

Trapped by technology

Clients are not interested in knowing that the firm's lawyers are equipped with BlackBerrys; they just want to know that they can expect answers to their questions

When preparing for this month's roundtable on law firm strategy and technology, *ALB* was confronted with a problem. What is technology? The term is abstract at best and rather confusing when trying to determine its application. In the context of the legal industry, the shades of vagueness seem to increase exponentially.

A consultation with the dictionary brings no respite. It describes technology as referring to 'methods, systems and devices which are the result of scientific knowledge being used for practical purposes'. This definition seems to include everything from computers to scissors – 'cutting-edge' technology?

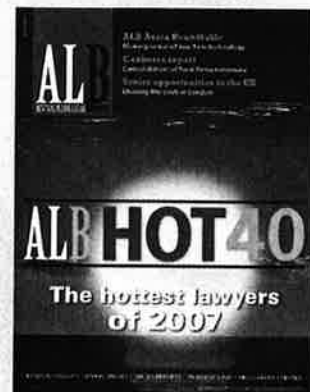
If technology can't be specified, how are we able to determine its application to the strategic planning processes within law firms?

A couple of weeks and many research hours later, *ALB* realises it's not alone in the struggle. Many law firms have tried to be at the forefront of technological development to gain an advantage over their competitors, only to find that they have strayed too far from their core business.

Preoccupied with commoditising legal services or mesmerised by the latest gadgets, lawyers sometimes forgot that the essence of their work is providing specialised legal advice to clients, who attach much value to privacy and often like a bit of personal attention.

The realisation that technology is a means to an end and not a goal in itself seems to have sparked a renaissance in client relationships thinking. Our participants in the roundtable discussion, comprised of heads of technology and managing partners, placed relationships on top of their list and indicated that technology is only interesting where it can assist in better communicating with their clients and between colleagues.

Truman Hoyle managing partner Shane Barber probably hit the nail on its head when he remarked that his clients are not interested in knowing that the firm's lawyers are equipped with BlackBerrys; they just want to know that they can expect answers to their questions.



IN THE FIRST PERSON

"We see a lot of the junior lawyers just sending e-mails [to clients] all the time; you've got to say to them: 'Just pick up the phone, call from time to time and ask them how their weekend is'"

David Kearney, managing partner of Wotton + Kearney, talks about technology (p48)

"In Canberra, a lot depends on the property industry; if the property industry is doing it tough then the whole town does it tough"

Archie Tsirimokos, managing partner of Meyer Vandenberg, on the Canberra market (p42)

"It [is] difficult for me to take a holiday, because while you could get a secondment for the legal aspects, they would find it difficult to even put one contract out of the door for the sale of our software"

Anthony Sill, corporate counsel Cognos Asia Pacific, on why technology is crucial to his job (p26)

LAW FIRM TECHNOLOGY:

The range of law firm technology that is available today can be intimidating when it's time to decide whether to upgrade or not. *ALB* decided to find out where technology has really made a difference and how it will influence law firm strategy in the years to come

When discussing the influence of technology on the business and strategic decision-making process of law firms, it is hard to ignore technology guru Richard Susskind. Susskind is a British lawyer, academic and consultant, who is particularly known for his crystal ball gazing exercise of 1996, in which he predicted that technology would lead to the commoditisation of legal services. In his version of the legal industry's future, banks and other retail organisations would be selling legal advice as neat little standardised packages in large quantities.

