

Millennials Encountering the American Legal System

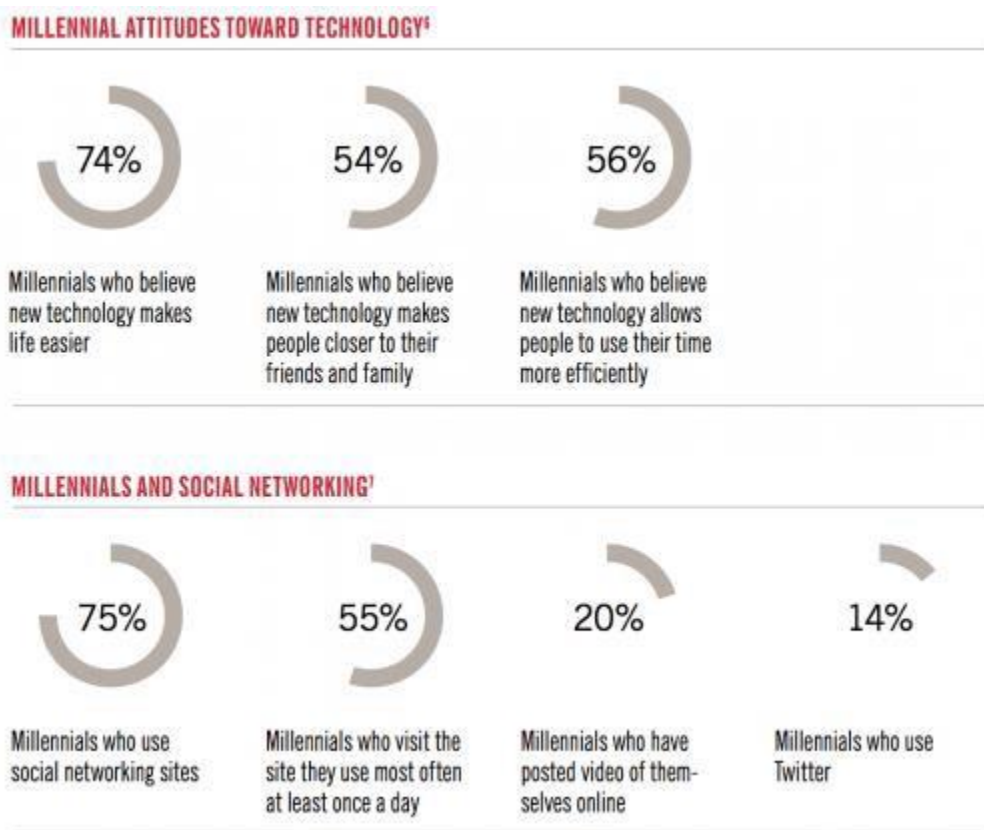
By Robert L. Heston, Jr.



Encountering the American Legal System - Is there Access for Millennials?


The millennial generation is the largest in US history and, as they reach their prime working and spending years, their impact on the economy is going to be huge. Millennials have come of age during a time of technological change, globalization and economic disruption. That's given them a different set of behaviors and experiences than their parents.

Articles abound today on advances in technology being spurred on by the millennial generation that wants everything at their fingertips whenever they need information. Companies are spending billions of dollars to develop apps and access methods for millennials.



They're also the first generation of digital natives and their affinity for technology helps shape how they shop. They are used to instant access to price comparisons, product information and peer reviews.¹

According to one source, a "majority of Millennials (54 percent) say that they like the idea of cell phones moving beyond voice and text capabilities. And while the vast majority of Millennials still use those core functions of a phone, they are noticeably more likely than other generations to use their smartphones to engage in activities like social networking, watching video, IM/chatting and using mobile GPS. Likewise, when it comes to mobile app categories, Millennials are much more likely to use those types of apps that are relatively less common among users overall. For instance,



Millennials are 1.7 times more likely than smartphone owners ages 35 and older to use travel apps, 1.5 times more likely to use VOIP apps such as Skype, 1.4 times more likely to use sports apps and 1.2 times more likely to use classified apps such as Craigslist and Yelp. They're also more likely to access music and video apps, gaming apps and shopping apps."²

