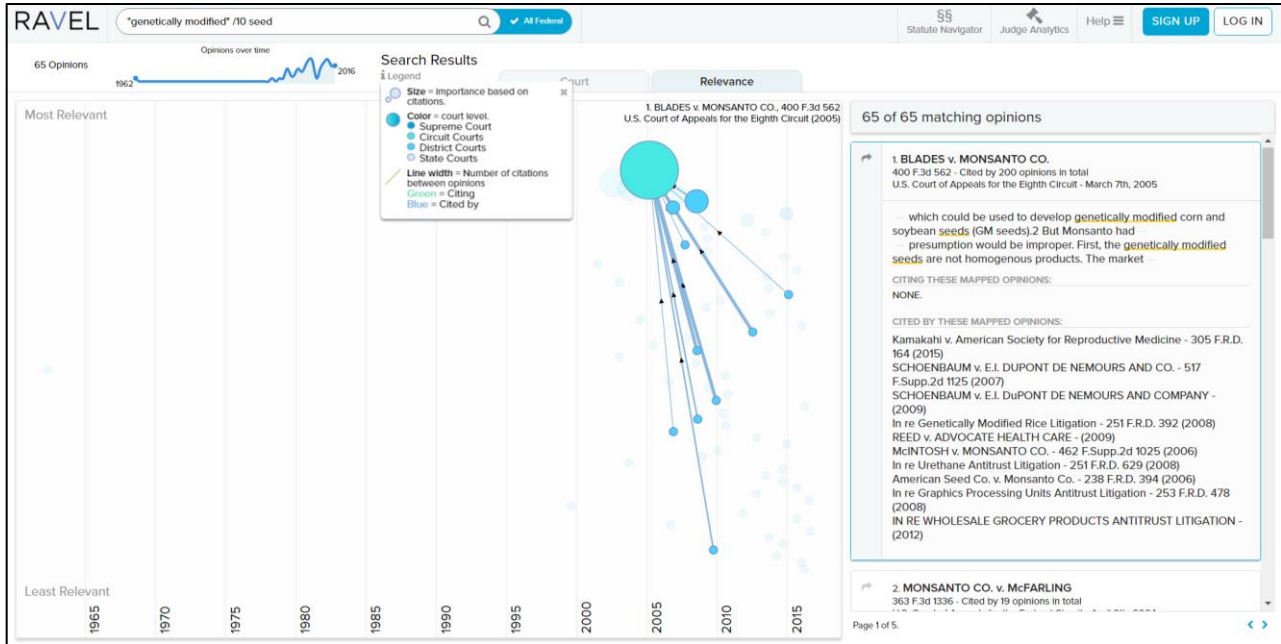
Ravel's judge analytics tool links to all the cases written or cited by an individual judge. Ravel's analysis examines patterns of citation regarding the opinions authored by individual judges. The tool identifies the courts and judges most cited in opinions written by the judge about whom the research is being conducted. Application of algorithms to this data then permits Ravel to predict the judges and courts that influence the judge. A video by the founders of Ravel providing a more in-depth explanation of the analytics

and the competitive advantage provided is available at http://bit.ly/RAVEL_JA9.

Ravel is a "fremium" service. Ravel provides free access via its Open research plan; however, Ravel's case analytics and judge analytics features are only available via higher premium level plans. (The premium plans, including the enterprise level plans, reportedly range from $3,000 to $45,000 annually). An introductory video for Ravel as well as videos demonstrating various features of Ravel are available at https://www.ravellaw.com/learn

Document assembly

Despite acknowledgement that much of the document drafting in the legal industry is repetitive and that document assembly systems save time, boost productivity, and reduce errors, many firms have been hesitant to adopt automated document assembly processes. One reason for this is that some of the more high-powered document assembly tools, such as Hotdocs, are more complex and costly. However, **TheFormTool** and **Pathagorus** are two easy to use tools that are relatively inexpensive even for the solo or small firm budget.

13. TheFormTool functions as a Microsoft Word add-on. TheFormTool license is available for a one-time cost of $89. See an introductory video for TheFormTool at http://bit.ly/YouTube_TheFormTool. TheFormTool also offers another product, Doxcera, which performs more complex document assembly functions. Doxcera's annual license costs is $129.

14. Pathagorus is a bit more complex than TheFormTool. It is also has a higher cost of $379 for a single user annual license. Unlike TheFormTool, Pathagorus does not operate on Macs. Several videos on Pathagorus operatioins are available at https://www.pathagoras.com/video.html.

15. In addition to providing storage and management features for documents produced using other document assembly tools, many practice management solutions, including Rocket Matter, provide the ability to prepare documents by merging data maintained in the system with templates and forms. A video demonstration of Rocket Matter's document assembly function is performed is available at http://bit.ly/RM_DOCAssemblyVideo

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Productivity

16. Attorneys spend a great deal of time drafting documents. Microsoft Office has built-in features to expedite the drafting process. Beginning with Microsoft Office 2007 a feature called **Quick Parts** was introduced. Quick Parts, which builds upon the AutoText feature from earlier Office versions, enables you to save selected text or graphics for quick insertion into a Word document or Outlook e-mail message without having to retype the selection or cut and paste. Quick Parts can be used to save text that you use time and again, such as standard responses to interrogatories or commonly used contract clauses. The Oklahoma Bar Association provides an introduction to the Quick Parts function at
https://www.youtube.com/watch?v=Rl6llUpgo6M

17. You'll notice a text box that says "**Tell me what you want to do**" on the ribbon in Office 2016 applications. This is a text field where you can enter words and phrases about what you want to do next and quickly get to features you want to use or actions you want to perform. You can also use Tell Me to find help about what you're looking for, or to use Smart Lookup to research or define the term you entered.

