



## **Embracing the Emerald City: Navigating Legal Tech with the ASPEN Protocol**

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If you've ever attended one of my presentations, you know I often draw parallels between the legal world and Frank L. Baum's "The Wizard of Oz." It's a surprisingly apt metaphor, especially as we journey down the yellow brick road of artificial intelligence (AI). With endless buzz about ChatGPT, Gemini, Claude, and the like, it's easy to feel a bit like Dorothy – a bit overwhelmed but determined to find our way.

The COVID-19 pandemic was our tornado, catapulting us into a tech-driven Oz. Video conferencing, once the stuff of skepticism, became our lifeline. But this was just the start. We need a map – the ASPEN Protocol to truly thrive in this new landscape.

### **Video Conferencing: Our Unexpected Shortcut**

Social distancing pushed us to embrace video conferencing on a massive scale. While "Zoom fatigue" and tech hiccups were real, the benefits were undeniable. We gained efficiency, flexibility, and expanded access to justice. This experience shattered the myth that technology and the law were incompatible.

### **Lessons from the Yellow Brick Road**

- **Adaptability is Key:** We found clever ways to adapt mediation and arbitration to the virtual realm. We used breakout rooms for caucusing, screen sharing for collaboration, and whiteboards for brainstorming.
- **Security Risks Spurred Innovation:** Initial concerns about data security led to stronger encryption, stricter access controls, and enhanced confidentiality training.
- **Technology is Only a Tool:** Successful virtual dispute resolution hinged on human skills like building rapport, active listening, and empathy – even through a screen.

### **The ASPEN Protocol: Your Actionable Guide to the Emerald City**

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<sup>1</sup> The author acknowledges the use of AI tools, including ChatGPT and Gemini, to assist in refining the language and structure of this article. However, the core concepts, theoretical framework, and the ASPEN Protocol are original to the author.

The ASPEN Protocol is more than just a roadmap; it's a toolkit for navigating the ever-evolving landscape of legal technology. Let's break down each step with actionable tips for practitioners:

### 1. **A - Awareness & Education: Knowledge is Your Power**

- **Dive into Tech News:** Regularly read legal tech blogs, publications, and news sources (like LawSites, Legaltech News, Above the Law) to stay informed about the latest developments.
- **Attend Webinars and Conferences:** Participate in online and in-person events like ABA TECHSHOW, which is focused on legal tech, to learn from experts and network with peers.
- **Join Professional Groups:** Engage with online forums and communities like LinkedIn's Legal Technology Professionals group to share knowledge and ask questions.
- **Experiment with New Tools:** Don't be afraid to try new technologies in a sandbox environment to understand their capabilities and limitations.

### 2. **S - Strategies & Protocols: Create Your Playbook**

- **Develop Technology Use Policies:** Create firm-wide or practice-specific policies outlining acceptable use of technology, data security protocols, and ethical guidelines.
- **Document Workflows:** Map out how technology will be integrated into existing processes, identifying potential bottlenecks and areas for improvement.
- **Define Roles and Responsibilities:** Clearly assign who will be responsible for implementing, maintaining, and troubleshooting technology solutions. Consider creating a dedicated legal tech committee or role.
- **Establish Communication Channels:** Create clear channels for reporting issues, sharing feedback, and staying informed about updates and changes. Utilize tools like Slack or Microsoft Teams for efficient communication.

### 3. **P - Preparation & Practice: Build Your Skills**

- **Invest in Training:** Provide comprehensive training for lawyers and staff on how to effectively use new technologies, covering both technical and ethical aspects. Consider partnering with legal tech providers for specialized training sessions.

- **Conduct Simulations:** Run mock trials, hearings, or mediations using new technologies to identify and address potential challenges before they arise.
- **Pilot New Solutions:** Test out new technologies on a small scale before rolling them out firm-wide to gather feedback and make adjustments as needed. Start with a specific practice area or case type.
- **Seek Expert Guidance:** Consult with technology specialists or legal tech consultants to gain insights and advice on best practices for implementation.

#### 4. **E - Education Again: Stay Ahead of the Curve**

- **Monitor Emerging Trends:** Keep an eye on emerging technologies like AI, blockchain, and cybersecurity to anticipate their impact on the legal field. Subscribe to newsletters and alerts from organizations like the Legal Technology Resource Center.
- **Participate in Continuing Education:** Attend workshops, seminars, and courses on legal technology to stay up-to-date on the latest developments and best practices. Look for CLE opportunities offered by bar associations or legal tech providers.
- **Engage in Ethical Discussions:** Participate in conversations about the ethical implications of new technologies, including their potential for bias and impact on due process. Join online forums or attend ethics-focused legal tech events.
- **Contribute to the Conversation:** Share your knowledge and experiences with others in the legal community to foster a culture of continuous learning and improvement. Write blog posts, give presentations, or participate in panel discussions.

#### 5. **N - Notice & Transparency: Build Trust with Clients**

- **Obtain Informed Consent:** Clearly explain to clients how technology will be used in their case and obtain their consent before proceeding. Create a standardized disclosure form to outline the specific technologies used, their benefits, and any potential risks.
- **Address Privacy Concerns:** Proactively address any privacy or confidentiality concerns that clients may have about the use of technology. Assure them that their data is secure and explain any measures taken to protect it.
- **Be Transparent About Limitations:** Clearly communicate the limitations of technology and explain how human judgment will remain a critical component

of the legal process. Set realistic expectations with clients about what technology can and cannot do.

- **Educate Clients:** Help clients understand how technology can benefit their case, such as by reducing costs, increasing efficiency, and improving communication. Provide resources like brochures or FAQs to explain the benefits of legal tech.

By following the ASPEN Protocol, legal professionals can confidently embrace technology as a powerful tool for enhancing their practice, improving client service, and advancing the pursuit of justice.

Remember, the ASPEN Protocol isn't a one-and-done checklist; it's an ongoing commitment to responsible and ethical technology adoption. By staying informed, adaptable, and proactive, you can navigate the ever-changing landscape of legal tech with confidence and integrity.