

UTILITY OF LEGAL SOFTWARE IN LEGAL PRACTICE AND RESEARCH

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Abstract

This paper examines the use of legal software as a tool for researching and legal practice management. The demand for reliability and validity in contemporary researching and the search for an easier stress-free management of law firms have created an avenue for the exploration of various software, which facilitate credibility both in researching and legal practice. The shift from the traditional manual processing methods of carrying out inquiries, analysis and legal management processes to technologically-based strategies and techniques have recorded considerable acceptability by lawyers, who are desirous of seeking best practices for the profession and by socio-legal researchers, who work to achieve reliability and validity. While addressing the accruing benefits of using legal software, the paper attempts to give a balanced presentation by recognizing that legal software may not be completely free from inherent challenges. The gathering of information was through the legal doctrinal approach, in which there was a recourse

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DELSU Law Review Vol. 7 2021 to historical and comparative discourse. In conclusion, the paper argues that the development of the World Wide Web by Tim Berners-Lee in 1989, has opened up a long global journey into the broad spectrum of internet facilities, which will continuously expand to accommodate skeptics of the benefits of legal software.

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Keywords: Software, CD-ROM, World Wide Web.

Introduction

Progressively, legal researchers are focusing more on demystifying legal software and encouraging flexibility and critical selection and exploration of software to support legal research analysis. In line with this, considerable number of researchers are using particular software tools in successfully executing their projects and managing their law firms. While the use of sophisticated software may sometimes be regarded as unusual by traditional legal researchers, they are innovative in their contributions to knowledge when used in research writing.¹ Legal software is imbued with ability to provide support for several methodological strategies, which require practicality. For example, when qualitative approach is adopted in researching, software packages like ATLAS.ti, MAXqda2 and a current range of NVivo may be explored for analysis. The use of these may create varying ways of working from an original research carried out, to chart a learning direction for another research.

¹ Aluta Evelyn, Participatory Water Governance in Nigeria: Towards the development of an effective legal framework for rural communities [Online] Available from <https://core.ac.uk/download/pdf/77060is.469.pdf> [Accessed 11 June 2019].

Traditionally, legal practitioners and researchers exercised preference for the doctrinal approach in which the issue of validity and reliability were hardly impressed upon the researchers. Contemporaneous research values have however, encouraged and insisted in the creation of a drastic departure from those values and charted a verifiable path for empiricism. The legal researcher may not depart absolutely from the doctrinal practices tied to the apron-string of historical, comparative approaches and the like, but, empiricism has encouraged the socio-legal researcher to adopt a range of research approaches, strategies and techniques demanding the use of certain software to enable reliability and validity.²

Generally, the entry of software into a technologically oriented world was heralded in various forms within the past decades. For example, digitalized information was accessed through the popular medium of Compact Disc Read Only Memory (CD-ROM). It is a compact disc containing very large quantity of information, stored and read by using a computer.³ The CD-ROMs were designed and marketed by commercial organizations. As a pre-pressed optical compact disc, the CD-ROM contains data in the form of graphics, hi-fi sounds, texts and was used for software installation programs. A major disadvantage is that it is slower to access a data than the hard disk. However, it is advantageous because computers can usually read CDs at a fast rate to access data.⁴

² John W Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (SAGE 2013); Ann Lewins and Christina Silver, *Using Software in Qualitative Research: A Step-by-Step Guide* (SAGE 2007)

³ Collins English Dictionary, CD-ROM Definition [Online] Available from <https://www.collinsdictionary.com/dictionary/english/cd-rom> [Accessed 11 June 2019].