18. Most people think of **YouTube** as site for entertainment with music videos, commercials, and other video clips. However, YouTube has developed to include many **educational** resources. On YouTube you can see demos on how to do about anything. From demos on how to use a practice management solution to videos on how to do a mail merge using Microsoft apps, you can find a video on YouTube.

19. Have you ever wished you hadn't just closed that browser tab? Get it back by right-clicking in the tab bar and selecting Reopen closed tab from the menu or by clicking **Ctrl+Shift+T.**

20. Pocket allows the user to save an article, web page, or video to remote servers for later reading or viewing. The item is then sent to the user's Pocket list (synced to all of

their devices) for offline reading or viewing. Pocket removes clutter from articles and allows the user to adjust text settings for easier reading. Pocket also allows tagging of items for easier location at a later time. There is no reason to spend time trying to recreate a search to find content once the item is saved with pocket.

A feature of the Pocket Premium subscription is that items can be saved to a permanent library. Storage in the permanent library permits users to access the item at any time, even if the content is changed or deleted from the web. Thus Pocket may serve as a web archiving tool. Information about additional features of Pocket Premium are available at https://help.getpocket.com/article/882-pocket-premium-faq.

21. "In a sample of several legal journals, approximately 70% of all links in citations published between 1999 and 2011 no longer point to the same material. Broken links in journal articles undermine the citation-based system of legal scholarship by obscuring the evidence underlying authors' ideas." Using **Perma.cc** ensures that material cited by authors will continue to be accessible. While Perma.cc is also used by some courts to address link rot of cited web-based materials, it is primarily focused on legal scholarship and hosted by academic law libraries. Additional information about Perma.cc is available at https://perma.cc/about.

22. One of the **Internet Archive's** main focuses is to preserve as much of the content of the public web as possible. In doing so it captures data that often may serve as evidence in legal disputes and litigation. It also may save hours of searching for

materials that appear to have be changed or deleted from the web.

The Internet Archive allows users to see a version of a specific resource as it existed at some date in the past when the Archive "saved" the site. Because the bulk of the Internet Archive's data is collected automatically by its web crawlers, sites that block web crawlers are usually not available in its web archive, the Wayback Machine. For additional information about the Internet Archive visit https://archive.org/about/.

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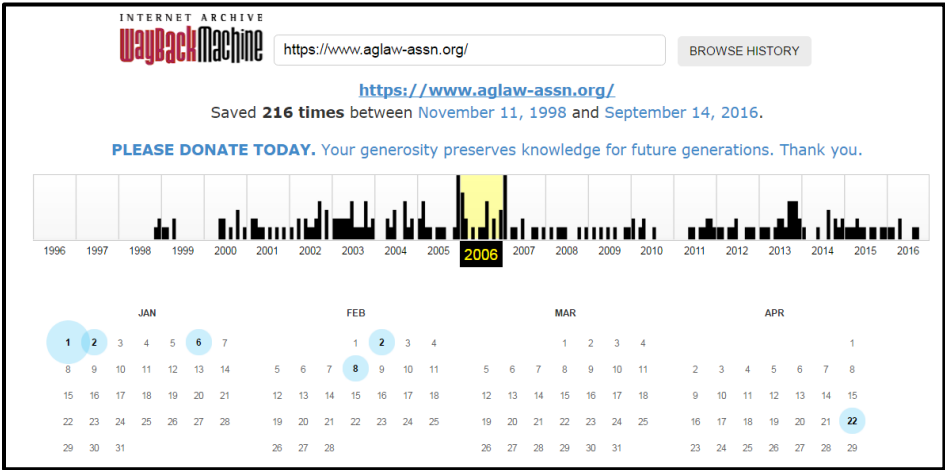
23. Note-taking and content organization productivity software such as **OneNote** and **Evernote** have been traditional favorites, but a new tool that emphasizes collaborative efforts, **Quip**, is a becoming increasingly popular.

According to Daniel Gold's posting on the Attorney at Work Blog, users have traditionally liked Evernote because it allowed us to
- Take a note without saving it as a Word document.
- Take a photo of something we want to remember but don't want to save in our phone.
- Dictate an audio note and store it with every other brainstorm (not in Apple's voice memo app where we'll forget about it).
- Get rid of the scraps of paper we write ideas on, but keep those thoughts somewhere easy to find and remember.
- Collaborate on a document without 36 different revisions, all having a new suffix such as "v8," "v9.1," "v10withDGedits."
- Have a sidebar chat with a colleague about a project or task without creating yet another email chain. (Daniel Gold, Evernote vs. Quip: A New Productivity King?, https://www.attorneyatwork.com/evernote-quip-new-productivity-king/)

However, because OneNote performs many of these same functions and is now freely available, some have begun to consider a migration to OneNote. One comparison of the two tools finds that "Evernote Is Still the Best Web-Clipping Tool, OneNote Is Becoming a Better Digital Notebook for All" and concludes that:

> As similar in purpose as these two apps are, they're distinct enough that you can use both in tandem, or one will speak more to you. Evernote is better for collecting and organizing information and mobile note-taking (though you'll need to pay to access your notes offline). OneNote is better for creative note-taking and includes many of the features of Evernote Premium for free, such as offline access to notes on mobile, searching within attachments, and annotating PDFs. You also get more storage space (15GB free storage, shared with other Office apps) compared to Evernote's free 60MB a month." (See Melanie Pinola, Note-Taking Showdown: Evernote vs. OneNote (2016 Edition), http://bit.ly/LH_OnenotevEverNote)

Quip is a collaborative productivity software suite for mobile devices and the Web. It allows groups of people to create and edit documents and spreadsheets as a team. Quip describes itself as "…a place for teams to write, edit, share and discuss documents —

online or offline." Thus, allowing users to "[s]kip the endless chain of emails, meetings, chats and document versions by working simpler and faster." (Quip, https://quip.com/about/landing/living-doc/366630665)

While Pinola (see above) suggests using OneNote and Evernote in tandem, there are disadvantages to using several apps to preserve your work. If you don't remember in which app you saved the work, you may unnecessarily spend time looking for it. This is particularly true if you add Quip to the mix for documenting collaborative efforts. Additionally, remember that except in unusual circumstances, you will be paying to use Evernote and Quip. Notwithstanding, in 2015, the ABA Section on Litigation identified both Evernote and Quip as two of the "Seven Apps Attorneys Absolutely Should Not Live Without." (Patrick Soon and Rebecca Bellow, Seven Apps Attorneys Absolutely Should Not Live Without, http://bit.ly/ABALit_Quip_Evernote) If, like me, you have less familiarity with Evernote and Quip and OneNote seems to do what you need and is free, you may want to continue with your use of OneNote.

