



Legal Technology

Observer

from Burke & Company | 

Legal Technology Observer Time Capsule

June 6 – July 12, 2012

Welcome to the Legal Technology Observer Time Capsule! Legal Technology Observer (LTO) was a 6-week concentrated blog produced by Burke & Company LLC and hosted on Legal IT Professionals. Created by Christy Burke of Burke & Company, the blog ran from June 6 through July 12, 2012 and featured some of the most well-known experts in the fields of legal technology, eDiscovery and social media for legal professionals.

LTO was specifically designed to be useful for all legal and legal IT professionals, but was especially helpful for relative newcomers to legal technology who were looking to learn the ropes. For those outside the legal technology “bubble,” the industry can seem like a sea of acronyms and buzzwords, so we asked the experts who participated to define their terms clearly in plain English, without jargon.

The primary goal of Legal Technology Observer was to demystify legal IT topics for audiences ranging from novice to advanced knowledge level. Burke & Company’s own bloggers, including Christy Burke, Melissa DiMercurio, Ada Spahija and Taylor Gould, were joined by many prominent guest contributors.

Attached is a time capsule of Legal Technology Observer in its entirety. We hope you enjoy the ride!

- Christy Burke, President of Burke & Company LLC (www.burke-company.com)

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06 June



Case/Practice Management Software Defined

How can you tell a CMS from a PrMS?

WRITTEN BY - Taylor Gould, Communications Intern, Burke and Company LLC
Featuring Andy Adkins, CIO of Steptoe & Johnson PLLC and founder of the Legal Technology Institute

CMS, PrMS, what are these acronyms and why do you need to know? As a legal technology newcomer, I have now learned that these refer to Case Management System and Practice Management System. But what is the difference between these? Who better to ask than Andy Adkins, CIO of Steptoe & Johnson PLLC and widely recognized expert on case management, having written “The Lawyer’s Guide to Practice Management Systems,” published by the American Bar Association’s Law Practice Management Section.

Case Management System?

According to Andy, a Case Management System (CMS) can be defined a number of ways, but the easiest definition is that a CMS provide legal professionals with a set of tools to help manage the front office. This includes managing clients and cases, the ability to track case status, calendaring features, generating documents from commonly used templates, and reporting.

Practice Management System?

On the other hand, a Practice Management System (PrMS) combines the power of the CMS with back office functionality, such as time & billing, general accounting, and conflict checking. However while the two systems work hand in hand, they are not co-dependent and an office can have a CMS without a PrMS and vice versa.

What’s in a True CMS?

There are many products on sale today that are marketed as CMS or PrMS. In order to be considered a true CMS the product’s features should include: Client & Case Database, Calendaring and/or Docketing, Case Notes, Document Generation/Assembly as well as a reporting feature.

If you are just hearing about this for the first time and are thinking to yourself that using these products would save you hours of time, you are right – but they are not a magic wand or panacea. It is not as simple as the “plug and play” or “drag and drop” methodology that we employ with applications and peripheral devices today. It is also not as fast as swiping your credit card or clicking “add to cart” and “checkout.”

Implementation?

Implementing a case management system has the potential to improve efficiency and reduce the amount of time the average legal professional spends on non-billable activities. It also creates an electronic and central location for client data—the era of “the file” can now be replaced. However, in order to have the software work for you, proper research needs to be conducted to determine which system is right for your needs and budget.



07 June



Case/Practice Management Software: Know What to Buy

WRITTEN BY - Taylor Gould, Communications Intern at Burke and Company LLC
Featuring Andy Adkins, CIO of Steptoe and Johnson PLLC

How do you know what type of system you need?

Based on yesterday's post, you know what a Case Management System and a Practice Management System are, so you can start to do some research. Andy Adkins, CIO of Steptoe and Johnson, an expert on case management, offers three tips to those firms conducting their initial research on the subject.

Know Your Workflow

Know your office's workflow. Workflow is defined as the flow of information in your office's daily operations. Try this out: follow the electronic footprint information from the time an initial call or request is received (who collects the data and where it is stored) through opening a new case (do you use a new business memo?) through a working case, which includes tracking, calendaring, document generation, and case research. Then, continue all the way through closing a case (closed matter sheet). This process will help you map out your workflow.

Adkins says, "This simple exercise will help open one's eye through the intricacies of how the information is generated, where it is stored, and who in the office "touches" it." By closely observing this process you can identify bottlenecks, overlap and inconsistencies, and this is where a case management system can help you improve inefficiencies. Larger firms use this type of exercise as a measure of ROI.

Choose the Right Product

There are a lot of products on the market that claim to be CMS. It is critical to understand the differences between a general CMS and a practice-specific CMS (e.g., IP, Immigration, Real Estate, Bankruptcy, etc.). Some larger firms may provide services in more than one practice area. In this case, you need to ask if a general CMS can be configured to work with all practice areas across the firm. The larger the firm, the harder it will be to work with a single, out-of-the box CMS, as complicated programming might be needed to fully satisfy your firm's requirements.

Integrating Separate Systems vs. All-In-One

Should the firm consider a CMS that integrates with an existing separate back office system or should the firm look for an all-in-one practice management system? Both routes have their benefits and disadvantages. Do your homework, call the software sales offices and talk to them – make them work for the sale. Tell them what you want based on your workflow and what you have; then see if they can meet those requirements and at what price. Then call another CMS vendor and another until you have all of the data you need and feel comfortable, or you can hire a consultant with knowledge about these products and have them do the legwork for you.

In terms of budget, Andy often tells people to, “Look at the software’s sticker price and then double it.” The doubling is for the physical implementation and installation of the product and the training associated with it.

Want to know more about case/practice management from Andy? Tune into LTO tomorrow, I’ll be running one more post on this topic, covering how to budget and train for an actual CMS/PrMS implementation.



08 June



Game On! – Making Case/Practice Management Software Work for You

WRITTEN BY - Taylor Gould, Communications Intern at Burke and Company
Featuring Andy Adkins, CIO of Steptoe and Johnson PLLC

Implementation & Training and Quick Poll results

LTO posts from Wednesday and yesterday have made the case that CMS and PrMS programs have the potential to make your practice much more efficient. However, you'll need to invest time and energy to get the system installed and your colleagues trained. Additionally, once the system is operational, there will be some additional work at the outset such as data entry and migration. You need to convince yourself and others that the up-front increase in work and the learning curve will pay off once everything is stored and organized electronically. So how do you make this happen?

Size Up The Players

Andy Adkins, CIO of Steptoe and Johnson PLLC, an expert on case management, says that there are three factions that play a key role in the implementation of these systems:

- **Decision Makers** – These are the people in power who actually have the final say on whether the project is going to happen, and can push it through despite resistance to change in the organization.
- **Cheerleaders** – This group is excited for CMS or PrMS implementation – they are welcoming the change, but they need to be brought on board to harness their enthusiasm so it spreads throughout the firm.
- **Naysayers** – You know these folks – they don't want change, they are not open to seeing the benefits or they think the current workflow is perfect "as is." As annoying as it may seem, this group needs to be brought to a positive, if not neutral, stance so they don't sour the rest of the organization on the new software.

Everyone has a role to play in order to ensure the success of the implementation. The vendor should help decision-makers calculate the return on investment (ROI) on implementing a CMS/PrMS, whether it will be realized in time saved, billings gained, better client service or all three. After seeing this and understanding the changes that need to happen, there will be a split. All three groups mentioned above have the same thought of "what's in it for me?" so you'll need to be prepared with answers to those questions – it's just human nature.

Learning a New Game

No doubt, implementing a comprehensive system like a CMS or PrMS is complicated – it changes the way people have been functioning, and the way tasks are completed. Thankfully, extensive training is available for this. It is important to take into account that learning the software may require between 4-8 hours of training. However, there are ways to reduce the monotony associated with long training seminars: breaking employees into teams to complete a set of tasks on the new system and keeping track of their points adds an element of fun to the implementation, or using a blended learning approach with some live training and some e-learning is a good strategy. Younger members of the practice have grown up with computers and are accustomed to the rapid changes in legal technology, while others may struggle more with the transition. Maintaining a sense of collectivism and an attitude of “we’re all in this together” will help your firm stay excited and patient while anxiously awaiting the arrival of standardization of data collection and the ability to quickly run reports.

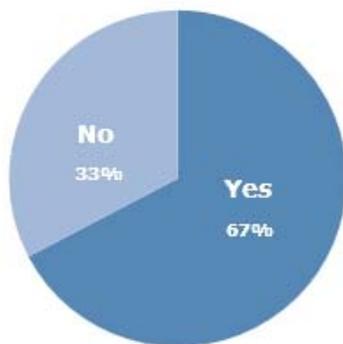
Not Everyone is a Sports Fan

Despite the benefits associated with CMS or PrMS the reality is that they may not be for everyone. Taking on a case management system project is not easy. Additionally, many forms-based practices, such as real estate and bankruptcy often function very efficiently without using a CMS. For other firms, the actual cost to take on a project like this may be a major roadblock. Furthermore, the soft costs such as the configuration, integration into existing systems, training, and data migration may just seem to be too big of a headache to be worth the reward.

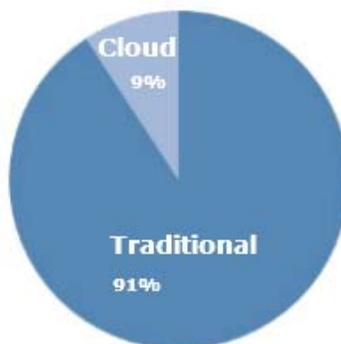
The bottom line on CMS and PrMS is...don't rush into it, identify inefficiencies in your office, do the proper research, investigate all associated costs, don't buy the first product you find, and discuss with your colleagues the pros and cons of implementing a CMS or PMS in your firm or practice.

Quick Poll Results

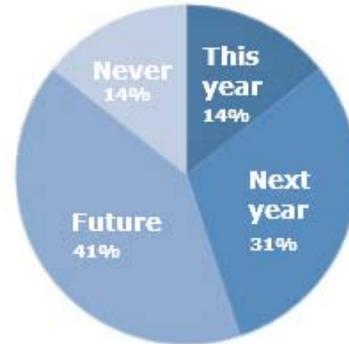
Below are the results of our Quick Poll on Case-Matter-Practice management software.



Are you currently using Case/Matter/Practice Management software?



If yes, traditional or cloud-based?



If no, do you plan on installing one?

11 June



The EDRM Speaks My Language

WRITTEN BY - Ada Spahija, Communications Specialist at Burke and Company
Featuring experts George Socha and Tom Gelbmann

When I first became exposed to the legal technology industry, it seemed like every new thing I heard about on a daily basis couldn't be easily looked up or even explained. In an industry where an acronym is defined by another acronym and that acronym has its own cryptic (at least to the lay-man) definition, I was relieved to be introduced to the Electronic Discovery Reference Model (EDRM). EDRM spoke my language. It put what I didn't know into perspective and it became the gateway to my understanding of eDiscovery. By the way, eDiscovery is basically discovery files in digital, not paper, form.