Communication is a system for transmitting or exchanging information- for example, through telephone or computers.⁴⁴⁸ No verifiable claims have been made to counter the fundamental relevance of communication systems to human existence and survival. In line with this thought direction, a myriad of communication applications has exploded upon the world in the past years. For example, as a pioneering communication tool, the World Wide Web (www) was invented in 1989 by Tim Berners-Lee, an English scientist who wrote the first web browser in 1990 while under the employment of the European Organization for Nuclear Research (CERN), Geneva, Switzerland.⁶ The pivotal idea behind the invention was the merger of evolving computer technology, data networks and hypertext (HTML) into an easy, simple but powerful global information system.⁷ The combination of hypertexts or software for the connectivity of documents at the click of the computer mouse was a great insight. Impetus was provided for the World Wide Web when a landmark declaration in the history of the internet was made on April 30 1993, that World Wide Web technology could be freely accessed and used by everyone and no fees will be charged or payable to CERN.⁸ The World Wide Web has provided opportunities for different segments of humanity, which includes the marginalized and vulnerable persons who have been given a voice. It has made individual and collective lives bearable, particularly in difficult times,

⁴ WhatIs.com, What is CD-ROM? [Online] Available from <http://whatIs.techtarget.com/definition/CD-ROM> [Accessed 11 June 2019].

⁵ Merriam-Webster, Definition of Communication [Online] Available from <https://www.merriam-webster.com> [Accessed 13 June 2019].

⁶ CERN, A short history of the WEB [Online] Available from <https://home.cern>birth-web>[Accessed 11 June 2019].

⁷ *Ibid.*

⁸ *Ibid.*, number 6

characterized by socio-economic insecurity, which has assumed global dimensions. In reacting to the relevance of the World Wide Web, Tim Berners-Lee remarked that “the web has become a public square, a library, a shop, a school, a design studio, an office, a cinema, a bank, and so much more”.⁹The World Wide Web has equally become rife with dysfunctionality because it has given opportunity to scamming, voice to haters, malicious intentions are deliberately perpetuated, online harassing vices are on-going, and all manners of crime have been made easier to commit. However, there seems to be a ray of improvement, taking a cue from Tim Berners-Lee who remarked that:

The web is for everyone and collectively, we have the power to change it. Given how much the web has changed in the past thirty years, it would be defeatist and unimaginative to assume that the web as we know it cannot be changed for the better in the next thirty. If we give up on building a better web now, then the web will not have failed us. We will have failed the web.¹⁰

Information is key to development, whether at global, national or local levels. It is the processing of new data and may include communicating, inputting, outputting, disposing, inquiring, manipulating, storing, validating, and retrieving.¹¹Peter Martin and Tom Bruce pioneered free access to computer for legal information in 1992.¹²This has transcended into the present day, and there is free access to the internet for legal information dissemination. For

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ Encyclopedia.com, Information Processing [Online] Available from <https://www.encyclopedia.com>information>[Accessed 13 June 2019].

example, the Nigeria Legal Information Institute has a project in the National Judicial Institute. Under its portal, it makes available free access to Nigerian laws for the legal sector and the nations' citizens.¹³The Legal Information Institute freely publishes the text of the United States Constitution, judgments of the Supreme Court and the Code. Legal Information Institute also provides free access to information in Australia, Great Britain, and South Africa.

As a communication and information tool, legal research software may also be explored to make law management easier, it may enable correct charting of billing system by lawyers, assist lawyer and client relationship, while fostering smartness in dealing with other law related matters and challenges. While the use of software by lawyers has signaled a progressive advancement in practice, other professionals are also availing themselves of the ease in the use of various software.

This paper examines the relevance of legal software in legal practices and researching and it is written in five parts. Part 1 is a discussion on how to make a choice of legal software. Part 2 examines the key features of legal software. Part 3 is analyses the benefits of using legal software. Part 4 identifies types of legal software. Part 5 examines the accruing challenges of using legal software, followed by the concluding part.

1. Making a Choice of Legal Software

¹² Kabay ME, Cornell a Lillder in Cyberlaw Resources [Online] Available from <https://www.networkworld.com/article/.../cornell-a-lilldr-in-cyberlaw-resources.html> [Accessed 11 June 2019].