24. **Speech Recognition Software** has improved dramatically in the last few years. Because even excellent typist can speak faster than they type, speech recognition software boost productivity. Dragon Professional Individual is perhaps the most affordable and most efficient software for attorneys.

Training with Dragon Naturally Speaking is more efficient than in the past. The Help Dragon understand how you pronounce words page allows you to select your accent. For instance, I selected the option for those with a southern accent. Part of the training also has you read a few paragraphs; but much of the training takes place without additional interaction. Rather, if you agree, the software reviews your documents and the sent items in your email program to learn what types of words you use.

Use of a keyboard button to toggle on and off the microphone also allows you to leave the software on all the time and save the time of launching the software multiple times each day. However, the software has been described as a "resource hog" and the suggestion made that if leaving the software running impacts computer performance, more memory may be needed. (Jim Calloway, Speech Recognition – It Really, Really Works at http://www.okbar.org/members/MAP/MAPArticles/HotPracticeTips/Speech Recognition.aspx)

25. A good **microphone** is essential when using speech recognition software. One microphone that works well for this use is the MXL AC404 USB Conference Microphone. This microphone is available from Amazon at a cost of $83.99.

26. Have you ever been working on a long Microsoft Word document and been called away or had to close it to perform another task? Then, when you reopen your document, you have to repeatedly page down to try and find the spot you were at when you stopped editing? If you are using an older version of Microsoft Word, use **Shift + F5 to navigate to the last edit**. However, newer versions of the application (Microsoft Word 2013 and newer) brings this function to the forefront and when you open a previously edited document, it'll ask you if you want to go back to where you left off. (13 Tech Tips, Ben Schorr, Microsoft Word, http://www.americanbar.org/publications/law_practice_magazine/2013/march-april/13-tech-tips-for-2013.html)

27. Using keyboard short cuts can also increase your productivity. One of my favorite short cuts is using **Ctrl + F** to locate text. A list of shortcuts prepared by the OBA Management Assistance Program is at http://jimcalloway.typepad.com/tipsheet.pdf.

28. Many legal office management service providers, practice management advisors, and even practicing attorneys will make postings to their blogs regarding productivity tools or management practices. A recent such posting discussed seven Microsoft Word "hacks" for legal professional. (Richard Heinrich, 7 Microsoft Word Hacks Every Legal Professional Should Know, http://www.onelegal.com/blog/7-microsoft-word-hacks-every-legal-professional-know/). One Word "hack" regarding the use of **styles** may be particularly useful. In Word, a style is a collection of formatting instructions together with tags for different sections of the document. With styles, you can

- Apply a consistent look across the whole document instead of having to format each section individually.
- Automatically number section headers.
- Apply same font to the entire text body.
- Apply the same font to header sections.
- Use a consistent paragraph spacing.

See a guide for using styles in Word 2010 at http://www.law.georgetown.edu/campus-services/ist/support-training/upload/word2010_styles.pdf.

29. Another useful post covers the topic of how to format a brief in Microsoft Word. The first tip is to **build a new "skeleton" for the document**. Once you have completed the skeleton, then you can insert content from other documents if you like. This is excellent advice whether you are building a brief or another type of document. Have you ever spent hours trying to correct the formatting in a file that you selected to use as a template? If so, you likely agree that it takes less time to build you own document rather than try to correct the problematic formatting of another "template" document.

(See Deborah Savadra, How to Format an Appellate Brief, The Lawyerist, https://lawyerist.com/70334/format-appellate-brief-microsoft-word/ for additional tips.)

Also remember if the text in your document just won't "behave," "it's often easier to nuke the formatting and start over." (Barron Henley, Microsoft Word Power Hour, ABA TECHSHOW 2016 materials, at page 12). In other words, you should remove manually applied formatting and return to the formatting that originally existed in the style applied to the text.

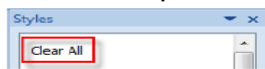Tip #4 - It's Often Easier To Nuke The Formatting and Start Over

Figure 4-11

30. Legal Technology Assessment (LTA, sometimes referred to as the Legal Technology Audit) establishes how fluent legal professionals are with the basic technology tools such as Word, Excel, and PDF. LTA is both an assessment and a training platform. Results can be used for marketing, professional development, team assembly, onboarding, rate negotiation, invoice review, etc. However, results should be used to ensure that legal professionals are getting the technology training they need. For more information on LTA visit the Procertas website at https://www.procertas.com/offerings/legal-technology-assessment/

31. For fun – You can be more productive if you don't delay the start of your day. **SnuzNLuz**, is a wifi alarm clock from ThinkGeek.com. You setup the clock to donate money to a charity or non-profit you don't support each time you hit the snooze button. Simply select your online banking institution from the list of supported banks (currently over 1600 are supported). Note: Online banking information must be provided. "Simply select your online banking institution from the list of supported banks (currently over 1600 are supported). Supply your login information and then select your favorite HATED charity or non-profit from the included lists (over 6200 currently supported). Then plug in your donation amount per snooze incident ($10 or more), set the time, and alarm, and voila, instant time profit!" (Available at http://www.thinkgeek.com/stuff/41/snuznluz.shtml)