Having recently interviewed George Socha and Tom Gelbmann, the brains behind the operation, I thought it was a great idea to take what I knew and what they told me and break it down for all of those out there who also secretly- or not so secretly - still struggle to talk about eDiscovery like a pro.

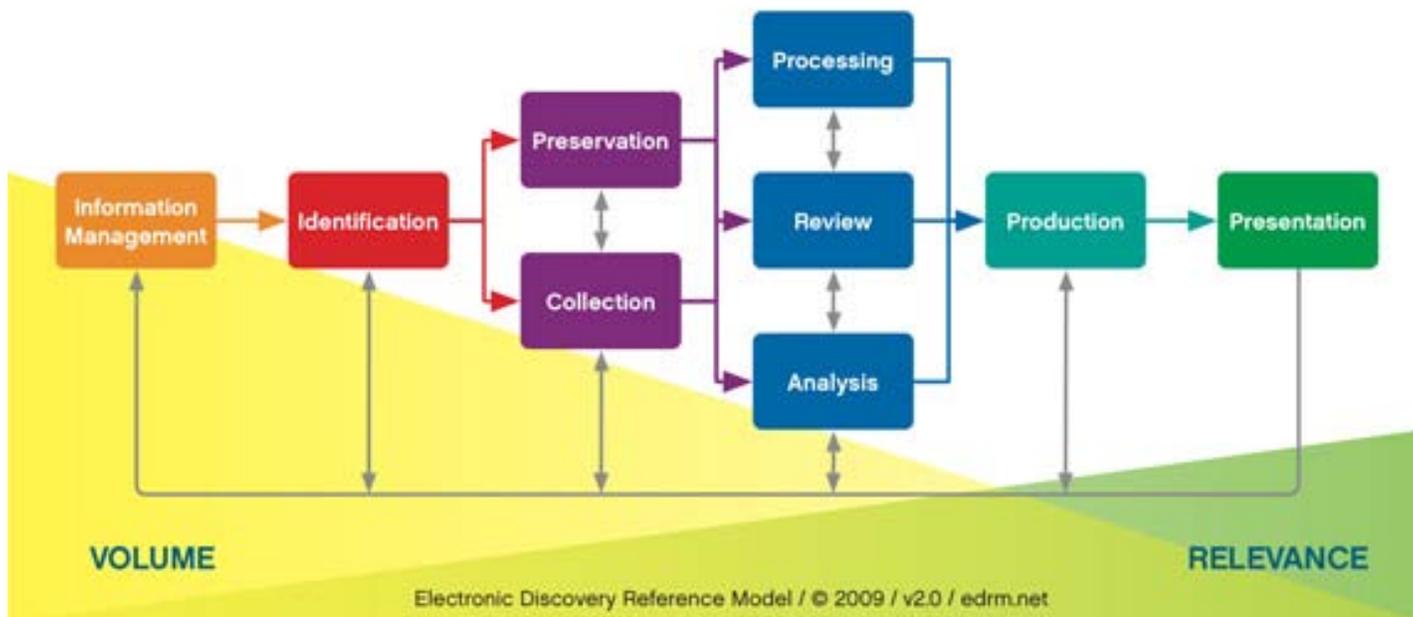
EDRM was the outgrowth of the Socha/Gelbmann Electronic Discovery Surveys. The Survey started in 2003 and EDRM was founded in 2005. As they conducted their surveys, Socha and Gelbmann realized there was no agreement about what constituted "electronic discovery" to say nothing about any agreement about what practical steps to take when conducting eDiscovery. Having noticed that there was no platform that could put law firms, corporate clients and providers on even footing, Socha and Gelbmann created EDRM and asked participants to spear-head and shape the discussion surrounding eDiscovery.

Although there are multiple components to the EDRM organization, ranging from the participants and their projects to guidelines and a code of conduct, the actual EDRM model itself is the wheel that turns the spokes. The EDRM conceptual diagram serves as a reference guide that graphically depicts all of the stages involved in eDiscovery, and it is the widely-acknowledged guide for vendors and consumers of eDiscovery to reference. There are nine stages to the EDRM model that outline the eDiscovery process and graphically depict how volumes of information can be reduced while relevance of information increases throughout the stages. From left to right, the stages of the EDRM include: 1) Information Management; 2) Identification; 3) Preservation; 4) Collection; 5) Processing; 6) Review; 7) Analysis; 8) Production; and 9) Presentation.

For legal professionals, it is helpful to identify where on the model various vendors lie and the role their products play in eDiscovery. The success of the model is just that - it is a model. Taking the language, acronyms, and various tech jargon out of the discussion and graphically depicting the process allows law firms, corporate clients and vendors to be on that even footing they aspire to achieve. EDRM helps parties working on a case to speak the same language. Another important aspect of EDRM is the standards and guidelines that it has set for eDiscovery. There is even a code of conduct outlined by the organization that vendors and consumers can choose to subscribe to. By publically subscribing to the code of conduct, organizations and individuals show that they are committed to the values of ethical business practice. EDRM has come to be a bible of sorts, outlining standards, guidelines, answering important questions and outlining a necessary framework. Even for someone such as myself who is still learning the ins-and -outs of legal technology, I can say that EDRM speaks my language.

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Electronic Discovery Reference Model



12 June



Learning to Speak EDRM

WRITTEN BY - Ada Spahija, Communications Specialist at Burke and Company
Featuring experts George Socha and Tom Gelbmann

When I asked George Socha and Tom Gelbmann about how EDRM has changed the industry, it became clear to me that EDRM more than demystified eDiscovery - it defined eDiscovery and finally opened a line of communication between vendors and consumers that had never really been established before. At various legal technology conferences people were talking to vendors to place where their products and services fit into the model. Dispelling any confusion about eDiscovery was the primary goal of EDRM, and it seems to have gone above and beyond that.

Beyond the model itself is a whole organization that works on various important projects that further define eDiscovery and answer important questions. Currently there are 9 EDRM projects going on (see <http://www.edrm.net/projects> for a list), all of which have been chosen by participants. Since the inception of EDRM in 2005 over 230 organizations involved and more than 1,000 individuals have participated. Projects are identified based on participant input and then endorsed by the rest of the organizational body during one of two annual meetings that take place in the spring and fall.

Some of the most recognized projects that have been initiated by EDRM include: The Information Governance Reference Model (<http://www.edrm.net/projects/igrm>), and the Search Project (<http://www.edrm.net/projects/search>). The Information Governance Reference Model (IGRM) was designed to be an effective framework that helps organizations develop and implement actionable information governance programs. The Search project helps provide a framework for defining and managing various aspects of Search as applied to eDiscovery workflow.

Socha and Gelbmann say that getting involved in EDRM is easy, especially with the three levels of participation they offer. The levels include: Organization, Individual and Student. By getting involved, you can directly influence the EDRM discussion by offering insights or helping, in some capacity, to improve the eDiscovery processes as well as the entire legal industry.

The easiest way to get involved is by going to <http://www.edrm.net/joining-edrm/join>, choosing your level of participation and getting started! Whether you choose to participate or not, taking the time to understand EDRM, what it does, what questions it answers, and the guidelines and standards it sets, will get you on the track to speaking the EDRM language and more thoroughly understanding eDiscovery!



13 June



Predictive Coding: Dozens of Names, No Definition, Lots of Controversy

WRITTEN BY - Sharon D. Nelson, ESQ. & John W. Simek
Introduction by Christy Burke, Host of Legal Technology Observer

Predictive coding is one of those legal technology terms that seems to mean everything and nothing all at once - and it brings up the term “algorithm,” which is enough to send math phobics running for the proverbial hills. Here to make sense of predictive coding for LTO readers are eDiscovery experts Sharon Nelson and John Simek. In this guest post, Sharon and John explain the challenges of defining predictive coding and point to the recent incident with Judge Peck and the Da Silva Moore case which shows that today’s courts are grappling with this topic, too.

Is there general agreement about what predictive coding is? No.

Is there general agreement about what to call it? No.

Is it the biggest and most talked about development in e-discovery today? Yes.

E-discovery expert Craig Ball has defined it as the use of more sophisticated algorithms – math – and advanced analytics to replace or supplement the individualized judgment of lawyers respecting the responsiveness, non-responsiveness and privilege of documents and data sets. We would add the critical human element - humans help machines to understand what documents are relevant to a case. With enough iterations of the sampling process, the computers can learn enough so they are fairly reliable in being able to judge the responsiveness of a document.

It is a “wash, rinse, repeat” process until the machines get it right.

We’ve seen the technology called a wide variety of names. As time has gone on, it seems to us that most folks are slowly settling on technology-assisted review, with a substantial minority using predictive coding as their term of choice.

While we tried to give a definition of this new technology above, vendors have their own definitions, so buyer beware. Some vendors are just using automated review or perhaps just predicting the percentage of relevant documents without identifying which ones are relevant. In true predictive coding, the machines will tell you what documents you should be looking at next, identifying which ones are the most relevant and important.

Craig is reminded of the ECA (early case assessment) hoopla and says that predictive coding is being oversold and overheated by marketers selling something they can dress up to look like something more than a keyword search. As he notes, many of these technologies don't assess the meaning of a document like a human would. Some only look at the frequency and geometric juxtaposition of words in a way that might be described as "I don't know what it says, but it uses the same sorts of words with about the same incidence and arrangement, so it's likely to be saying much the same thing."

Senior lawyers are critical to the process of teaching the machines, but it certainly means less human hours overall, something which contract attorneys who do document review have noted glumly.

How much money can it save? According to a survey by the Electronic Discovery Institute, it can save an average of 45% with some respondents reporting savings of up to 70%. How much does it cost? Good luck questioning vendors about specific costs. Everyone seems to agree that it is an appropriate solution for large volume cases, which means we know it is expensive. There is a great disagreement about whether it is appropriate for smaller cases – our own suspicion is that it is not appropriate for garden-variety cases – but once again, it depends on the definition being used by vendors.

Recently, the e-discovery world was rocked by an order issued by Magistrate Judge Andrew J. Peck in the *Da Silva Moore et al v. Publicis Groupe & MSL Groupe* employment discrimination case in the Southern District of N.Y. Judge Peck has been a vocal advocate of predictive coding. One line in the opinion certainly caught everyone's eye: "Computer-assisted review now can be considered judicially-approved for use in appropriate cases."

As we write this, there is still a motion for Judge Peck's recusal outstanding, based on a perceived appearance of impropriety as documented by the plaintiff. Further information about that and the controversial role of the certification body ACEDS in investigating the judge is documented in author Nelson's blog *Ride the Lightning* (<http://ridethelightning.senseient.com/>) Just search on "Da Silva Moore" to get the related posts.

