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Legal technology trends for 2012

January is a time when many people pause to take stock of their lives and make plans for the months to come. January is also a perfect time to make the same appraisal of your practice, evaluating what's been working and what hasn't, and considering where you'd like the practice to be at this time next year.

The chances are good that any plan for your practice will involve at least *some* element of technology. With that in mind, we've put together a list of some of the likely technology themes and trends for 2012 to help you make the best possible plans for your practice:

- **Lawyers embrace the cloud.** The cloud is hardly new to lawyers, some of whom already rely on it to manage their practices, communicate with clients, or simply store their data. But the lack of ethical guidance has kept many from embracing the cloud, legitimately fearing that they might run afoul of their applicable rules of professional conduct. These fears are likely to ease in 2012 thanks to a series of cloud-related ethics opinions issued in quick succession in the fall of 2011. The opinions from Pennsylvania, Oregon and North Carolina all share a similar approach, advising lawyers that they may use cloud tools as long as they take reasonable steps to ensure that their clients' confidentiality is preserved.

- **More flexibility, more responsibility.** In the past, lawyers at firms and other organizations often had little choice about the technology they used. The employer made the decision, issued the technology, and the employees lived with it. Thanks partly to technology advancements and partly to the economy, employer policies now seem to be shifting. Rather than issuing standardized technology organization-wide, some businesses and firms are establishing requirement lists and allowing the employees to purchase any technology that meets those requirements. This has been particularly true with mobile devices like smartphones and tablets. While such an arrangement allows the employee considerable freedom and flexibility, it also comes with heightened responsibility: the employee is often charged with ensuring that the technology conforms to company policy, and may be personally responsible for maintenance costs.

- **Tablets go from toy to tool.** Though there are certainly lawyers putting iPads and other tablets to work in serious business settings, the popular image of the tablet remains rooted more in the living room than in the office. That may change in 2012, however, as the tablet market continues to grow and the serious business software developers follow the market. Expect to see more legal-specific and general business apps join the likes of TrialPad, iJuror, and the host of legal research apps currently available.

- **E-discovery gets faster, smarter, cheaper.** E-discovery makes lawyers understandably nervous. Its reputation for being expensive, difficult and fraught with ethical traps is well deserved. The good news is that the technology that powers e-discovery is evolving rapidly, and features like predictive coding, statistical sampling, clustering and near-deduplication promise to simplify and streamline the process. In addition, improved workflows, a renewed focus on metrics and the recently approved LEDES codes signal movement towards enhanced transparency and, one hopes, better cost control.

- **Windows 8 on the way.** Rumor has it that Windows 8 will hit the market sometime in 2012, but it isn't clear what sort of impact it will have. The track record of Windows updates has been mixed, with some stumbling badly (ME, Vista) and others finding widespread approval and adoption (XP, 7). Changes in the market, including the rise of mobile devices and an increased focus on Mac OS, add to the uncertainty. Lawyers may want to delay upgrading for at least a few months to see how well the new version is received.

- **Innovation starts small.** In the past, large companies like Google, Apple and Microsoft have driven innovation. But the emergence of mobile app markets and the ubiquity of smartphones have shifted much of the innovation from big to small, from established corporations to startups. Today, a talented solo developer with a good idea can put together an app and easily deliver it to millions of people— a concept that would have been unthinkable even just a few years ago. What's the lesson for lawyers? If you're looking for technology to put your practice on the cutting edge in 2012, you may want to think small.

Back to top