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Leveraging The New High-Tech Paralegal

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In these economically challenging times, law firms are faced with increasing pressures to lower the costs for legal services. Although there are many ways to do this, common methods include leveraging the firm's investment in technology to automate the practice, thereby improving efficiencies, and delegating more routine tasks to paralegals. In fact, what is emerging in today's firms is the amalgamation of paralegals and technology, creating the concept of leveraging high-tech paralegals.

The notion of a high-tech paralegal is not about teaching paralegals how to use basic office systems, or taking information systems professionals and teaching them the law. It is about firms making a strategic move toward better leveraging two very valuable resources simultaneously: technology and paralegal expertise.

Why Do This Now?

Today, there are a vast number of paralegals with as many as twenty years of experience in specific practice areas. Think about the potential that this level of experience, plus some focused computer savvy, can provide to a law firm's or corporate law department's strategic business plan. In tough times, leveraging the high-tech paralegal may be one of the best options for providing cost-conscious clients with excellent service, while still keeping the bottom line in the black.

To make this a viable option, organizations need: 1) a trained, experienced paralegal in each of the firm's practice areas; 2) a commitment to implementing technologies that will streamline the routine or "commodity" aspects of legal services for everyone; and 3) a willingness by partners to allow paralegals to be intimately involved in the selection, implementation and utilization of the firm's technology.

Taking a capable paralegal away from his or her everyday duties to focus on technology issues may be a challenge. The temporary loss of productivity and billable time make this a difficult investment for some

firms to swallow.

This is where the firm must think strategically. They should consider that taking one paralegal out of practice to focus on practice-related technology will benefit all the other lawyers and paralegals. Not only will it keep them current with technology, but they will all be more efficient and consistent. In the end, the professionals will be able to perform tasks in an automated way that will take measurably less time than the manual processes.

It is no surprise that during economic downturns, many consumers of legal services will become either unwilling or unable to pay for legal services. Lawyers may need to provide discounts to maintain long-standing client relationships, or to help clients withstand financial difficulties. Whether the discount is in the form of a fixed fee for standard services provided, or a reduced hourly rate, the firm must be able to be more efficient in order to provide the same quality service for less. Firms that have already successfully figured out how to leverage resources will push the competitive edge and may pick up clients looking for more affordable solutions. In

addition, law departments may decide to leverage their resources as well and start bringing more legal work in-house.

Paralegals who have worked for many years in the same practice area bring a depth of understanding of the specific rules and procedures associated with a specific practice, as well as all the detailed work processes that go into managing a case or matter within that practice. The only other person with this kind of understanding might be the partner. And although most partners will agree that leveraging the firm's investment in technology is important, they want to be, with some exceptions, on a "need to know" basis with respect to how to use their computer system. Their time is better spent working on the substantive legal issues and managing client relationships.

Because many of the routine tasks assigned to paralegals lend themselves to automation, it is here where the firm will get its maximum value from the firm's technology. If the paralegals are able to embrace the new systems, they are well-positioned to act as catalysts and to encourage the use of the systems among the attorneys, as well as among the secretarial and administrative staff.

Streamlining Processes

Before the selection of high-tech paralegal candidates takes place, the firm's leaders must first agree on what the objectives of the program are, and commit to them as integral parts of the overall firm business plan. From these defined objectives should emerge a plan to organize and direct the program. It may be effective to bring in an outside consultant, or temporary program developer, to get the program headed in the right direction. The program will need to be managed by a practice support manager, perhaps a promoted paralegal with a lot of database experience, who oversees the management systems being developed and tested by the high-tech paralegals.

In order to make the best use of technology, every step of the work processes, from file opening to file closing, needs to be adequately represented and tested with the new systems. Paralegals are

well-suited to help define the processes and provide insights into the impact that different technologies will have on the practice group's workflow.

Following are examples of how a high-tech litigation paralegal might utilize technology to streamline and enhance litigation tasks:

Obtain facts from clients. Client facts can be input into forms that synchronize with a networked case management system. The information can be readily accessed by all who are working on the case, including co-counsel and the client, and easily inserted into correspondence, briefs and other documents used in preparing the case for trial.

Communicate information to the client. The paralegal can be responsible for directing the input of all case status information into the networked case management system. Thus, when a client calls to ask about the status on his or her case, the paralegal can query the case management system to see what the status is. Or, in the best case, the client can access the case management information directly on-line – especially if there are significant time zone differences.

