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**KENNY LECKIE**  
Senior Technology and  
Change Management Consultant,  
Traveling Coaches

## Collaboration Tools in Legal: Myth or Reality?

**Collaboration technology has been around for a long time. Legal, however, has been a bit slow to embrace it, leaving many to ask whether their use is myth or reality.**

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While these platforms are necessary to keep up with the expectations of clients, it's the ethical responsibility of law firms to provide secure solutions to handle any client's matter.”

In the eyes of today's technology-savvy clients, the need for collaborating in real time with their lawyers is paramount to staying lean and having the kind of counsel they can rely on and trust. But can law firms provide collaboration and incorporate real-time interactions into their processes, while still protecting the fidelity of documents and staying within the ethical guidelines, regulatory mandates and security demands of today's world? I say yes, it is a reality.

### WHAT'S THE BUSINESS STORY?

The pace of change and responsiveness is very fast these days. Efficiency in providing quick turnarounds and competent representation to our clients is a differentiator. Clients are demanding it, so we need to provide it. This is reason enough to challenge our mindset toward collaboration options.

### SECURITY AND ETHICAL CONSIDERATIONS

Security concerns are paramount with clients. It's the lawyers' ethical responsibility to make sure clients know the best solutions to use when dealing with confidential matters. On top of that, there are regulatory requirements for handling certain types of information and new legal requirements for protecting the data privacy of all involved. This raises the standard of what tools to use when representing a client on any matter. These standards should be the new filter for law firms when deciding which technology solutions are used for communicating and collaborating with clients. In short, do your due diligence when establishing the "rules of engagement" for each client.

## TOOLS FOR ENTERPRISES VS. CONSUMERS

You use consumer collaboration tools — such as Dropbox, Slack and Google Docs — on a daily basis, and they have changed the way people think about business transactions. There's an expectation of real-time interaction. However, consumer platforms have very different terms of service from enterprise platforms.

No one likes to read the terms of service and data privacy policies for these tools, but we have an obligation — an ethical obligation — to do so. Enterprise platforms are designed for business and have different terms of service that protect the assets of the business. It is important to stick to using firm-sanctioned solutions to ensure you aren't putting client data at risk.

For the record, there is nothing wrong with consumer platforms. They are amazing, innovative, easy to use and highly adopted by the general public, and some have versions made for enterprises. But consumer collaboration tools do not rise to the higher standards to which law firms must adhere.

## TYPES OF COLLABORATION TOOLS

Listed below are various types of tools available for you to communicate and collaborate with clients. Keep in mind that law firms must perform due diligence to make sure the platforms conform to the ethical obligations of the lawyers to provide competent representation (ABA Model Rule 1.1) and meet the lawyers' ethical obligation to keep the information confidential (ABA Model Rule 1.6).

- 1. Virtual Deal Rooms (VDR).** VDRs give clients a “shared place” to handle all documents and decisions about a transactional matter. These have been around and used by firms for a long time, but clients now expect to have an option for this for any type of matter.
- 2. Communication Platforms.** There is a need for both inside and outside teams to communicate from anywhere, anytime, on any device. Email is not enough. Platforms such as Microsoft Office 365 Teams, Slack or other communication tools are changing the way teams work together. Law firms need to decide on the right solution for them and establish the proper way of communicating in real time with clients.

- 3. Document Co-Authoring/Concurrent Editing.** The ability to work concurrently on a document is now the norm. Kids even do this in school to complete their homework. Clients are accustomed to it as a normal way to agree on the final language of a document. The lawyer must protect the information and ensure that it is handled properly.

Microsoft Office 365 has enterprise platforms available to handle this. Document management systems (e.g., iManage and NetDocuments) have integration capabilities with these platforms that make document co-authoring and collaboration safe, secure and within your firm's information governance policies and regulatory compliance. Research the best solution for your firm.

## BOTTOM LINE: MYTH NO MORE

The use of sophisticated collaboration tools in law firms is a myth no more — many have already made it a reality. While these platforms are necessary to keep up with the expectations of clients, it's the ethical responsibility of law firms to provide secure solutions to handle any client's matter. Using the excuse of “My client requires me to use [fill in the blank]” is not enough to dismiss the obligations of the legal community to do what is right. The *ABA Cybersecurity Handbook* also states that if a lawyer is unsure which technology to use, it is their ethical obligation to ask an expert for help. If your firm isn't already using these types of tools, it's time to start securely and safely elevating real-time collaboration with clients. ■

## ABOUT THE AUTHOR

**Kenny Leckie**, Senior Technology and Change Management Consultant with Traveling Coaches, provides thought leadership and consulting to the legal community in areas of security awareness, change management, user adoption, adult learning, employee engagement, professional development and business strategy. With over 20 years of combined experience working in and with the legal industry, he has a unique point of view that allows him to understand the challenges of introducing change in law firms.



kleckie@travelingcoaches.com