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Financial - Credit card payment, billing, & trust accounting

32. Jim Calloway, director of the OBA Management Assistance Program writes,

> Simply put, **accepting credit cards** is a good business practice. You would never want a potential client who wanted to hire your firm to be forced to go to another lawyer simply because he could not pay the retainer in advance and the other lawyer accepted other credit cards. One would also hate to find oneself in the position of declining representation of a cash poor client when the client was sitting in your office with a credit card in their wallet with a $5,000 credit line . . . So while there are some who may have lingering concerns that acceptance of a credit card is something that is less professional, I would suggest that lawyers should join the doctors, dentists, accountants and other professionals who have long accepted credit cards. Jim Calloway, Do You Accept Credit Cards?, http://www.okbar.org/members/MAP/MAPArticles/Finance/CreditCards.aspx

If you do determine to accept credit cards, one means you may do this is thru the LawPay service. LawPay is a member benefit to forty-two state and fifty local and metro bar associations and is recognized by the ABA Advantage Program. However, before you establish an account with LawPay, you should explore if LawPay integrates with your practice management solution. For example, Clio partners with LawPay to offer Clio Payments. For additional information and to view a demo of how Clio allows attorneys to forward invoices and accept credit card payments via Clio Payments visit https://support.goclio.com/hc/en-us/articles/222630508-Video-Clio-Payments.

33. In addition to **accepting credit card payments**, many practice management solutions, incluing CosmoLex, ZolaSuite and MyCase provide attorneys with improved capture of time information as well as ease of billing. When an attorney begins working on a matter, she may start a timer in the practice management solution. The timer may be paused for interruption. Once the attorney has concluded the work and stops the timer, she is prompted to enter the billing information which will be included when the attorney or staff performs the automated invoicing function.

Further, many practice management solutions include an **evergreen retainer** feature. This feature allow for law firm clients to maintain a minimum retainer balance. The client first pays an initial retainer deposit and then replenishes that amount when the account balance dips below a mutually agreed upon amount. For additional information about evergreen retainers and a demo on how this function is implemented in Rocket Matter, visit https://www.rocketmatter.com/news/rocket-matter-adds-evergreen-retainers-amazing-legal-billing-software/.

Some practice management solutions also allow attorneys to **automate trust accounting** functions such as preparing client and general ledgers and reconciling trust accounts. For a CosmoLex sponsored discussion of the essential features that trust accounting software should include, see Lisa Needham, Four Main Requirements of Trust Accounting Software for Lawyers, The Lawyerist (Feb. 25, 2016), https://lawyerist.com/101445/four-main-requirements-of-trust-accounting-softwarefor-lawyers/.
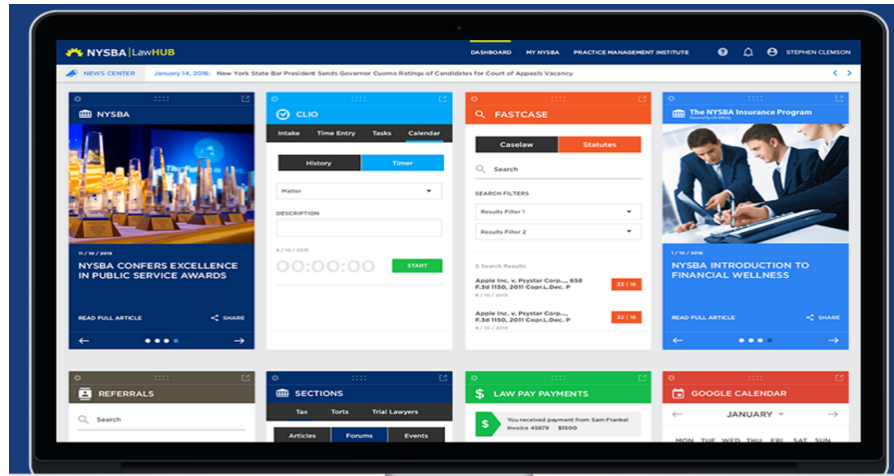
34. For those firms and practices that have a practice management solution that does not offer robust trust accounting features, **TrustBooks** offers a standalone trust accoutings option. While there are some disadvantages to using trust accounting software that is not integrated with the time and billing functions (such as the need for double entry of information and the additional subscription cost), the intuitive nature and ease of use make TrustBooks a viable option for practitioners. For additional information about TrustBooks see Robert Ambrogi, TrustBooks is Trust Accounting Made Simple and Painless, http://www.lawsitesblog.com/2016/06/trustbooks-trust-accounting-made-painless.html.

