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A Brief Recap of ABA TECHSHOW 2018

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**SCIENCE &
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A Brief Recap of ABA TECHSHOW 2018

By Jim Calloway and Darla Jackson

FOR THOSE WITH AN interest in legal technology, there is really nothing like ABA TECHSHOW, held each spring in Chicago. Although this year, the weather was anything but spring-like.

For us, one of the best things about ABA TECHSHOW is (really shameless plug warning) that we will be seeing many of the speakers again soon. Six speakers, *yes SIX*, from ABA TECHSHOW 2018 will be joining us at the OBA Solo & Small Firm Conference June 21-23 in the warm and welcoming environment of the River Spirit Casino Resort in Tulsa which features Jimmy Buffett's Margaritaville Casino & Restaurant.¹

Back to ABA TECHSHOW. From seven tracks of educational sessions to an Expo Hall full of law office technology products, there's really nothing like ABA TECHSHOW. Of course, we must admit our biases. Jim is a former ABA TECHSHOW chair who was on the faculty and attending for his 19th year, and Darla was on her third ABA TECHSHOW and was invited to be a member of the faculty this year.

E-DISCOVERY

Several years ago, a clear majority of vendors in the TECHSHOW Expo Hall were

e-Discovery vendors. E-Discovery was the hot topic. There were still a good number in attendance this year and CLE session titles ranged from "Playing in the Big Leagues: E-Discovery in Large, Complex Litigation" to "E-Discovery for the Rest of Us." Increasingly there is a focus on small case e-Discovery at reasonable prices. The good news for the lawyer with a modest e-Discovery budget due to the amount in controversy is that prices have been dropping, particularly with cloud-based (SaaS) document review platforms. Logikcull is one of these providers with more affordable pricing, but their marketing game also delivered as they became the talk of the TECHSHOW with two different T-shirt giveaways, including one striking Ramones tribute T-shirt.



In "E-Discovery for the Rest of Us," the panel discussed the Electronic Discovery Reference Model (EDRM). The EDRM was last updated in 2014 to include information governance. Assisting a client with information governance mitigates risk and expense if e-Discovery becomes an issue through policies governing the initial creation of electronically stored information (ESI) through its final disposition. This type of proactive legal service is in line with Professor Richard Susskind's observation that "clients want a fence at the top of the cliff, rather than an ambulance at the bottom."

One saying from TECHSHOWs of years past is coming true today – e-Discovery is just discovery. This is certainly true in the area of social media. Several of the participants in the Start-up Pitch competition, which pits legal tech startups against one another in a pitch contest, were related to collection, analysis and management of social media data and evidence. The winner of the competition, Voluable, "aggregates social media data for use in commercial litigation." Evichat is "a cloud-based, mobile evidence collection and management company" and Social Evidence "collects and manages information from social media for evidence."²

DOCUMENT AUTOMATION

Document automation continued to be a hot topic for attorneys and vendors as well. TheFormTool announced the launch of its new product, Aurora webData, at TECHSHOW and provided a demo during a lunch and learn session. Aurora webData, as indicated by the name, is a web-enabled system that facilitates collection of data from remote users to allow attorneys to make decisions

