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**American Bar Association
Legal Technology Resource Center
Survey Report**

Executive Summary

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Legal Technology Resource Center
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Executive Summary

About the Report

The American Bar Association has surveyed law firms on their technology use since as early as 1990, most recently in 2001. Past surveys have sought information from lawyers, firm technology staff, and administrators. Beginning in 2001 the survey undertook to target lawyers exclusively. Like last year the 2002 reports are segmented by technology rather than firm size, and rely on the number of lawyers in a firm as an additional metric on almost all questions. The final survey reports were published in August 2003, with each volume focusing on a distinct user environment or area of technology use:

- Law Office Technology
- Litigation and Courtroom Technology
- Web and Communication Technology
- Online Research
- Mobile Lawyers

The survey reports concentrate on issues relating to technology use, not product use. Respondents could provide information about the product brands they used but only a limited number of verbatim answers are used in the reports. Only survey sponsors received the full results of the survey.

Demographics

As expected, the respondents came from a mixture of firm backgrounds and firm sizes, with age, region, and years admitted to the bar breaking down roughly equal. Of the 3094 respondents, roughly 35% were associated with small firms, defined as 2 to 20 lawyers at all locations. One in four survey participants (25%) practiced alone, while 10% were part of large firms having 100 or more lawyers at all locations. The remaining respondents (30%) practiced in medium-sized firms ranging in size from 10-99 lawyers. Most respondents defined themselves as firm partners (37%), followed by solo practitioners (26%) and associates (23%).

Respondents have practiced, on average, for 19 years, which was about the same as last year (20.5 years). The mean birth date was 1954, yielding a mean age of about 49 for all respondents. As in the 2001 survey, litigation (24%) and estates, wills & trusts (21%) were the most frequently named billing areas, although by a wider margin, with last year's percentages at 16% and 11%, respectively. Third in line this year was real estate law, practiced by 19% of respondents.

The average number of lawyers working at the respondent's location was 33.6 (compared to 28 last year), with an average of 75 lawyers for all firm locations (compared to 65 last year). However, only one in five respondents reported having more than two firm locations, with 64% having only one firm location, and another 15% having two. In terms of support staff, respondents reported an average of 5.4 technical and 29.8 non-technical people at their location, which was up from last year (3.7 and 22.0, respectively). On average, survey participants reported that 27% of their law firm's IT (information technology) functions are outsourced, slightly below the 30% figure reported last year.

Technology Budget & Goals

Lawyers don't appear to be making huge strides when it comes to law firm planning and decision-making related to technology. Only 29% reported that their firm had a technology committee (compared to 27% last year), and the number having a multi-year strategic technology plan actually went down, from almost 25% last year to 21% this year. In line with last year's results, only 1 in 5 respondents (20%) indicated they have a multi-year technology budget. Not surprisingly given the current economic climate, the mean projected budget for 2003 was actually lower (\$85,650) than that reported for the prior year (\$90,518).

Technology Training and Support

While more than half of lawyers (51%) rely most heavily on internal support staff for technical support, about one in four (25%) turn instead to outside consultants who recommend products. Dependence on internal support staff increased with firm size, ranging from 32% of solos to nearly 100% of lawyers in firm sizes of 50 or more. Correspondingly, solos and small firm lawyers (2-9 lawyers) relied most heavily on consultants who recommend products (with 27% and 43% of those groups primarily depending on consultants, respectively). When asked about the availability of technical training, the most prevalent form of training was using tutorials included with software programs (56%), followed by live classes offered by vendors or manufacturers (50%), and computer-based training (48%). Again, there were marked disparities among firms of different sizes, with only 31% of solos taking advantage of live classes offered by vendors or manufacturers, as compared to sixty percent or more of those with ten or more lawyers in their firm.

Technology Information

Despite the pervasiveness of the Web, a resounding 58% of lawyers attest that they receive most of their information about legal technology from print publications. The Web came in a distant second at 9% of respondents, followed by 7% who rely most on educational conferences and CLE, another 4% who depend on online or e-mail discussion lists, and a mere 2% who turn to trade shows for their legal technology information. More than half (56%) of survey

respondents listed the *ABA Journal* as their preferred print publication for obtaining information about legal technology, followed by state bar periodicals (37%), daily newspapers (16%), and the ABA's *Law Practice Management* magazine (11%).

