

# Future-Proofing Your Law Practice

by Sharon D. Nelson, Esq. and John W. Simek

© 2017 Sensei Enterprises, Inc.

As we travel around the Commonwealth lecturing to lawyers on technology and security topics, we've met a lot of lawyers worrying about the future of their practices. Some are resigned. It is not uncommon to hear "I just want to hang on for a couple more years. Then I'll retire." The younger lawyers don't have that option. They are inclined to ask, "What can I do? How will I survive?"

VSB Executive Director Karen Gould wrote a column in the last issue of *Virginia Lawyer* in which she laid out all of the competition today's lawyer faces, from LegalZoom, Avvo and a host of alternative legal services providers. We are sure some of you found it dismal reading.

But take heart, there are ways to compete – and not only to survive, but thrive.

## It's a digital world

There is no way of getting around the need to educate yourself on the digital world. You don't need to be a technologist, but you do need a fundamental knowledge of the technology you are (and should be) using. Not only do ethical rules require that, it just makes sense. There are lots of CLE courses to assist you.

If you haven't gone paperless less, it is way past time. Lawyers waste interminable amounts of otherwise billable time searching for files. You can't compete if you refuse to take advantage of tools to keep everything organized electronically where it is easy to find.

If you haven't started to automate your practice yet, it is also past time. Incorporate as many efficiencies as you can into your practice. However, as one of our friends points out, many law firms have terrible processes. He advises "decrapifying your legal processes before you automate them." Memorable and excellent advice.

Outlook is not a case management system. You will improve your efficiency and your client services by using a bona fide case management system. You should also be using a time and billing software product. A best practice would be to implement a practice management system that includes managing matter information and billing/accounting.

Maybe it is time to explore a client portal, where clients can securely access documents, look at their invoices, etc. Many case management systems include secure client portals these days. Attorneys are flocking to client portals and clients love them. You want your clients to love their lawyer, right?

Remember, law practices are all about clients. Please them and you will reap referrals. Lawyers are beginning to understand that having emotional intelligence is critical to their success. If you don't know that term, Google it for stories of how it helps lawyers get and keep clients. One example? Clients today want to pay less for more – making your practice more efficient can accomplish that. Now you can more readily compete with alternative legal providers. And, by sympathizing and responding to your clients' needs, you have the perfect occasion to demonstrate the extent of your emotional intelligence, providing a win-win scenario.

## Fish where the fish are

This is an old saying of boat captains – and good advice for the modern lawyer. Where are your prospective clients today? Online. So make sure your website is easy to use, modern in appearance and kept up-to-date. Make sure it loads quickly and that it is mobile phone friendly. More than 50% of our own website traffic comes from smartphones, which is also why you need to be running Google Analytics reports on your website each month – learn where your traffic is coming from. These reports will also help you see whether improvements you’ve made on your website are bearing fruit.

For the most part, forget print advertising. In short order, it lines bird cages and house-trains puppies. What lives in the digital world has a much more extended life. Get to understand the effective use of online marketing tools such as blogs and social media sites. Reporters follow Twitter and scan for subject matter experts across social media. If your name is out there and your material is good, you’ll get calls. One of the best forms of advertising is being quoted in major publications.

## Cybersecurity – Getting to good

No law firm cybersecurity is perfect. And perfect is not the goal. “Getting to good” is a start. As we often say in our CLEs, law firms have data on many individuals and businesses; hence, they are especially valued targets. And they hold a lot of PII (personally identifiable data) as well as a lot of regulated data (SOX, HIPAA, Graham-Leach-Bliley, etc.) Fines and penalties for not adequately securing data can be stiff. Public shaming in the press can lead to clients beating a path to the exit door.

Recognizing that an advanced hacker with sufficient skill and funding WILL get into to your network, you need to have systems in place to detect a breach. You need to have an Incident Response Plan because no one thinks clearly in a crisis. You need to have your backups engineered so they are impervious to ransomware. At least one backup should always be unconnected to your network. Yes, cloud backups are fine, but you need at least two backup sets. Develop cybersecurity policies – and enforce them. Train your employees in cybersecurity at least annually and form a “cybersecurity culture” where everyone is mindful of security and trained in the “See something? Say something.” way of thinking.

If you are not in a large firm (over 500 employees), become familiar with the NIST Cybersecurity Framework standards. By the time you read this, a new version 1.1 will probably have been adopted. As that hasn’t happened as we write, just Google it.

## Think out of the box

This is not your grandmother’s or grandfather’s law practice. Clients want greater availability – they don’t want to have to take time off from work to see you. Offer extended hours. There’s a reason that major stores sometimes have law offices in them – you may be better located in a strip mall than in a traditional law office. Rotate shifts with other lawyers. Keep asking yourself what clients want.

Set aside quiet time to figure out how you can distinguish yourself from your colleagues and how to make your skills known. Speak, write, network with other lawyers, etc. And yes, networking is still key – so cultivate those personal relationships.

Make a plan for the future and follow up on the plan. If you practice law the way it was practiced 20 years ago, you are going to get run over by technology and alternative legal providers. Instead of being afraid that you will lose your job to artificial intelligence, figure out what new opportunities exist. As an example, we have certainly seen a marked increase in the number of lawyers handling data breaches

and privacy law matters. “Sniffing the air” for emerging opportunities is a great way to make sure there is viable legal work for you to do.

Finally, remember that many current lawyer functions – drafting wills, contract review, e-discovery review, business formation, legal research, etc. – is automated already or will be shortly. Some of this work is automated through expert systems and some through artificial intelligence – it really doesn’t matter which. Just as we were writing this article, a news story was published saying that the number of patents filed within the category “legal services and handling legal documents” has risen 484 percent in the last five years according to an analysis by Thomson Reuters of data from the World Intellectual Property Organization. There is little point in bemoaning the work that will be lost to lawyers – but there is plenty of work out there for those who are energized enough to strategize for the future.

*The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, cybersecurity and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) [www.senseient.com](http://www.senseient.com)*