Helping You Part the Clouds:

Using Technology in the Practice of Law

A presentation by Ian M. Alden, Esq.

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About the Presenter

Ian M. Alden has been a practicing attorney in the State of New Mexico since 2015. He graduated and received his Juris Doctor (JD) degree from the University of New Mexico in 2015 and his Master of Laws (LL.M.) in Taxation from Boston University on 2017. He is currently a Senior Associate Attorney with Law 4 Small Business, P.C. His legal practice includes Mergers and Acquisitions (M&A), startup consultation, tax planning, estate planning, and nonprofit representation.

Mr. Alden also holds an Associates Degree in Computer Science from Central New Mexico Community College and has more than fifteen years of experience in the Information Technology field. He has worked with lawyers and law firms to design and build out their IT systems in a way that makes technology both accessible and enjoyable to use. He also develops document automation and process automation software leveraging Python, JavaScript, and YAML.

In his spare time, Mr. Alden enjoys the great outdoors, New Mexico United games, and most anything with green chile in it.

Presentation Outline

1. Understanding your IT systems
2. Doing More with Less
3. Key Concepts for Lawyers and Law Firms
4. Growing Sustainably – and Planning for Contingencies
5. How can I mess this up?
6. Practical Next Steps

UNDERSTANDING YOUR IT SYSTEMS

Information Technology

Loosely defined as the computer systems (hardware), software, and networks used to communicate, process, and store information.

Stop and think about that for a minute – what is the purpose of the IT systems we're using?

UNDERSTANDING YOUR IT SYSTEMS

IT System Purposes

Communicate information

- Phones
- Email
- Facsimile (Fax)
- Messaging platforms
- Teleconference/video-conference tools
- Websites
- Case Management Systems

Process information

- Commerce software
- Customer Relationship Management (CRM) platforms
- QuickBooks
- Case Management Systems

Store information

- On-site server
- On-site Network Attached Storage (NAS) devices
- Dedicated cloud storage
- Hybrid Storage
- Case Management Systems

UNDERSTANDING YOUR IT SYSTEMS

Hypothetical Law Firm Setup – Greg the Lawyer

Greg has owned and operated his own law firm for 25 years. His firm has an established tech system that includes:

1. 1.5Mbps T1 DSL Internet from CenturyLink
2. CenturyLink POTS (Plain Old Telephone Service) phones
3. A mix of PC and Apple workstations for each employee, with some using personal laptops
4. A CAT-5 wired network that only connects some of the offices, with others using Wi-Fi
5. Two generic "Gmail" email addresses for the firm – one for admin purposes and one for client support – that multiple employees use
6. On-site file storage using a Network Attached Storage (NAS) device and some physical hard drives
7. Microsoft Office software licensed using personal (consumer) Microsoft 365 accounts
8. A website hosted on GoDaddy
9. A LinkedIn page
10. Salesforce CRM software
11. QuickBooks bookkeeping and accounting software
12. ADP Payroll
13. No Case Management system (list of current and past clients and ongoing matters is saved in a Word file)

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Doing more with less

Keep It Simple, Stupid (KISS)

Try to consolidate services (and service providers) where possible. Fewer interconnected, unrelated systems often means fewer potential fail points, more cost savings, better system integration, and a much easier time using and maintaining the system.

This does not mean forgoing systems your firm could actually use!

Doing more with less

Hypothetical Law Firm Setup – Alice and Associates PLLC

Alice started her own firm in 2015 and has the following setup:

1. Comcast/Xfinity Internet and Phone Service (bundled) w/ VOIP desk phones and smartphone apps
2. PC workstations for each employee
3. A CAT-6 wired network (connecting each computer to the internet and to each other) w/ Wi-Fi for other devices
4. Microsoft Cloud Storage (OneDrive/SharePoint for Business), web hosting (Azure), and email w/ included Microsoft Office software suite (Microsoft 365 for Business)
5. Facebook, Instagram, Twitter, and LinkedIn pages
6. Google My Business Profile and Bing Places for Business Profile
7. Clio Manage for Case Management
8. Clio Grow for Customer Relationship Management (CRM)
9. QuickBooks bookkeeping and accounting software w/ live bookkeeper
10. QuickBooks payroll service

Doing more with less

Hypothetical Law Firm Setup – Alice and Associates PLLC

Alice started her own firm in 2015 and has the following setup:

1. Comcast/Xfinity Internet and Phone Service (bundled) w/ VOIP desk phones and smartphone apps
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8. Clio Grow for Customer Relationship Management (CRM)
9. QuickBooks bookkeeping and accounting software w/ live bookkeeper
10. QuickBooks payroll service

Doing more with less

Hypothetical Law Firm Setup – Jones and Smith PC

The shareholders started their firm in 2019 with the following:

1. CenturyLink Fiber Internet and digital VOIP Phone Systems
2. Apple workstations for each employee w/ central Apple device management software for businesses
3. A CAT-6 wired network (connecting each computer to the internet and to each other) w/ Wi-Fi
4. Email addresses for each employee (and one for the business itself) (Google Workspace)
5. Cloud Storage (Google Workspace)
6. Productivity Software (Google Workspace)
7. A website (Google Cloud)
8. Facebook, Instagram, Twitter, and LinkedIn pages
9. Google My Business Profile and Bing Places for Business Profile
10. Zoho CRM with Google Workspace integration
11. Wave Accounting/Bookkeeping
12. Wave Payroll

Doing more with less

Simplicity is key!