Security

Although law firms are increasingly relying on the use of official policies to govern technology use by employees, the adoption of such policies may be slower than one might expect in a legal environment. About half of all survey respondents indicated their firm had a document or records management policy (51%), Internet use policy (51%), e-mail use policy (49%), and computer acceptable use policy (49%). However, less than one-third had an e-mail privacy policy (32%) or e-mail retention policy (30%). Despite the ongoing computer security issues affecting electronic communications, only 40% of respondents reported having a disaster control plan at their firm—a slight dip from last year's 43%. Of course, the numbers for larger firms were significantly higher across the board—sometimes reaching 80% or more—for certain types of policies. For example, in large firms with 100 or more lawyers, 89% reported having an e-mail use policy, 85% an Internet use policy, and 82% a computer acceptable use policy. For small firms (2-9 lawyers) the prevalence of the same policies was significantly lower, at 27%, 29% and 32%, respectively. In terms of actual security breaches, only 13% of respondents reported that their firm had ever experienced a hacker attack, although a fair number (28%) admitted to not knowing whether any attacks had ever occurred.

Hardware

It probably comes as no surprise that virtually all lawyers (98%) use a computer at work, with the desktop computer serving as the primary computer for the overwhelming majority (80%) of respondents. The remaining 20% of lawyers use a laptop, either as a standalone computer (9%), or in conjunction with a docking station (11%). Laptops are available to 66% of respondents and used by almost half of those who have access to them (49%). Handheld computers are available to 41% of respondents—an increase of roughly 10% over last year—but used by a relatively small percentage of those who have access to them—only 38%. Cell or wireless phones were available to 68% of those responding, and used by three-quarters (75%) of those with access to them.

The use of portable computing devices hasn't caught on with lawyers yet, with portable printers available to only 11% of lawyers, portable hard drives to 10%, and handheld scanners available to a mere 5% of those responding to the survey. Aside from the ubiquitous CD-ROM drive (available to 84% of respondents), the advent of new technologies in the storage device arena is reflected in the array of storage options available, including CD-RW drives (31%), CD-R drives (30%), DVD drives (23%), CD-ROM juke boxes or towers (20%),

and DVD recorders (5%). Despite the apparent migration to CD-ROM and DVD technologies, tape back-up drives and zip or super disk drives are still widespread, available to 34% and 42% of respondents, respectively. Digital (still) cameras have arrived on the legal scene—available to 32% of lawyers—along with their digital video counterpart, available to 14% of respondents. Digital projectors fall somewhere in the middle of the pack, available to almost one in five (20%) lawyers.

Software

E-mail, fax and Web browsing software are still the most prevalent communications applications available to lawyers, according to this year's respondents. Almost all (94%) have access to e-mail software (a 7% increase over last year), and 82% have access to Web browsing and faxing software at their law office. More than half of lawyers (54%) indicated they were able to access software applications while away from the office using remote access software, and there was an eleven percent increase in the number of those having access to conferencing software since last year (24% v. 13%). Perhaps indicative of its utility in a legal environment—or security concerns—the availability of instant messaging software rose only slightly from last year, from 24% to 27%.

Not unexpectedly, electronic tools for creating, sharing and managing documents are readily available to lawyers, though perhaps not to the extent that one might expect in such a document-intensive profession. Surprisingly, redlining software, used to compare different versions of documents, is the most commonly available software in this category, accessible to 56% of those responding and used by about 38%. Next in line is generic document assembly software (not tailored to a specific practice area or use), available to 47% of lawyers and used by about one-third (33%) of that group. (On the other hand, specialized document assembly software is available to only one in five lawyers (19%), and used by far fewer lawyers from that group (12%) than its generic cousin.) Document sharing software is widely available (to 46% of lawyers), while document management software and knowledge management tools are less popular (available to 33% and 15% of respondents, respectively).