In addition, millennials not only want to use technology for research and information, they also want everything to be immediately accessible. When it comes to getting the information they need, millennials are different. They require instantaneous access to information via their smartphones and communication via social networks. According to Chris Corrao, product manager for SunGard's capital markets business and an expert on the impact millennials will have on financial services, "Millennials only want to talk to you when they need to, but they always want information," he says.³

Much of consumer technology is geared toward products, food, etc. Millennials still make in-store purchases, but they often shop online as well, and the lines between the two are becoming increasingly blurred. Timely gratification is important. This group looks for speed, ease of purchase and efficiency when choosing a shopping destination.


Brands that have a social media presence, manage a user-friendly website and engage their customers with relevant, fresh content have a greater chance to impact millennial purchasing decisions. Brands that provide more depth or substance to their offerings and give greater explanations of why they are relevant give the millennial more reason to make them a part of their lives. And it gives them more reason to share with others, helping the brand build an organic and loyal following. Open, ongoing and relevant communication is the key to a brand's success with this generation.

Creating a forum for this group to communicate and share their opinions with each other can create loyal followers and increase sales. However, if a brand's offering does not satisfy their needs, the judgment they pass can make or break its adoption and success.⁴

The challenge for any brand is to determine what is relevant for the millennial audience, which harkens back to their ideals and social dynamics. Having a Facebook account, posting on Twitter and providing content is critical, but there are many brands that do this with limited success.

There are 79 million millennials in the United States that have different tastes, desires and goals. Some believe that buying organic products has a direct benefit to help them achieve a healthy lifestyle, others seek portable grab-and-go solutions that don't take time out of their day and still others appreciate both.⁵

Some food and spirit brands provide content to help millennials create a perfect restaurant-quality meal or host a social gathering using the brand's product. The brands that adopt this strategy position themselves as an asset to the millennials' needs or wants, allowing them to become more than their products and services — they become the provider of an experience that this generation wants.



To date, there has already been an explosion of apps developed for millennials to satisfy their appetite for information. A quick review of the apps that promise immediate access to all kinds of services and products are almost too numerous to count. And more appear every day. Research firm Comscore recently released their annual report on mobile app use. They found that “millennials still love mobile apps, to the tune of a whopping 90 hours per month spent on smartphone apps alone. Don’t worry, they love tablets too. Just not as much.”

They also found that in looking at all “usage growth across all platforms, mobile represented 65 percent, followed by a modest 12 percent for tablets. The report also uncovered some enlightening statistics about how millennials are finding apps these days: primarily through the app store, while older users tend to discover apps via outside sources.”

“Mobile now represents almost 2 out of 3 digital media minutes, and mobile apps alone now constitute a majority.” This means big opportunities for mobile app developers and highlights the opportunities for apps targeting the millennial demographic. A well-thought-out mobile strategy for companies hoping to grow through mobile conversions is more important than ever. Says the report, “A small slice of app users can contribute a lot of usage. Publishers must look to millennials’ app habits to win in mobile long-term.”

Wise words but far from surprising to New York iPhone app developers where constant smartphone use has gained millennials the nickname “facedown generation.”⁶


Several articles have noted that it can be a challenge for attorneys to work with millennials, but the necessary technology is already advanced and heavily utilized in other legal service areas. One article spells out what millennials will want in accessing legal services and what law firms will have to implement:

What Do Millennials Want?

Targeting the younger generation whether for business or recruitment purposes is going to require a cultural shift not just within individual firms but across the entire legal industry.


- There needs to be a greater emphasis on technology and a willingness to explore innovative ways it can be used to create efficiencies for law firms and their clients.
- Legal marketing needs to start embracing data analytics and allow concrete numbers and verifiable trends to guide marketing strategy.
- Attorneys need to begin to blur the division between their personal and professional identities.
- Law firms need to invest more time into fostering and promoting their unique internal cultures.⁷

All of these areas, among others, will help position law firms for future success by attracting the business and skill sets of the next generation of lawyers, clients and legal marketers.



