Closing the Tech Proficiency Gap

The tech skills attorneys are most lacking, and how you can get them on track.

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Technology can be a love-hate relationship for many law firms. On one hand, it's streamlined many processes to make firms function more efficiently. On the other, it's forced some attorneys to change up the way they've always done things, to add proficiencies that may be outside their comfort zone. Additionally, there can be a wide range in abilities.

And that leaves you to bridge that gap — a gap that needs to be filled. In 2012, the American Bar Association formally approved a change to the *Model Rules of Professional Conduct* to clearly communicate that lawyers have a duty to be competent not only in the law and its practice, but also in technology.

The amendment to the rule on maintaining competence reads as follows: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." As of March 2017, 27 states have adopted the ethical duty of technology competence for lawyers.

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So how does ABA's acknowledgement that "technology and lawyer" is not an oxymoron affect real world law practice? And to what extent is the onus on the legal management professional to prove technological compliance?

STATE OF TECH PROFICIENCY

We can argue that it was just a matter of time before technological inefficiencies (based both on available tools and tool proficiency) caught up to legal professionals. But where are we currently seeing the biggest skill gaps?

While current hot button issues like cybersecurity, data analytics, machine learning and artificial intelligence are grabbing most of the headlines, application proficiency in basic tools like Word, Outlook, Excel and PDFs is still at the core of many training initiatives — and rightfully so.

In terms of helpdesk tickets, Microsoft Office tops the list of where help is needed. The *User Support Guru Guide*, a series of reports produced by outsourced service/helpdesk provider Intelliteach, aggregated independent law firm user support and service desk statistics and metrics to help better understand which law firm applications are most supported. In other words, which yield the most questions and needed guidance from firm technology trainers?

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The data, last published in 2013, also found that document management systems (10 percent of total support tickets),

PDFs and similar applications (6 percent), and document production (4 percent) required the most training and follow-up. These user support-based benchmarks mirror what we are seeing in terms of educational training and curricula being offered at national legal technology conferences like ABA TECHSHOW, as well as regional events like the Missouri Bar Solo and Small Firm Conference.

Firm technology trainers have gotten creative about providing on-demand, bite-size, often virtual training for busy professionals. Plus, organizations such as Legal Technology Core Competencies Certification Coalition (LTC4) and Legal Technology Assessment (LTA) are providing corresponding proficiency standards and competencies to establish learning consistency, reliability and transparency, something law firm clients are increasingly demanding of their outside counsel.

I have spent the last few years working closely with law firms, legal technology competency organizations, legal technology vendors and legal trade associations on demystifying technology proficiency. One of the most frequently asked questions addressed in related panel discussions and conference sessions continues to focus on the state of technology skills: How do you currently evaluate attorney technology competence at your firm?

"It starts with the attorney's own perception of their needs," says Tony Gerdes, Learning and Development Manager, Offit Kurman, and Contributing Member, LTC4. "Then as new projects demand greater skills, or attorneys are presented with learning opportunities, the gaps between one's current level of performance and the required level become more obvious."

For Justin Hectus, Director of Information at Keesal, Young & Logan, best practices technology training delivery is achieved via tailored, short one-on-one sessions, combined with an annual three-hour tech CLE requirement for all timekeepers. Led by Hectus, the firm is considered an early adopter of technology proficiency standards, certifications and assessments, all designed to drive overall efficiency and client service.

The desire to work smarter and more efficiently has helped drive firms to buy in to tech proficiency. "It wasn't hard to

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demonstrate to our management that increased proficiency would improve our profitability, while reducing costs and errors," says Gerdes. "My goal was to create an environment where certifications became something that our staff would want to pursue, rather than simply being mandated."

STANDARDS AND ASSESSMENTS

Fortunately, technology standards and assessments are available to help you sort through this and keep up with ABA's ethics/model rules of professional conduct changes.

According to Gerdes, there are a few key drivers in assessing and testing technology competence.

For example, LTC4 sets a standard and offers certification of those who demonstrate they have the necessary skills. Currently, there are 10 core competencies that span core workflows, processes and applications within the firm, covering everything from legal collaboration technology to security and e-discovery.

The LTC4 membership ecosystem includes law firms, law schools, training and technology vendors, and increasingly law firm clients.

"While our current clients may not be asking to see our certifications, some have been pleased that we have them. In addition, the ABA has made it clear that keeping abreast of relevant technology is part of an attorney's ethical responsibility. From competency and ethics to profitability and cost reduction, ensuring that our attorneys are technologically proficient benefits both our clients and our firm," says Gerdes.

Casey Flaherty is the Founder of Procertas, which offers professional certifications and technology assessment,

including the Legal Technology Assessment (LTA). He sees proficiency as mainly firm-driven with an eye toward clients. "Primarily, it is one piece of a much larger puzzle in continuously improving client service delivery. Secondarily, it is one among many ways we can provide transparency to our clients and assure them of our commitment to providing maximum value," he says.

The LTA is a benchmarked assessment and training platform that establishes how fluent legal professionals are with the basic technology tools, including Word, Excel and Adobe PDFs. Benchmarked results are primarily used to ensure that legal professionals are getting the training they need. But the results can also be used for professional development, onboarding, rate negotiation and even invoice review.

So what's the technology proficiency bottom line? It is clear that law firms and their professional staffs will no longer get a pass when it comes to technology prowess. In terms of finding a starting point when it comes to assessing technology competence, LTC4 offers learning plans, focused on 10 core competencies covering everything from legal collaboration technology to security and e-discovery, for guidance.

But firm clients demand efficiency and sophistication when it comes to leveraging technology to drive results; technology and its effective use are less a competitive advantage, but more a prerequisite for engagement. It's up to the legal management professionals to ensure their staff can meet this demand. ■

ABOUT THE AUTHOR

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