If you want to stay fully informed on the case, a comprehensive assembly of all documents in the case has been prepared by our friend Rob Robinson and is available here: <http://www.complexdiscovery.com/info/2012/03/02/peck-parties-and-predictive-coding/>.

News stories about the case may be found here: <http://www.orangelt.us/info/2012/04/30/technology-assisted-review-background/>.

Vendors offering technology assisted review may be found here: <http://www.complexdiscovery.com/info/2012/04/01/20-predictive-coding-technology-providers/>.

No doubt this technology is here to stay, but questions about whether some variants of this technology can survive a Daubert challenge remain – and it appears that some vendor claims may have been over-hyped and without scientific validation.

The dust will ultimately settle and the landscape will become more clear – but not quite yet.



14 June



Social Media 101 for Law Firms - Don't Get Left Behind

WRITTEN BY - Ada Spahija, Communications Specialist at Burke and Company
Featuring expert Kerry Scott Boll of JustEngage

Social media is not only shaping a new culture, it is also tremendously affecting business progress and influencing globalization. As a business tool, social media platforms create greater communication channels so people can make informed decisions about people, places, services, products, and businesses, and get quick access to information around the world. Kerry Scott Boll, founder of social media consulting firm JustEngage, says the best way to get more business is to offer great services and connect with the general public to show them you care – and to show it online.

Boll points out that in previous economic downturns, the legal industry has been relatively unscathed – not the case with the current recession where it has been hit hard. He points to social media as a particularly powerful – and largely free - tool for law firms to showcase their expertise, increase their web presence, and bridge the gap between generations.

The most important platforms that lawyers need to be connected to are LinkedIn, Facebook, Twitter, and Google+, and YouTube. With 75% of American adults now using social-networking sites, connecting through the web it is the most effective, free, and powerful way to communicate with consumers. The more social media sites a firm or individual is connected to, the better their search engine optimization (SEO) will be, and the greater visibility they will have on Google+, although all of the social media platforms warrant attention. LinkedIn is the most dominant in the legal industry. According to theILN Social Media survey, LinkedIn is the best place for firms or individual attorneys to network and create a presence on the internet. With over 2 million companies and 161 million active users, many other industries have realized LinkedIn's importance.

Facebook and Twitter have their own value. With over 845 million users, Facebook is the single largest networking site available. Boll explains that for personal injury lawyers, Facebook can be a great asset for presence and prospecting. Twitter is considered the second most relevant research tool because it allows people all over the world to communicate fast, in real-time. Social media has been used for jury selection and eDiscovery, and allows lawyers to filter through vast amounts of data quickly.

Google+ and YouTube are also important tools that law firms can take advantage of. Though relatively new, Google+ is interesting because it takes the best aspects of Facebook and LinkedIn and allows users to communicate through targeted ‘circles’. These private circles essentially let users share relevant information with the “right” people, so Google+ provides a way for both professional networking and communicating to consumers.

YouTube is different from the other platforms because it is centered on video sharing and visual presence. Law firms can post internally-focused and publicly oriented marketing videos, helping to tear down the invisible curtain created when communicating via computer and further humanizing the firm. YouTube is a great resource to post speaking engagements, recruitment videos and training. Boll jokingly says lawyers need to learn social media because it “ain’t going away” – and not only that - he predicts that eventually social networks and the cloud will completely replace internal email hardware and software. Future organizations and individuals will communicate solely through social media. Firms need to realize now that, as much as their business values may be grounded in traditional methods, clients still dictate their and technology choices to some extent. With millions of users already using social media and the new generation of lawyers growing up glued to the web, the legal industry will be forced to embrace these communication platforms, or risk being left in the dust.



15 June



Results of Social Media 101 Snap-Poll

WRITTEN BY - Ada Spahija, Communications Specialist at Burke and Company
Featuring expert Kerry Scott Boll of JustEngage

Impressively, all but one of the respondents to our Social Media 101 Snap Poll currently use social media! We concede the point, though, that this number may be a bit skewed considering avid blog Legal Technology Observer readers are probably more social media conscious than the average bear. The one respondent that did not use social media yet replied “Don’t really understand it” when asked “what is the main reason you did not use social media?”

Yesterday’s LTO expert Kerry Boll provided some much-needed education and advice, but there are still many people in the legal industry who don’t understand social media platforms, or who are unnecessarily afraid of it.

Of the 5 social media platforms - Facebook, Twitter, LinkedIn, Google+, YouTube - Twitter won for being most commonly used with 78% of respondents marking it as their #1 choice. LinkedIn came in second with 17% and Facebook got the bronze with 6%.

Overall, 22% of those polled use social media, 6% for personal and a massive 72% use it for both personal and business reasons. Way to go LTO readers! Your social media awareness is way above average – keep tweeting, posting and blogging – we’re interested in what you have to say! Follow us @christyburkepr so we can follow you back!



18 June



Getting Up to Speed with eDiscovery

WRITTEN BY - Taylor Gould, Communications Intern at Burke and Company
Featuring Browning Marean, Senior Counsel at DLA Piper, San Diego

With technology changing so fast, it's difficult for lawyers to maintain the level of competency required for their field especially on matters of Electronic Discovery (nicknamed "eDiscovery" by those who know it well). Even though people have been emailing and creating documents digitally for over 20 years now, there are still some lawyers that have not had to face eDiscovery – but they will eventually because it is starting to figure into all kinds of cases, large and small, corporate or personal, you name it.

If faced with a case that requires evidence in electronic form, lawyers must immediately become competent in eDiscovery or associate themselves with someone who is competent in that field. Lack of competency is a serious issue and may be grounds the M word – yes, I mean malpractice!

Don't let this happen to you – listen to Browning! Browning Marean is a senior counsel in DLA Piper's San Diego office. He is a member of the Litigation group and is co-chair of the Electronic Discovery Readiness and Response Group. Browning says believe it or not there was a time when technology was well—simpler; there was a time in the legal field when discovery rules were analog. The world has since gone digital and technology everywhere is moving at the speed of light. For the legal world this poses a constant obstacle because as the technology changes so do the laws and procedures that govern them.

According to Browning, eDiscovery is a major challenge for lawyers now as the age-old question as always been for them to ask, "Where's the evidence." For most of the seasoned legal professionals evidence used to be something physical – paper files, a murder weapon, tapes from an answering machine, and now most evidence is digital. Additionally, Marean says that much of the data that is being created on a computer is not being printed, which makes it increasingly difficult to answer that question of, "where's the evidence" because you can't see it unless you know where to look for it in cyberspace.

eDiscovery deals with the exchange of information in electronic format. Today's lawyers, legal IT and litigation support professionals need to know how to harvest the data, how to get all of it, and how to avoid ruining it so it is inadmissible. Unfortunately, this is no easy task because, according to Browning, data is doubling every two years. This creates a situation where lawyers are required to go through massive data lakes and narrow down to documents they need for their case or matter. Marean says that on some cases lawyers start with one million documents and have to work to narrow that massive amount of data down to the hundred or so needed for the case.

If that caught your attention, and you're wondering whether you really know everything you need know to about eDiscovery, Marean gave us a few words of wisdom. He says, "You don't know what you don't know," and there isn't enough time for you to delay coming up to speed with eDiscovery. It could be as soon as next week when a case is handed to you that requires lots of eDiscovery or a client may call and ask you a question about it, and that is not enough time for you to play catch-up. It is important for lawyers and IT staff to learn about eDiscovery, and the time to learn is now. Don't let it trip you up – be proactive and learn about it now – before the M word comes knocking on your door.

Now that you have learned about the importance of eDiscovery, I am sure you are chomping at the bit and wondering where you can go to learn more about it. Marean gave us list of resources that he recommends... or you can contact your local bar for seminars and webinars on eDiscovery

- www.edrm.net
- www.craigball.com
- www.eDiscoverylaw.com

In closing, Browning, who is full of colorful expressions as his friends all know, advises lawyers, "Don't ignore eDiscovery - it ain't going away!" Couldn't have said it better myself!



19 June



LTO Spotlight: ABA Legal Technology Resource Center (LTRC)

WRITTEN BY - Christy Burke, President of Burke and Company LLC
Featuring Josh Poje, Program Specialist at the ABA LTRC

Legal technology can seem obscure, confusing and remote for lawyers – and yet their lack of access to information means their practices unnecessarily suffer from inefficiency. Fortunately the ABA provides a Legal Technology Resource Center (LTRC) for lawyers and other legal professionals to gather useful information. Since the mid-80s, the LTRC has helped lawyers learn about the benefits of technology and how they can better use it in their practices. LTO had the opportunity to have a Q & A with Josh Poje, Program Specialist at the Center. – Christy Burke

LTO: What is the history of the ABA Legal Technology Resource Center (LTRC) and what is its mission?

Josh: The LTRC's core mission is to help lawyers find ways to implement technology in their practices efficiently, effectively, and ethically. We've been doing that since the mid-1980s. The Center developed ABA/net, which was the precursor to the ABA website, and we ran the ABA Technology Clearinghouse, where members could get printed packets of information on technology topics like case management, document assembly, and so forth. We also hosted the Law Tech Center, a technology lab at the ABA's Chicago headquarters where ABA members could test out all of the latest and greatest technology, hardware and software.

Most of our work transitioned to our website in the later 1990s and 2000s, but the mission has remained the same. The big news recently is that we've joined the ABA Law Practice Management Section, best known in the legal tech community for hosting the annual ABA TECHSHOW conference. Between TECHSHOW and LPM's excellent technology books, we're now working directly with some of the most prominent people in legal technology and practice management.

LTO: What resources does the Center offer and how people can access them?

Josh: Our primary resource is the LTRC website. Most everything we do eventually finds its way there. We've recently launched a legal technology blog called Law Technology Today where we're busy posting substantive content about a variety of topics—cloud computing, data security, metadata, and more. We're also in the process of putting together a monthly free webinar series that we hope will introduce lawyers and legal professionals to a lot of great technology and practical tips.

We've produced the annual ABA Legal Technology Survey Report for more than 20 years. It's one of the most comprehensive surveys of legal technology used by lawyers in private practice. It differs from some of the other surveys out there in that we target lawyers directly, not their IT staff. In 2012, we sent out our questionnaires to 75,000 ABA members in private practice, and we're publishing the results in six topical volumes. The survey is available in law libraries around the country, and it's sold through the ABA web store.

LTO: Are you open to new suggestions of programs? If so, in what areas?

Josh: Absolutely, we're always interested in feedback and suggestions—both in terms of the topics we cover and the way we cover them. I'm particularly interested in expanding some of our offerings for litigation support and e-discovery. Those are daunting subjects for a lot of the solo and small firm practitioners we work with, and we'd welcome any way to make the subjects more approachable.

LTO: How can lawyers (and legal staff) participate?