But amidst all of this development do millennials have the access they need to the American legal system? Stated another way, are lawyers providing the type of instant and easy access to legal documents, legal advice, attorney matches and attorney services that millennials might expect to have via their mobile or technology app?

There are really three parts that need to be analyzed in order to answer this question completely: One, are there some areas where the delivery of legal services is similar to other products and services accessed by millennials where the information is accessed quickly and via the use of a mobile or smartphone app? Two, are attorneys themselves accessible quickly and via the use of a mobile or smartphone app. Three, are there any areas that this immediate need for access through technology may create barriers, perhaps unexpectedly, for millennials where they believe information and/or actual services should be available and it is not? And in all of this are there any inherent dangers or trouble spots that may create navigation issues or an unaligned consumer- professional medium?



1. Are there some areas where the delivery of legal services is similar to other products and services accessed by millennials where the information is accessed quickly and via the use of a mobile or smartphone app?

Lawyers and the legal profession create a number of technological opportunities but also a number of related issues. For example, technology has been used for years in creating documents, like wills, living wills, powers of attorney and trusts. Additionally, legal documents in other areas are now easily accessible online. These include real estate documents such as rental agreements, purchase/sale agreements and related documents. Many legal tasks that required the expertise and attention of attorneys and often took days or weeks to create have been transformed into immediately accessible “do-it-yourself” documents. The companies that have made these documents accessible are now becoming household names - Legal Zoom and Rocket Lawyer are two of the major companies in this area.

Despite this widespread acceptance from the legal service consuming public, there are dangers in these documents created instantaneously online without the help of a lawyer to analyze each consumer’s specific circumstances. State bar associations are having heated debates about the efficacy of permitting consumers to draft these documents without legal help. Legal Zoom and the State Bar of North Carolina just settled a furious legal battle over the right of these do-it-yourself companies to supply legal documents to consumers in a manner that does not require the review of the document by a licensed attorney.⁸

2. Are attorneys themselves accessible quickly and via the use of a mobile or smartphone app?

What about millennial clients who are in actual need of more complicated legal services and who may be searching for an attorney to help them – what lawyers may call the marketing end of the legal profession? Given the general expectation for instantaneous responses, what are the expectations of millennials and what does a lawyer or law firm have to do to attract millennials as clients?


One article has provided law firms with some tips on how to make changes to their practice to be able to serve millennials who seek their services:

“New Tactics You [the Lawyer] Need to Implement

- You will have to have an online presence to get their attention. You cannot simply pick up the phone and cold-call their office, as they will all probably have their headphones in and won't hear you calling.
- Social media is a great networking tool. If you can interact with the CEO of a tech start-up on Twitter, there's a chance that you can build a trusting relationship in the future. (Through 140 characters) you should be able to display your thought-leadership.
- Find out who their mentors are. Who do they look up to and seek guidance from. A referral from someone in their trusted network could mean business for you, for a long time.
- They WILL Google you. If your firm website is below industry standard simply from a cosmetics standpoint, and your SEO is nonexistent, then they will forget about you within seconds (or not find you at all). If your firm doesn't come up as the first search result, they will NOT waste their time scrolling to find you. They will find someone else to help them with their legal needs.
- Consider going mobile. If your site is optimized for mobile use, you could find more and more Gen Y surfing through your site.
- If your blog is geared towards millennials, make sure that you are producing content of value to them. Simply advertising your services won't work, you will need to generate great content to capture their attention.
- Implement video on your site or in your blog.⁹

How do you [the Lawyer] ensure success?


- Improve your email response time. They are not understanding of your workload and personal life. Respond to them. Better yet, become inclined to use new communication tools that they are using more frequently. You should learn to use Slack.
- Don't just improve your email response time, improve your social media engagement



cycle. They are connected 24/7. If you only log in once a day, you might miss some valuable information.