¹³ National Judicial Institute, Nigeria Legal Information Institute [Online] Available from <https://nigerialil.org> [Accessed 13 June 2019].

Generally, most buyers of legal software are people who seek to change from manual processes and basic systems to software, in order to accelerate their management processes. It may also revolve around the determination to carry out a research aided by a software, which offers excellent technical support. It is therefore, important for law firms or business managers and legal researchers to run their businesses and carry out researches by choosing the most appropriate software to use. The use of software is not discriminatory because, it may be used by small firms or bigger ones- they both invest in software for the improvement of their practice management. An informed comparison from several available ones for the selection of software is an initial task that should not be overlooked. For example, a legal researcher should consider suitability for the particular research being embarked upon, practicality, ease of manipulation, back-up capacity, availability, cost, features and durability of time of software before acquiring it. A potential user should search for a suitable software by signing for a free trial plan of the best tool. This will facilitate a test drive of the system's features and the exploration of comparability before investing in a particular software.

The Software-as-a-Service (SaaS) as a cloud practice management software allows a firm's clients and workers to access data through any of their devices based on internet connections. The use of cloud-based software is usually preferable because of the security they offer. However, potential users should carry out search on the security measures used by the service provider, note the frequency of back-up for data, inquire about the bandwidth, which will be suitable, and inquire if the cloud system will be capable of managing the envisaged data load or whether an on-premise system may be more suitable for particular needs. As a result of most

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lawyer's needs to access information through their android phones from anywhere (including courts), it is important to make inquiries on whether the service provider or vendor's offer of services will include native applications for android and iOS devices (such as Apple iPhone operating system, which is a mobile operating system), or it is a simple browser.¹⁴ An inquiry into security of the system will determine which of the employees of a law chamber may also access an installed internet system.

2. Key features of legal software

Legal software may be explored for several options. For example, they may be used to enable exploration of new or subsisting researches, The use of legal software may enhance effective case management, capable of providing centralized database, flexible and speedy searches, task management, effective tracking, phone messaging and allow checks for statute of limitation. The suitability of manually monitoring procedures may prove messy, confusing and intricate, but legal software is imbued with qualities to provide contact management which can track and store details of electronic mails, phone calls and provide phone call callback reminders. While carrying out an assemblage and management of documents for the creation of legal documents through automated templates, this may be from simple letters to more complex legal documents, draft of files, and creation of links to word processing applications. An added feature is the docketing and calendaring, to enable viewing and scheduling of meetings, keeping of appointments and deadlines on daily, weekly, monthly and yearly basis. There is the billing and time tracking, which records billable time by hourly transactions or by contingency basis. In the past, the accounting

¹⁴ Your Dictionary, IOS device dictionary definition of Ios device [Online] Available from <https://www.yourdictionary.com> [Accessed 13 June 2019].

procedures were not easy for law firms, but the legal software provides an effective accounting by managing firms' payroll, keeping accurate trust account, receivables, billing and creation of financial reporting.

3. The benefits of using legal software

From legal and empirical perspectives, the use of legal software for researching and legal practice management has succeeded in charting a modern technological path for the law profession. Thus, there is a high rating for efficiency in performance, smartness in searches for information through the use of computer applications. The accruing benefits are enriching the profession in its gradual departure from traditional legal practice to processes that encourage credibility. The use of legal software may therefore, encourage, provide and create validity and reliability in research analysis. It enhances the coordination of tasks among practicing lawyers and the employees of legal firms. This in turn invigorates clients' satisfaction that the management of matters pertaining to them is seamless, has accuracy, and it is free from suspicious insecurity of documentary evidence in the custody of a firm of lawyers. In legal parlance, time may be of essence in certain legal matters, and accordingly, legal software creates conservation of time because cases are organized linkages of contacts, calendars, tasks, and notes on pending matters.

