



# GETTING STARTED ON INVESTING IN TECH

## Use these 5 key questions to guide you

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The law changes, and so do the tools and technologies we use to provide legal services. For lawyers whose training is steeped in precedent and in identifying risks, there can be understandable hesitation and concern about moving to a new process or technology. This article addresses the key concerns that lawyers, paralegals and legal professionals should consider when investing in new technology. It provides three tips to get started, and five key questions to consider as you embark on your tech journey.

### TIPS FOR GETTING STARTED

#### TIP 1: RECOGNIZE POTENTIAL RESISTANCE TO CHANGE AND RISKS IN YOUR CURRENT PRACTICE

Many lawyers and law firms are slow to invest in technology. Consider these fears:

- The systems work (or at least are good enough). Why change them?
- Where will I find the time and money for a new system?
- What if I build something worse?

These are all fair concerns. But the counterpoint that lawyers and firms should also recognize is there are risks in *not* proactively upgrading and investing in systems and technology.

There are also risks to maintaining the *status quo*. Let's start with an example: converting a practice from paper-based to paperless. Lawyers are often concerned about moving to paperless practice, and the risks related to cloud storage and online systems. But, there are risks in maintaining paper records.

- o Paper isn't perfect.
  - Ask any clerk about that time that a client needed something urgent, but the file was in offsite storage. Or when an important paper document went missing, requiring searching in file systems and on staff desks to find it.
  - We've also seen cases where a lawyer or staff person has simply lost track of a paper document. In some cases, the lawyer has given incorrect legal advice because a key paper document was missing.
  - Paper records have been damaged and destroyed. In 2011, for example, the Goderich courthouse sustained significant damage due to a tornado. LAWPRO has seen law offices sustain water damage due to flooding, smoke and fire damage. These incidents have affected both small and large firms.
- There are risks in becoming less competitive as client needs shift.

- Some clients may prefer working with online documents. They may prefer online systems as they have grown accustomed to working with other professionals online and using online tools to assist in their lives.
- Failing to innovate may lead to missed opportunities for your practice.

There is a risk in assuming that the *status quo* has no risks and assuming new systems are too risky – this is known as anchoring bias. But any system has risks. The key is to recognize them, and determine how they can be managed. For example, LAWPRO has written about [how to safely put your data in the cloud.](#))

Ultimately, legal professionals need to invest in technology – whether in hardware upgrades (such as new computers, monitors, cell phones etc.) or software (such as word processing software, dictation software, and practice management software).

Below are five key questions to ask that can universally apply to tech investments.

## **TIP 2: BE CURIOUS**

You don't have to have a technology background to work through your legal technology needs. You need curiosity. There are lots of different tech products out there.

Thankfully, there are helpful places where you can learn about them. Ask friends and colleagues what they are using. Lawyers are usually happy to tell you what technology they use to support their practices.

You can also learn about the different legal technologies by visiting [www.practicepro.ca/technology](http://www.practicepro.ca/technology). For many, two helpful starting points are the practicePRO article "[Work from Home Technology Tips](#)" and [Technology Products for Lawyers and Law Firms](#) (or the version at practicePRO developed for paralegals).

## **TIP 3: GO PLAY**

You may have heard about a new computer, software or highly recommended technology. What works for someone else, even a trusted colleague, may not work for you. The best way to determine whether something will work for you is to go play! Whether that's spending some time testing a keyboard, laptop or monitor at a store, or trying a demo of a new software system before subscribing, there are lots of ways to try before you buy. Each end user should be encouraged to play.

Spending some time playing with different technology options can be fun (at least for some)! If you don't enjoy this experimentation, just know that by road testing your options, time spent testing different tech streams will save you hours of pain and frustration that can be incurred by simply diving head first into a new system without first having checked it and others out.

## QUESTIONS TO ASK ON YOUR TECHNOLOGY JOURNEY

### 1. IS IT GOING TO BE HELPFUL?

Think about what you need and what your team needs. Ask your clients what they'd like to see. These questions will help you determine the must-have versus nice-to-have technology investments. Start with tech that will actually help your practice.

### 2. IS IT GOING TO BE USER-FRIENDLY?

Again, considering the pros and cons of multiple potential tech solutions can help. The key issue is whether you, your team and your clients will be comfortable with your new technology solution.

- Will the technology work well for you and other users? Is it easy to use?
- Will onboarding be manageable? Is there sufficient training and support available to help you get going?
- Will it work well with your existing technologies?

### 3. IS IT SAFE AND SECURE?

Technology needs to be safe and secure. In law office environments, client information also needs to be protected to maintain solicitor-client privilege and confidentiality.

Ask yourself whether, *with proper training and settings*, the technology will be safe and secure. Ask vendors, IT professionals and colleagues using technology about how they maintain safe and secure systems.

Often, the users need to make sure they are maintaining best practices to keep their technology safe and secure. For example, lawyers and firms need to keep software updated to avoid potential risks around security and functionality. Lawyers and law firm staff need to maintain healthy password hygiene. Remote work VPN systems should have two-factor authentication to avoid being hacked. Law firms should never send funds out of their accounts by wire without first calling to reconfirm wire instructions.

Technology has its security risks, but *can also enhance* client security. Consider client portals, for example. A client portal can be created with relative ease, using Google or Microsoft systems to enable cloud storage and documents sharing. Uploading documents directly to law firm systems can reduce the use of email for sensitive documents, thereby lessening the risk of security breaches should an email system be hacked.

### 4. IS IT RELIABLE (AND WHAT'S THE BACKUP)?

Technology needs to be reliable. There have been troubles with technologies since the use of the quill. Think of photocopy jams, the fax that may or may not have sent properly, dial-up internet connections that would drop, and the common fix we have all employed: turning a computer off and on again.

Consider how much use you will get out of your tech before you need to upgrade. When exploring servers, ask about reliability and backups. For software as a service, ask about its uptime versus downtime. System maintenance may be required, but should not significantly interrupt your practice. To make the point by exaggeration, if you have the greatest practice management software system in the world, but it only works on Friday afternoons, you will have issues.

For any technology, it's important to have a backup. Consider what that might be for whatever technology you're using. For example, for a laptop, that might be a spare older laptop. For cloud storage, knowing where and how documents are stored, and what backups are built in will assist you in making informed decisions.

## **5. IS IT COST-EFFECTIVE?**

Regardless of the kind of technology you're looking into, determine the cost benefit analysis.

What to consider:

- Technology *does* come at a cost, but it need not break the bank
- Do your homework. For many technology investments, there are different cost structures available. For both hardware and software, monthly plans may be available. Regardless of the payment structure, know your costs.
- Factor in potential one-time costs when getting started. There may be one-time costs incurred when investing in software systems, such as data migration and onboarding costs.
- Know the potential costs / penalties for early cancellation.

Check whether the product or service is protected by a warranty or insurance, and if so, at what cost.

Investigate what happens if there is a dispute (ex: method of dispute resolution such as arbitration / jurisdiction / choice of law / etc.)

Finally, any cost-benefit analysis should include the cost of *not* investing in the technology. At the outset, risks to inaction should also be considered when deciding whether to invest in new processes and technologies.

## **BONUS QUESTION: WHAT DO YOUR PEOPLE THINK?**

Any tech journey starts with people. Keep them engaged throughout. Ask them where the pain points are at the outset, what they think of the different solutions being considered, and what kind of training and support they need. Keep exploring and innovating as a team, and if you're rowing together you'll get farther.

See also our [Technology Product Assessment Worksheet](#)

Best of luck on your next steps, and reach out anytime!

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