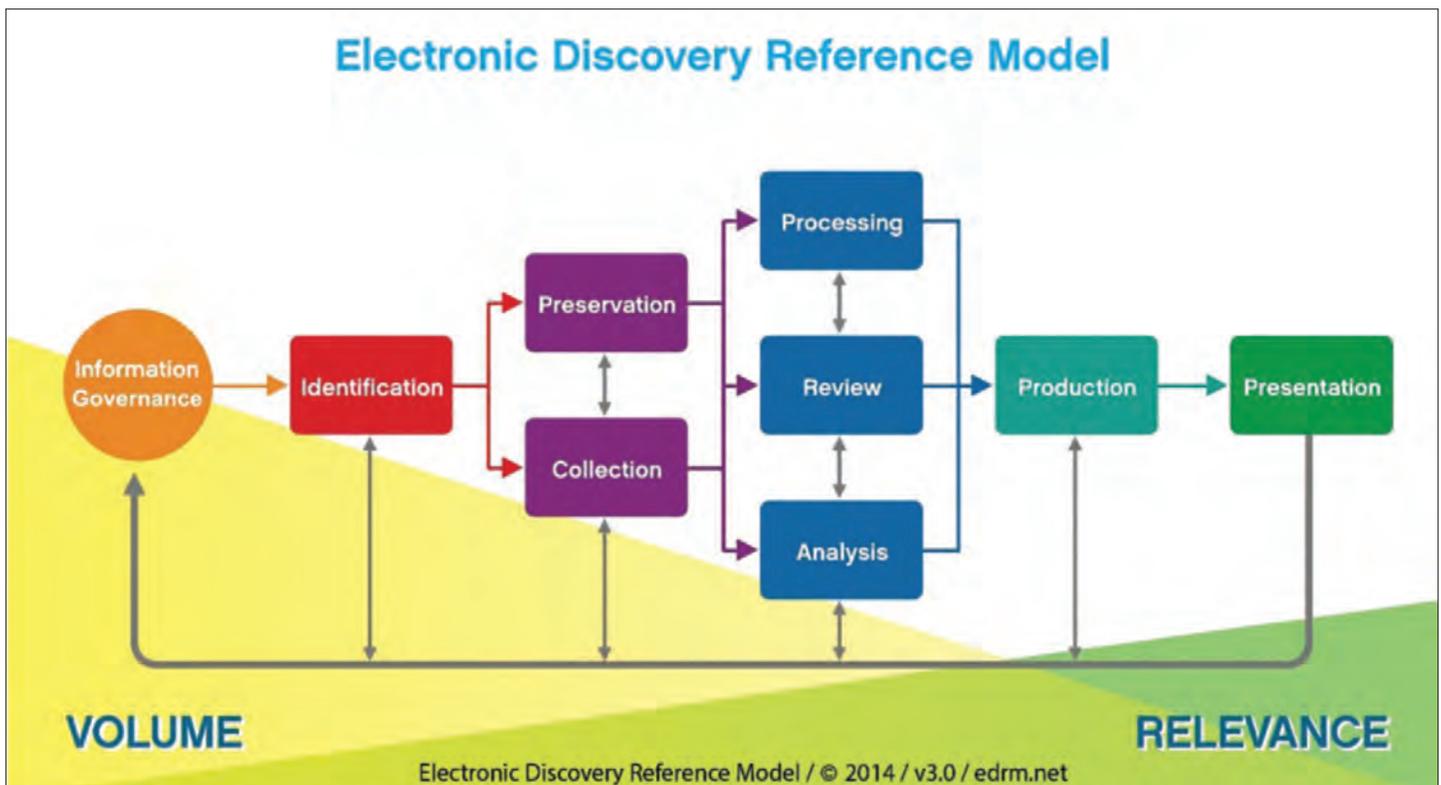
and to easily create documents using the customized and collected data.³ Two of the start-ups in the pitch competition, Lawyaw and NextChapter, also involve document automation. NextChapter focuses on document automation in bankruptcy filings and case management.

RECORD KEEPING AND FILE DESTRUCTION

TECHSHOW operates at so many levels, from planned CLE

sessions to Taste of TECHSHOW dinners with faculty members. Informal discussions are often as great a learning opportunity as the planned lectures. In the Speaker Ready Room over the lunch break, one table was filled with current and former TECHSHOW chairs and the discussion turned to file retention and destruction.

ABA TECHSHOW Co-Chair Tom Mighell, who works with companies on business records



Interested parties can download a wall poster-sized version of this graphic at www.edrm.net.

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retention and organization, said something he likely repeats to clients every week, but made several heads turn. “Businesses need to make sure they know the difference between a record and a nonrecord. You only need to retain records, not nonrecords.”

That’s a good lesson for lawyers *and* their clients. Do we really need to keep all 11 drafts of a document that has now been executed or filed? Is there any point except perhaps documenting who made the now-corrected mistake on draft 5? (Perhaps that is a poor reason.) There is a good argument that keeping 11 versions gets in the way of easily locating the final version and creates the risk that someone in the firm looking for a form could locate and use a version that was not complete.

Generally speaking, a nonrecord is a document such as a rough draft, worksheet or extra copy created for convenience that has no retention value and no filing need.

SPEAKING OF DOCUMENT MANAGEMENT

Two of the returning document management vendors at TECHSHOW were Worldox and NetDocuments. Both products provide for not only document but also email management. While

many smaller firms may be able to transition to digital client files using a practice management system, if your practice is document intensive, you may desire to review the value added by a document management system that could integrate with a practice management solution. NetDocuments currently integrates with Clio and is poised to work with other solutions.

HOW DO I FIND IT ON FASTCASE?

Fastcase was represented at ABA TECHSHOW and provided information on several initiatives, including their offering of the LoisLaw treatise library, Docket Alarm and AI Sandbox. These resources are not provided as an OBA member benefit. However, Fastcase has not lost sight of its primary commitment to make research more efficient for attorneys. The new ABA book, *Fastcase: The Definitive Guide*, by law librarian Brian Huddleston, was showcased at TECHSHOW and is available from the OBA Practice Management Assistance Program’s Lending Library.