4. Types of legal software

There are numerous types of legal software that lawyers and researchers may explore to ensure seamless works. For example, socio-legal researchers are comfortable with the simplicity embedded in the Nvivo. The NVivo software is among the aspects of the Computer Assisted Qualitative Data Analysis (CAQDAS),

which Nigel Fielding and Ray Lee (1971) collectively proposed.¹⁵ It was launched in the 1990s for the provision of advice in the training and use of different packages, information dissemination and enhancement of qualitative data analysis, which may facilitate debates among the users and methodologists.¹⁶

The AbacusLaw software offers legal accounting, client billing, case management, and management of calendar in one system. It may be used with ease to quickly organize electronic mails and client files. The CoCounselor software has been designed specifically for the unique needs of lawyers. It is cloud-based and may be used for legal management. It provides features for easy and convenient management of appointments, bills, clients, cases, and documents. The Jarvis Legal software may be used for tracking time and effectively manage clients and cases. CosmoLex is a cloud-based practice management software for lawyers. It is notable for the provision of reminders, calendars, timekeeping and some other useful features.

The TimeSolv is a popular software used by practitioners of law because it is intuitive, and simple to use, since it creates time at a fast pace, allowing the user to enter time quickly even when it is operated in an offline mode. This attribute ensures a good management, system capable of creating an increased revenue. This software may be accessed from any device with an added value of retrievability, which is enhanced because business data can be accessed anytime, and anywhere. Since time-keeping should not be time consuming, the TimeSync desktop widget enables the user to

¹⁵ Bazeley P, *Qualitative Data Analysis with Nvivo* (Sage 2007).

¹⁶ Ann L and Christina S, *Using Software in Qualitative Research: A Step-By-Step Guide* (SAGE 2007).

quickly input expenses and entries for time at offline or online modes. The design is efficient in facilitating invoicing for numerous businesses because, it provides various functions, which firms may require for efficient management. For example, conflict management, billing, client portal with LawPay to enhance quick payment and accounting for trust relationship. The software enables accuracy in billing system, while invoices may be customized by using the templates, which have flexibility of use. TimeSolv enables a seamless conversion of data to inform a secure business information. Some common problems which may generate customer complaint in the use of the software may be encountered. For example, when incorrect billing is generated, there may be failure in communication with clients or documents pertaining to appeals, evidentiary information, while petitions, and supporting documents may be lost. Generally, these are common challenges in the legal profession, because, the maintenance of clients' files is usually taxing for firms. Users should therefore envisage the likelihood of these problems and take adequate steps to forestall them. For example, firms should ensure that all the invoices sent are accurate and indicate completion of tasks for clients' cases. The starting point is in having effective time tracking solution with support by a legal billing system to enable the team to smartly input time monitored into customizable, precise invoices. Clients should have precise information on the charges attached to cases and this should be provided ahead of time, since clients may be discouraged by unforeseen expenses, not indicated. In the use of this software, an important aspect of daily management of a business is the implementation of an efficient software for promptly responding to electronic mails, and phone calls while specific assignment of such chores to members of the work force may mitigate unforeseen difficulties.

The Practice Panther software has global application and may be accessed anywhere in the world. This is advantageous in creating a user-friendly, simple and straightforward software, which may be used by sole practicing lawyers or an entire law firm. It was intentionally designed, based on the understanding that lawyers lack the luxury of time to configure complicated software for their use. The interface requires only few clicks by combining the billing, time tracking, payment procedures, expenses management, and the effective use of calendar in one automated mobile-friendly software. These attributes create considerable security, which allows users to save numbers of hours in managing their law practice. Practice Panther is easy to navigate because it has a boosted software power and speed. The mechanism enables automatic billing of retainer fees while the use of extra manpower may not be necessary in notifying clients because everything can be customized and automated to allow a multiple integration with other relevant software. This ensures that document management and data migration are easily made.

