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Five responses to technology

It should come as no surprise to regular readers of my column that I've long been dismayed and downright mortified at my profession's collective refusal to accept and incorporate emerging technologies into the practice of law.

In many ways, the legal profession's response to technology, and online technologies in particular, can be likened to Kübler-Ross's five stages of grief: denial, anger, bargaining, depression, and finally, acceptance.

The legal profession's reaction to technology follows a similar path: denial, defiance, desperation, deployment, and then, at long last, dedication.

A few trailblazers, mostly solos and small firms, have worked through the process and are now reaping the benefits of technology and all that it has to offer. Unfortunately, the vast majority of the profession is currently stuck in the middle of the process.

Denial

Until very recently, the majority of the legal profession was blissfully clueless about Internet technologies, their collective heads buried in the sand. Most attorneys seemed to think the Internet was a passing trend, and if they ignored it, it would eventually disappear.

By 2003, however, most lawyers gradually, albeit reluctantly, acknowledged the importance of a Web presence and e-mail correspondence, although a vocal minority steadfastly refused to do so.

Defiance (Anger)

Until very recently, all other forms of emerging online technologies, such as blogs, were first ignored, and later despised. Lawyers expressed derision when faced with repeated media coverage of the business benefits of online interaction and advertising. Rather than embrace technological change, lawyers predictably and defiantly rejected it.

Desperation (Bargaining)

In the last year, some lawyers entered the desperation phase as they began to sense they were missing out on something big.

Opportunities they didn't quite comprehend were passing them by. With minimal foresight or understanding, they dove into the world of social media, leaving abandoned, self-promoting blogs and Twitter accounts in their wake. Their hastily executed

social media campaigns, launched in desperation, were doomed to fail from the start.

Deployment (Depression)

In the next year or so, a good number of large law firms will realize that, at the very least, it is necessary to understand social media. Large law firms will be the first to engage social media consultants, not just for the purposes of using social media for marketing, but rather to learn how to successfully navigate social media when a potentially embarrassing situation goes viral. In other words, BigLaw will realize it is imperative to learn how to use and execute social media campaigns for damage control purposes.

At the same time, increasing numbers of solo practitioners and boutiques will begin to actively participate in social media by creating blogs, Facebook accounts, Twitter accounts and establishing attorney profiles on sites such as Justia, Avvo, LinkedIn and JDSupra.

Those attorneys quickly will realize the benefits of marketing on a shoestring budget through targeted social media campaigns. Those who narrowly tailor their social media participation to meet their established goals will begin to see a steady flow of new clients as a result of their efforts.

Dedication (Acceptance)

By the fall of 2011 or so, law firms of all sizes will begin to establish a dedicated social media presence. Mid-sized and large firms, having felt the pinch as solos and small boutique law firms slowly, but surely lured away their client base through the use of successful online marketing plans, will finally succumb to reality.

The legal profession will, at long last, begin the process of accepting that technology and the Internet are here to stay. Lawyers will brush the sand out of their eyes, educate themselves about the future and actively engage potential clients online. The process of working its way through the 5 stages will necessarily be difficult, but the end result will be worth it.

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