

Don't Turn Your Back to the Future

Use This "Future" Issue, and Future Issues, to Help Your Practice Thrive



Lawrence P. Nolan

Before I became president of the State Bar of Michigan, I spent many years serving the Bar in a variety of other capacities. During most of this time, the legal marketplace looked pretty much the same from year to year. As lawyers, we met with prospective clients who heard about us from friends or saw our ads in the Yellow Pages; we met them in person, convinced them to retain us, had them sign retainer agreements, and billed them hourly; we represented them from start to finish; and we usually kept them as clients into the future. It was comfortable, and it worked.

As the marketplace began to change, many lawyers and lawyer associations simply watched and waited, wondering if *all this technology* was just another little shift in the way we do business. It was a shift all right, but there was nothing little about it. In fact, it was more like a tidal wave of change, catching many lawyers flat-footed and either knocking them down or nearly wiping them out. The legal profession was at a crossroads. Speaking at a forum on the future of legal services at the State Bar building in Lansing in late 2014, ABA President

William Hubbard called it an "inflection point" and challenged the legal profession to evolve. It was there that the State Bar stepped up and the 21st Century Practice Task Force was conceived.

The task force, co-chaired by SBM past presidents Bruce Courtade and Julie Fershtman, began work in 2015, took a deep dive into the issues facing the profession, and not only came up with a list of problems but also outlined the vision and key innovations necessary to overcome those problems to better serve the public and support our members in the face of this rapidly changing profession. And we did not sit on our hands. Since then, the Bar has been active in this evolution, emerging as a national leader in the area. In fact, in a recent article entitled "Today's Tech: How the State Bar of Michigan is Embracing Technology," New York attorney and journalist Nicole Black said this about the SBM: "Fortunately, not all bar associations are stuck in 1995, and some are quite forward-thinking and focused on encouraging lawyers to become more efficient and effective by making the right legal technology choices for their needs." She's right.

When I became SBM president last year, I promised to continue the work of the task

force and give real meaning to those issues that were identified. To that end, we have done much, including creating this special "future" issue in which Bar staff, members, and experts provide a variety of tips, guidance, and examples of how to adapt and thrive in this *new* legal marketplace. This entire special edition is dedicated to technology and the future of the legal profession, and we vow to continue to provide useful and compelling information in this area on a regular basis going forward.

I invite you to dive in and enjoy the many great articles in this issue:

- "Leveraging Technology to Improve Legal Services: A Framework for Lawyers"—Daniel W. Linna Jr., an attorney, law professor, and director of LegalRnD at Michigan State University College of Law, kicks things off by examining the quick and unrelenting pace at which the legal world is moving. He encourages us to act swiftly and decisively, using technology as a building block to better legal-service delivery models.
- "The Future of Legal Help and Lawyer Referrals: Using New Tools to Better Serve the Public and Profession"—SBM Executive Director Janet Welch and Angela Tripp

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of Michigan Legal Help discuss developing the first full-service Online Legal Resource and Referral Center operated by a state bar, noting that, “[w]hen completely developed, the new service will take full advantage of online access, automated administration, consumer-centered business practices using data-driven marketing and feedback, and new standards of accountability based on best business practices and ethics.”

- “Statewide E-filing Implementation: Input from Legal Community Will Maximize Benefits for Both Filers and Courts and Facilitate Rollout”—Michigan Supreme Court Director of Communications John Nevin discusses the efforts of the Court and the State Court Administrative Office to get e-filing right, and how you can help. He says that “[s]mooth and seamless implementation of a statewide e-filing and integrated electronic document management system... will improve service to the public, increase access to courts, and reduce the cost of filing for litigants.”
- “Ahoy! Setting Sail with Your Online Marketing Efforts”—Legal marketing consultant and attorney business development coach John F. Reed notes that “establishing an online presence is a necessity, not a luxury.” He explains that while your website is the foundation of your efforts, just having a website isn’t enough. He walks us through the efforts needed to get the word out about your practice.
- “Continuing Legal Education: The Future is Now”—H. Lalla Shishkevish, Institute of Continuing Legal Education associate director, examines the importance of iden-

tifying competencies and teaching them in a better way, noting that competency-based CLE “prioritizes the practical skills, knowledge, and behaviors that lawyers must have for the effective performance of their responsibilities” and that interactive online training is the way of the future.

- “Show Me the Bill: Alternatives to the Hourly Rate”—Attorneys Jerome Crawford and Erika L. Davis reflect on the changing landscape of legal billing and provide suggestions for building a more agile billing structure through alternative fee arrangements. They note that “[w]ith increasing access to information, prospective clients are more willing to question or challenge their attorneys, especially when it comes to billing.”
- Finally, we debut a new column titled “Future of Law,” which will alternate content monthly between new developments and ongoing efforts in legal education at Michigan’s five law schools and profiles of attorneys who have embraced technology in their practices and are at the forefront of the technology movement. In the inaugural column, University of Michigan Law School professor Ted Becker focuses on the forward-facing nature of legal education, noting that “[l]aw schools train tomorrow’s lawyers and are vital to the profession’s future.” Next month, attorney and SBM legal editor Lynn Ingram will profile veteran attorney Scott Bassett, who has embraced technology to transform his practice.

I trust you will find these articles enlightening, and I urge you to contact me, the State Bar staff, or any of our authors if you have questions or comments or would like more information. ■

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