1) Fewer vendors = fewer headaches and fewer points of contact if the systems aren't working correctly.

2) Fewer vendors = lower costs w/ bundled services

3) Bundled services/solutions often integrate better with one another, making them easier to use

Example: Microsoft 365 for Business/Google Workspace accounts give each user (1) an email address, (2) access to individual file storage, (3) access to *shared* file storage of the business, (4) a license to use productivity software (Word/Excel/Outlook/PowerPoint or equivalents), and so on – all of which can connect seamlessly with one another.

Doing more with less

Consistency is key!

1) If you're going to wire your office, *wire your office* – not just one or two rooms.

2) Don't adopt different systems for different employees. Keeping everyone on the same platforms (like it or not) streamlines setup, training, maintenance, and replacement (as needed)

Doing more with less

Follow-through is key!

1) System adoption requires commitment to the process.

2) Constantly changing systems means you'll never realize the full benefit from any of them

3) Likewise, *failing to engage in good-faith* to learn and make use of your new systems means you'll never realize the full benefit of them

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KEY CONCEPTS FOR LAWYERS AND LAW FIRMS

COST ISN'T THE ONLY CONSIDERATION

Lawyers have a professional obligation to safeguard their clients' sensitive information, which requires lawyers to adopt best practices and reasonable standards for data handling and management.

Rule 16-106 NMRA states that "[a] lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client."

What are "reasonable efforts"?

KEY CONCEPTS FOR LAWYERS AND LAW FIRMS

COST ISN'T THE ONLY CONSIDERATION

As is often the case with the "reasonableness standard", knowing what it entails means looking around and seeing what other lawyers and law firms are doing.

THIS IS A MOVING TARGET!

Technology is constantly evolving, and what were "reasonable safeguards" ten years ago are almost guaranteed to be woefully inadequate now.

<u>Helpful Hint:</u> Leverage resources designed for lawyers. Most Case Management systems are designed to provide industry-standard security processes to keep client information safe.

KEY CONCEPTS FOR LAWYERS AND LAW FIRMS

CASE MANAGEMENT SOFTWARE IS WORTH TAKING SERIOUSLY

Good case management software is designed to facilitate the practice of law – not hinder it.

Good case management software is also *comprehensive* – it can integrate calendars, emails, matter statuses, document and file storage, billing, trust accounting, and more

Finally, good case management software is *accessible* – there are many examples of case management software kept "under lock and key" – i.e. in a remote environment that everyone struggles to access. This is an example of bad systems design in the modern era of computing.

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GROWING SUSTAINABLY

Growth is important!

If your systems can't grow with you or be replaced, your tech systems could hold you back and hamper growth – or worse!

Good systems will be *replaceable* without a difficult transition or excessive down-time

Great systems will be *scalable* such that they can grow *with you!*

GROWING SUSTAINABLY

Examples

Popular cloud service providers (e.g., Microsoft, Google) offer plans that let you add or remove users with two clicks of a button

Popular VOIP phone service providers (e.g., Xfinity, CenturyLink, 8x8, Ring) let you add or remove "seats" as your firm grows, meaning you can add users, receive additional phones/other hardware, and connect them to your existing networks – with setup often involving little more than plugging the new devices in

GROWING SUSTAINABLY

More examples

Popular cloud file storage providers (e.g., Microsoft, Google, Dropbox) offer plans with costs that scale according to your usage. The more you store, the more you pay.

Popular web hosting providers (e.g., Microsoft, Google, GoDaddy, Bluehost, DreamHost, HostGator, etc.) will offer plans with costs that scale according to your storage, bandwidth, and system resources (CPU) usage – meaning the bigger your site gets and/or the more people visit it, the more you pay

PLANNING FOR CONTINGENCIES

As you already know…

Tech outages happen! Nobody can promise to be 100% free of outages or downtime – and if they promise it, they're lying.

Even big names like Amazon experience rare tech outages!

The important thing to note is that, while you can't prevent 100% of tech outages, you can take steps to minimize their impact.

PLANNING FOR CONTINGENCIES

Steps I can take…

1) Have a reliable IT support person (or persons) who can promptly identify the cause of tech outages.

Some outages are "on your end" and won't end until you fix them (e.g., "internet is down until you restart the modem/router")

Other outages may be vendor-specific and will be resolved by that vendor (e.g., Amazon Web Services is down, and so is my website I've hosted with them)

PLANNING FOR CONTINGENCIES

Steps I can take…

2) Have continuity plans in place to bypass specific systems.