CAN YOU COVER A HEARING FOR ME?

When Uber became a household name with huge growth, there was a lot of talk

among developers about the potential for “Uber for Lawyers.” The label was more of a cool name than an actual idea.

At TECHSHOW there were two exhibitors with different approaches to that concept – Lawclerk.legal⁴ and Court Buddy.⁵ Lawclerk states its mission as “Making general practitioners and law firms more profitable by outsourcing projects to freelance lawyers with all levels of experience and expertise.” The name is a bit counterintuitive. The theory is that “Lawclerks are lawyers who provide legal services as paraprofessionals (as permitted by the ABA model rules) under the direct supervision of Attorneys ...”

Court Buddy matches potential clients with lawyers for either full or limited scope representation. The entire website is split into information for clients and information for lawyers. We did not investigate the details of either company’s user agreement or examine any legal ethics issues. Neither indicated Oklahoma as within their current coverage area. We do note that Court Buddy won the 2017 American Bar Association Louis M. Brown Select Award for Legal Access.

HANDS-FREE TIMEKEEPING PRODUCTS

So, here’s a dream concept for lawyers. Any time you need to record time on a client file you simply say out loud “Billing app, bill client Joseph Johnson on Smith matter one hour for drafting response to motion for summary judgment” and the time is properly recorded in your billing records.

Tali is not a new product but was one of the more visible vendors at TECHSHOW. Marketed as the hands-free

time tracking tool, Tali works with Alexa, Cortana and Google Assistant to allow you to record your time. Tali allows you to review your activities in the Tali dashboard and then sync with several time and billing products. Tali originally integrated only with Clio, but it also recently announced integrations with Rocket Matter and PracticePanther.

Time Miner is a legal tech start-up designed to automatically record time you spend on your smartphone. No need to start a timer. "Time Miner finds your previous billable calls and text messages and generates a report detailing each communication in terms of client, date, duration and dollar value (based on your hourly rate)." This information can then be imported into your time and billing software.

PROCESS AUTOMATION

We hear a lot about robots and automation and how these tools will soon replace many jobs, but in one program at TECHSHOW, "Connecting the Dots – Automating Web Apps and Services," described an automation process that would sound great to many lawyers today. Erin H. Gerstenzang talked about using the web service Zapier to automate her client on-boarding process. When a client decides to hire Erin over the phone, she asks them to text message her their full name and email address. With that information, Erin can quickly start a chain reaction that starts by sending an electronic fee agreement which the client can sign from his/her cellphone. After signing the fee agreement, a Zap sends the client to an intake form that captures all of the relevant information from the case. That information is then couriered

over by yet another Zap to Clio to populate the client profile. Finally, there is a Zap that sends the client an electronic invoice.

I'm certain it doesn't always work that smoothly in real life, but as Erin said, can you imagine talking to a potential client on the phone while you are driving to court in the morning, and by the time you arrive at the courthouse, the client has signed an agreement, paid the fee and turned over paperwork and information, all without any additional lawyer or staff time?

DON'T FORGET PEOPLE ARE IMPORTANT!

With an emphasis on all the tech tools and services, it is easy to overlook the importance of people in managing and providing legal services. Debbie Foster, one of the 2018 ABA TECHSHOW co-chairs, thinks this message is so important that she took time to present a session on "Embedding Process Through Effective Change Management." Without implementation that includes change management principles such as maintaining buy-in and adapting workflows and processes, new technology tools may not be able to perform as originally envisioned.

You are an important person as well. Darla Jackson gave a presentation at TECHSHOW on "Disconnecting and the Potential Benefits It Can Bring." She notes that everyone needs to disconnect periodically in order to improve focus, productivity and mental state. Look for an OBA CLE webcast on that topic Oct. 17.

Mark your calendar now for ABA TECHSHOW 2019, Feb. 28 – March 2, at the Hyatt Regency Chicago. We assume we will have a discount code for OBA members who wish to attend.

Mr. Calloway is OBA Management Assistance Program director and Ms. Jackson is OBA practice management advisor. Need a quick answer to a tech problem or help solving a management dilemma? Contact them at 405-416-7008, 800-522-8065, jimc@okbar.org or darlaj@okbar.org. It's a free member benefit!

ENDNOTES

1. www.okbar.net.
2. For a full list of participants, see the *ABA Journal* article "Techshow first-timer wins Start-Up Pitch Competition."
3. Additional information about Aurora webData is available at www.theformtool.com/eliminates-costs-minimizes-errors/.
4. www.lawclerk.legal.
5. www.court buddy.com.