Josh: We do limit some of our materials and programs to ABA members, but most are available to the full legal community via our website and our blog. We recognize that non-lawyer staff members (i.e. paralegals, legal assistants, legal administrators, etc.) are often the ones handling firm technology, so we try make our content broadly applicable and accessible. If lawyers or staff are interested in working actively with the Center, we welcome guest posts for the blog. Members of the ABA's Law Practice Management Section have the opportunity to work directly with the Center through our oversight board. Following us on Twitter (@ltrc) is also a good way of staying on top of the latest LTRC work, and we're always reachable at ltrc@americanbar.org.

LTO: How can vendors participate?

Josh: One of the simplest ways vendors can work with us is to keep us informed about their products. The more we know, the better we can understand how the products could work for our members and the lawyers who come to us with questions about legal technology. Vendors are welcome to email product information to us at atltrc@americanbar.org, and if time permits, I'm always happy to check out a demo or test out a product myself. And, of course, there are a number of sponsorship opportunities available for our outreach programs. For more information vendors should reach out to ABALPM@networkmediapartners.com.



20 June



LTO Interviews Craig Ball to Examine the Power of the Computer Forensics

WRITTEN BY - Melissa DiMercurio, Account Executive at Burke and Company LLC
Featuring expert Craig Ball, Trial Lawyer and Certified Computer Forensic Examiner

When you hear the term computer forensics – what comes to mind? Hackers typing out codes late into the night and CSI-like teams poring over computer files to foil their plots? I wanted to find out if computer forensics was really as dramatic as I imagined, I spoke with expert Craig Ball, a seasoned trial lawyer, certified computer forensic examiner and eDiscovery guru, who gave me some great insight into the field.

Craig eloquently explained to me that computer forensics is the “art of teasing human drama out of bits and bytes.” Every single time we use a device to create or send a message, we leave electronic footprints whether we realize it or not.

These electronic trails are created by emails, documents, text messages, credit card purchases and hundreds of other digital activities which tell behavioral stories about each of us. The goal of computer forensics is to examine all of this digital data in a forensically sound manner with the aim of identifying, preserving, recovering, analyzing and presenting facts and opinions about the information.

Typically a court or the legal parties will ask for a computer forensic examiner to come on board to a case and help safeguard the integrity of the process, and/or to serve as an expert witness. These examiners look at data and information quite differently than an IT person or even an attorney – they may even look at granular-level data that is deemed unimportant by most people, but that can be extremely telling. The forensic examiner knows that looking at all of this information in its totality will help paint the picture of computer-related human activity that is relevant to the case at hand.

So what is the difference between e-discovery and computer forensics? Craig says that computer forensics is a more focused approach to examining data. E-discovery works with informational content on a much broader scale, while computer forensics operates on a more microscopic level, looking at the metadata, which is details about the data (when it was saved, by whom, etc.) Also, there is a level of complexity with computer forensics in which there is sometimes spoliation (destruction or corruption) of the information due to user activity, poor preservation techniques or hardware failure. Craig comments, “We are a society very dependent upon the technologies that we use day-to-day, and computer forensics helps make sense of the digital deluge.”

So how does one find a qualified forensics expert that can get such an intricate job done effectively? Craig suggests word-of-mouth approach first. He says, “Start talking to people that hired an expert in the past and ask them how well they performed, especially when faced with a major challenge. You want to make sure that your examiner can work well under pressure and can take raw data and make sense of it.” Two more important aspects – if the consultant has experience testifying or being a part of litigation and is not unproven in the real world, you will have a better idea of what he or she is capable of. Also, look for practitioners that do forensics as a full-time job – not moonlighters. With such sensitive and complex data at stake, you want to know that they are putting 100 percent of their time and energy into your case and that you’ll be able to call upon their expertise during the work day rather than at night and on the weekends.

Unlike the CSI episodes which feature showy smoking guns, explosions and dynamite, computer forensics is a much quieter, more cerebral process. However, though the realizations are not loud and obvious, they are powerful. As Craig said, “Computer forensics is powerful in its ability to uncover information – not always relevant information, but invariably enlightening and occasionally dispositive.” I guess in the case of computer forensics, knowledge truly is power, so make sure to find a qualified expert to track down those digital footprints for your firm!



21 June



LTO Interviews Brett Burney about the Mac vs. PC War in Legal

WRITTEN BY - Taylor Gould, Communications Intern at Burke and Company LLC

Featuring expert Brett Burney, Author of MaccinLaw and founder of Burney Consultants

Remember the “I’m a Mac and I’m a PC” ad campaign? We all do, probably, but in addition to being memorable, its slogan brought up an interesting point about how the technology devices you use impact your personal identity. Legal professionals are no exception – but to what extent are today’s legal professionals saying “I’m a Mac” and what impact is that having on the IT personnel supporting them? I had the opportunity to talk with Brett Burney, author of the MaccinLaw blog, founder of Burney Consultants and expert on the use of Apple products in legal practices.

Until recent years, there had always been this anti-Mac rhetoric in the legal world. According to Burney, using Apple or Mac products was just never something that was contemplated except for a few strident pioneers like Jeff Allen and Randy Singer (www.macattorney.com) who bravely staked out the Mac lawyer frontier years ago.

This all began to change several years ago when Apple switched to using Intel processors in 2006. After that, momentum for Macs started to build and more lawyers began to question why they were still “PCs.” But the fact that most legal software, including document management systems which were intrinsic to daily operations ran only on PCs/Microsoft Windows, which kept lawyers from stepping over the boundary into Mac territory.

Fast-forward to present day where the infiltration of Apple products into the legal field is impressive to say the least, with the biggest driving force being the iPad. Only introduced two years ago, the iPad has become ubiquitous at law firms. iPhones are the next-most-common infiltrators into legal. The ease of use, price point and previous exposure to the Apple ecosystem are all attractions that have helped open the law office’s door for Apple’s mobile products.

How does Mac fever spread? Many times, it begins at home. Legal professionals get Apple products for Christmas, or their kids are using them. Once they fall in love with the user interface and intuitiveness of the products, lawyers start thinking, “Hey, why can’t my platforms at work be this easy?” According to the 2011 ABA Technology Survey, about 130,000 lawyers are using iPads, so this is not just a passing craze.

So what's the problem with lawyers bringing shiny iPads and iPhones into a firm that's standardized on PCs, Windows and BlackBerrys? In short, legal IT is generally quite busy supporting the approved hardware and software and is usually not required by management to support these devices across-the-board. That being said, many legal IT professionals are being forced to learn Mac iOS to some extent, especially if a senior partner wants to use his/her iOS device for legal work, but for the standard law firm employee, the helpdesk in many instances is not required to provide assistance.

What's the solution to this identity crisis? In the Mac vs. PC war, there needs to be a middle ground. If legal professionals want to use Apple products, they need to realize that legal IT may not provide support for them, nor are they required to at many firms. Also, it's important to remember that despite the fact that Apple products are easy to use, they still have a learning curve. At the same time, legal IT departments need to build some flexibility into their policies such as including iPhone and iPad compatibility as well as taking advantage of products like BootCamp and Parallels, which allow Macs to run Windows based operating systems.

Talk to your IT department to see what their policy is. If there is no Mac support at the firm, you may need to rally support of other Apple users and lobby the IT department or the management— or both. Legal staff and legal IT have the same goal at the end of the day - to provide the best service to their clients while still maintaining responsibility and policy compliance. Whether people think of themselves as a Mac or a PC, they're trying to get their jobs done with the greatest efficiency possible while sneaking in some enjoyment when they can. The utopian view is that in the future, legal professionals and legal IT can come to an agreement that gives lawyers and staff access to the i-devices that they want without causing an earthquake within legal IT.



25 June



LTO Asks Kevin O’Keefe of LexBlog “To Blog or Not to Blog?”

WRITTEN BY - Melissa DiMercurio, Account Executive at Burke and Comany LLC

Featuring expert Kevin O’Keefe of LexBlog

To blog or not to blog – that is the question. We take some poetic license to apply Hamlet’s questioning here since it applies to many legal professionals who are deciding whether to start a blog. Wanting to get answers from a subject matter expert in the legal blogging arena, we interviewed Kevin O’Keefe, CEO and Publisher of LexBlog, Inc. to get the lowdown on what the business of blogging is all about.

Some lawyers may be wary of the blogging, but Kevin explains that, “Business development for lawyers and other professionals is all about building relationships and establishing a strong word-of-mouth reputation. The Internet did not change that. By blogging effectively, a lawyer can accelerate the process of becoming a reliable authority and growing relationships.”

Yet, rookies need to consider that blogging is definitely a commitment of time and resources. “Just like networking offline, blogging takes putting in some time to grow your business,” states Kevin, “You don’t get to sit on the sidelines, do nothing, and expect work to come in the door, but fortunately blogging and using the Internet is a time saver when it comes to networking. When it comes to business development, lawyers accomplish more in less time by networking through the Internet so as to build a powerful Internet identity.”

Blogging puts your audience at your fingertips, which makes it easier to connect with them. That is something that would be impossible for lawyers and professionals to accomplish otherwise. Plus, blogging doesn’t require any travel expenses, tickets to networking events or conferences – all lawyers need is a computer and some creativity. Though Kevin warns, “Don’t forget it’s face to face relationships, born out of and accelerated by networking online that truly grow a lawyer’s business.” Polonius from Hamlet said, “To thine own self be true.” Kevin advises being genuine with your audience. Professionals entering the blogosphere can stand out from the crowd, many of whom merely report on news with a sterile voice, by having an authentic voice and focus that sets you apart from others.”

Kevin further advises engaging your target audience personally in order to stay relevant and unique. Never have someone else blog for you.

“Pay attention to influencers and amplifiers of your clients and prospective clients (reporters, bloggers, association leaders, editors, publishers) by reading, via an RSS reader, what they are writing. Then, by sharing what the influencers and amplifiers are writing and offering your ‘take’ you can establish yourself as a trusted and reliable source of information on a niche. Networking with these folks helps you build a powerful Internet identity.” Also, don’t forget to infuse your posts with your unique personality and to write in a conversational style. Not only will this make it enjoyable for your readers, but also it will be more fun for you when blogging.

The best way for you and your blog to get better known, Kevin says, “Is to engage others – reference what influencers and amplifiers are saying and writing. They’ll ‘see you’ and begin to reference you in what they are saying and writing.”

Kevin also advises using other social media and networking platforms, such as Twitter, Facebook and LinkedIn. “Don’t focus so much on pushing your blog posts out on these platforms, first share others’ content relevant to your audience. Doing so you build trust with followers on social networks. You’ll then find others sharing your blog posts with others who trust them.”

You can of course use traffic analytics in an attempt to measure success. But Kevin advises that law firms and other professionals measure blogging success based on whether they are getting real traction. “Are you growing your network of relationships? Are you establishing yourself as a subject matter expert? Are you bringing in not just work, but high quality work, from blogging?”

Is it difficult to set up a blog? “That’s probably not the right question to ask,” says Kevin. “Professionals ought to focus on their time and the return they are receiving in their business development activities. There’s more to developing a blogging strategy and understanding what blogging really is all about than meets the eye. It’s not just writing content.”