The heavy hitters in the general office software category are the old stalwarts like word processing (96% of firms have it), time and billing (76%), spreadsheets (75%), accounting (72%) and time entry (64%). On the other hand, the availability of software applications tailored for the legal profession appears to be on the rise. Time and billing software emerged as the most prevalent software in that category, available to 76% of those responding and used by 43% of those who had access to it. Time entry software was available to about two-thirds of lawyers (64%) and used by about one in four who have it (38%). Although case management software fell near the bottom of the chart in terms of legal-specific

software (available to 38% of lawyers and used by 21%), this year's results show a marked increase from last year, when it was available to only 20% of respondents. The use of specialized practice software is also becoming increasingly widespread, available to nearly four in ten lawyers (39%). Similarly, the availability of litigation support software escalated slightly from 22% last year to 25% in the current survey. Interestingly, only 12% of those with access to litigation support software actually used it—attributable, perhaps, to its focus on litigators. Also rising on the litigation front is the availability of trial presentation software, which rose from 6% last year to 15% in this year's survey.

Networks / Intranets / Extranets

The use of networks is still unexpectedly high, and creeping higher, from 71% last year to 79% of firms overall this year. Even discounting the fact that 96% or more of firms with ten or more lawyers have a network, an impressive 83% of law firms with 2 to 9 lawyers report having one—as well as 41% of solos. There isn't much movement on the wireless front, with only 4% of those having networks using a wireless connection. Solos, though, are slightly ahead of the curve when it comes to the adoption of wireless technology, with 6% hooking up their networks wirelessly.

Although 18% of respondents overall noted that their firms have a private portal, the technology is far more prevalent in large firm environments, where large firms with 50-99 lawyers and 100 or more lawyers lead the pack (27% and 42%, respectively). What may be more surprising is that 11% of solos claim to have private portals—the same number as in firms with 10 to 49 lawyers (but still a decline from last year, at 15%).

The use of both intranets and extranets has risen fairly dramatically since the 2001 survey, which reported 43% of firms with an intranet and 19% with an extranet. The 2002 survey findings reflect an increase to 58% for intranets and 27% for extranets. However, the numbers again revealed that large firm lawyers, in particular, may be out of touch with their firm's technology offerings; a whopping 26% of those in firms with 100 lawyers or more did not know whether their firm had an extranet—a figure which has gotten slightly worse since last year. Interestingly, although no lawyers in firms with fewer than fifty lawyers reported having more than one extranet, 13% of firms with 50 to 99 lawyers and 22% of law firms with 100 or more lawyers reported multiple extranets. About one third (34%) of respondents whose firms have extranets indicated that clients had access to it, while only 4% used it to collaborate with outside counsel or opposing counsel on a specific case or matter.

Internet Access

The Internet has finally become so ubiquitous that virtually all lawyers (98%) have access to the Internet at the office, while nearly that many (92%) have

access while on the road. However, there is still considerable variation in how lawyers connect to the Internet from their offices, with 29% using DSL, 25% using a T1/T3 line, 20% using a dial-up modem, and 7% using a cable modem. Only 3% of respondents reported using an ISDN line, while 2% connect using a wireless connection. However, the type of connection used to access the Internet at the office is largely a function of firm size: solos mostly use dial-up connections (50%) and to a lesser extent, DSL lines (34%), while small firms (2-9 lawyers) favor DSL (41%) over dial-up connections (22%). Larger law firms predominantly use T1/T3 lines, including 46% of firms with 10-49 lawyers, 50% of firms with 50-99 lawyers, and 45% of law firms having 100 lawyers or more. DSL is the second most popular connection mode for larger firms, used by 26%, 18% and 5% of larger firms, respectively. A somewhat astounding 43% of lawyers in firms with 100 or more lawyers indicated that they did not know what type of connection they used at the office (as opposed to 1% of solos and 4% of lawyers in firms with 2 to 9 lawyers.)

Web Sites

Although more than two-thirds (64%) of respondents overall reported having a firm web site, every firm with 50 or more lawyers reported having one, along with 85% of firms with 10 to 49 lawyers, 56% of firms with 2 to 9 lawyers, and 29% of solos. The number of firms that host their own web site internally (40%) is about the same as those using a third party host (41%). Law firms are still relying on a wide range of individuals both inside and outside their firms to develop, maintain, and provide content for their web sites. For example, though 39% relied on an outside consultant or provider to develop the firm web site, 17% relied on a single lawyer, 10% on marketing staff, 10% on firm information systems (IS) staff, and 8% on multiple lawyers within the firm. In terms of updating and maintaining their web sites, the array of contributors included outside providers (23%), a single firm lawyer (22%), IS staff (21%), and marketing staff (16%).

