

MCBA President's Message: Technology increases efficiency, lowers costs

By: Mark J. Moretti © January 11, 2017



I love the feel of researching a case in actual law books. It reinforces my connection with generations of lawyers and judges of days gone by and I enjoy reconstructing how the common law is built upon evolving trends and exploring factual nuances in cases as detailed in those volumes. And those bookshelves of law books make great backdrops to head shots of lawyers.

But technology has changed a lot in the practice of law. Most law firms have scrapped their hardbound law library for having every desktop connected to an entire electronic library. It's faster, cheaper, more efficient, and can be accessed anywhere — all at the cost of giving up my tactile feel of handling law books.

But cheaper is a relative thing. Many solo practitioners and small firms could not afford the old hard book library and cannot afford the still relatively expensive electronic ones offered by providers such as LexisNexis and Westlaw. Nevertheless, immediate access to the knowledge they contain is essential for a law practice that desires to avoid malpractice claims in today's environment.

But technology has generally made things smaller and cheaper as time goes on. The MCBA (through the efforts of Executive Director Kevin Ryan) has entered into a contract with Casemaker to offer a free electronic library and research capability to all members of the MCBA. That library includes a full range of primary source material — from case law to statutes to administrative materials — from all 50 state jurisdictions and the federal system, all available through an easy-to-use search engine. The materials are updated constantly so that they remain current.

Casemaker also includes capabilities for checking the currency of materials cited in your own briefs, opinion letters, and so forth. The Casemaker library can also be expanded at the request of the MCBA; if there's something you'd like to see in the library that is not presently there, we can usually have it added. All of this comes at no cost to members of the MCBA!

For those who have elected not to pay for online legal research services in the past, it offers an enormous opportunity to upgrade their practice. For those who have paid for these "expensive" services in the past, it offers an opportunity to effect a large cost savings. Casemaker "goes live" on Feb. 1, with a number of trainings being offered this month and next.

Of course access to electronic libraries is not the only way the practice of law has changed. We have evolved in a relatively short period of time from mailing letters (a practice that now seems quaint) as the primary means of communication to faxes, to delivering letters as an attachment to emails, to leaving voicemail messages, to texting, to sometimes dispensing with letters altogether and simply emailing the contents of our communications directly in the email itself.

This, of course, has sped up practice immensely and has made more difficult the past and prudent practice of sometimes sleeping on a response before it is made. (Emails or Tweets sent at 3 a.m. are frequently not as well thought out as they should be.)

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And, of course, we are in constant contact with our clients and opponents whether by cellphone or email with the concurrent expectation that we will respond immediately.

Drafting of contracts, closing documents and settlement agreements has also changed with redlined copies of drafts being exchanged virtually instantly and leaving a precise paper trail.

All of this technology makes our practices faster and more efficient and more cost effective for our clients, but of course only increases the demands and stresses on us as lawyers. But that is a topic for a different column.

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