- Being punctual at meetings is a must for all scenarios.
- Realize that they work with flexible schedules. Your client may decide to work from home one day and may not be able to meet. Maybe you could show your flexibility by offering to meet over Skype? Or Google Hangouts?
- Be casual. Be professional, but don't expect your client to show up in a three-piece suit to lunch. Converse shoes are more likely.
- Be honest.”¹⁰

These tips are helpful for law firms to have their firm considered by technology-savvy millennials in the searching phase.



3. Are there any areas that this immediate need for access through technology may create barriers, perhaps unexpectedly, for millennials where they believe information and/or actual services should be available and it is not?

“Instant gratification is a common theme with the Millennial. Increased accessibility has created an expectation that Millennials can have whatever they want whenever they want it. This notion does not have to be limited to the digital world.” ¹¹

Are Millennials Accessing Attorneys and Legal Information Via Technology?


Statistics show that 28% of the employee population of any company (over 300 employees) will need the kind of legal services that are more detailed than creating or reviewing a document. They will take more time and involve providing all of the services related to a full-blown lawsuit of some kind. These types of cases are examples of the more protracted or complicated issues:

- Legal problems are highly confidential – no one wants to tell their employer they spent last night in jail for a DUI/DWI
- Legal problems are highly personal – many employees do not want their co-workers to know they are going through a divorce or they have been abused by their spouse
- Legal problems may have far-reaching consequences – children can be taken away from spouses who are not caring properly for them or who made a mistake in their care – the threat of Children’s Protective Services taking their children away keeps many employees from talking about their legal issues
- Legal problems with financial consequences are highly embarrassing and many employees do not want to talk about a bankruptcy or collection agency harassment
- Losing one’s house in foreclosure is likely beyond embarrassing for many employees and they are not readily willing to talk through the problem at work
- So many legal problems sound so scary at first and can seriously undermine one’s reputation – as an example, imagine an employee accused of stealing, assault or child abuse and even charged with a crime – and yet the person is innocent
- Indeed, there are a substantial number of reasons where privacy prevents employees from being forthcoming at work about their legal problems.

When it comes to more complicated, more labor intensive and more procedural legal services like lawsuits, litigation disputes and protected court battles, what will be the expectations of millennials? Will millennials be able to access information and handle legal tasks via their web technology? And will this access be in the immediate format that millennials have come to expect?

In these types of cases, the employees who need this kind of legal help or actual representation will have to confront certain inherent legal system challenges. There may be at least six different types of challenges that may affect their access to lawyers, advice and actual representation. In many cases:

- (1) The existence of a body of rules and regulations that govern lawyers and the practice of law, known as the State Bar Ethical Rules, that vary by state, but are inherently similar in nature.
- (2) The absolute recognition by every state bar of the need for attorneys to ensure any legal advice, consultations and services are absolutely confidential and not disclosed to anyone other than the (millennial) client.
- (3) The requirement that in most states all but the simplest services performed by attorneys may



require written retainer agreements.

- (4) The general rule that once an attorney becomes an attorney of record in a criminal or civil court case they are often required to represent the client all of the way through the case until its close, in some instances, years later.
- (5) The costs or expected costs of legal matters can slow down a case until funds to pay legal fees are located and transferred under the retainer agreement.
- (6) The current mode of practicing law, particularly among the most experienced lawyers.

1. The existence of a body of rules and regulations that govern lawyers and the practice of law, known as State Bar Ethical Rules, that vary specifically by state, but are inherently similar in nature.

The first hurdle may come from state bar rules which can be absolutely stifling to the release of information quickly in most states. These rules prescribe how attorneys should engage in the practice of law and set forth many requirements in the name of protecting consumers of legal services. Rules include not being able to solicit clients, rules regarding how services can be advertised, what lawyers can or cannot state on web sites, rules regarding when an attorney can withdraw from a case, rules that govern more than one client or matters with past clients, rules regarding privileged information and many others.

Most clients, including millennials may not be aware of these restrictions for which an attorney may be disciplined or in some case even disbarred. These rules act as absolute prohibitions on some kinds of activities. In many instances, some of the limited or prohibited activities may not seem overly wrong, but the penalties for nonconformity are severe for attorneys. In many cases, clients may actually think attorneys are being ridiculous when the attorney objects to performing certain services in a certain way that seem very streamlined and efficient to a client.

