

Chapter 5 - Management and Personnel Technology Considerations

Training & Competency Testing

Studies have shown that software users need proper training or they will spend up to four times as much time learning it on their own. Training will actually cut down on time away from practicing law. Training should always simulate real-life scenarios if possible.

There are different types of users - those that are computer comfortable and those that are technophobic - or have a fear of technology. One study confirmed that confirmed that only 10 to 15% enjoy technology, 50-60% are hesitant, prove it (show me if the bugs are worked out), and 30-40% are downright resistant. In sum, 85% of the population is hesitant or opposed to technology.

The training needs of individual staff members will differ, so it is important to use different techniques for members of the firm. However, if they are intimidated, feel dumb, or are forced to use technology, their job performance will actually decline. They will become more technophobic then before.

What do your employees need in the way of technology training? Do they need Windows basic training, intermediate or more advanced training, etc? Focus on the value provided to the legal professional. They will appreciate the training if it is directly beneficial to their duties. Marginal applications with little value to the firm should not be implemented.

Some training points to consider:

- Computers are not cold alien creatures. They are merely machines that have hardware and software. One does not have to be a computer scientist to run a computer as attested to by the fact that many kids today are comfortable in front of a keyboard and monitor.
- Computers share many common characteristics. Almost all PC's are operating on Windows software, except for a small percentage of the market operating on Macintosh. The software, especially Windows, shares similar commands and protocols, which enables users to transfer their training from one program to other programs.
- Courses, books, magazine articles, newspapers, and online programs are dedicated to teaching the novice to the advanced user about computers. Use them as much as possible.

- Most importantly, the professionals in the legal profession are generally some of the brightest people in the world. Attorneys have all graduated from law school and have passed a bar exam. Computers are organizational tools that they can master.
- Finally, relax and enjoy the adventure of learning about the instrument that will impact our society for the next several hundred years.



There are many different types of training available:

- *On-line CLE and other software training* – We are starting to see an emergence of Internet sites offering on-line video, audio, and text tutorials on legal technology training and substantive CLE programs.

On-line technology has many uses and provides the capability for a practitioner, law firm, or company to broadcast with limited interaction any meeting, deposition, legal proceeding, or CLE program. Corporate counsel can broadcast to several outside counsels at the same time; law firms can broadcast to branch offices; and state bar committees and sections can broadcast to remote members.

The proliferation of real-time and archived Internet CLE programs delivering content in audio, text, and video and allowing discussions with other participants will proliferate over the next several years. This paradigm shift will include undergraduate and graduate courses, national and state legal conferences, advocacy courses and all types of legal training that will be available to you at your desktop.

- *Third Party Books, Tapes and CD-ROMS* – There are many training materials available for general off the shelf software in computer stores and magazines.

- *Hands-on Instructor Training* – Most people seem to prefer instructor-led training, where the instructor can respond to specific questions from the legal professional, because that is how they are used to learning. Costs range from \$75 up to \$150 per student. Instructors should be course certified by the manufacturer. Instructor training can be on-site if you have the equipment, or at a local community college or any location with the proper setup.
- *Software Tutorial Programs* – Many software programs have excellent self-tutorial programs that should be used since they come with the programs.
- *Self-Directed Training* - Many software packages now have videotape training tapes or CD-ROMS where one-on-one instruction can be used for those that prefer this method, or who geographically cannot attend hands on training.
- *Office Presentations* - Presentations by known experts are a low-cost method of providing training to employees. Their profession is the training of computer users. The time and cost of creating a training session in-house should be balanced against the cost of training by outside experts.
- *24 hour help desk* - Someone should be designated as the 24-hour help person(s), who can be contacted whenever someone has a problem using the computers.
- *Intranet help desk* - If your firm has implemented an Intranet, then authoring self-help and self-fixing software is available. Commonly called call-avoidance software, a user can access a prebuilt database of solutions for common or unusual firm wide computer or non-computer problems or procedures. In some cases, the software can actually fix problems on the PC. Maintaining the content and ensuring that the information is accurate is important, but should be offset against the time saved in answering person-to-person questions.
- *Conferences and Seminars* - Many states and national organizations put on technology seminars where actual users of technology will detail their use of software and technology centers are available to see demonstrations of software and hardware.
- *Individual training sessions* - Some attorneys prefer this method with an understanding personal trainer. They will not be embarrassed by their lack of knowledge and can learn at their own pace.
- *Group training* - This type of training is good for disclosure and understanding of overall computer concepts and applications. For example, if the firm is implementing timekeeping, then the concept, application, and required use by all employees can be explained in an initial presentation.
- *Customized computer training programs* - Software is available at Techsmith (www.techsmith.com/) that allows you to create, edit and distribute PC movies via e-mail, the WWW, and Intranets.

This program enables you to record your computer screen activity, including pull down menus, scrolling, highlighting, and file opening and closing. Simultaneously, the software can record your voice while you narrate. This enables you to create personalized training tools that you can share across your network. It permits unlimited distribution.

A small investment in software training will pay big dividends in both productivity and employee morale. With so many training options available, there is no reason why you cannot take full advantage of your software investment.

Competency Testing. Some firms are starting to require certain levels of technology competence. Just as there are technology competency requirements for a variety of other jobs, the legal profession will begin mandating them as the need for efficiency grows. Determine on what computer literacy level the attorney is. Does she or he have any training using computers? If so, build on that competency level. Outside training vendors will identify your needs and provide an estimate to use for budgetary purposes. The implementation of technology requires that all team members reach a certain level of proficiency with a computer. There should be minimum levels of core competency for lawyers in the use of technology. The standards or basic hands on knowledge should include assessment of the following:

- Office Management Systems - an understanding of group computing software, time keeping systems, and work product filing systems.
- Case Management Systems - contact and docketing systems, such as Amicus Attorney, Microsoft Outlook, or Lotus Organizer.
- Litigation Databases - information systems to locate, edit and produce reports of case data. Programs include Concordance, Summation, or Microsoft Access.
- Graphics - graphics and slideshow software using programs such as Microsoft PowerPoint and Visio.
- Communication Programs - connecting to the office remotely, sending files, and searching on the Internet.
- Document Assembly - basic assembling of a document using a word processor and HotDocs or other assembly software.
- Full Text search and Retrieval - to locate witness information in deposition, interviews, or other full text documents.

The competency standards for a firm will change as applications change. However, commitment by all in the firm will be greatly increased with the imposition of competency standards.

