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The Road We're On

Technology, Privacy, and eCommerce



For my inaugural *Tech Toolbox* column, I wanted to start by thanking my predecessor Casey Flaherty for doing an incredible job and giving me such a tough act to follow — I wish him the very best in his new endeavors. I also wanted to briefly introduce myself and talk about why I am both honored and eager to be following in Casey’s footsteps.

I am, like most of you, a corporate attorney. I am also a geek of such long standing that I have lived through some of the early beginnings of our modern technological/legal revolution. When I first began the practice of law it was actually considered inappropriate for a lawyer to have a PC or even an IBM Display writer on her/his desk (“Lawyers can’t and shouldn’t type — leave that to the experts and get back to your Dictaphone where you belong!”). It took all my powers of persuasion to convince my firm otherwise. Fast-forward and contrast that to the present day, where technological competence has become so integral to legal practice that it is an important part of the competent client representation required under the ABA Code of Professional Responsibility (Comment 8 to Model Rule 1.1).

Just to give you some idea about the way technology has changed during my career, when I started out I used DOS 3.0 on an IBM Personal Computer (rocking an Intel 80286 processor), System 7 on the first Mac Plus, and the Wang OS on Wang computers. Since those halcyon days, I have worked with just about every mainstream device, including various PCs, Macs and modern iOS, Windows and Android smartphones, tablets and smart watches. As a result, I believe I have a broader perspective on the evolution of technology and legal practice than most lawyers.

Which leads me to one of the points I wanted to make in this first column — the pace of technological development is accelerating at a truly astounding pace and impacting nearly every aspect of our professional and personal lives. From the unprecedented changes in communications, knowledge

management, and other productivity tools, to legal challenges in the fields of social media, privacy, and cybersecurity, today's lawyers are being forced to constantly "drink from the fire hose" just to try to keep up.

Everyone comes at this somewhat differently. Some barely remember a time when mobile devices were not a central part of our lives, while others may wish they weren't. Wherever you're coming from, I am convinced that we will all need to be able to understand and discuss the massive changes approaching us; my goal is to write something in these columns that will both address those changes and will resonate with and help. Or at least entertain you.

Bear in mind that technology isn't the only thing that's changing. The very practice of law, and especially in-house law, has undergone more changes in the past decade than in the five decades that preceded it. Many of us are now expected to know at least a little about things like project management, agile teams, systematic process improvement, and the metrics necessary to estimate an ROI we can provide our companies. The giants in digital research many of us grew up with, Westlaw and Lexis/Nexis, are fighting for continued relevancy in a world where Bloomberg or even Google searches are beginning to turn up many of the same results. Inside counsel are now competing with legal outsourcing companies that can in many cases provide a good quality product for a fraction of the price.

Change can be scary, and very rapidly accelerating change can be terrifying. It can also be exhilarating, fascinating, transformational, and beneficially disruptive in ways that can provide today's inside counsel with opportunities they would never otherwise have had.

What I plan to focus on in this column are things that may help you take better advantage of those opportunities. It will include tips and tricks that will help you work more easily with the technology you already have, collaborate better, and be more productive. I will talk about changes I see on the horizon and how you may begin to prepare to take advantage of those changes. I will also discuss some of the burgeoning risks that modern technology has begun and will continue to generate.

In writing these articles, I will do my best not to assume either too high or too low a level of technical knowledge in our community of readers. I encourage you to contact me and let me know what particular subjects may or may not be of interest to you.

Also, please let me know if you are interested in contributing a guest column: I love collaborating and I think this column would only be made better with input from my in-house peers!

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