Overall, Kevin recommends, “The main focus should be on your strategy and execution of that strategy in an informed fashion.”

Once you determine whether a blog is an appropriate part of your overall business strategy, you will be able to decide whether to blog or not to blog. We hope you decide to blog – if you do, best of luck!



26 June



Legal Technology Productivity Quest- Even a Power User Can Learn New Tricks

WRITTEN BY - Ron Friedmann, Legal Technology Expert

Many professionals I have seen at a keyboard seem stuck at the Beginner level – even the “power users” among us. So rather than recommending specific tools or tips for legal technology beginners, I want to encourage an overall mindset of learning and improving. I will guess – and I suspect this is conservative – that most professionals spend at least 100 hours per month working at a computer. If you can save a few minutes here and there by working more efficiently, those savings add up. So why not take 30 minutes each month to improve your personal productivity – that’s one-half of a percent of your time.

To do so, you need to be curious and willing to experiment. You can consult many sources to learn time-saving ideas and tricks. Perhaps the best way is to ask friends and colleagues for tips. That way you get an explanation and support. Of course, you can also read (there are many blogs with tips) or take a class.

I have been “doing legal technology” for over 20 years. Even so, I find I still regularly learn new ways to be more productive. For example, over the last six months, here are four changes I have made in my computer usage:

- **Space Bar Advance** - Reading a blog post, I learned that the space bar advances a browser page by one screen. Some of you may roll your eyes and think, “How can Ron not have known that already?” The answer is that there are so many keyboard shortcuts, it’s hard to know or remember all of them. And some of you may think, “Why bother with that? I’ll just use the page down key.” I find the space bar is easier than page down – the former is, after all, a much bigger target for my finger.
- **Skype** - I now keep Skype open and use it regularly. I’ve had a Skype account for a long time but in the past used it mainly when I was outside the US. Now, with so many people on Skype, I realize it is a cheap and easy way to communicate, both for voice and video. One nice feature is that it identifies who is speaking on conference calls, which is handy if you don’t already know voices.
- **Making the Task Bar Vertical on Wide Screens** - For years I struggled with how best to use the Windows task bar. The task bar is the area, usually at the bottom of the screen that shows icons and/or words for all open software. You can configure, that is, specify, how it works. For example, you can group icons together or display one versus two rows of icons. The screens on newer computers are now usually in “movie aspect ratio”, meaning widescreen. When I configured my new PC recently, I suddenly realized that for the way I work, I was not using the full screen width. So I set my task bar to be vertical, on the left side of my screen. With this move, I more quickly see my open applications and can therefore switch among them faster.

- Doodle.com for Polling and Scheduling - For planning conference calls, several of my friends use doodle.com to poll participants for available times. I have now adopted that tool when I arrange multi-party calls.

Now that I've given you some of my tips and tricks, let's talk about the larger issue – working smart. The real point is not what tips or tricks you use as much as it is to spend some time and energy thinking about and improving how you work. And if you revisit the changes I've made, you'll see that "sources" of change are reading, friends, and my own little "ah ha" moments. Does it take time to change the way I work? Absolutely. But does the productivity I gain make it a great investment? For sure.

To help get you started on your personal productivity quest, here a few of my favorite tips:

- Browser Tabs Save Time - Use tabs in your browser to keep multiple web sites open at the same time. Sound obvious? Maybe to you, but I have one friend who opens multiple instances of his browser (in spite of my protestations!) Have lots of tabs open? Then put the cursor over any tab and use the mouse wheel to "scroll" or move the tabs across the page quickly (a feature I discovered by accident in Firefox.)
- Full-Text Search - Use a full-text tool to search for e-mail and documents. I am not a Mac person but I understand the built-in search for Mac is good. On the PC, I personally much prefer X1 (\$50) over the built-in Windows 7 search capability. That said, Windows 7 search (Start Menu, type your key words in the box at the bottom) is not bad and is often better than the alternatives.
- Two Monitors are Better than One - If you regularly work at the same desk, make sure you have two monitors or at least a single large screen. Most modern, portable notebooks computers have, by design, small screens. Many studies have found that more screen real estate improves productivity. When I am at my desk, I plug in a 19" external monitor and "extend" to it from my notebook. That means I can have different applications open on each screen. (On most notebooks, one of the function keys lets you choose whether you "extend" your screen (making two monitors act as one) or simply "project" your screen onto the bigger monitor.)
- Back it Up - Back-up your files regularly. Nothing kills productivity like losing work product!

Even if all you ever do at a computer is e-mail, word processing, and browsing, you can find many ways to become more productive. I have long been struck by lawyers and staff who, in so many words, say, "I am too busy to learn." The busier you are, the more eager you should be to invest 30 minutes a month – it will buy you time for the rest of your life at a keyboard.



27 June



Knowledge Management Evolves - Asking Mary Abraham How to Pan for Gold

WRITTEN BY - Christy Burke, President at Burke and Company LLC
Featuring Mary Abraham, Counsel in Debovoise and Plimpton LLP's

Knowledge Management or “KM” has always been a term that seemed hard to get a handle on, so I decided to talk to Mary Abraham, Counsel in Debevoise & Plimpton LLP’s corporate department, whose primary function is to provide KM support to the firm’s US-law corporate and tax practices. Mary describes her job as helping to bring the learning of the firm together so no one has to reinvent the wheel. If two practices within the firm are tackling similar issues, she can help synthesize and share the learning so both practices benefit from each other’s knowledge more efficiently.

Evaluating The KM 1.0 Approach

Historically, the KM professional’s role has centered on compiling massive databases or document collections to make information widely available to the firm. Originally this was done through paper form files, but has shifted to a variety of shared electronic resources. Mary refers to this approach as “KM 1.0.”

The dilemma with KM 1.0 is that these collections are hard to build and even harder to keep current. Lawyers have the knowledge that would be valuable for the KM collection, but don’t always have the time to document their knowledge for the collection. Further, when you extract and standardize knowledge it sometimes becomes so removed from its original context that you run the risk of making it too generic. This can be a problem because in a sophisticated legal practice, one size rarely fits all.

Mary cites Dave Snowden’s 7 Principles of KM as important considerations for KM professionals because these principles help explain why the KM 1.0 approach is limited. Two of Snowden’s principles are:

- The way we know things is not the way we report we know things.
- We always know more than we can say, and we always say more than we can write down.

So if attempts to extract and document expert knowledge too often result in knowledge resources that are incomplete or out of date, then what next? KM needs to find faster and better ways to get at the real gold that lies in the proverbial law firm riverbeds.

KM 2.0 - Unearthing the Gold with a Better Knowledge-Sharing Approach

Enter KM 2.0 – a new approach that builds on KM 1.0’s strengths but aims to catalyze a rich flow of information within an organization so panning for the gold nuggets of knowledge will be more successful.

KM 2.0 focuses more on activity streams rather than archives, conversations and collaboration rather than formal collections. With KM 2.0, the role of the knowledge manager is more of a facilitator rather than an archivist. The KM 1.0 professional asks, “What things should we store now because they might be helpful to someone someday?” (Without a crystal ball, that can be a hard question to answer with much certainty.) By contrast, the KM 2.0 professional asks, “How do we create opportunities and systems that allow the experts to share their knowledge without disrupting the flow of their work?” New methods of online communication can be coupled with face-to-face communication and leveraged to facilitate knowledge sharing among legal professionals – it’s both an art and a science.

New social technology provides many useful resources to help KM professionals foster communication and collaboration among the knowledge creators within a law firm. Enterprise search tools, mash-ups, social intranets and portals, Wikis, blogs and micro-blogs, IM, RSS feeds and activity streams, linking and tagging, telepresence and video are all useful in sharing not only the polished client-facing pearls of wisdom, but also the water cooler conversations, helpful advice from one colleague to another, and individually-developed innovations and intuitions that might not be mentioned in more formal settings, but could lead a colleague to an epiphany.

KM 2.0 is built on the principle of making the network smarter and, thereby, enriching the knowledge of the individuals within that network. KM 2.0 does this by aggregating and surfacing appropriately individual contributions within a law firm, and then giving each person in the firm access to the benefits of the resulting smarter network. While one-on-one conversations can be very helpful, they do not scale across a large organization -- only networked systems can. Given the pace of work, innovation and online communication, professionals must realize that they cannot do everything alone. Now more than ever, working collaboratively makes sense and KM 2.0 can help. When done right, knowledge flows freely like a river and the gold can then be captured for the benefit of the entire firm and its clients.



28 June



LTO Asks Bob Ambrogi How a Lawyer can Become a Legal Technology Expert

WRITTEN BY - Melissa DiMercurio, Account Executive, Burke and Company
Featuring Bob Ambrogi, Practicing Lawyer, Writer and Media Consultant

We can only imagine how hectic an average work day for a practicing lawyer can be. How can a lawyer effectively become an expert in legal technology with so little time to spare? To find out, we spoke to Bob Ambrogi, a practicing lawyer, writer and media consultant, who has written two books, a column and a newsletter about legal technology and the Internet. “I’ve always been a geek at heart,” explains Bob, “so tinkering with technology is fun to me. But what also drove me to learn about legal technology was simple practicality.”

“I was looking for ways to be more productive and economical in my practice. Technology provided the tools I needed to be more effective as a lawyer.”

Bob’s practice focuses on media, new media and technology law, as well as arbitration and mediation. In addition, he maintains a non-legal consulting practice focused on media, social media and communications.

How to Learn More about Legal Technology

Learning the ropes of legal technology can be intimidating at first. Since technology is a broad field that covers a lot of ground, a lawyer will never be an expert on everything. Yet, for those who do want to learn useful information for their practice, Bob says the first step is to identify what you want to learn and why you want to learn it. Is your goal to take better control of your practice management? To cut costs to your clients? To better understand issues you encounter in your practice? Or perhaps all three and more.

Once you have an idea of what you want to learn, the next step is to begin exploring. For example, if you want to learn more about cloud computing, you can find an array of material online, from technical articles, to legal-ethics opinions, to reviews of specific cloud services. Bob cautions legal professionals to supplement their research with their own personal experience. “Don’t just read what others say,” advises Bob, “dive in and try these things yourself!” There are a number of cloud-based practice management applications out there and most, if not all, let you open a free trial account. Many other server-based software products offer free trials as well as demos and training videos to get up-to-speed quickly, though you may need to hire an IT consultant to help you with the installation. Experiment with several of these applications and you’ll learn more about how they work and also be able to determine what best suits you.

Of course, lack of time is always the greatest obstacle lawyers face when it comes to learning new things. Although, when it comes to learning about technology, a simple cost-benefit analysis tells you this is time well spent, Bob believes. “Time spent learning about technology is time spent becoming a more efficient and effective lawyer. That’s an investment that will pay dividends for years to come.”