Interview witnesses. During the interview, the paralegal may take a 60-second video clip with a digital camera to capture the witness stating his or her name, address, occupation and relationship with the parties in the case. The clip can then be indexed just like any other "document" in the litigation support system or document management system.

Perform limited legal research to assist the lawyer with the legal analysis. The paralegal can search for relevant information on the firm's CD-Rom library, Westlaw, Lexis and the Internet. Once located, the information is downloaded to the network and hypertext-linked to an attorney outline of the case issues, or saved in an electronic research folder set up for the case.

Obtain documents. Once requests for documents (i.e., police reports, medical records, employment records, deeds, plans, probate records, weather records, etc.) are made, the case management system can

track the date each record was requested and the date each was received. If the request and reply are especially important to have on-line (for sharing or reference), they can be scanned and indexed. For each record that is not marked as received within a time specified by the paralegal, an automatic notification can be sent to the paralegal via e-mail as a reminder to follow up on that record request.

Every record may be marked for relevancy, and eventually associated with case issues. The databases will allow for chronologies to be built of the evidence in the case and allow the paralegal to retrieve and organize the documents electronically.

Prepare drafts of pleadings, interrogatories and production requests. The paralegal may have form pleadings available on the network that are searchable by case type and pleading type. When drafting form documents, the case management system provides for the client information to be automatically inserted into the designated areas on the form.

Prepare drafts of responses to discovery requests. If the paralegal has a good rapport with the opposing counsel's paralegal, upon approval by the supervising attorney, a request may be made that the two sides exchange discovery requests electronically, either via e-mail or on diskette. If a digital exchange is not an option, then the paralegal can have the discovery requests scanned and converted to text so they do not have to be retyped in the answers to those requests. They will also then be available on the network to search across and link to the client's electronic case file.

Prepare lawyers for depositions. While evidence has been collected and summarized in litigation support databases, it has been associated with witnesses and case issues so that when preparing for a deposition, a simple query of the litigation support databases will produce all previous testimony given, and documents relevant to that particular witness. These can further be electronically linked to the deposition outline.

Prepare summaries and chronologies of the evidence, including all deposition

testimony and discovery documents and things. When a paralegal receives a transcript on disk, or via e-mail, from the court reporter it may be imported into the transcript management application, making it available for on-line review to everyone on the case. The paralegal can prepare digital annotations that summarize the testimony and associate it to issues predefined by the supervising attorney. Once deposition exhibits are scanned, every time an exhibit is referenced in the transcript, it can be electronically linked to the digital image. As a value added service, some court reporters are now providing lawyers with the scanned exhibits along with the transcript.

Prepare exhibit lists. When it comes time to produce the exhibit list, the paralegal can use an exhibit list template to import the records marked as exhibits in exhibit number order. The paralegal can easily produce two lists: one for the court and opposing counsel, and one for personal use in the courtroom. The latter will have electronic links to the imaged exhibit as well as all relevant

testimony and related documents to that exhibit.

Paralegals' Response

Most paralegals realize that as technology becomes more advanced, they can either jump on the bandwagon or be left behind. They doubt, however, that becoming proficient with technology will have any impact on their compensation. Firms must be careful about taking a "two for one" mentality with the high-tech paralegal, or they may see a highly trained asset headed for greener pastures.

For example, one paralegal reported how she located and learned to use new bankruptcy software for a particular client. It saved hours of time preparing schedules, etc. The clients benefited by being charged lower fees, and the firm benefited because the clients needed the paralegal's help in other areas. The paralegal, however, did not see any rewards for her initiative. Instead, she found herself being the "go to" person for all the firm's software needs and was soon inundated with work. Without

any focused program for her high-tech status or compensation for her added responsibilities, she left the firm for another paralegal position.

If the firm values its investment in technology, it will value the time spent leveraging it and adding value to the client with new functionality (on-line, organized and instantly shared information). High-tech paralegals should keep track of the time they spend on leveraging technology and the firm should compensate them for it. Moreover, for successful projects that save time and give value added benefits to clients, the high-tech paralegal should be recognized – publicly in front of the client, and economically, in the form of a bonus or salary increase.

Admittedly, finding an organized, high-tech, people-oriented person with a strong legal background could prove to be difficult. But you may find that you have candidates currently in your ranks. If they have the interest and aptitude, focus their training on technology, and see how they – and the firm – can grow.