Task Management & Efficiency of Operations

35. **Trello** is a web-based project management application. Projects are represented by boards, which contain lists (corresponding to task lists). Lists contain cards (corresponding to tasks). Users can be assigned to cards as a means of task assignment. Below is a board for a research project.
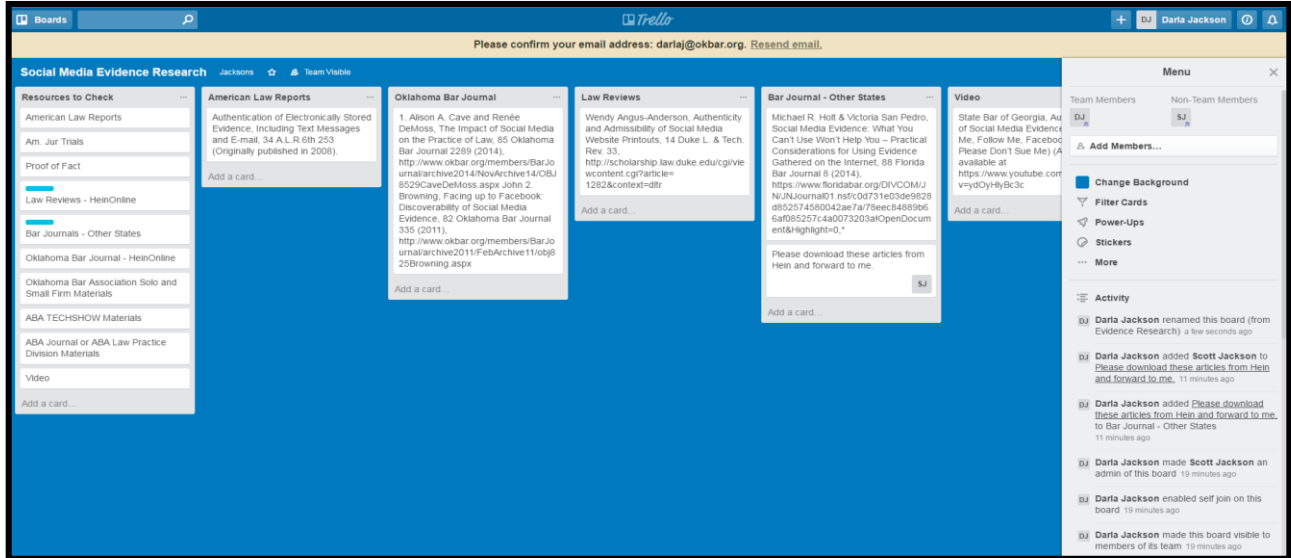
36. LawHUB, a product of the New York State Bar, assists attorneys to efficiently streamline their practice into a customizable dashboard. Similar to Trello, the dashboard consists of customizable cards. The LawHUB dashboard cards bring together a suite of integrated practice management tools. Without leaving the LawHUB, an attorney may conduct a case law search using Fastcase, enter time and matters into Clio, see what's next on their Google or Outlook 365 Calendar, or check for the latest deposits through LawPay. See a demo of the LawHUB system at http://bit.ly/Youtube_lawhub.

37. **Slack** is a cloud-based team collaboration tool. Some of the features it provides include persistent chat rooms (channels) organized by topic, as well as private groups and direct messaging All content inside Slack is searchable. Slack integrates with a large number of third-party services and supports community-built integrations. Major integrations include services such as Google Drive, Trello, Dropbox, and Box. For a video introduction to Slack see http://bit.ly/Slack_Get_Started and for a discussion of lawyer use of Slack listen to Taking Up Slack: What Lawyers Need to Know About the New Collaboration Tool, LegalTalkNetwork, http://bit.ly/LTN_Slack.

38. **Task Management is one of the essential features of practice management software**. PracticePanther provides the ability to establish tasks within a workflow and then to assign tasks to attorneys, support staff, or other system users within the firm or practice. To see a video demo of the workflow and task assignment functions in PracticePanther at https://www.youtube.com/watch?v=dxwhApxCpy0.

39. Notwithstanding the size of the practice or firm, all law related businesses should have an annual projected financial plan for revenues and expenses against which performance can be measured. Such a plan is an important tool in increasing firm profitability. An effective financial plan requires the **collection and management of accurate data, from billable hours to collections from clients. Practice management software makes collecting and managing this data much easier.** As illustrated below, **Rocket Matter** provides such data through its reports function.
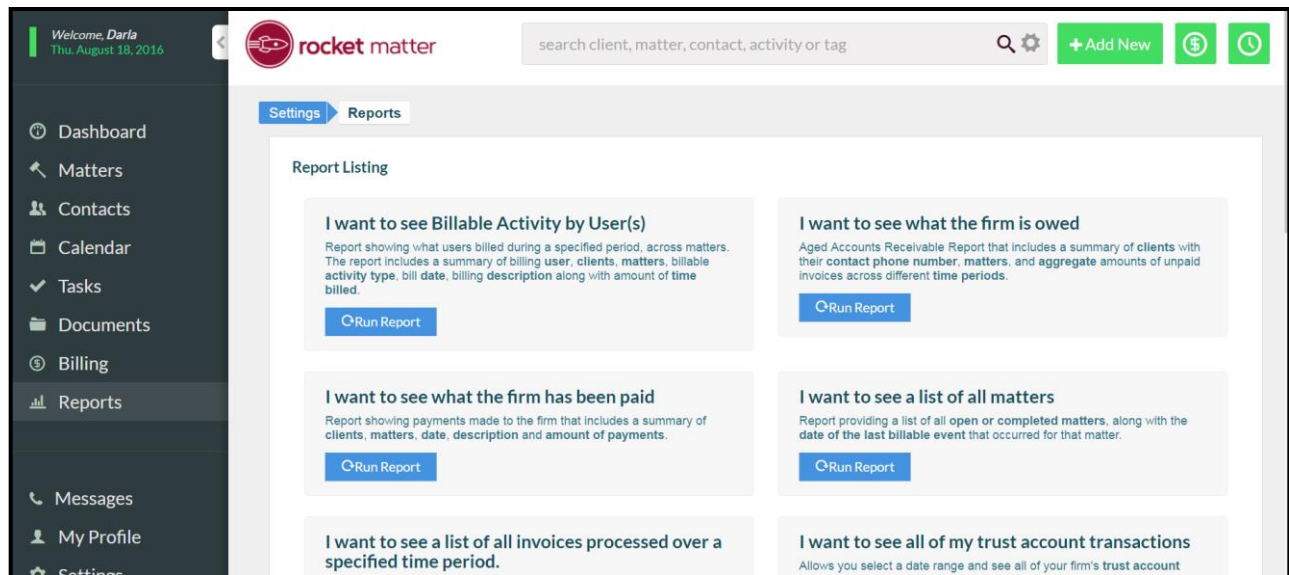
40. Using artificial intelligence and Smokeball's integration with the most used productivity tools (Outlook and Word) **Smokeball Ai** (Activity Intelligence) talks to your calendar, Word documents, and email to automatically track the work of attorneys and staff in your law firm. This allow you to view time, effort, and activities for a particular matter, staff member, or your entire firm with just a click.

