

Introduction

What a difference a pandemic makes—especially in how it affected the needs of lawyers and other legal professionals to work together. In the legal profession, collaboration can take a surprisingly large number of forms.

“Collaborate” originates from the Latin “collaborare,” meaning simply “to work with.” For our purposes, we define collaboration broadly to mean “working together with others in a cooperative or joint effort.” Collaboration can occur when everyone is on the same side and working toward the same purpose. It can also occur when circumstances force opposing sides, often grudgingly, to work together to accomplish a goal or project.

Pandemic or not, collaboration has never been optional for lawyers. It is even more of a requirement today as technology continues to change the practice and client expectations at a breathtaking pace. The image of the solitary lawyer fighting for justice against overwhelming odds may be the attraction that leads many people to law school, but practicing lawyers know better. The practice of law is, has been, and will continue to be a collaborative process. Lawyers collaborate with clients, colleagues, and others every day and in many ways.

Consider who the average lawyer might work with during an average day in an average practice:

- Attorneys and paralegals within the firm—partners, senior counsel, associates, part-time lawyers, contract lawyers, law clerks, and paralegals
- Staff—administrative assistants, office managers, bookkeepers and accountants, receptionists, messengers, mail and copy room workers, IT directors, IT

staff, librarians, litigation and practice support personnel, and a growing variety of personnel that depends upon the size and practice areas of the firm or organization

- In-house counsel; “C-level” executives and their respective staffs, including the chief executive officer, chief financial officer, human resources director, and others
- Opposing counsel and their staffs
- Court personnel, judges, and professionals in regulatory agencies
- Experts and specialists (medical, accounting, forensics, etc.)
- Vendors—providers of various products and services
- Other lawyers—through member associations, networks, or mailing lists
- Clients—the most important collaborators of all, often with multiple points of contact

If you check your notes and time sheets for the past few weeks, you probably will be surprised by the number and variety of people with whom you have collaborated, even if you are a solo person working alone out of a home office. Just take a few minutes to identify your collaborators using this bulleted list, and you’ll appreciate that a law practice is, at its root, a collaborative proposition.

A lawyer’s typical day requires a wide range of collaborative efforts, from negotiations to putting agreements in final form to trying cases to filing patents. Day after day, there are exchanges of information, agreements, approvals, delegation of projects, and other work requiring the involvement and cooperation of other people. Lawyers take much of this collaboration for granted, as an assumed and almost invisible part of the practice.

In 2020 and 2021, as we experienced a pandemic, collaboration and its related tools and technologies became perhaps more highly visible than any other time, and we can no longer take them for granted. We predict they will never be taken for granted again—a major reason we felt this edition of our collaboration tools book was necessary.

A recurring theme of this book will be that the movement to electronic and digital tools for collaboration is nonthreatening and evolutionary, not radical and revolutionary, even though it might feel that way during and after COVID-19. Lawyers consistently adapt the same fundamental collaborative acts to different technologies as those technologies evolve. The greatest difference today is that the accelerating pace of technological change, combined with the sudden need for most legal professionals to work from home, culminated in an explosion of the number and variety of collaborative tools and a dramatic shift in client expectations.

Collaboration has always been part of the development of legal technology. Developments in electronic discovery continue to drive lawyers, clients, and vendors to work together in new ways. Outsourcing and working from remote locations have also grown in popularity in the legal profession as legal professionals demand flexible work arrangements.

We believe that collaboration technologies and tools are the most important current development in legal technology and are likely to increase in importance for the foreseeable future. As we said in the first edition of our book:

Legal technology has reached a turning point; it is less about personal productivity and more about using technology to make it easier for people to work together.

Although lawyers have been collaborating with each other since the beginning of the practice of law, the methods of collaboration have evolved significantly over time. Nowhere is this more evident and dramatic than in the evolution of the modern law office, and particularly as the legal profession largely moved to working from home in 2020. Think about how you worked in January 2020 and compare it to how you worked later in the year. Compare that to how you work today. Chances are, you experienced a number of significant and unanticipated changes in the ways you worked and communicated with others during this time.

A few examples will illustrate the role technology plays in the evolution of the ways lawyers and other legal professionals work with others. Consider the movement from wax seals to ink signatures to electronic signatures. The fundamental legal process—obtaining legally valid confirmation and authentication of the agreement of a specific individual or entity—has remained the same. The process and the technology, however, have evolved. Similarly, lawyers who once attended meetings by walking, riding a horse, driving a car, or flying in a plane now routinely do so via smartphone or video or meeting apps. In 2020, Zoom became a verb, as well as a noun.