Benefits to Becoming an Expert

There are many advantages to better understanding technology for lawyers and legal professionals. An immediate benefit is that technology enables you to function as a one-person show. “Give me my laptop and my iPhone and I’m good to go,” comments Bob, “I am highly mobile and able to be productive whenever and wherever I need to be.” Increasingly, this is what technology is doing for every lawyer, driven now by the ubiquity of mobile computing and the vast selection of powerful applications available directly from the web; you can easily take your work on the go. Having this ability at your fingertips will allow greater productivity to your practice.

If marketing is on your mind, web-based technology including social media also provides attractive options for zero or very little cost. Social networking tools, email blasts and blogging can help a lawyer build and maintain visibility and connections with current and prospective clients. The more you understand about those tools and the mechanics of how they work, the more effectively you will be able to use them.

“Frankly, given the pervasiveness of technology, I think every lawyer has a professional obligation to become knowledgeable about technology, the Internet and social media,” Bob says, summing up his perspective on technology. Technology is definitely an integral part of law practice, the more that you get comfortable using it, the more it will feel like second nature.



29 June



LTO Interviews Jeff Brandt about the Mysterious Cloud Computing Craze

WRITTEN BY - Taylor Gould, Communications Intern, Burke and Company

Featuring Jeff Brandt, editor of PinHawk Law Technology Daily Digest and IT Consultant

Lately it seems as though everyone has gone cloud crazy. For today's Legal Technology Observer post, I had the opportunity to speak with Jeff Brandt, editor of the PinHawk Law Technology Daily Digest and renowned IT consultant and asked him why everyone's head is suddenly in the cloud. According to Jeff, the cloud is not really anything new, but the craze is. For years companies have been using cloud systems for many peripheral services like spam filtering and individuals have been using Gmail and Hotmail, which are cloud-based services.

A few adventurous firms have even taken document management to the cloud. However, some firms and legal departments are migrating the entirety of their core services to the cloud in addition to the more peripheral services.

There are a number of reasons why firms choose to switch to the cloud, and some of them are cost related as firms are seeking to reduce their costs or are too small to handle many of the core systems internally. Larger firms are also making the transition, often for its benefits of web-access from anywhere, and a fair number are building their own "private clouds" in house rather than using third party services. Besides the financial and efficiency reasons for cloud adoption, there has been a remarkable consumerization push that has accelerated it as regular users are seeking lighter laptops and more mobility.

With a management's eye seeking to reduce that bottom line, firms have to do more with less. But it is not as simple as reciting the mantra, "to the cloud!" For law firms, questions are raised about whether it is procedurally ethical to make this shift, as well as if this move is compliant with their codes of conduct. Migrating to cloud can be technically complex as well.

Brandt has some recommendations for firms looking to make the move to cloud. He says do your research and consult with your local Bar association. He also says it's important to know what to expect, think about your backup solution, as well as asking "What does your cloud vendor's operation look like?" While it may seem like the farthest things from your mind when you are contemplating a migration to the cloud, it's important to think about what is going to happen if that vendor closes or is sold. What type of exit strategy do you have, or what kind of exit strategy does the vendor have for you? When your vendor leaves, where is your data, is it accessible for you to get it, and what are you going to do afterward? Yes, these are all worst-case scenarios, but Jeff advises legal buyers to keep these questions in the back of their proverbial heads. Jeff's solution to this scare: backup your system on two clouds—the likelihood of both of them going out of business is very remote.

We asked Jeff what the some of the potential pitfalls were in the cloud vs. traditional computing setup. Brandt is largely concerned with the user experience. He cited examples of Facebook and Gmail suddenly changing the user interface on their users without giving the users the opportunity to choose which set up they prefer. The same situation could happen with your cloud system. The vendor could change their setup and you would not be able to dictate the layout as you would with your own in-house system. With a traditional system, you maintain total control over everything—with the cloud you have to adjust to the system changes. On the plus side, your firm is not responsible for any of the maintenance or costly onsite storage. For law practices, there is always the fear that changes to policies at the Bar might question the ethics of cloud based solutions. As seasoned legal professionals know, it's important for you to have done your due diligence.

With any craze, people tend to lose their heads and jump on the bandwagon to buy the hot new item, but Jeff encourages legal professionals, both lawyers and IT, to ask probing questions to determine whether the cloud is as great as everyone says and if it is right for their firm.





America's Courts - Technological Challenges Abound - Is a Revolution Required?

WRITTEN BY - Dave Glynn, Legal Technologist at Law Bulletin Publishing Company

As we celebrate Independence Day and our country's freedom, we must ask ourselves, how do we continue to sustain and support these liberties that our forefathers afforded us? Our justice system is of great and immediate concern to most of us in this regard. As legal professionals, whether we are lawyers, para-lawyers, judges, court administrators, law clerks, law students, legal administrators, members of legal support staff or legal vendors, we rely on the mechanisms of the justice system to serve our constituents. The hope is that somehow, someday, justice can be served each day at our courthouses in a fair and equitable fashion.

Our nation's courts are grappling with a warp-speed technology cycle that not only has effects on the services they provide citizens but the enforcement of laws. One only has to read the daily headlines of leading newspapers to learn about the challenges of privacy issues associated with the use of technology and most especially eavesdropping laws - just one narrow issue that has a domino effect of law suits and court challenges. eDiscovery has grown into a multi-billion dollar industry over a very short period of time and all legal professionals are struggling to keep up with the ever-changing landscape. Court documents and data, at one time, only accessible at the courthouse or through guarded and secure systems from LexisNexis and Thomson Reuters Westlaw, are now accessible to almost anyone with an Internet connection or smartphone. Redaction of private and incriminating data has become a critical demand of the courts.

Not only is the ability to keep up with technological trends a tremendous test for the courts, but also in almost every jurisdiction, funding has been significantly cut. At the same time case loads are increasing and greater scrutiny is exercised with regard to private vendor contracts with the courts. And some vendors may shy away from court contracts due to the potential low profit margin and slow cycle of payment by government contracts.

Most state court administrative offices are ill-equipped to handle today's sophisticated level of technology and tend to lean on the conservative side of decisions which can be more costly for the courts. What comes from most state AOCs are suggestions without mandates, so the adoption of technology practices, e.g. eFiling, are barely effective and adopted by few. Elected court officials trend toward making technology decisions to get themselves re-elected, but these cost court staff twice the work because the legislature can't keep up with modifying statutes, and/or judges are insistent that paper courtesy copies be hand-delivered.

Standards have been recommended by groups like OASIS - Legal XML standards, and NIEM (National Information Exchange Model) – but are barely being adopted by the courts and court agencies. Not only do private law firms grapple with case management discrepancies of data, but more importantly, government agencies that work in parallel with the courts are having very limited, if any, direct data connections to the courts. Often entry of the same data is duplicated, quadruplicated, etc. even though simple standards and the use of secure web services could eliminate hours of unnecessary work.

So how do we help the courts? How do we help government agencies that are tied to the courts? How do we help the private sector? How do we help the pro se litigants?

Just like in 1776, a full-out, drastic, technological revolution for the courts and its sister agencies is what is needed to save our courts from great peril. Sounds dramatic and dashing, does it not? How about establishing a Peace Corps-like army of IT college grads and post-grads, arming them with the knowledge they need to get our courts on track and deploying them to every state and federal court in the nation?

What about creating an open source repository for the courts to give them the code sets necessary to build the infrastructure and services to match the current and future technological demands? Can't we mandate adoption of data standards in a realistic timeframe so court and interagency communication can take place - and also include the private lawyers and law firms so they can also take advantage of the data interchange?

How about funding this in a creative manner so it doesn't cost any one, particular entity - the public, the private sector or the courts themselves - a large chunk of money?

I don't think we can deny that groups like the National Center for the State Courts and the National Association for Court Management are good at supporting the courts, leading them to some very solid solutions, and providing best practices for court technology. They can continue to help guide the standards needed and technological architecture and provide the lessons learned from various courts when implementing technology.

Over the years, as I have watched court technology crawl along, it's obvious that only a revolution and a concerted, relentless effort can get us to a point where we can faithfully say under our flag, "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." Yes - swift justice for all!



03 July



eDiscovery in America - A Legend in the Making

WRITTEN BY - Christy Burke, President of Burke and Company

Featuring Barry Murphy, Analyst with The eDJ Group and Contributor To eDiscoveryJournal.com

In honor of tomorrow being July 4th - Independence Day here in the US – LTO spoke with eDiscovery analyst and expert Barry Murphy of The eDJ Group, Inc. and eDiscoveryJournal.com about eDiscovery in America – looking at its past, present and future in the land of the red, white and blue.

Early Days of the eDiscovery Frontier

Like periods of America's own history, eDiscovery started out as a Wild West frontier with little governance and lots of pioneers and cowboys staking out new territory. Barry recalls that eDiscovery became a major factor toward the late 1990s and 2000 as several phenomenon converged, including the growing domination of email for business communication versus paper, scanning technology reaching its maturity, and the US government increasingly accepting digital images of items such as checks instead of requiring paper originals.

When the Federal Rules of Civil Procedure (FRCP) were amended in 2006, eDiscovery's momentum was further accelerated to a dramatic degree. Still in effect today, the FRCP rules stated that all electronic assets were subject to discovery, and that gave a massive push to the eDiscovery industry which is now a multi-billion dollar market. However, the FRCP rules are fairly broad, vague and non-prescriptive, meaning that they don't explicitly tell people exactly what to do so there is ample room for interpretation – and error.

Examining eDiscovery in the US vs. Elsewhere

Clearly, the eDiscovery burden affects all nations to some extent because computers are everywhere, but what is unique about eDiscovery in America? Barry explains that the US looks more all-inclusively upon privacy than the rest of the world, requiring transparency and greater disclosure of information, as well as blurring the lines between personal and professional communications. A personal email may be used as evidence in a corporate litigation so employees' gmail and Hotmail accounts are potentially discoverable here.

In contrast, Barry explains that a typical Western European company's goal is to protect the privacy of employees in whichever countries they are based. However, the US requires these companies to comply with American rules when operating in its jurisdictions. Basically, if another country's privacy rules conflict with US ones, the foreign entity can decide to violate rules of the US or its own country – either way, it will incur the wrath of one of the courts – it's a catch-22.

Other countries like China are stricter in terms of allowing collections of eDiscovery to cross their borders. In fact, Barry notes that unfortunate eDiscovery consultants from major consulting firms have been detained or thrown in jail for attempting to transport hard drives out of China to get them back to the US.

American eDiscovery Trends, Present and Future

Barry truly believes that eDiscovery trends and issues are becoming so pervasive that they will eventually reach the desk of the American Presidency.