Using this information allows management to determine profit margins, compare work patterns, clearly define value to a client, and make adjustments to practices to more efficiently handle workflow and hiring. One example suggests that AI data may show that "you're spending too much time on emails rather than substantive work, you can adjust your practice and set aside 1 hour a day to manage emails and make sure you spend the rest drafting documents instead." For additional information about Smokeball AI, visit Smokeball: AI in Practice Management Software, https://disrupt.legal/2016/04/15/smokeball-ai-in-practice-management-software/ and Smokeball's AI webpage at https://www.smokeball.com/case-management-software/ai/. (Note: Smokeball Ai is not available for Mac users.)

41. A unique feature of PracticePanther's business data collection is that it allows attorneys to classify and filter information by practice area. This allows firm management to view information to determine what practice areas are producing the greatest number of billable hours or have resulted in the largest number and amount of paid invoices.

Cybersecurity

In April 2015, the Texas Committee on Professional Ethics released Opinion 648 that

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addresses communications with clients via email. While the opinion stated that "generally" the use of email was permitted, it further suggested that there are circumstances in which the attorney should advise the client of the risks associated with email and obtain the clients informed consent. Additionally, the opinion concluded that "a lawyer's evaluation of the lawyer's email technology and practices should be ongoing as there may be changes in the risk …" (See Opinion 648 at https://www.legalethicstexas.com/Ethics-Resources/Opinions/Opinion-648.aspx). Adoption of products that provide the ability to secure or encrypt email communications assist in addressing such risk.

42. Some practice management solutions provide the ability to communicate with clients via secure email. PracticePanther is one of the solutions that provides a secure message function.
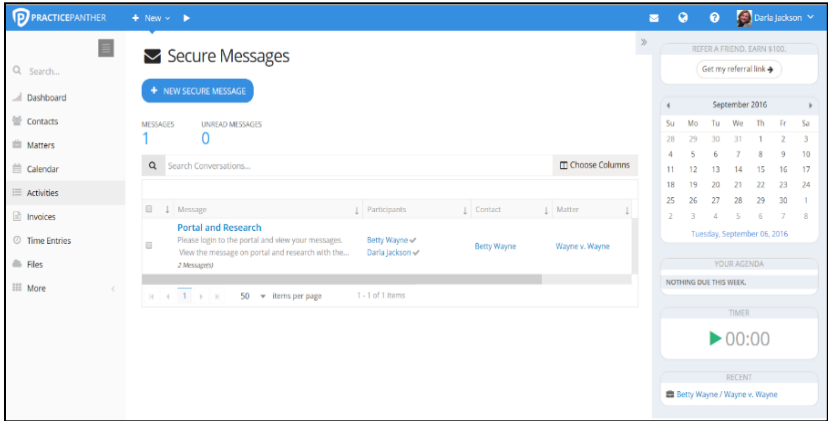

43. **Citrix ShareFile** is a secure, cloud-based file storage, file synchronization and file-sharing platform. Sharefile can send encrypted files and emails from the cloud. Alternatively, encrypted emails can be sent directly from Microsoft Outlook through an add-on.
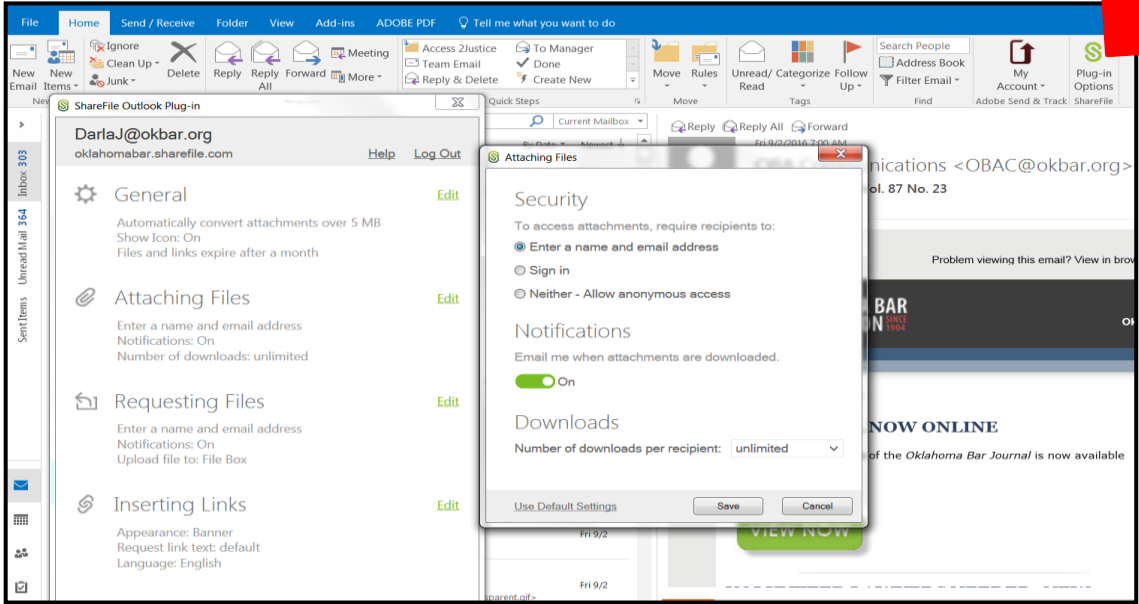
44. It may be that it is the email attachment rather than the text of the email that you

wish to encrypt. In such an occasion, **an easy way to secure the file is to password protect the file before sending it**. Then communicate the password to the recipient via another communications channel. Instructions on how to password protect a Word file are available at http://bit.ly/MS_Support_PP_Word.