For example, there are smartphone apps that can connect to your business's VOIP phone service and let you make *and receive* calls using your firm's phone number(s) with your cell phone connection

As another example, you can use your phone's mobile hotspot to serve in place of the office internet connection if your computer has wi-fi capabilities

As another example, you can use social media pages to make announcements if your website is down

PLANNING FOR CONTINGENCIES

Steps I can take…

3) Create strategic redundancies in the system to avoid catastrophic failures

For example, if you have on-site storage (e.g., an NAS w/ hard drives), also have cloud backup so that, if the NAS is broken/stolen/burns in a fire, you haven't just lost all your files

As another example, if you rely solely on cloud storage, have *that* backed up – even to another cloud storage account – in case your cloud storage account is hacked or someone accidentally/deliberately deletes the files.

As another example, use "redundant storage" or "file versioning" so that you can go back to previous versions of files if they're overwritten (by, say, Ransomware).

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How Can I Mess This Up?

How Can I Mess This Up?

It's pretty easy to mess this up, right?

It is with that attitude!

Making IT work for you is about being *proactive*. The worst IT setups are born of incremental fixes that aren't meant to work together as part of an integrated system.

What do I mean by that?

How Can I Mess This Up?

How Can I Mess This Up?

Okay… but what else can go wrong?

The "other worst" IT setups are the ones that are designed or approved by business owners who *aren't willing to engage* in systems planning?

It's not a bad idea to hire people who are able to design and implement these systems, but *only you* (and some of your employees, probably…) know exactly what these systems will be used for and how they'll be used. Your IT providers don't – so you can't defer to them and expect great outcomes. <u>What you personally put into the process will shape what you get out of it!</u>

How Can I Mess This Up?

… and what else?

The "other other worst" IT setups are the ones that are so overly complicated and convoluted that (i) nobody knows how to use them, (ii) they don't do the job you need them to, and (iii) they end up costing you time, money, and business opportunities.

For example…

How Can I Mess This Up?

Over-complicating things: a case study

Richard runs a law firm with 5 employees. He knew he needed a secure IT setup to protect client information, so he contracted with a firm that designs and sells virtualized system solutions to provide Richard with a whole new business setup.

That company set all of Richard's client management systems and databases up on a Virtual Machine that Richard and his employees must remotely connect to every time they want to use it. The system is hard to access, requires lightning-fast internet that Richard's office doesn't (and can't, because of its location) have, and nobody is getting any work done because nobody can access the case management software – or the connection routinely crashes.

How Can I Mess This Up?

Over-complicating things: a case study (continued)

What went wrong?

1) Richard purchased a solution without first identifying his *actual needs*.

2) Richard purchased that solution from a vendor who *only* deals in that one solution – so they couldn't have helped Richard identify his needs and realize that the solution they sell wouldn't actually work for Richard.

3) Richard didn't understand what he was buying into before he bought it.

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Practical Next Steps

What should I do here?

1) Find and hire someone who can help you design and build your system

- This *does not need* to be an "internal hire" or a full-time employee. There are *tons* of Managed IT providers who specialize in setting law firms up with IT solutions tailored-made for them
- *Do your homework* and research these providers before hiring them. Some utilize a "one-size-fits-all" approach and don't allow much customization

Practical Next Steps

What should I do here?

2) Map out your needs by mapping out your actual technology uses

- This can involve mapping out a customer intake process (from start to finish), an average employee workday, or your own daily routine.
- Identify every piece of technology you'll interact with during these hypotheticals, no matter how small

Practical Next Steps

What should I do here?

3) Identify your existing "friction points"

- These are complications with existing systems that you wish worked better.
- For example: if I hire an employee and I have to call my phone provider and spend an hour on the phone adding a line and ordering a new phone for them, that's a friction point.
- Another example: when potential customers fill out a contact form on my website, that form relays the info to me in an email, and I have to spend five minutes moving the information from that email into a Customer Relationship Management (CRM) system, that's also a friction point (really, two or more friction points)

Practical Next Steps

What should I do here?

4) Try to predict (within reason) your potential growth over the next 24-36 months

- You should be re-assessing your existing tech systems every 2-3 years, so you want to plan within that window to make sure what you're setting up *now* will be scalable enough and will last you that long.

Practical Next Steps

What should I do here?

5) Budget!

- Good tech systems are invariably going to cost you *something*.
- There's a difference between being economical and undercutting your own business.
- Recognize the investments in your tech infrastructure as a cost of doing business.

Practical Next Steps

What should I do here?

6) Get some input!

- Ask your employees what *their* friction points are -- and what their "wish list" is for improvements.
- Having employees contribute to the process generates automatic buy-in and helps ease the adoption process for new tech systems.

Practical Next Steps

What should I do here?

7) Make it happen

- All the planning in the world means nothing if you don't do something with it.
- As far as technology goes, all the planning in the world is obsolete 2-3 years after it's done.
- When you're ready and you've mapped out your new systems, brace for some growing pains and push the Start button.

Practical Next Steps

What should I do here?

8) Plan ahead for evaluations (and re-evaluations)

- Most tech systems need periodic adjustments every so often and dramatic revitalizations every few years
- Taking a periodic look at your systems and making small adjustments is like routine maintenance on your car. Can you do without it for a few years? Maybe – but it'll be a *very* unpleasant ride after a few years of that.
- Look at what other law firms are doing and ask how you can be improving your own processes *without upending everything*!

Q&A

THE END