



TECHGEAR

The new Toshiba Thrive tablet (starting at \$429) sports a 10.1-inch touchscreen with Android 3.1. It also has a removable battery, full-sized USB and HDMI ports and front and rear-facing cameras.



WEBLINKS



KEVIN FUNNELL currently practices law in the Dallas office of Bieging, Shapiro & Barber, L.L.P., with an emphasis on financial institutions. Since 2004, he has been the author of the “Bank Lawyer’s Blog,” which provides commentary on law and other matters related to financial institutions. He is also the manager of Bank Business Advisors, L.L.C., a firm that provides education to bankers and bank service providers.

My Corporate Resource (mycorporateresource.com)

There’s a wealth of information at this site, which, among other things, aggregates client alerts and memoranda published by some of the world’s top law firms. You can filter them and have them sent to you via RSS feeds, Twitter, or Facebook.

The Onion (theonion.com)

No site wrenches the guffaws out of you more forcefully than this satiric classic. In addition, it is often politically incorrect, which only compounds the pleasure.

The Daily Kos and RedState (dailykos.com) and (redstate.com)

This is a twofer, because if you’re like the majority of Americans who live their lives between the 40-yard lines of the political football field, it is useful to check in on what the tinfoil hat wearers near each goal line are raving about on any given day.

Bank Lawyer’s Blog (banklawyersblog.com)

This is my professional blog. Why am I recommending it? Because I’m not only a narcissist, but also a shameless huckster, and I never pass up an opportunity for self-promotion. It’s not pretty, but the *Texas Bar Journal* asked me to be “honest.”

Digital Immigrants, Digital Natives, and Emerging Opportunities In Legal Technology

BY JAY PINKERT

Mention the rapidly growing influence of technology in the legal profession and a flood of topics spring to mind — social media, virtual practices, cloud computing, mobile devices. The most transformational agent in legal technology, however, likely is not the technology itself, but the demographics of technology. Analysis of how different age groups adopt and use technology to create, seek, access, and share information could yield significant operational and competitive advantages for law firms that factor it into their strategic plans.

In 2001, the influential education writer and reformer Marc Prensky postulated that American society has undergone a fundamental generational bifurcation. “A really big discontinuity has taken place. One might even call it a ‘singularity’ — an event which changes things so fundamentally that there is absolutely no going back,” Prensky wrote in *Digital Natives, Digital Immigrants*. “This so-called ‘singularity’ is the arrival and rapid dissemination of digital technology in the last decades of the 20th century.”

In this brave new world, generations are segmented between digital immigrants and digital natives. Digital immigrants are described as individuals born and socialized before the advent of digital technology (Baby Boomers and Gen Xers). They grew up and came of age in an analog world, but have, to varying degrees, incorporated digital technology into their personal and professional lives. In contrast, digital natives (Gen Y/Millennials) were immersed in and molded by digital tech-

nology since birth. They are figuratively — and, some brain researchers believe, literally — “wired” to communicate, learn, and problem solve through digitally mediated processes.

Perhaps the most famous illustration to date of this shift is the 2009 RFP tender by FMC Technologies called the “1° Law Litigation Value Challenge.” Designed specifically to attract tech-savvy firms, General Counsel Jeffrey Carr announced the challenge on legal social networking site Legal OnRamp. Responses had to address technical requirements, such as online billing, and the screening criteria required applicants to post a Twitter message stating the case for why they should be selected.

The dynamics shaping this type of innovation are evident in several areas:

Content Creation and Consumption — Multi-year social research like the Pew Research Center’s Internet and American Life Project confirms a growing preference among young Americans (under 30 years old) for video and short-form communication platforms (texting, Twitter, Facebook, YouTube, and Tumblr) and declining interest and participation in long-form media (blogs). Meanwhile, blog creation among middle age and older adults continues to grow modestly, though readership is flat or declining.

Mobile Devices, Collaboration Tools, and Mobile Computing — Handheld mobile devices (smartphones and tablets) are well on their way to becoming the nation’s primary interface to digital networks, particularly among young people.



As these devices become faster and more powerful, the demand for cloud-based services, collaborative tools, and mobile versions of websites will likewise increase.

Although data security and privacy issues currently exert a braking effect on widespread adoption in law firms, growing usage of filesharing services, such as Dropbox, in the consumer and small business sectors will increase the demand for enterprise-level solutions.

Professional Networking — Americans under 30 years old developed and honed their personal networks and networking skills online in laboratories, such as Friendster, MySpace, and Facebook. Now, they are replicating and leveraging those networks into professional relationships on LinkedIn. Middle-aged and older adults are still in the evaluation stage of online networking, migrating their real world, “analog” professional networks onto digital platforms.

Subject Matter Expertise and Search — Unlike the traditional “thought leader” model of subject matter authority, the growth of online social networks has nurtured and accelerated a trend toward collaborative “crowdsourced” problem-solving (LawPivot, Quora, and LinkedIn groups) where authority is derived from the usefulness of content more than the reputation of the source.

Virtual Firms, Small Firms, and Solo Practices — For small and solo firms, virtualization technologies and cloud-based software as a service (SaaS) practice management solutions have lowered costly barriers to entry and eased competitive disadvantages, such as geographical reach, capital expenses, overhead costs, and support services requirements. That dovetails with favorable attitudes among young entrepreneurs toward virtual arrangements in retaining professional services.

HOW TO TRANSLATE TRENDS INTO ACTION PLANS

Client Service

Move beyond client surveys and build closer, more direct linkages with clients

by involving them in the development of your technology roadmap.

IT Departments and Technology Committees

Develop a mobile version of the firm’s website. Diversify membership of technology committees to incorporate young “power user” associates and staff. Track what competitors and clients are doing with cloud-based information technologies and collaborative platforms. Even if the firm will not be moving immediately into those environments, technology planners should at least be prepared to respond quickly once competition or client expectations reach a tipping point.

Recruitment and Retention

Recruit with digital fluency in mind. Leverage social networking sites such as Facebook and LinkedIn and experiment in other areas as well. Cleveland, Ohio-based Benesch, Friedlander, Coplan & Aronoff recently launched an app for iPads and iPhones that automatically sends out a notification when an attorney position is available.

Reconceive traditional “master-apprentice” mentoring programs so that senior staff can improve their capabilities in digital technology and online social networking from younger associates.

Marketing and Business Development

Think beyond the blog. Distributing and merchandising long-form content on multiple platforms (JD Supra, SlideShare, and LinkedIn) will unlock its potential to be found. Actively participate in at least one short-form content platform such as Facebook or Twitter to stay engaged with its evolution. If your firm has a Facebook presence, create and curate unique content. Do not use it as a platform to rebroadcast blog content.

Optimize marketing collateral for electronic downloads and mobile applications (e.g. PDF files and electronic books). This approach also facilitates money-saving print-on-demand options. In marketing materials, business development presenta-

tions and RFP responses, frame the firm’s technology and information systems — particularly client interfaces — as unique strengths and differentiators.

Although the first wave of digital innovation is still taking root in the legal profession, the next wave already is making its presence and significance known. Understanding those dynamics and making some simple adjustments can enable law firms to navigate a more seamless and successful transition. ❖



JAY PINKERT is a writer and principal with Shatterbox (shatterbox.wordpress.com), a marketing and communications consultancy specializing in business development programs for professional firms, small businesses, and associations. He can be reached at jpinkert@shatterbox.biz.

TEXAS LAWYERS FOR TEXAS VETERANS

TEXAS LAWYERS FOR TEXAS VETERANS

Providing Legal Counsel to Those Who Served

www.texasbar.com/veterans