Why Lawyers Can't Ignore Technology

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Editor's Note: *The author of this post is a lawyer who manages technology projects for Harvard Law School's Library Innovation Lab.*

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Ever so gradually, some of our state bars are embracing a duty of **technology competence (http://www.lawsitesblog.com/2015/03/11-states-have-adopted-ethical-duty-of-technology-competence.html)**, which requires lawyers to "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."

That thin obligation may be fine as an ethical floor. But if we're a profession committed to what's best for our clients, can't we do better than mere competence? Let's strive for technology excellence.

What might tech excellence look like for lawyers? Here's one possible framework:

1. Mastery of tech that is core to lawyers' mission and values.
2. Widespread adoption of proven tech that enhances quality and efficiency.
3. Experimentation with new, unproven tech that might benefit clients.

Mastery of Tech Core to Our Mission and Values

Some technology is so intertwined with the substantive interests of our clients, and our commitment to those interests, that mastery should be our goal.

For civil litigators, this category might include e-discovery and legal research tech. For criminal defense lawyers, forensics might be part of this mix. For transactional lawyers, spreadsheets and document versioning software seem good examples. Each of these, in context, is essential to good lawyering. Likewise, security and privacy tech are fundamental to our professional mission, and we should have a deep understanding of them.

Tech in these areas cannot be ignored without compromising client interests. Lawyers seeking "tech excellence" should master them.

Widespread Adoption of Proven Tech that Helps Us Do More, Better, Faster

Many technologies claim to improve the quality and efficiency of lawyers' work. Some have long since proven it. If we're aiming for excellence, then we should look for broad adoption of these proven technologies. Document assembly and automation, expert systems, practice management systems, knowledge management — these technologies work. They free lawyers to focus on what's hard and new and unique. They help lawyers avoid mistake and improve the quality of their work over time. They protect clients against unnecessary expense.

Active Experimentation with Unproven Tech that Might Benefit Clients

For lawyers, tech excellence can't stop at mastering what's core or adopting what's already proven; it must extend to trying what's new and unproven. If a technology might be good for clients, then lawyers should learn about it, experiment with it in a controlled manner, test its claims, provide candid, constructive feedback to its creators and evaluate its fitness for broad adoption.

In this category we might put new entrants in established categories, as well as emerging technologies like smart contracts, AI-assisted drafting and research tools and predictive legal analytics. Some of these, or some specific applications of them, will benefit clients and warrant broad adoption. Others will flop. But they all deserve curiosity and open-minded engagement. If we want tech excellence (and excellent tech), we have to take an active role in producing it. We can't just sit **smugly on our pedestals (http://abovethelaw.com/2015/09/lawyers-to-tech-crowd-lol-prove-it/)** and wait for someone to smack us in the face with the perfect tool. Nor can we view technology as unfathomable **magic (http://www.geeklawblog.com/2015/10/stop-ai-madness.html)** or cure-all. Instead we have to participate in the creation and perfection of the tools we use.

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A framework like this doesn't dictate whether particular products are good are bad or what actions particular lawyers should take. But it does give us a worthy goal and a standard by which clients might judge this aspect of our service.