



The Wireless Impact on the Legal System: A Case Study of a Law Firm

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ABSTRACT

Ongoing research was conducted on the impact of technology on a law firm handling tort (civil) cases in the U.S. legal system. The firm used in the study is heavily involved in mass tort litigation and was the subject of a study previously reported at the IRMA 2005 International Conference [1]. The current research is the second of several planned studies on individual law firms and the legal system usage of technology.

ORGANIZATION BACKGROUND

Research being conducted is limited to four areas of interest related to tort law within the category of civil law within the U.S. legal system: (1) to develop an initial descriptive technology-usage-and-trend benchmark for a single law firm handling tort (civil) cases in the U.S.; (2) to determine the costs and time currently known to provide existing professional services in the tort (civil) case area in the U.S. (cost versus benefit); (3) to use the findings in (1) and (2) as a basis in expanding the study into a study of representative, comparable firms with similar practices in the area of tort law; and (4) to collect and analyze data on the nature of the impact of technology on the U.S. legal system. The law firm in this study is identified only as the Professional Law Firm (PLF) was chosen because it was accessible, and it is heavily involved in mass tort litigation which is one of the major health and litigation issues in the U.S.

REVIEW OF LITERATURE

In the May 2004 issue of Government Technology, the National Consortium for Justice Information and Statistics or SEARCH recommendations for nine milestones is presented. These milestones are: (1) Initiate the process and institutionalize a governance structure, (2) continue planning, (3) develop and use performance measures, (4) analyze information exchange, (5) adopt or develop standards, (6) create sound integration architecture, (7) develop the infrastructure, (8) improve agency and organization applications, and (9) establish interfaces [3].

The Dennis Kennedy.com web site that is immensely popular within the legal profession describes the complexity of issues facing the legal firm and justice system as a whole. Two quotes are worth repeating and allow the researchers to drill down through the justice system to the level of the law firm and the environment in which a firm operates. "The courts are very serious about moving to e-filing and judges want to get attorneys moved to electronic systems." "Computer forensics and electronic discovery tools have become standard tools for some of the best litigators. Increasingly, the evidence you may need exists in the form of e-mail or never was printed out onto paper." [4]

CASE DESCRIPTION

The law firm [PLF] used as the basis for this case study is considered a specialty firm that coordinates litigation efforts by legal firms located in thirty-five states that are involved in class action suits related to

health care. The required legal documents (paperwork) and information change exponentially with the addition or deletion of new plaintiffs to existing litigation. A concurrent requirement is a database to permit the firm to manage the required coordination between separate suits in each separate legal jurisdiction.

Phase I – Future Strategic Considerations

The PLF at the conclusion of Phase I of the study reported that it was studying the potential that web-enabled messaging via wireless (cell) phone technology and personal digital assistants (PDA) devices appear to offer to the firm. Internet-enabled cell phones with attached applications (cell phones with a 'brain'). Becoming a standard device and contain WAP microprocessors for Internet access. Previously the firm identified the following advantages to the firm through the use of this technology:

- Professional and non-professional staff carrying a cell phone or PDA wherever they go affords the firm and its clients to be in immediate contact when needed.
- Ubiquity or availability of a mobile terminal in the form of a smart phone or a PDA can fulfill the need both for real-time information and for communication anywhere, independent of the user's location.
- The convenience of devices that store data are always at hand and are increasingly easy to use via connection to Internet, etc.
- Eliminate the need to boot up a PC or place a call via a modem to gain access to the databases at the office.

Phase II – Current Strategic Planning

The PLF strategic planning was delayed due to Hurricane Katrina but remains as a priority for the firm. The PLF has identified an initial set of issues since its recovery from the impact of Hurricane Katrina that must be included in the strategic planning and include the following wireless-enabled areas of interest by the firm:

- WiFi-capable laptops,
- Email capabilities using wireless devices,
- Combination phone-PDA devices, and
- Pc anywhere capabilities

The POM at the PLF currently has the IT staff developing a set of alternatives for consideration by the firm. These alternatives include, but are not limited to, the use of BlackBerry devices and smart phones using Microsoft Pocket PC software, and the Good brand of smart phone-PDA devices. Once the IT staff presents the alternatives including costing and capabilities to the POM the professional staff will be given an opportunity to provide input to the partners that will ultimately make the decision.

There is heightened awareness by the firm that the recovery efforts related to Hurricane Katrina will have significant ramifications on the decisions to be made by the firm. Since many of the court document repositories have been damaged or destroyed, the recovery effort

undertaken by the courts for filing and maintaining records will shape the opportunities that exist to fundamentally change the legal system; this will, in turn, impact the direction individual firms will need to go regarding the filing and processing of tort litigation.

CONCLUSIONS

Currently the PLF is actively involved in strategic planning that is designed to allow the firm to migrate to the latest wireless technology. No specific time-frame was identified by the firm since the legal system in the area impacted by Hurricane Katrina is still addressing more immediate recovery needs.

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