Domain Names

Three of four respondents (75%) reported that their firm owns a domain name, with 22% of that group owning multiple domains. However, in the former case, a fair percentage of respondents (19%), primarily from larger firms, indicated they did not know whether their firm owned a domain name. Firms of every size fell within the seventieth percentile, ranging from 71% in firms with 10 to 49 lawyers, to 79% in firms with 2 to 9 lawyers. Most firms reported using the name of the law firm or some variation (95%), while 9% use a generic domain name related to one of the firm's practice areas. Only 3% of lawyers noted that their firm uses a name assigned to it by an Internet Service Provider (ISP).

Lawyer Involvement in Legal Research

Mirroring last year's results, the 2002 survey attributes only 1.6% of the average legal research project to law librarians, as compared to last year's mean of 1.1%. According to this year's respondents, they typically conduct 64% of all legal research themselves, with other firm lawyers accounting for another 24%. The percentage was highest in solo and small law firms, where there are few or no librarians, but even in larger firms, respondents indicated that firm librarians performed less than 7% of the legal research. When asked what percentage of their work time was spent conducting legal research, the mean was 16%, with solos and large firms with 100 or more lawyers at the low end (15.7% and 15.4%, respectively).

Use of Print / Online / Web Formats

Despite the recent proliferation of free Internet resources for legal research, the latest statistics show that lawyers are still willing to pay for legal research, *and* conduct a fair amount of legal research the old-fashioned way—using print resources. When asked what percentage of their legal research time is spent using various formats, lawyers reported spending most of their time (37% of their total legal research hours) using fee-based Internet or online services, as opposed to 16% of their time using free Internet or online services. But lawyers spend almost as much time using print resources (34% of their legal research hours) as they do using fee-based online tools. Time spent using materials on a CD-ROM or other removable media format made up only about 12% of the total research hours.

Online / Web Research

Almost nine in ten lawyers (86%) perform legal research online, with 46% preferring to start their online research projects using fee-based online resources, another 32% using a (free) legal-specific search engine or directory, and 18% using a general search engine or directory. According to survey respondents, the most popular online resources for legal research are those that offer electronic delivery of research materials, including e-mail case alert services, which deliver breaking case news (50% of respondents at least sometimes use them), and online advance sheet services, which electronically deliver advance sheets (used by 42% of respondents). Another 19% of lawyers have at some time used automated clipping services, which automatically deliver materials defined by the user. About one in three lawyers (33%) use e-mail discussion lists for legal research, while 19% use online message boards. A minute percentage of lawyers (5%) even use chat rooms to perform legal research.

Legal Research at the Office and on the Road

Not surprisingly, lawyers spend the bulk of their legal research time (71%) in their personal office space. Another 17% of their legal research time is spent, on the average, in the firm library, while 6% is spent in an offsite library. It's

somewhat surprising, given the availability of mobile computing tools, that lawyers conduct so little research while on the road. Less than one percent of their total legal research time is spent in transit, in the courtroom or at the airport. Over half of those who access legal research materials while away from the office do so using an Internet connection to a third party web site, while 17% use an Internet connection to a firm network, intranet or extranet. Fewer lawyers use non-Internet tools such as removable media (15%) and software installed on a computer hard drive (10%) to access legal research materials.

Search Engines / Methods

Of the 93% of lawyers who use the Internet to conduct research *of any type*, more than half (52%) favor Google as their general-purpose Internet search engine or directory. Another 23% prefer Yahoo!, while 13% favor MSN Search and another 5% use AOL Search.

