The Legal Tech Audit: Coming to the Internet Near You

When brute force fails, you're not using enough. This sardonic bit of engineering humor is practically an operating principle in the legal profession. Most lawyers are diligent and driven, willing to sacrifice sleep, health and human companionship to get the job done right and on time. The profession’s work ethic is commendable and should remain one of our hallmarks. But a singular focus on outcome at the exclusion of process can induce a kind of myopia. We are so busy pushing toward the finish line that we never slow down to determine whether we are taking the most direct route.

After moving in-house, I created an assessment that confirmed something I already knew: Most lawyers are seriously deficient at utilizing the time-saving features built into the basic tools of our trade — standard software like Outlook, Word and Adobe. I’ve personally tested more than 20 outside counsel, paralegals and law students. On average, they required five hours to complete tasks that should take less than one hour if the software is used correctly.

An online version of my technology competence assessment is nearing completion. Suffolk University Law School and a board of advisors — in-house counsel, outside counsel, law firm CIOs, professional trainers and even a federal judge — are expanding, refining and automating the assessment I developed. A pilot version of the automated assessment is already in beta testing by a few friendly Fortune 500 legal departments and AmLaw 200 firms. A separate beta will soon be available for testing at some affiliated law schools. Once the bugs are worked out, the Suffolk/Flaherty Legal Tech Audit will be offered to you for free to assess lawyers or staff, inside or outside your organization (though the total number of free assessments per organization may end up being capped to keep administrative costs at a sustainable level).

You will select test takers by providing their email addresses. Your test takers will be sent login instructions. When they have completed the Audit, you will be presented with the time it took them to finish the various modules, along with some context (e.g., target, percentile, median, mean) for evaluation purposes. Use this information however you wish. Personally, I’ve mandated training and reduced fees until efficiency improves.

The Audit is assignment driven. The test takers will work their way through modules based on common legal assignments, such as editing a contract and preparing an e-filing. Each assignment is broken down into discrete tasks that rely on the use of standard laborsaving features, such as track changes or PDF creation. At launch, the modules will only test the basics. The plan is to expand the Audit over time so that there is a menu of modules focused on different topic areas, such as cybersecurity and ediscovery.

Training is key. All of the features tested are easy enough to learn. But learning remains a necessity. Technological competence is not innate. The digital native is a myth. Age made no difference in how auditees fared. What is needed is a basic framework of understanding developed through structured learning and deliberate practice. Instead, end-users are left to their own devices, literally. Technology is purchased and deployed on the assumption that the end-users will figure it out. This assumption has been a disservice to the profession and its clients.

The Audit itself will not be made completely available in the public domain out of fear that someone will create a walkthrough (i.e., a step-by-step guide that enables completion without genuine learning). But the features tested will be published and made widely available to anyone and everyone for preparation purposes. This is not a game of “gotcha.” I want people to pass on their first attempt and for the core skills being tested to become so widely mastered that the original version of the Audit is quickly rendered obsolete.

Performing well on the Audit is not the sine qua non of good legal service. Rather, it is a mechanism for increasing transparency into how service is provided. The Audit is another item in the tech toolbox that will enable you and your company to drive incremental improvements internally and externally.

For more information, contact the director of Suffolk University Law School’s Institute on Law Practice Technology and Innovation, Professor Andrew Perlman at aperlman@suffolk.edu.