The Clio software is designed to support legal service providers with facilitating tools, and it is capable of organizing case details. It has capacity to set down schedules, create workflows, and share documents effortlessly. By integrating with other accounting systems like Quickbooks and Xero, it can manage a firm's finance, accurately track billable minutes and deliver a professionalized invoice, which will enhance prompt payments. Clio may be accessed from any devices, anywhere and has compatibility with the Android, PC, Mac, and iOS.

MyCase is a web-based legal practice management software, which focuses on solving communication problems between clients and their legal practitioners. It was designed by appfolio, known for building cloud-based software for small and medium sized organisations. MyCase software offers practice management in contacts, scheduling, document and case management, online billing and invoicing. It may be used for time tracking and management of calendar for lawyers and paralegals. The software is a secure online portal, which allows complete integration with other online software such as Google and Outlook.

The Firm Central software was developed by Thomas Reuters and it is cloud-based, bringing together legal procedures into a single platform. For example, the management of legal matters, calendar management, scheduling, invoicing, electronic mail monitoring, and customization of documents. It may also be used for conflict checking, time management, trust accounting, mobile accessibility and reporting. Firm Central may be integrated with some other software such as Westlaw Form Builder, which is a tool purposely designed for creating, customizing, and storing varieties of legal forms and documents, which will allow users' personalization of paperwork according to specific case or client's requirements.

Another cloud-based software is the ActionStep, which has solution for practice management. The software promotes document management, time recording, and billing system. By providing storage for documents, browsers such as Google, Outlook and facilities such as Microsoft are integrated. The software has capacity to generate digital files for various matters by using in-built workflow and it can instantly be involved in letter creation, wills and the smart drafting of contracts.

Alt Legal is a user-friendly software, which has been considered simple to use for trademark and patent docketing in detecting and updating changes to filings and statutory deadlines. The software uses electronic mails with key updates, reminders and deadlines to provide information, and also customizes reports and clients' correspondence with a click, which saves time. The DPS Software is a set of legal software used in the United Kingdom for handling various businesses- for example, personal injury, wills and probate, family, crime and conveyancing. It is web and desk-top based platforms for practice management, legal accounting, case management, mobile and web applications. The HoudiniEsq is a powerful legal case management software for busy firms with heavy and several case-loads. It was designed for use by small firms and runs on clouds, providing users with options to suit their individual needs. It may be used for tracking expenses, billing and invoicing, case and clients' management.

5. Challenges in the use of legal software

Researching scholars may be wrong in using an inappropriate legal software, which may create problems in research analysis. On the other hand, the failure of law firms to maximize the accruing benefits of a particular selected software may result in challenges in the use. For example, international practices may have created a policy that the selected software is not compatible with phone numbers in some nations outside the United States of America. The system may also not support the use of certain international currencies which will create difficulties in invoicing for clients outside the country of the software's origin. A law firm may have omitted to carry out an effective customization of the software for its optimal use in their area of specialization. A software may also

lack a seamless integration with other applications used in a law firm or business.

Conclusion

The focus in the use of software is not to make provisions for methodological or analytical framework. This is because, available tools may give support to tasks in different ways. This presupposes that users should take cognisance of practicalities, such as the way software is installed, and what it may perform to enhance expectations, and be inquisitive on whether a software is the ‘ideal’ tool. This stems from the fact that a researcher reserves the right of knowing which software will serve the purpose of a particular research best, while a legal manager ought to recognise that regardless of software selected for managing the affairs of a firm, utilization of the selected software is critical for facilitating data management.

Since the development of the World Wide Web by Tim Berners-Lee in 1989, global journey into the broad spectrum of internet facilities have continuously expanded to accommodate skeptics of the benefits of legal software. The users have dared to dream big to be accommodated by a growing usage or to accommodate the expansive dimensions of the internet. Practicing Lawyers, being a part of this global dream are joining the band-wagon effect to make their researching and lawyering environment a better and more profitable place to live in.