

Practicing Law @The Speed of Thought

By

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Fundamentally litigation and the practice of law is changing. In the 1850's when Abraham Lincoln practiced law he studied from law books, drafted his own pleadings with a quill pen, and had face-to-face client meetings. Then in 1985 the personal computer with its ability to process and store information at phenomenal rates started to move into the mainstream. At the same time the most powerful communication tool of all times – the Internet - began its rapid growth. Legal and factual information now could be stored, instantly retrieved, reused, organized and transmitted to the client or anyone at the whim and control of the user. What use to take a lot of personnel time to accomplish can now be done with less people and more computer and bandwidth power. In that short period of time technology has changed the rules of litigation and practicing law.

These changes will affect attorneys from the time a client walks through the front door (or the computer monitor) to the final appellate argument. The following changes are already taking place.

Virtual law firms. Low cost private virtual Internet offices (www.hotoffice.com) will allow lawyers to group themselves together from the same locale or different parts of the country and refer clients, share calendars, pleadings and other work-product, discuss legal issues in chat rooms, and accumulate other resources for the group to use without the necessity of having a physical location. These same “offices” can be set up with a client or clients with the same functions since the entry cost of setting up an “office” is as low as \$13 dollars per month per participant.

Law offices. Physical law offices will have less paper as electronic filing, e-mail and digital litigation collaboration drives law firms to set up digital document depositories. Users will be positioned in the office or at any remote location with a multifunctional device – printer, fax, copier and scanner - that will be their paper gateway into and out of the “digital” repository.

Office and client communication. With the emergence of the Internet, Extranets and Intranets office and client communication will grow at phenomenal rates. Using a standard Internet browser you or your client can have joint access to litigation action plans, case memos, document databases, pleadings, depositions, calendars, case discussions, and any other material important to your case.

Digital case documents, transcripts and calendars. Documents and other case material will increasingly be scanned into a digital format or obtained digitally from opposing counsel such as e-mail, etc. These materials will be available to the litigator either on a CD-ROM, hard drive, DVD or through a digital repository on the Internet.

Depositions & trial testimony. Court reporters writing real-time or court scopists using voice recognition can translate the spoken word into computer readable text that can be instantly viewed or sent to anyone in the world in seconds along with the audio and video of the proceeding.

Electronic interaction with the courthouse and other branches of the government. E-filing, accessing and viewing court records and calendars, corporate and tax filings, electronic ordering of car license tags and so on will proliferate over the next several years as government realizes that many of their functions can be ported to the Internet.

Training and CLE courses. Many legal related courses are already offered on-line but the number and quality of live and archived courses will see a dramatic jump in direct correlation to the integration of higher Internet bandwidth in the attorney's office. This type of delivery of training will be driven by cost and timesaving, quality materials and we will see learning increase as all forms of multimedia are used for these on-line programs.

Internet factual & legal research. The Internet provides literally millions of web sites to locate all kinds of information relevant to your cases. Practical uses of the Internet for discovery already available include product standards and specifications, locating fact and expert witnesses, locating businesses, products and services, reference materials, medical information, travel information, and so on.

Legal resource portals or centers. We will begin seeing legal portals that will offer a full range of one-stop shopping for the attorney. It will provide process service, court reporters, corporate filings, e-filing assistance, data coding, imaging, hypertext briefs, form pleadings, document and transcript depositories and a host of other electronic legal services for the practitioner.

Litigation, settlement and damage calculations software. Litigation related software will continue to evolve and will become more full featured as functions such as real-time and outliners become part of the standard package. Litigation knowledge management software such as CaseMap will grow rapidly as lawyers realize that the issues, witnesses, documents and other information can be easily entered and linked together for use in depositions, opening statements, summary judgments, etc. Either using software on CD-ROM or online through the Internet the value of cases will be instantly determined as structured settlements, similar case comparisons, etc. will be done instantaneously.

Multimedia presentations in the courtroom. Paperless trials will become more commonplace as courts and practitioners realize that 30 to 50% of trial time is saved by using a paperless presentation format and are more effective in persuading the factfinder. Courtroom exhibits will be prepared on the fly in the courtroom with computers and digital presentation systems.

Virtual appearances of counsel & witnesses. Testimony or attorney appearances by video, text and/or audio can be sent real-time from anyplace in the world to a trial or other legal proceeding using a standard telephone line.

Hypertext briefs. The use of hypertext briefs will increase as law clerks and judges begin to understand the efficiency and portable nature of hypertext briefs.

The virtual law office will have no permanent physical location but will exist electronically wherever the legal professional is located. Competition in this new digital age will intensify and the law practice will lose its physical boundaries and will result in a global law practice. Driving implementation of these of these new applications will be time, money and quality. If we are successful in transitioning to this "age of networked intelligence" then, paraphrasing Bill Gates, we will be able to practice law @ the speed of thought.