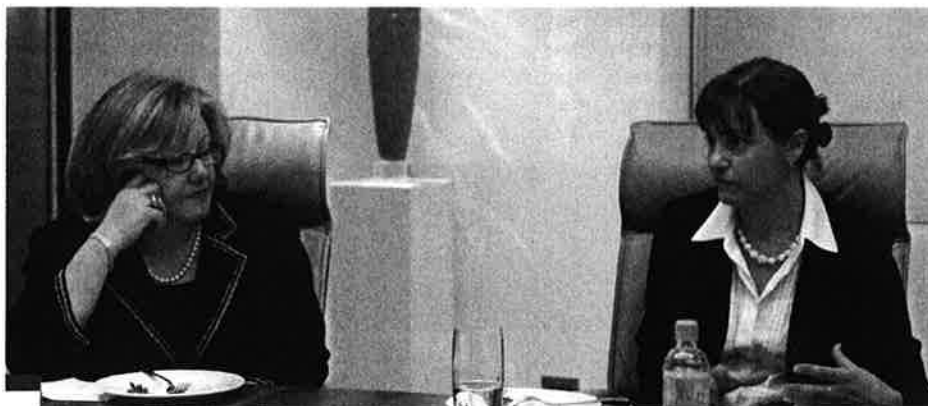
A decade later, and his predictions have come true, to a certain extent. Some high-volume legal services have been automated and have subsequently seen a substantial drop in price, but as far as our participants of this month's roundtable are concerned, that is far as it will go.

The practice of law firms is a people business, centring on relationships, they say, and new technologies are only interesting where they can facilitate communication – communication between lawyers and clients, but also communication between staff within the firm. As one participant put it: "Technology is an aid to help lawyers be lawyers."

ALB AXXIA ROUNDTABLE: LAW FIRM TECHNOLOGY

PARTICIPANTS

- Andrea Foot, CEO, Axxia Systems
- Andrew Mitchell, CIO, Gilbert + Tobin
- Bronwyn Pott, CEO, Swaab Attorneys
- Chrissy Burns, CIO, Blake Dawson Waldron
- David Kearney, managing partner, Wotton + Kearney
- Lionel Bird, director of IT, knowledge management and operations, Ebsworth & Ebsworth
- Shane Barber, managing partner, Truman Hoyle
- Wouter Klijn, Australasia editor, *ALB*



Bronwyn Pott, Swaab Attorneys and Chrissy Burns, Blake Dawson Waldron

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crucial or gimmicky?

FROM COMMODITIES TO COMMUNICATION

Bronwyn Pott: Eight years ago, we introduced online reporting for our mortgage area. That we were able to sell that commoditised area of law was quite bleeding edge at the time. I don't know whether the fact that some of those areas of law have been commoditised has driven the need for technology, or whether the fact that technology was available has meant that those areas could be commoditised.

We always saw ourselves as bleeding edge, but we had to step back from that a bit because it was too painful. It's very much an expectation that the technology will all be there, but for a smaller firm that's a challenge. From commoditisation, we moved on to communications and what you will be able to do for clients.

Shane Barber: Like many firms, we don't offer any commoditised service, it's all strategic transactional work. The difficulty with that is that the client has an expectation that we can deliver the same level of service out of the office as in the office. The balance for us is to enable our people to work effectively in offices of clients, but not to be seen as engaging in any gimmicks.

The client doesn't want to know how you got a document to them, they don't want to know that we have BlackBerrys, they just want to know that they can ask us for an answer and that they can ask any of us for an answer. It doesn't matter



Andrea Foot, Axxia Systems



Andrew Mitchell, Gilbert + Tobin and David Kearney, Wotton + Kearney

what technology you've got, it's how you communicate with clients.

Chrissy Burns: We have done an internal survey as part of our strategic IT planning and the most important thing to people is to see that communication systems work – that the phones work, that e-mail works. Technology can often get people quite excited, but the most important thing is how it puts people in contact with each other. Knowing that there is a message or call you need to return, that's what makes the difference.

TECHNOLOGY AND FLEXIBILITY

Andrea Foot: Mobile technology has had an impact on the people; there is all this lovely technology, but can you get away from it? The clients want you now and it affects you now.

David Kearney: There is no doubt in my mind that the pros [of mobile technology] outweigh the cons. All of us around this table are in the war for talent and have to offer flexibility to our people. The ability to work remotely offers this flexibility. It also comes down to the whole debate about Generation Y: work-life balance is so important to them and if we don't produce that flexibility, we lose them – that's a fact.