The instructions remind you that if you "lose or forget a password, Word cannot recover your data."
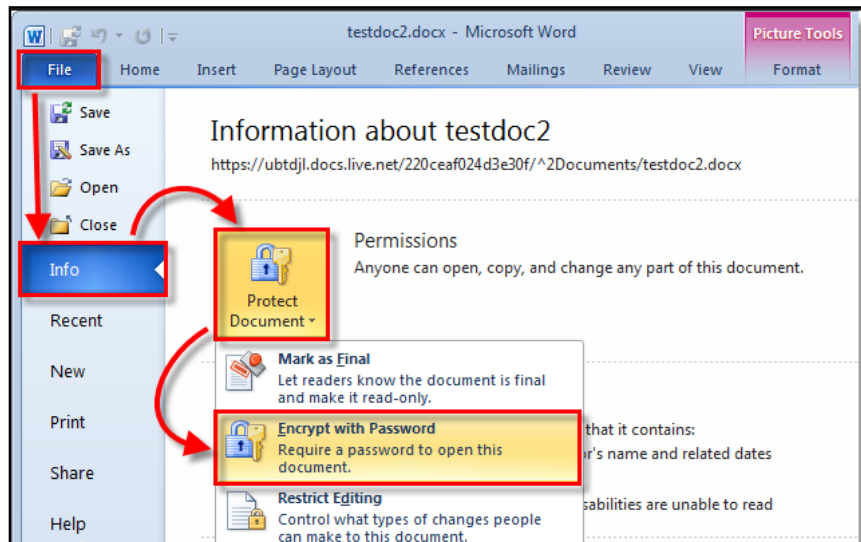
45. Did you know that you can **use your phone to encrypt communications**? Apple's Facetime is encrypted communication and has an audio only mode. When both the sender and recipient are using iPhones or iPads, iMessage is also encrypted. Android phone users must use apps like Signal Private Messenger to encrypt communications.

46. Despite the fact that the July 29, 2016 deadline for a free upgrade to **Windows 10** has now past, lawyers using unsupported operating systems, such as Windows XP, are vulnerable to security risks and need to update to Windows 10 now. It is not only the new security features included in Windows 10 that are important, but the fact that upgrading will ensure that older systems, which are no longer being updated with security patches, are replaced.

In addition to the security features of Windows 10, the Anniversary Update for Windows 10 also provides some improved security measures. For example, Windows Information Protection enables businesses to separate personal and organizational data and helps protect corporate data. (See http://bit.ly/2016Win10AnniversaryUpdate)

47. If you are an iOS user (iPhone, iPod Touch or iPad) all you have to do to enable encryption is to configure a PIN as a lock code. Once you do that, encryption is automatically enabled. However, it is highly recommended that you not use a 4-digit PIN

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for the iOS device. There are relatively inexpensive tools available that are specifically designed to crack the 4-digit PIN within minutes to several hours. Turn off simple passcodes and use a longer and **more complex PIN** to secure your iOS device. With the release of iOS 9, Apple devices have a six-digit default passcode. http://bit.ly/6DigitPass

48. According to the ABA2015 TechReport, twenty-nine percent of lawyers don't use security at all when accessing **Wi-Fi networks**, which is an extremely risky practice given the ease with which a bad actor can compromise a mobile device using open Wi-Fi. It is important to remember that the mobile access provided by the cell phone carrier services are more secure than Wi-Fi. You can pay a monthly fee for a portable hotspot, with brand names like MiFi, or tether your computer to your smart phone (options and costs vary depending on your type of phone and carrier).

49. For Fun, **Pokemon Go** – It isn't as bad as initially reported, but there are still some security and other legal concerns. (See Violet Blue, Don't Believe the Pokemon Privacy Hype, https://www.engadget.com/2016/07/15/dont-believe-the-pokemon-go-privacy-hype/.)

50. At the simplest level using **two-factor authentication (TFA)** means that when you log into a website a code number will be sent via text to your device. You must enter that code to continue. There is no doubt the TFA is a bit of an inconvenience. However, despite some successful attempts to gain access to information despite the use of TFA, it is still a useful tool in deterring and thwarting bad actors.

Additional details on how to set up two-factor authentication for Google Apps are available at https://www.google.com/landing/2step/. When you set up the TFA process, it is very important to understand and preserve information about what to do if you lose your mobile phone.

51. "The problem with most browsers is that they open a very wide door for malicious code to be executed on your computer and worm its way into your network." **Authentic8's SILO** runs the browser on its servers, not on the devices. Rather than deliver code to your computer, it delivers an "encrypted display of pixels…" As a result, no malicious code reaches the device and no attacks on your device or system are launched. For additional information see Robert Ambrogi, Authentic8's Silo Lets Law Firms Securely Surf The Web http://bit.ly/LS_Silo_Browser

52. "Cyber attackers have the upper hand – they only need to be successful once. Your people – all of them – have to be aware and capable to make the right decisions, every time they're exposed to different cyber risks." Nick Wilding, AXELOS Head of Cyber

Resilience. Disgruntled and poorly trained staff are two of the top most often cited causes of cybersecurity instances. Regular **training of staff and attorneys** on a best practices regarding passwords management and back-up processes as well as office specific policies, including BYOD and social media policies, is an essential element of a well-developed security programs. Training must be done on an ongoing and regular basis to create a culture of security awareness.