One of the most cited examples, is that an attorney is often restricted in giving advice to a person whom he/she meets at a cocktail party. Many attorneys are uncomfortable in this situation because their State Bar Ethical Rules may consider any advice rendered by them to be the start of representation of that person as a client (as ridiculous as that sounds) simply by the attorney supplying advice or an opinion. To the cocktail party attendee, they are just talking out loud or trying to get a quick opinion about some legal matter. To the attorney, the rendering of any opinion or advice may start the attorney-client relationships which then triggers all sorts of other state bar ethical obligations. Most attorneys have to have a complete investigation of the facts before they are comfortable commencing any representative relationship, and usually this is not possible in the cocktail reception example given above.

Let's look at how these ethical rules can slow down the access to information via technology. Let's say a millennial has an accident (not major but some injuries and damage) on a street corner at 2:00 am. The other car is also damaged, and both parties claim the other is at fault, one because of the claim the other car ran through the red light, and the potential caller-millennial claiming the light for him was green. In years past, the police would come, witnesses interviewed, pictures taken and a report completed. In some cases, a fault determination would be made, and a ticket issued, which of course, would pre-determine the outcome in many cases. The person receiving the ticket would be considered at fault by the insurance company, and they would pay the claim and then raise the rates of the insured.

However, as technology improves, a millennial may be inclined to want to talk to the lawyer right at the time of the accident. He may call the office, and assuming someone is at their desk at 2:00 am, a lawyer would have the option of discussing the legal matter and fault with the caller. In fact, assume the caller asks the attorney to tell him that he was not at fault or to tell him what to do to protect himself from receiving



the fault determination.

Many of today's lawyers would hesitate to do this for several reasons, some of which are discussed below. One reason would be that the attorney, despite the call and the caller's apparent willingness to talk, would not be able to get all of the facts, even if they received pictures via text from the scene. They would not have the benefit of the witness statements or looking at the witness while the witness was giving the statement to determine their veracity and to ask them questions about bias, family relationships, etc. Additionally, the attorney would not be able to examine the scene including skid marks, damage, lighting and other related items or facts that could end up being critical in the evaluation of fault or liability.

Thus, despite technological capabilities, pictures could be taken and texted immediately, the witnesses could be interviewed via Skype or Google Hang-outs, the scene could be examined via the video function on a phone all while the attorney remained in their office and could give an opinion of fault over the phone to the millennial caller on the spot, it is the ethical rules that may be an unexpected hurdle.

One inherent hurdle would likely be the attorney's understanding of the ethical rules to which he is subject. The rule that may hold him responsible for having rendered advice or an opinion to the caller could be critical, and most attorneys would consider themselves to be limited from rendering advice in our example because they may not want to risk being wrong before they did an investigation, and because the rendered opinion could be substantially wrong if an important fact at the scene was missed. Say for example one of the parties clearly smelled like alcohol and had been drinking. Attorneys may not want to represent a client who caused an accident or may not want to represent a client who had been drinking. An additional fact is that for an attorney being wrong may eventually result in a malpractice claim for giving bad or errant advice and cost the attorney higher insurance premiums or a cancellation of his insurance.

While this is one example, it does show how technology may not be the factor that limits the immediate access to legal services for the millennial caller.

2. The absolute recognition by every state bar of the need for attorneys to ensure any legal advice, consultations and services are absolutely confidential and not disclosed to anyone other than the millennial client.

Perhaps another hurdle to getting an immediate legal opinion or legal advice via a smartphone for these more complicated legal matters is the State Bar Ethical Rules and the state regulation of the confidentiality of legal matters and client confidences. Every state has an absolute protection for information conveyed by a client to an attorney about his/her legal matter subject to few very limited exceptions. Attorneys can be disciplined and disbarred for violating this client confidential information rule, and most attorneys are very careful to not do so.