Mobile Computing

While seven out of ten lawyers overall (70%) use a computer for law-related tasks while away from the office, lawyers from large firms are far more likely to engage in mobile computing than those from small firms. The percentage of lawyers engaging in mobile computing steadily increased with firm size, ranging from 57% for solos to 90% for lawyers in firms with 100 or more lawyers. However, lawyers are still spending most of their law-related computing time in the office (82%) or at home (12%), rather than on the road. Where *don't* lawyers spend most of their computing time? Lawyers in the study who engage in mobile computing reportedly spent only 1% of their time, on the average, in the courtroom, and less than 1% of their computing time in transit, at the airport, in client offices or in the offices of opposing or co-counsel. As reported above in the "Internet Access" section, nine out of ten of lawyers (92%) have access to the Internet while away from the office. Well over half of that group (59%) use a dial-up connection to access the Internet on the road, as compared to the predominant method of accessing the Internet from the office, which is via DSL (29%). About one in four respondents (26%) who access the Internet from the road use a cable modem, while 15% use a DSL line, 9% use a connection provided by a public terminal or kiosk, and fewer than 4% use a wireless connection.

Use of Laptops / Handhelds on the Road

The numbers of lawyers who carry a notebook or laptop computer while on the road has increased from the 54% reported in last year's survey to 73% this year, along with the number of lawyers using a handheld computer or PDA while on the road (25% in the 2001 survey as compared to 49% this year). In the case of laptops, large firms (with 100 or more lawyers) lead the pack in the current survey (86%), while in the case of handhelds, mid-size firms (with 10-49 lawyers) reported using them most frequently (62%). Solos are significantly

below the curve in terms of the use of handhelds (37%), though only slightly so in terms of laptop use (69%).

Use of Laptops / Handhelds in the Courtroom

According to the latest data, less than one-third of lawyers (30%) use a laptop in the courtroom, while 26% report use a handheld computing device. Lawyers in firms of 100 or more are far more likely to use either a laptop (49%) or a handheld device (38%) while in the courtroom than those in smaller firms. However, the correlation with firm size is not borne out by the other findings, which indicates that those in firms with 50-99 lawyers use handheld devices less often than all other groups (12%), while those in small firms (2-9 lawyers) use laptops the least.

Courtroom Practice

Among this year's survey respondents, one in five (19%) reported practicing in a courtroom one or more times per week, while roughly the same percentage (20%) practice in a courtroom 1 to 3 times a month. Over one-third (37%) practice in a courtroom less than three times a year, and the remaining 24% never engage in courtroom practice.

Courtroom Hardware

If anything is certain about the use of courtroom hardware among lawyers, it's that litigators are frequently unaware of the technologies that are available to them—or that they in fact *use*. Unlike hardware used for general practice, when asked about the availability of courtroom hardware, "don't know" responses were typically in the 30% to 40% range. Keeping in mind the preponderance of "don't know" responses, the availability of high tech devices in every category was limited. Annotation devices like light pens, telestrators and touch screens were available to 7%, 6% and 5% of courtroom lawyers, respectively. Analog audiotape players predominated among audio devices (available to 35% of courtroom lawyers), as opposed to digital audio reporting devices that either produced or did not produce a written transcript (12%). Non-digital VCRs, televisions and overhead projectors were the most commonly available display/out devices (available to 71%, 64% and 48% of litigators, respectively), but more technically sophisticated devices like plasma monitors and electronic whiteboards were available to only 2% and 6% of lawyers, respectively.

As in the 2001 survey, the most readily available evidence presentation device was a laptop equipped with presentation software (30%). On the other hand, the availability of bar card readers (5%), evidence cameras (7%) and integrated lectern/presentation units (8%) was limited. The presence of transcription and reporting technologies was a bright spot on the digital front, with 21% of litigants noting the availability of real-time reporting equipment capable of delivering a transcript to their personal computer, and another 15% of lawyers reporting the

presence of similar equipment capable of delivering transcripts to court monitors only.

Litigation Software

Litigation support software was found to be available to one in four lawyers overall (25%) and to 43% of lawyers who at least sometimes practice in a courtroom. However, a relatively high percentage of litigators (18%) report not knowing whether or not their firm uses litigation support software, with that number rising to 34% in the case of large law firms with 100 or more lawyers. About one in ten lawyers (12%) actually use the software, and among members of that group 29% report using the software regularly, while 26% use it occasionally. One in five litigators (20%) who had access to the software seldom use it, and another 22% never use it. The software was not used most by lawyers themselves, but by support staff—40% of who use it regularly, according to survey results.