53. **SpiderOak** is a "zero knowledge" service. You control the encryption keys when you create your ID and password. Spider Oak can't decrypt the data since there is "zero knowledge" of the encryption key. To securely store your data in any cloud service, most security experts suggest that the user should be the one controlling the encryption key and not the vendor. However, the OBA Management Assistance Program acknowledges that having no recovery ability whatsoever if an encryption key is lost or forgotten carries its own potential risk of catastrophe. For more details regarding SpiderOak see a YouTube video https://www.youtube.com/watch?v=j9uE0BUIUp8 or visit the Spider Oak website at https://spideroak.com/features/zero-knowledge.

54. Computer security today means lengthy complex passwords that are difficult to remember. Using a password manager to keep track of them (and to generate incredibly long, complex passwords) is becoming a mandatory part of your cybersecurity protocols. Use of a **password manager** is one means of ensuring that an encryption key (when using services such as SpiderOak) is not lost or forgotten.

There are free as well as relatively inexpensive options for keyword managers, including ewallet and 1Password. However, because password managers have also come under attack, most security experts now recommend a pay option that provides guaranteed service in the case of security incident. (See Jim Calloway, A Little of This, A Little of That: Things Lawyers and Law Firms Should Do Soon http://www.okbar.org/members/MAP/MAPArticles/HotPracticeTips/LittleOfThis.aspx

55. Like SpiderOak, **Tresorit** is a "zero knowledge" service. However, as you might anticipate by the name, Tresorit is not a U.S. company and its servers are at locations within the EU. Some international companies prefer the stricter privacy regulations of the EU. Because employee error is the leading cause of data breaches, Tresorit provides features such as prevention of access from mobile devices and one click suspension of team member access. See https://tresorit.com/ or view http://bit.ly/Youtube_tresorit.

56. Bring Your Own Device (BYOD) programs allow users to use their own devices to conduct business. Although seventy percent of respondents in a 2012 survey of law firm CIOs agreed that "BYOD programs produce 'more cheerful users'" within the firm, failure to adequately assess and address the security risks associated with BYOD

programs is a serious problem. **Mobile Device Management** (MDM) is a "centralized way to manage mobile devices remotely, including significantly the ability to lock or erase a lost device remotely and check its geographic location." (ABA Cybersecurity Handbook) As such MDM is one of the means of addressing the security risk associated with use of personal mobile devices to provide legal services. There are a number of leaders in MDM products and services, including Airwatch, Good Technology, and Mobile Iron.

Many professionals in the area of security indicate that education is perhaps the most important step; in part, because individual firm employees are a primary source of information leakage. Law firms seem to be getting the message. Eighty-seven percent of respondents to the inaugural ALM Legal Intelligence Law Firm Cybersecurity survey indicated that they "train employees on processes and polices to prevent data breaches. Training employees on topics such as the effective use of passwords or the recognition of phishing schemes can be low-cost investments that have a substantial return by preventing breaches from occurring at all." However, retraining—particularly in the area of what to do in case of an actual breach—may not occur on a regular basis.

57. Despite efforts within the professional associations to make attorneys aware of the need for **disaster recovery and business continuity plans**, only about a quarter of attorneys responding to the ABA Tech Survey report that their firms have a such plans. Being Prepared with Law Office Emergency Planning, which is linked from the ABA Committee on Disaster Response and Prepare Resource Page, outlines some essential steps for the planning effort. (See http://www.americanbar.org/groups/committees/disaster/resources/resources_for_lawyers_law_firms.html)

58. While many lawyers or law firms would be hesitant to practice without professional liability insurance; however, according to a recent ABA technology survey, only about eleven percent of responding lawyers indicated that their firm has **cyber liability insurance**. Even attorneys who have cyber liability coverage may be unsure about whether the coverage includes loss of client or third-party data as well as the out-of-pocket costs associated with responding to an incident. (See Jeffrey Franklin, Cyber Insurance for Law Firms, http://bit.ly/GPSOLOcyberInsurance)

Getting and Giving Assistance

59. The **ABA TECHSHOW** has been described as one of the best legal tech shows for attorneys (particularly solo and small firm lawyers). While other legal tech shows exist, their focus can often for IT specialist.

The ABA TECHSHOW focuses on practical topics from productivity tools to cybersecurity and disaster planning to technology audits. (See Robert Ambrogi, This Week In Legal Tech: The Best Legal Tech Conferences For Small-Firm Lawyers, http://bit.ly/LegalTechshow)

60. Many Bar Associations have Management Assistance Programs (MAPs) or employ **Practice Management Advisors** (PMAs) to assist attorneys better organize and operate the business, management, and technology aspects of their practices. A list and description of assistance provided by PMAs at bar associations is available at http://www.americanbar.org/groups/delivery_legal_services/legal_access_jobs_corps/lajc_resource_center/practice_management_advisors_content.html

Extra - Technology can be an important tool in helping to **improve access to justice**, but some of its innovations make some lawyers very uncomfortable. The idea of using technology in legal services is not new. The Legal Services Corp. has awarded Technology Initiative Grants to organizations for some time. The most recent initiative is the Free Legal Answers project. Interested attorneys can learn more about the program and how to volunteer at https://www.youtube.com/watch?v=iW1v3hY05CY.

CONCLUSION

The concepts of providing responsive representation to your clients, increasing the efficiency of operations, managing the finances of your firm or practice, improving the level of technical competence (particularly in regards to the risks associated with cybersecurity concerns) and reducing the risk should an error or disaster occur through professional liability insurance (including cyber liability) are moving from good practices to required practices.

Successful attorneys and firms must adopt new practices that will help them adjust to changing client expectations and adapt to the current environment. They will also begin utilizing the technology and tools discussed in this material to help them implement the concepts supporting these practices.

Finding solutions to the increasing challenges of legal practice may not be easy, but don't worry, unlike Dillion in the Predator movie, if you fall behind, you are NOT on your own. The ABA TECHSHOW, the ABA's Law Practice Division (and its publications), the Management Assistance Programs of your state and local bar associations, and practice management advisors are resources you may turn to for assistance.