At the same time, it's also about knowing when to switch off, and that depends on certain factors: some people can go out on holidays and switch off their BlackBerrys and others can't, I appreciate that. We don't have guidelines for this; it's up to the individual.

Andrew Mitchell: The clients we have, especially the big ones, state that their expectation of a lawyer is that if they need

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something tomorrow, it will come down to all of us.

Shane Barber: We can all get carried away with these things, but obviously this is the life we're leading and time is ticking away for all of us. There needs to be a balance in there; if you have a good relationship with your client, they don't really have to know at every time of the day where you are – unless you're in the middle of a transaction.

Chrissy Burns: I do think you need to have some guidelines, even if it is only about managing expectations. When is it off, when is it on? E-mail, for example, took everyone by surprise and I think we acted on it. The BlackBerry is the same thing. We've got guidelines which were developed when we rolled out BlackBerrys to our senior associates as well as our partners.

Bronwyn Pott: In the early days someone in our office called it a 'crackberry' because it was addictive. I had young partners who have taken five weeks off and gone to Europe and told their staff their BlackBerry would be turned on. They've come back and thought it was the best thing, because their practice was intact. I think it actually reduces the stress knowing that you don't miss anything.

Andrew Mitchell: It is especially advantageous for women who go off on maternity leave and can still stay in the workforce. They are still able to contribute

and they're not away from working life for such a long period of time.

We are looking at technology to collaborate more and we're certainly finding that the number of our lawyers who are collaborating online with clients is increasing. It does take a little bit of that people touch away, but it reaches that middle ground, especially if you have clients who are long distances apart. You are there and then on the spot, you just have to arrange a time to meet over the internet. They are the sort of things that add value and come back to the client, because you're saving a lawyer's time.

Chrissy Burns: People get smarter on which things are done well electronically and which things need to be done personally. Younger lawyers have grown up with technology and that is how they search for information, but there are other things where it is much quicker to speak to a human being, how they react, what's their body language.

From our perspective, where we use technology is to promote mobility, so that we can have people flying in and flying out and that's a different technology, that's looking at the next generation of network cards and BlackBerrys.

Andrew Mitchell: That's probably where it will take our company, because we're a one-site office, but we're working across 50-plus countries in nearly every time zone on the planet. It's mobility, that is really where our expectations are – that ability to collaborate both with people within the firm and their clients. This is probably the key issue.

TECHNOLOGY AND GEN Y

David Kearney: The most successful practitioners in my view have excellent client relationships which have been built up over many years

– most of that is over the phone or face to face. We see a lot of the junior lawyers just sending e-mails all the time. You've got to say to them: "Just pick up the phone, call from time to time and ask them how their weekend is."

Shane Barber: I find that young lawyers within our firm send me messages all the time and I have to say: "I'll come and see you." I do feel that we're getting too reliant [on technology] though, because it takes the emotion out of things. I think there is a bit of a communication issue that you can get there and sometimes you waste a bit of office and client time dealing with issues that probably wouldn't be there if the communication was more personal.

FUTURE OF TECHNOLOGY

Lionel Bird: On the top of our list is often what is fashionable. Now it's BlackBerrys and much of that is generational driven. You're looking for a business characteristic in a piece of technology, rather than the other way around. In the war on talent, this will become part of standard practice.

The good news about that is that it's fairly simple, open source technology and it's relatively cheap. I think we're past the infrastructure-based technology, we're past the plumbing.

Andrew Mitchell: You've now even got clients who are demanding that you have to interact with them using blogs, but you have to look where it's going to add value and that's something we constantly look at.

Chrissy Burns: That particular demand coming from people is just a reality that we have to deal with; I think every business will encounter the same problem. It's about being pragmatic and the security issues are the biggest problems for law firms, because you can't just hook up everything for the obvious confidentiality reasons. You have to work out what makes sense. **ALB**



Lionel Bird, Ebsworth & Ebsworth

"We're past the infrastructure-based technology, we're past the plumbing"

**LIONEL BIRD,
EBSWORTH & EBSWORTH**



Shane Barber, Truman Hoyle