Courtroom Training

Although down slightly from last year's figure (80%), the vast majority of lawyers who sometimes practice in a courtroom still lack courtroom training (72%). This is one area where the discrepancy among small and large firm lawyers is minimal; while solos and small firm lawyers report less courtroom training than lawyers in larger sized firms (75% and 76%, respectively), they are followed closely by lawyers in firms of 100 or more, 71% of whom have no courtroom training. Ironically—especially considering the general lack of awareness about courtroom hardware by litigators—the most frequently cited reason for not receiving training in courtroom technologies is that it is not necessary (48.1%). Lawyers who do partake in courtroom training avail themselves of a wide variety of training methods and resources, including practicing using the technology in the courtroom before using it live in court (39%), attending a court-sponsored training course (37%), using training materials provided by a vendor or consultant (32%), using training materials provided by the court (31%), taking a course sponsored by a vendor or consultant (30%) and receiving training from in-house staff (28%).

Electronic Filing

According to the most recent survey data, one in five lawyers (20%) has filed court documents electronically at some time, while 36% have retrieved court documents electronically. The number of lawyers who have engaged in electronic filing has almost doubled since last year, when 12% of respondents reported doing so. Solos and lawyers from small firms (2-9 lawyers) currently form the highest percentage of those who have *never* filed electronically (86% and 84%, respectively). Motions (67%), pleadings (61%) and appearances (34%) still predominate as the most frequently filed documents. Despite the relatively recent emergence of electronic filing systems, lawyers have given the fledgling

programs a positive reception: 45% of lawyers are very satisfied with their electronic filing experiences, while 51% are somewhat satisfied. Correspondingly, 48% of lawyers reported being very satisfied with their experiences retrieving court documents electronically, with another 42% are somewhat satisfied.

Electronic Discovery

About one in five lawyers (19%) have at some time *received* an electronic discovery request, though only 4% of that group receives such requests more than three times per month. Solos receive electronic discovery requests less frequently than lawyers in other size firms, with only 11% report having done so. When asked about methods used to process electronic discovery requests, litigation support software came out on top, with 9% of respondents using it regularly, 17% using it occasionally, and 14% seldom using it. At the other end of the spectrum, only 3% of respondents indicated they “regularly” rely on Web-based electronic discovery tools or ASPs; another 7% does so occasionally, while 5% seldom rely on such tools. Use of electronic discovery software is also sparse; 2% use it regularly, 6% use it occasionally, and 9% seldom use it. Curiously, lawyers appear to have considerably more experience making electronic discovery than receiving them; 53% of lawyers admit making such a request at some point—as compared to the 19% who report ever having fielded such a request. Still, lawyers apparently aren’t inundating each other with electronic discovery requests, with only 12% making them more than twice per month.

Use of E-mail

It probably comes as no surprise that 97% of lawyers report using e-mail for work-related tasks at least some of the time, or that eight in ten (80%) use e-mail one or more times a day for such purposes. Most lawyers who use e-mail also use it to send file attachments (92%). Although lawyers clearly use e-mail for a wide variety of business, legal and marketing tasks, the top three most frequently cited uses are for sending routine correspondence (96%), corresponding about case status (63%), and transmitting legal memos and briefs (64%). One in four lawyers (25%) admits to using e-mail to send out marketing materials, along with 22% who send out electronic newsletters, and another 17% who distribute electronic subscriptions or alerts via e-mail. Lawyers also use e-mail for a variety of business purposes, including sending out client bills (16%). Perhaps most noteworthy, lawyers are increasingly using e-mail for legal purposes, such as assenting to contracts or transactions (20%), transmitting court filings (19%), and delivering service of process papers (3%). The percentage of lawyers who reported using e-mail to assent to contracts or transactions has nearly doubled since last year, leaping from 11% to 20%.