This impacts immediate access via technology in several ways. Attorneys receiving calls via smartphones, texts or emails from a caller may think they are receiving confidential information during the call. They must be able to preserve the substance of the call. That is, make a record of the exact information being conveyed. In addition, the attorneys have a duty to make sure the caller is who he/she says they are and may not be sure the person to whom they are talking/texting is actually the client, none of which is a problem when the client calls for an appointment and then comes to the attorney's office. If there is any reason to suspect the person is not whom they purport to be, the attorney can take a time out before going further and make any investigation they need, either on the spot or after a time out.

On a call, this is often not possible without slowing the process down considerably before being able to dispense any legal advice or services. This confidentiality manifests itself in many ways. Using our auto accident example above, there is no way for the attorney who the client called to determine who is listening to the conversation or may be listening to the advice given to the client. In our example, if there is a passenger injured in the caller's car and should the case ever be disputed in a lawsuit, in many jurisdictions, the driver would be liable to the passenger for damages. In many car accident situations, the driver and passenger are friends, family or associates, and it is not until later that a dispute may arise between them. An attorney giving the driver advice over the phone may end up disclosing strategies that would otherwise help a client in a later lawsuit involving the friend, family member or associate. The result is that the lawyer could unintentionally end up waiving a privilege for a client or disclosing confidential information without ever knowing it. Liability for the attorney could ensue.

Confidential information is a significant concern for lawyers, and their caution may be a prohibitive factor for the instantaneous access, advice or services expected by millennials when they initiate the call for help.

3. The requirement that in most states all but the simplest services performed by attorneys may require written retainer agreements.

Most states have rules specifying that retainer agreements must be in place that set forth all of the main terms by which the client will hire the attorney and by which the attorney will perform services for the client. Thus, any millennial who has a legal problem and is seeking to retain a lawyer online for immediate advice and action may inevitably have to endure a slowdown in the retainer agreement phase for most legal representation to be undertaken by lawyers. Many millennials will no doubt want to hurry the process along or take the position that “no retainer is needed – I just need some quick services.”

In fact, many clients, millennial or not, have this expectation. The problem is that many small legal matters are not minor at all and become major legal battles when escalated by the parties. The rule regarding the retainer goes hand-in-hand with the rule that governs the start of representation of a client by an attorney discussed above. This means that if an attorney gives advice or renders services and does not have a carefully discussed retainer agreement in place, the representation will likely have been determined to have started without the retainer agreement, which is a violation of the ethical rules that may subject the attorney to potential disciplinary action.

The result is that it is common practice for attorneys to interview clients in their office (or at an agreed upon place and time after the call for help) and to provide a retainer agreement that can be reviewed with the client. The client is then free to ask questions and carefully consider the retainer agreement. Most attorneys want to be sure they are careful not to create any impression that the client was pushed or coerced into signing a retainer agreement and want to make sure the client can say no or take their time to read it.

Thus, a call to the office with a resultant expectation that advice and/or services will commence flies in the face of this “take your time and read the agreement carefully” approach. A phone call where a client needs immediate answers may not give the attorney time to explain the agreement or go over the terms with the client. The result is that if an issue ever arose, an attorney would not be able to say they fully discussed the agreement and that the client seemed to understand the terms. And because of the threat of the state bar rules, many attorneys will never risk taking less time to make sure the agreement is signed.

In our auto accident example above, if the attorney took the call and rendered an opinion on the accident and gave advise on what the caller should do to limit or avoid liability, the attorney runs the risk of commencing legal representation without a retainer agreement as may be required by the State Bar Ethical Rules.

4. The general rule that once an attorney becomes an attorney of record in a criminal or civil court case, they are often required to represent the client all of the way through the case until its close, in some instances, years later.

A fourth challenge to immediate advice or services from an attorney being rendered via technology in a litigation matter is that, under traditional State Bar Ethical Rules, attorneys, in most cases, are considered to be the client's "attorney of record." Once the representation is commenced they become the client's attorney for the entire legal matter. Under this rule, the attorney is then typically required to handle the entire case, including all of the steps involved until the legal matter is concluded, the client dismisses the attorney or the attorney withdraws from representation.

