



Two paths for 21st-century law firms: innovation or extinction

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When I graduated from law school in 1995, the world was a different place. Legal still took place in law libraries using books. Windows 95 had not yet been released. DOS reigned supreme. The internet was just emerging on the scene — and cell phones were few and far between.

Fast forward 23 years and times sure have changed, haven't they? The effects of technology are inescapable and unavoidable. Nearly all aspects of our lives — and legal practices — have been affected, from how we communicate and interact with others to how we share information, collaborate and conduct business. And yet, despite the rapid technological advancement, lawyers continue to practice law just as they did in 1995.

Now, this isn't necessarily surprising. Ours is a precedent-based profession, and predicting the future based on what happened in the past has historically proven to be a very successful way of doing business.

Unfortunately, that methodology is proving to be acutely ineffective in the 21st century given the tremendous and unprecedented rates of technological change. Never before has the world experienced such an incredible rate of change at such a fast pace.

The inescapable result of the impact of technology on the legal industry is that lawyers must innovate in order to survive. Unfortunately, due to the unique characteristics exhibited by most lawyers, innovation is a surprisingly difficult task to accomplish.

According to Michele DeStefano, author and Professor of Law at the University of Miami, the personality traits of lawyers often stand in the way of an innovative mindset. In her recently published book, "Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in the Law" she explains that it's not easy for lawyers to innovate, in part due to the innate qualities of the types of people drawn to the law and in part due to our training.

For starters, lawyers tend to be skeptical. In fact, according to DeStefano, we're nearly twice as skeptical as the general public. We're also less trusting than the general public, which is no surprise given our high rates of skepticism.

Unfortunately, lawyers aren't a very resilient bunch either, with 90 percent of us scoring in the bottom 50 percent when it comes to character resilience. We're also more introverted than most, with 60 percent of us qualifying as introverts. Finally, as a group we tend to be very risk-averse — a trait that flies in the face of innovation.

In other words, as DeStefano explains, "The lawyer's temperament...is the opposite of what is required to succeed in the future — to creatively, collaboratively problem find and solve."

Does that mean it's hopeless? Is it impossible for lawyers to innovate? Of course not! The trick is to work on changing your mindset. DeStefano offers strategies in her book that are designed to do just that, so you might want to look into getting a copy.

In addition, take steps to learn about technology and how it's impacting the practice of law. Subscribe to legal technology blogs, buy a few more books, attend technology CLEs and approach technology with an open mind.

One book to consider reading is "Tomorrow's Lawyers: An Introduction to Your Future." In this book, Richard Susskind predicts how technology will affect the legal industry as a whole in the coming years and offers a roadmap for lawyers seeking to thrive in the new world order.

Susskind explains that adopting technology will be one of the primary drivers of success for law firms seeking to gain a competitive edge: "One key challenge for the legal profession ... is to adopt new systems earlier; to anticipate and grasp the opportunities afforded by emerging technologies. We need, as lawyers, to be open-minded and embrace change. We are living in an era of unprecedented technological changes in what our machines can actually do."

The bottom line: Technology is not your enemy, and change is inevitable. Approach both with an open mind and embrace them. Ignoring technological change in 2018 simply isn't an option.

Embrace change and innovate — or become extinct. The choice is yours.

Nicole Black is a director at MyCase.com, a cloud-based law practice management platform. She is also of Fiandach & Fiandach in Rochester and is a GigaOM Pro analyst. She is the author of the ABA book "Cloud for Lawyers," coauthors the ABA book "Social Media for Lawyers: the Next Frontier," and co-authors "Criminal Law and Procedure," a West-Thomson treatise. She speaks regularly at conferences regarding the intersection of law and technology. She publishes three legal blogs and can be reached at niki@mycase.com.

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