Has this easily understood evolutionary process itself changed in the last few years? Are we now moving toward a time of revolutionary change? We will note in this book where we see potentially revolutionary changes occurring. When it comes to collaboration technologies, we generally believe the changes will continue to be more evolutionary and steady than revolutionary and abrupt. However, the legal profession is experiencing a rapid increase in the pace of evolution. The fundamental legal processes, tasks, and activities have not, and likely will not, experience drastic change. For example, property ownership still must be confirmed and transferred, whether by a recorder of deeds or on a blockchain.

Our biggest piece of advice to you is to think of legal collaboration tools not as evolutionary, or even revolutionary, but as *coevolutionary*. The tools enable and shape what lawyers do; at the same time, lawyers define, shape, and change the tools at their disposal. Clients and their own tools and expectations also change the tools and processes lawyers use. There is a feedback loop that takes place, a symbiotic process that lawyers who take advantage of and successfully use collaboration tools will already understand. You might consider using the term “co-collaboration” as a framework to understand these processes.

As you read this book, you will be struck by the wide range of tools now available to lawyers. In particular, internet-based tools and mobile apps seem to grow in number and variety every day. The “cloud” and cloud-based tools now dominate our technology use and will be the focus of this book. It has become almost impossible to conceive of law practice and collaboration using only traditional software programs, which are largely being phased out. For most lawyers, we (and our tools) now live in the cloud.

This book probably discusses more tools than you will have time to evaluate, understand, or use. To get the most out of this book, take the time to gain a basic understanding of how collaborative technologies work and then choose those tools that work best for you in your practice.

The choice of collaboration tools does not occur in a vacuum. The requirements and mandates of others may force you to use particular collaboration tools. Think about how you and your firm first began to use fax machines, email, conference calls, FedEx, instant messaging, social media, or any number of the collaborative technologies we now take for granted, some of which have already started to feel a little dated. It is a surprisingly small step from where you may be now to the world of videoconferencing, extranets, deal rooms, Basecamp, Zoom, Microsoft Teams, and Slack.

Every practicing lawyer, including you, will inevitably arrive at a crossroads in connection with the collaboration tools they use. Until 2020, the tools you used probably worked well for you. When the pandemic hit, you may have felt pressure to use different tools and processes, caused not just by working from home but also by the push from clients, opposing counsel, the courts, young lawyers, and others. How will you move confidently and successfully forward into the rapidly changing world of collaboration tools for lawyers?

Here’s a preview of what you can expect from reading this book.

Who Should Read This Book?

- Practicing lawyers
- Paralegals, secretaries, librarians, and other legal professionals who work with lawyers
- Executive directors and office managers of law firms and law departments
- CIOs, IT directors, and technology committees of firms making decisions about implementing collaborative technologies
- Clients of lawyers
- Software vendors and others who work with or sell to lawyers

What You Will Learn

- Collaboration technologies now available to lawyers
- Practical tips for using collaboration tools in common settings
- How to select the right tools and understand the issues involved in using collaboration technologies
- Trends and developments in collaboration tools
- How to develop a strategy for implementing collaboration tools in your practice, and make better decisions about what collaboration tools to use in a variety of settings

What We Will Cover

Part I: Getting Started

In this part, you will learn the basics of collaboration and collaboration tools and we will introduce you to some of the underlying themes of this book. We first consider the rule of technology competence, and how it factors into your selection and use of collaboration tools. We next describe how lawyers have reached a crossroads in the use of collaboration tools, a point at which lawyers and those who work with lawyers must consider new directions or have those directions chosen for them by others. We will discuss the first steps all lawyers should take, as well as our recommendations for putting together your baseline “tech stack.”

Part II: Recommended Collaboration Tools

In this part we present our recommendations for the best collaboration tools lawyers should be using today. We will, of course, discuss the basics of collaborating through online meetings or working on shared documents, and we will also cover our favorite tools for communications, productivity, and knowledge transfer. We will also introduce helpful tools for personal tasks, as well as best practices for setting up your “Work from Home Tech Stack.”

Part III: Developing Your Collaboration Strategy

In this part, we discuss the key components of formulating a collaboration strategy for you, your firm, or your organization. We start by considering the privacy, security, and ethical issues that can arise in the selection of collaboration tools, as well as understanding important ownership concerns. We cover must-have features for your collaboration tools, as well as ways to “future-proof” your overall strategy.

Part IV: Conclusion

In this final part, we reflect on the current state of collaboration technologies and discuss our thoughts on the best ways to move forward.

The book’s appendices include an unparalleled list of collaboration tools by category and a sample client collaboration technology survey.

In the end, we believe the particular tools you use are less important than establishing the right culture of collaboration. Having written articles, produced podcasts, and prepared presentations together for several years, we found this book was a natural step in the evolution of our own collaborative process, and continues to be, as collaboration tools themselves evolve. Similarly, the tools that evolve out of and mesh with the ways that you already work with others give you the greatest chance for successful projects. Let’s get started down that road.