Here are some American eDiscovery-related trends that Barry says are gripping the nation at this time and will impact the future of legal:

Evolution of Cloud Computing

Cloud computing is affecting eDiscovery because the well-named “cloud” is so vague and the case law surrounding it is fairly minimal. In many instances, there are no clear standards for who takes responsibility for the data stored in the cloud – cloud vendors don’t want to sign indemnity clauses, but law firms and GCs are requiring such clauses before buying cloud solutions. The fact that corporations and law firms are moving to cloud-based platforms without considering the eDiscovery issues muddies the waters further – it’s just a matter of time before some of these situations blow up into large-scale litigations.

Trend Toward Defensible Expiration and Deletion

Inside and outside counsel need to get their houses in order and take out the electronic trash; this entails getting rid of documents, emails and backup tapes that are obsolete. Certain organizations are starting to mobilize to create information governance strategies that address this. Barry estimates that about 33% of organizations have active defensible deletion or information government plans in place, 33% are planning to, and about 33% don’t have a plan in place yet – and are perhaps still saving everything, which could mean disaster in the event of litigation.

Rise of Analytical Technology

Some of the most important drivers in eDiscovery technology today are lowering costs and minimizing risks. These priorities have given rise to analytical technology that automates processes formerly performed by lawyers and legal staff. This includes much-heralded predictive coding and assisted document review.

Lawyer Jobs in Litigation Review Dwindle or Migrate

Technology continues to get smarter and more efficient so lawyers’ eyeballs are needed less and less. Though great for keeping costs down, this has an overall effect on lawyer jobs and the money lawyers make – instead of a 6-figure salary, many lawyers now have to compete for jobs to review documents for \$30/hour. Some are even going back to their law schools asking for financial assistance because they cannot find jobs or pay off their loans. And lawyer jobs in more expensive cities such as New York and San Francisco have migrated to less expensive markets such as Dayton, OH, Charlotte, NC and Kalamazoo as part of a trend Barry describes as “farm-sourcing” or rural outsourcing.

Battle of the eDiscovery Credentials

Acknowledging the recent controversy about eDiscovery credentials awarded by various bodies such as ACEDS and the OLP, Barry and eDiscoveryJournal are conducting an eDiscovery Education Training and Certification Survey (<http://bit.ly/LdAxui>) which seeks to benchmark which programs people have enrolled in and how the credentials have helped them get jobs. Time will tell as to whether the US government will eventually get involved to dictate eDiscovery certification criteria across-the-board.

Overall, Barry says that eDiscovery is moving toward greater levels of standardization and that the industry will continue to consolidate. Legal and IT professionals realize that real, solid standards are needed to avoid the costly nightmares that have exploded in their faces over the past several years.

The Decade Ahead

The next ten years will present major changes in eDiscovery in America. What was once a Wild West has now become more organized with the pioneers having blazed a trail so the settlers could create more stability and predictability, otherwise known as case law precedents. There is still room for more law and order to govern the process, and judges are demanding that counsel learn more to properly serve clients' needs. Lawyers and legal IT who fail to educate themselves are doing their clients, and themselves, a great disservice.

The pioneer spirit is still alive and well and there is currently much discussion about revising the FRCP rules to include be more specific and descriptive on a number of topics, including data preservation and sanctions. In fact, the Advisory Committee on Civil Rules met this past March to discuss amendments to the FRCP. The jury is still out on what will happen there.

Certain states are bucking the system, too – for example, the Pennsylvania Supreme Court recently rejected the FRCP rules for state actions (as covered by the eLessons Learned blog here on June 12th: <http://ellblog.com/?p=2991>).

US history is full of great tales of victory, and the eDiscovery industry is clearly a legend in the making. How many other business sectors have continued to grow exponentially in the face of an international recession? Very few. Time will tell as to whether eDiscovery will continue to grow as a separate entity, level off, or eventually be absorbed into larger companies like IBM and EMC that do enterprise content management and information governance. For now, we can be grateful for controversy and excitement and dollars that eDiscovery has brought into the legal arena. After all, the Fourth of July is never any fun without some fireworks!



05 July



Calling for Canada to Shed Its Provincial, Outdated Approach to Legal Technology

WRITTEN BY - Luigi Benetton, Legal Technology Writer

Canadians just celebrated Canada Day on July 1, and many of us took Monday July 2 off work, making a long holiday weekend of it. Many Canadian lawyers wish they didn't have to come back to the inefficiencies of the legal system, but that's what they're doing. (I'm not a lawyer, but I speak to enough of them that I feel comfortable writing this.)

Of course, Canadian lawyers aren't alone in the world in bearing such frustrations.

And please don't take my words to mean that all justice systems throughout Canada are in the dark ages. When Canadian lawyers talk about eJustice systems that belong in the 21st century, they commonly point west to British Columbia. B.C.'s Justice Information System (a.k.a. JUSTIN) provides a criminal court information database accessible to the judiciary, court services, crown counsel, corrections and police.

BC has also been providing civil e-search since 2004, e-filing for civil matters since 2005 and criminal/traffic e-search since 2008. (Note: I took much of this information, and cribbed the last sentence, from an article I recently wrote for Lawyers Weekly Magazine. See the full article here: <http://luigibenetton.com/2012/06/online-court-document-system/>.) Systems like Public Access to Court Electronic Records or PACER (pacer.gov) prove that the eJustice movement is thriving in the U.S. as well.

All that said, other jurisdictions in Canada aren't as advanced as B.C. Take Ontario, for instance, where I live. In Canada's most populous province, legal staff still line up at a court office to file motions, then at another one to submit other documents... you get the idea, and if you want to know more about what Ontario lawyers face, read this article by Melissa Wilson of Precedent: (http://www.lawandstyle.ca/index.php?option=com_content&task=view&id=2091&Itemid=251). (Check out the somewhat snide Sept. 14 comment at the end of this article which blames Ontario's outdated courts on Ontario's Premier's bending over backwards for labour unions.)

Even the judges are getting tired of this old-fashioned, cumbersome court system. I quote Ontario Justice David Brown's March rant as I read it in a Globe and Mail article headlined "Judge bashes Ontario's archaic court document system" to make the point. Here's what I consider his best nugget:

"Consign our paper-based document management system to the scrap heap of history and equip this Court with a modern, electronic document system. Yes, Virginia, somewhere, someone must have created such a system, and perhaps some time, in an another decade or so, rumours of such a possibility may waft into the paper-strewn corridors of the Court Services Division of the Ministry of the Attorney General and a slow awakening may occur."

Even news items about forthcoming systems, like this one in the Financial Post (<http://www.financialpost.com/m/wp/legal-post/blog.html?b=business.financialpost.com/2012/05/09/ontario-moves-toward-digital-court-records>), are tinged with skepticism.

Writing this post runs counter to my own leanings as a technology enthusiast and copywriter/journalist who writes for and about technology leaders in the field. I don't want to end this post on a negative note, and I won't, even if I have to use a tangent to the topic of eJustice to give it a positive spin.

I recently wrote an (as-yet-unpublished) article about online bar associations. During my research for this article, a lawyer I know introduced me to the Internet Bar Organization. The IBO does many interesting things, but here's what stood out for me: IBO members study the inter-jurisdictional business models of Internet giants like eBay or Amazon to provide developing countries with justice systems that are cost-effective and enable entrepreneurs to flourish.

And when parties in North America engage in a dispute, use of eJustice systems could reduce costs in many ways, both obvious and less so. For instance, discovery guru Dominic Jaar (<https://www.kpmg.com/ca/en/contact/pages/dominicjaar.aspx>) told me that eFiling systems could be configured to perform eDiscovery, saving parties that engage in complex litigation thousands of dollars in review costs.

Such systems likely wouldn't work across all areas of law. But could you imagine that type of logic - cost-effective justice systems - finding its way into more areas of law? Is this too unrealistic to hope for? Let us know in the comments below.



09 July



The Future of Legal Technology and Legal IT

WRITTEN BY - Randi Mayes, Executive Director of ILTA

“The trouble with our times is that the future is not what it used to be.”
--- Paul Valéry, French poet and essayist

Monsieur Valéry’s observation is not only clever, it’s pretty darned accurate. The unprecedented pressures on today’s legal community at large — global economic instability, consumerization of technology, demands for new pricing models, increasing complexity and ubiquity of threats to information security, etc. — provide both challenges and opportunities. That’s where technology and the folks who champion and support that technology in the legal profession take center stage.

Technology: Richard Susskind’s “The Future of Law” was first published in 1996, a year that now seems from a distant era. His vision of law firms as information providers seems closer to reality when aligned with the current commoditization of information, the facility of social and professional connections, and the move toward a true cloud environment.

To address the unprecedented pressures on the legal community described above, our technology providers are giving us tools to harness and manage knowledge. In parallel to the increasing volumes, velocity and varieties of information and data, technology advancements now occur at a speed that even Susskind could hardly imagine in 1996. Intelligence culled from information will drive the future of legal technology — our KM and litigation support folks have known this for some time. Pricing model applications, security software, legal project management tools, business relationship analytics and much more will continue to support our changing legal landscape.

Professionals: Those who are faced with the challenges of leading and supporting technology change in their firms are finding great professional opportunities. While the current job market is a bit daunting, I believe some very interesting careers await those who can creatively refocus their skill sets and talents to meet the demands of the future. Much of this evolution has already begun; much more is on the horizon.

Consider these present and future trends:

- Knowledge management experts have emerged from our law libraries (and our law schools!)
- Client relationship and business development professionals are using their experiences from the trenches of traditional IT, finance and marketing to provide deep value to their firms
- Pricing model gurus will be in demand by business-savvy law firms
- Talent management leaders will arise from unique combinations of skills that were utilized across several functional departments
- LPO managers of the future will come from attorney and paralegal ranks

In all cases, future directors and C-level individuals will use their technical savvy, their business acumen, their communication skills, their social networking prowess and all the know-how that they've acquired in their firms. They'll refocus, repackage and reinvent themselves for positions that will be very much in demand.

Many law practices are changing and adapting, and those that lead the charge will likely thrive in the years ahead. That concept is one that many at the International Legal Technology Association (ILTA) embrace. In fact, we have a forward-looking initiative, Law2020® (<http://read.uberflip.com/i/67910>), to provide education and resources to help smooth the path. Upon further reflection, I suggest an amendment to Monsieur Valéry's observation: "The excitement with our times is that the future is not what it used to be."



09 July



IT-Lex and The Sedona Conference® Provide Help to Learn eDiscovery and Technology Law

WRITTEN BY - Christy Burke, President of Burke and Company LLC

Examining how small the legal tech world is within the legal IT community as a whole, we can readily acknowledge that the massive need for education is a formidable challenge. The gaps between what an everyday lawyer knows about technology, and what IT knows about the practice of law, are now being properly recognized as a huge divide. For the past 15 years or so, this technology law chasm has been bridged by a precious few organizations, lawyers, IT professionals, experts and vendor consultants who have thrown their bodies on the proverbial railroad tracks to try to keep their less informed colleagues from crashing headlong into the abyss.