A millennial who wants to get some legal help without retaining an attorney or to have the attorney do only one task will inevitably run into this conflict and may be surprised or distressed by this. They may not realize how this rule limits what an attorney can say or do for a client without becoming their attorney of record. Admittedly, this often is clear to a client as an attorney usually has to file some type of statement that they are appearing in the case for the client.

What is limiting is the flip side of this situation when it is not clear who the attorney of record is. An attorney may not want to become the attorney of record in a case that is not fully known or investigated by them before they take action to assent to the representation. It is not unheard of for an attorney to be summoned to court to respond to a judge's inquiry about what type of advice was actually rendered to a particular client and when. This explains the possible hesitancy from an attorney to render services over the phone or starting a relationship with a client on the phone that may involve the attorney in a case that creates a conflict or gets them involved in a case for which they have little or no experience once the facts become clear.

In our auto accident example above, let's assume the accident happened and the next day the other driver filed a lawsuit against the millennial caller. Let's assume the millennial caller did NOT call the attorney until 3:00 pm on day 30 in a jurisdiction that had 30 days to respond to a lawsuit. The millennial-caller tells the attorney the facts and indicates they have 2 hours to file a response or default. Based on what the attorney says, they run down to the courthouse and file a response without any time to get a retainer in place or to do an investigation. The caller neglects to tell the attorney that he was also charged with a DWI. The result is that the attorney now may be charged with representing the client until the court orders the attorney to be dismissed. In some cases, this could be years.

Again, it is unlikely that a case would happen this way, but what this example illustrates is that to avoid this kind of situation, an attorney may be reluctant to help a caller who wants an immediate answer right away. If the caller does not understand this, they may think the attorney is not helpful, when in fact, the system rules prevent the attorney from being more helpful.

5. The costs or expected costs of legal matters can slow down a case until funds to pay legal fees are located and transferred under the retainer agreement.

While millennials may need to talk to attorneys during off-hour time periods as a legal problem arises, when they need to actually retain the attorney and start legal representation, an additional hurdle appears. This hurdle is much like the requirement of a written retainer agreement. An attorney will, in many cases, require a down payment for the services they will provide – what is called in the legal profession a retainer fee. This fee is usually related to the size of the case as can be expected based on the initial information available at the start of the case. A retainer fee will often be required before work begins.


In today's world, this is becoming less of a hurdle, provided the potential new millennial client has the needed funds in an account that can be accessed online. In those cases, a transfer can be made into the attorney's account instantaneously provided the attorney knows their online banking information. The technology to do such a transfer is secure and encrypted and most millennials routinely engage this technology to make various transfers.

The problem is when the funds are not available to the potential new client. Retainer fees are often in increments of \$2,500, \$5,000 or \$10,000 or even higher depending upon the seriousness of the legal matter. In today's world, there are many employees who may not have these kinds of funds available in their online accounts to make the transfer easily and seamlessly. It may take an employee with a new legal matter hours, days or sometimes weeks to raise that kind of money. As a result, while the millennial may be ready to receive representation from the attorney, and the attorney may be ready to render help, the standard practice of insisting on a retainer fee can slow down the timing of legal services being rendered to the client. This is the practice of most attorneys, so it is unlikely that the retainer fee requirement will be alleviated by calling other attorneys.

6. The current mode of practicing law, particularly among the most experienced lawyers.

One of the most significant barriers to retaining an attorney online is the customary manner in which the legal profession as a whole is used to engaging in the practice of law. In general, attorneys are usually available in regular business hours, although some have evening and weekend hours, especially if you make an appointment. Many attorneys simply do not engage clients or answer phone calls at times when their office is not open. Some attorneys do engage telephone answering services who can be called after hours, but there are usually strict requirements for the attorney to be called after hours by the service to alert them to a call. This is a far way off from a mobile app that gives an instantaneous response.