E-mail Storage, Retention and Security

Despite the ever-increasing amount of unwanted e-mail landing in electronic mailboxes across the globe, it appears that lawyers continue to take a passive stance against such so-called spam. While last year more than half (55%) made no attempt to filter or otherwise circumvent incoming e-mail, this year's results were little better, with 52% reportedly making no effort to filter or circumvent unwanted e-mail. However, those who do so are resorting to more sophisticated methods to thwart unwanted e-mail; an impressive 53% use filtering software (as opposed to 14% last year), and another 48% use anti-spam software—also a dramatic increase over last year, when only 9% reportedly used it. A fair number of lawyers (37%) who make the effort to filter their e-mail use the technique of creating folders and directing e-mail to designated folders. An high percentage of lawyers (93%) indicated that they generally save incoming e-mail related to a case or client matter, with three-quarters of that group (75%) printing out hard copies, 38% saving messages to the network, and 36% saving them on their hard drive. Fewer than 8% save copies onto floppy disks or other removable media.

This year's survey results showed that a significant number of lawyers (80%) send confidential or privileged communications to clients via e-mail. Of even greater interest, however, is the frequency with which such transmissions are made. Almost one in three lawyers in the group (28%) report sending confidential communications one or more times per day; while another 23% do so one to four times per week and 17% do so one to three times per month. Despite possible ethical ramifications, the overwhelming majority of lawyers (70%) who send confidential or privileged communications to clients via e-mail rely solely on a confidentiality statement accompanying the transmission. About 15% require clients to provide oral or written consent, 18% use encryption, and roughly the same number (20%) take no precautions at all.

Online Communication, Collaboration and Document Exchange

When lawyers were asked which tools they have used *for any purpose* from an enumerated list of online communication tools, the most frequent response—submitted by 44% of all lawyers responding—was “none of these.” The large number of lawyers who reported using none of the four enumerated online communication tools (which included online chat rooms or conferencing areas, instant messaging, Web-based message boards and e-mail discussion lists) is particularly troublesome given their relatively widespread availability and use by the general public. The good news is that the number of lawyers who have not used any of the enumerated online tools has improved—dramatically—since last year, when 74% of respondents reportedly used none of them. Among lawyers polled this year who have used one or more of the online tools, almost one in four (38%) reported using an e-mail discussion list, followed by 34% who have used instant messaging tools, 22% who have used a Web-based message board

and 20% who have participated in an online chat room or conferencing area. Again, while the numbers may seem low as compared to the general population, there were measurable gains: the use of Web-based message boards has increased from less than 6% last year to the current 20%, while the number of lawyers using e-mail discussion lists has bounded from 5% last year to 38% this year.

Online Continuing Education

The 2002 survey results indicate that almost all respondents (97%) have enrolled in a Continuing Legal Education (CLE) course at some time, and of that group almost all (94%) have attended a traditional live seminar. As expected, lawyers had significantly less experience with programs offering more technically sophisticated modes of course delivery. Aside from live seminars, the most popular type of technology for CLE delivery was video, with or without an audio component, experienced by 42% of those responding. Almost one-third of respondents who had taken a CLE course had done so using a telephone hook-up (32%), while 27% used an audio-only arrangement. One in five respondents (20%) had attended a CLE event via satellite. As expected, participation in Web-based programs was not nearly as prevalent; less than 13% of those who had enrolled in a CLE course reported participating in a live Webcast. Even fewer (5%) had either accessed a non-live program delivered via the Web or accessed the archive of a live CLE program originally presented on the Web. When asked what factors would be most likely to prompt them to enroll in a CLE course, seven out of ten respondents (71%) resoundingly answered that the need to fulfill state CLE requirements is the major factor drawing them to such programs. That figure is up from last year's 60%, but so is the percentage of lawyers who enroll in CLE to stay abreast of current trends—which was the second most common response. Over two-thirds of lawyers (68%) listed the desire to stay abreast of current trends as a motivating factor in CLE enrollment, as compared to 21% last year.

Conclusion

The conclusion to last year's survey—indicating that “the legal profession trails, is in step with, or is ahead of the game in terms of technology use, depending on which technology and the size of the law firm,” is as true today as it was a year ago. While isolated segments of the legal profession continue to forge ahead in using groundbreaking technologies such as real-time transcription in the courtroom, others lag behind—evidenced by the reluctance of lawyers to use, on a broad scale, common online communication tools like Web-based message boards and e-mail discussion lists. However, it seems inevitable that the erratic adoption of new technologies within the legal profession will even out as those technologies mature, offering economic efficiencies and other incentives that are simply too powerful to overlook.