Perhaps enough crashing - in the form of fines, sanctions, lost cases and abject humiliation - has now taken place so that many lawyers and law students are now steadily realizing that they must learn about technology, whether they like it or not.

The good news is that there are great organizations out there, both established and newly minted, that are devising new and exciting ways to educate legal and IT professionals. Two such bodies are IT-Lex and The Sedona Conference®.

IT-Lex – Educating Legal Professionals and Students

IT-Lex is a not-for-profit recently founded by lawyers Adam Losey, Ralph Losey, and Samir Mathur. The entity is quite new and aims to bring new blood into the eDiscovery and technology law arena, linking up “technology law scholars, educators, seasoned practitioners, young lawyers, law students, paralegals, technologists, and anyone else with an interest in this constantly-evolving area of law,” according to its website.

Law students are the attorneys of tomorrow, of course, and today’s go-getter law students are hungry for eDiscovery education – or if they’re not, they should be if they want to be successful lawyers one day. Christopher Danzig of Above the Law posted on June 4th: “E-Discovery in Law School: Yes, You Need to Learn This Stuff”. Adam Losey from IT-Lex agrees with this 100%.

An associate at Foley & Lardner, Adam was a teacher prior to becoming a lawyer, and he taught eDiscovery as an adjunct professor at Columbia University. Losey has what he refers to as a “fire in the belly” about eDiscovery education and says, “Lawyers need to get educated on eDiscovery or they will find it hard to compete in the increasingly competitive market for legal services. If litigators don’t get savvy, they’re going to flounder.”

This eDiscovery passion runs in the family- Adam’s father, Ralph Losey is a partner at Jackson Lewis and creator of the e-Discovery Team®, a blog and education resource that has is widely read and respected.

Adam stresses the need for law students to learn about eDiscovery, whether their law school offers courses on it or not. In order to bring law students and other professionals into the eDiscovery conversation, Adam explains that IT-Lex is launching a number of initiatives including a blog, video clips, and events.

IT-Lex is also sponsoring a merit-based writing competition for law students, and will open for submissions in the fall. The top three winning entries will be published in the IT-Lex Journal, receive invitations to join IT-Lex as Members, and will receive \$5,000, \$1,000, and \$500 prizes (respectively). Entrants must be law students in good standing at an ABA accredited law school.

Today’s legal job market is blisteringly competitive. eDiscovery knowledge is an edge that will make law students more attractive to firms and corporations; IT-Lex is providing real help in this regard.

The Sedona Conference Resources

The Sedona Conference, a non-profit organization, was founded in 1997 by lawyer Richard G. Braman and is funded by donations from corporations and law firms, membership fees, and fees paid to attend its events. According to Kenneth “Ken” J. Withers, Director of Judicial Education, Sedona has 10 working groups that meet and discuss cutting edge issues in the areas of antitrust, complex litigation and intellectual property rights, including issues relating to law technology and eDiscovery – problems that don’t have easy solutions. He highlights that Sedona encourages cooperation among parties in the fact-finding phase of litigation, which speeds things up and reduces costs at the same time.

The working groups draft commentaries which are then vetted and honed through dialogue fostered at events such as The Sedona Conference Institute (TSCI). TSCI is a 2-day summit bringing together thought leaders from legal and IT to discuss the most current and pressing eDiscovery and legal IT topics of the day. Ideas, opinions and education also come to life through a series of webinars that Sedona provides.

Ken explains that much of Sedona’s efforts in this space are litigation-oriented and designed to produce content that will help judges, lawyers, IT and records management professionals. Sedona’s work is also relevant for internal audits, investigations, information governance and management issues.

Sedona is particularly appreciated by judges because the results are considered practical, non-partisan, balanced and from the trenches. Ken notes that more than 250 cases have cited to The Sedona Principles and conferences. Also, since there is little money available in government budgets for judicial education and so many cases today have elements of technology, Sedona is that much more valuable for judges. Ken says, “Sedona needs to go out to where judges are to try to get on the agenda, and to bring the educational programs directly to them.”

Here are some interesting Sedona initiatives coming up in the near future:

Video Training of Meet and Confer Session including Judge Shira A. Scheindlin – A total of 3.5 hours of video footage will be sliced into 15-minute self-teaching guides applying to various Sedona commentaries. CLE format will be available online later this year.

Town Meeting at ARMA Conference in September – a forum to discuss how Sedona can be more helpful to records managers.

Revised Judicial Resources– will be divided into 20 segments and will include background educational materials and references to court decisions as well as a chat function exclusively for judges to collaborate, discuss and ask/answer questions.

Fourth Edition of The Sedona Conference Glossary - produced by Sedona’s RFP+ User Group and Vendor Panel. The frequently cited Glossary contains objective definitions of commonly used terms in eDiscovery and legal technology. The currently available third edition is currently available for free download.

Ken also mentioned an innovative project planned for February 2013 which will train litigators on practical cooperation. Sedona is limiting participation to 50 people for a 1.5 day simulation of best practices to cooperate during the discovery phase of a civil litigation case that will be enacted from beginning to end. Unlike most Sedona events that are held behind closed doors and kept confidential, this session will be videotaped and then will be made available to the general public for educational purposes.

American poet Robert Lowell once said, “If we see light at the end of the tunnel, it is the light of the oncoming train.” For legal and IT professionals that have been caught off guard by technology issues that cost them pain, time and money, the legal technology “train” has been a destructive force. However, fortunately, because of organizations like IT-Lex and The Sedona Conference, and countless other tried and true legal technology leaders who have been leading the way, it’s becoming easier for legal and IT professionals to avoid the oncoming train and see a positive outcome revealing itself. We admittedly still have very far to go, but much more of the legal community is on the right track.



11 July



Adapt to Legal Technology or Die- Monica Bay Predicts a Darwinistic Future

WRITTEN BY - Monica Bay, Editor-in-Chief of Law Technology News magazine

Like it or not, legal technology is here to stay, and “gentlemen’s agreements” to ignore it will mark you as doomed faster than a hunky dude morphs into a werewolf in teen movies. Lawyers who refuse to recognize that technology must be integrated within the practice of law will fail. Today’s lawyers and firms need technology to help them deliver “better, faster, cheaper” legal services to their internal and external clients. Darwin is always right: Adapt, or die.

Hot Trend: Bring Your Own Device

The big trend right now is “Bring Your Own Device” or BYOD, fueled by the explosive popularity of Apple’s iPhone and iPad (and other mobile devices) and the development of secure cloud computing options. As I wrote in a recent commentary in Law Technology News (<http://bit.ly/Mno6xz>) BYOD has been simmering for at least a year. Our Feb. 2011 cover story, “Resistance is Futile” (<http://bit.ly/fZLcwl>) surveyed how our profession (not exactly known for being first adopters of any technology) was beginning to adapt to the demands of lawyers who insisted on bringing their iProducts to work.

A year later, in our Feb, 2012 issue, Doug Caddell, former CIO of Foley & Lardner, drew a line in the sand in his essay, “Yes, Please,” (<http://bit.ly/fZLcwl>) saying CIOs, not lawyers, were blocking BYOD and other technologies. That is a huge change! He asked, “Are you a leader in moving your firm ahead, or are you holding the firm back from the change that firm leaders desperately want and need?”

And Caddell was not the first to suggest that the acronym CIO might now stand for “Career Is Over,” because so many IT directors are out of touch with real business needs of law firms. OTOH, CIOs who understand the changing dynamics are learning to align their units with their organization’s business goals, and redefine their jobs and teams, and are becoming leaders of the evolution!

A Rose By Any Name: Predictive Coding

That’s just one example; others abound. For example, the e-discovery community has been up to its eyebrows coping with the changing terrain of litigation technology; most dramatically, with the emergence of predictive coding (aka technology assisted review) that uses a combination of human skills and computer algorithms to find relevant data from massive document sets. And compliance and risk management challenges will soon make e-discovery seem like child’s play.

Legal and IT professionals must educate themselves on legal technology products and services, even those outside the traditional realm. Why? One word: Darwin. If you sleep, you rust.

How can readers can further their knowledge of – and develop their careers in - legal technology?

You know I can't resist: read Law Technology News, of course! Attend conferences, challenge yourself, volunteer to speak on panels! If you are mid-career, consider broadening your resume with another degree. If you are a lawyer, would an executive MBA give you an advantage with clients? If you are IT, lit support, or a paralegal, is it time to go to law school (or B-school?)

When facing a problem, look to what parallel industries have done — are there transferrable lessons? Network, network, network. Develop trusted peers and mentors you can turn to for advice — then become a mentor and carve out time for your peers. If you are a Baby Boomer, make friends with a more tech-savvy young lawyer — and you will both learn from each other.

Be humble. Park any law school-induced arrogance at the door. Yet don't be afraid to have some healthy OCD streaks. As Steve Jobs said, "Think different" -- challenge the status quo. As Mendelssohn wrote, in *Elijah*: "Be not afraid!"



12 July



Legal Technology Concludes Today, Inviting you to Continue the Conversation

WRITTEN BY - Christy Burke, President of Burke and Company LLC

Socrates once said, “The unexamined life is not worth living” – very wise words indeed - so in the past 6 weeks on Legal Technology Observer (LTO), we have set out to examine the trends, topics and perspectives that are driving today’s legal technology world. We have had more than 18,000 readers visit the blog! With the insightful help of many of the industry’s most respected experts (see list below), we have been able to provide practical, useful and relevant information to reach exponentially more lawyers, IT and administrative staff and bring them into the legal technology conversation.

What’s more, we have proven that there are plenty of resources available for lawyers, legal staff and technologists to access in order to build their knowledge of legal tech.

As many of our featured experts said, legal technology and electronic discovery issues are not going away – in fact, they are on the upswing. So, rather than being discouraged and viewing this as a lot of extra work, perhaps instead we can focus on how fascinating these topics can be and that knowing more about them helps us do our jobs better.

Objectively, it makes common sense to take on learning proactively rather than waiting for the worst to happen, even if doing so seems less convenient at first. British writer Gilbert K. Chesterton said, “An adventure is only an inconvenience rightly considered. An inconvenience is only an adventure wrongly considered.”

Legal Technology Observer has truly been an adventure for our Burke & Company staff writers including Melissa DiMercurio, Ada Spahija, Taylor Gould and me. We are exceedingly grateful to all the experts who worked with us, and also to those of you who read, commented, tweeted and reposted our content.

And most of all, we are thankful to Rob Ameerun, owner of Legal IT Professionals, who worked with us daily to produce this blog, and who works tirelessly every day to help thought leaders and vendors get their valuable news out to the world. Thank you, Rob!

This final piece officially completes our 6-week LTO experiment, but the discussions don’t need to end here. Please continue to write comments about individual posts, send us feedback about the series as a whole, or feel free to suggest a topic for LTO, in case we have a sequel!



Thank you to all of our experts and contributors and a special thanks to Rob Ameerun and the Legal IT Professionals Blog for hosting Legal Technology Observer!

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