Attorneys with experience are especially in demand, and it is commonplace that these attorneys may not be available in a "as needed" sort of time frame. Court appearances interfere with the desire for immediate attention from a caller. In the legal profession, nothing interferes with court appearance times and dockets. To the extent an attorney is engaged with the court or an opponent, the attempt to reach them via a mobile app would likely be frustrated by the court requirement of no cell phones. This barrier



can be a fairly serious issue even during regular hours. Pending court appearances such as trial days or trial settings can also absorb the attorney's availability. In those cases, the attorney is forced to act like he is in court without technically being in court, and, in some cases, these take the entire day.

Many attorneys do not answer their phones during the day, preferring to defer to a receptionist who will transfer calls only for limited and defined circumstances. In this scenario, messages are taken and calls returned at the end of the day or some other time period. Thus, a caller using a mobile app will be frustrated when the attorney does not pick up the phone and does not call them back at a specific time.

We are generalizing, and these conditions are waning with many attorneys who are more responsive by working beyond the traditional customs and practices. Change is underway in the legal profession and many attorneys and firms are adapting to the mobile app technology revolution. Many lawyers do have after hours where they will respond, many attorneys do take calls when they come to the office or by mobile phone and many attorneys will respond immediately to new calls. The problem is that many of these attorneys have less experience, and, if one needs an attorney with a lot of experience, it is likely the customary practice of law will intervene to prevent an immediate response.

It is likely that in five years, this landscape will change entirely with the availability of better technology, and attorneys will be able to get to new clients more quickly and provide more services within a faster turnaround.

What Do Millennials Want?

Despite all of these barriers, millennials still want immediate access to legal services. Thus “targeting the younger generation whether for business or recruitment purposes is going to require a cultural shift, not just within individual firms but across the entire legal industry.

- There needs to be a greater emphasis on technology and a willingness to explore innovative ways it can be used to create efficiencies for law firms and their clients.
- Legal marketing needs to start embracing data analytics and allow concrete numbers and verifiable trends to guide marketing strategy.
- Attorneys need to begin to blur the division between their personal and professional identities.
- Law firms need to invest more time into fostering and promoting their unique internal cultures.

All of these areas, among others, will help position law firms for future success by attracting the business and skill sets of the next generation of lawyers, clients and legal marketers.”¹²

For millennials, “technology is paramount,” says Corrao. For instance, to appeal to the new generation of advisors, “you have to be able to include every possible data source.” He continues, “It has to be in real time, it needs to be extremely mobile, and the user experience has to be configurable and intuitive.” Most importantly, “social media has to be part of the experience.”¹³

Once these barriers are overcome by the attorneys who provide the services, it is conceivable that mobile apps and instantaneous access to actual legal representation will become commonplace. As time goes on questions will be less about whether an attorney is available, will answer calls or will have retainer documents and retainer fee-paying technology in place. Legal questions asked will become about what is happening in the legal profession, where are the new technologies, where will they go and what will they have to do, how will attorneys have to change their traits and habits and how much adoption is necessary?

Insights into Which Technologies Attorneys Will Have to Embrace

- Embrace technologies that enable them to be retained online, instantaneously
- Embrace technologies for client conflict checks
- Technology that enables the transfer of funds and instantaneous verification of available funds
- Interactive, decision-tree technology that will enable clients and attorneys to provide appropriate documentation online and to review and make corrections that will make discovery more seamless, including these factors:
 - o An adaptive online client interview form
 - o Specific fact information verification in real time
 - o Location and review of key documents in real time
 - o Real time technology to research other party(ies) key facts
 - o Confidential encrypted document uploads
 - o Technological process that allows an attorney to interview parties, witnesses, experts and to document their responses to questions


Let's see how far off into the future this technology really is.

As we indicated, document review and preparation technology is currently widely available and utilized by several large commercial/consumer sites, and there would likely be no improvements to this technology except those related to compliance, speed and efficiency.

Additionally, technology related to the transfer of funds between accounts and verification of the availability of funds are also readily available and widely used today, and there is nothing that theoretically prevents adoption and implementation by attorneys on a widespread scale.

Client conflict technology exists for large firms and could likely be utilized and improved for small firms. This technology would be required to access the firm's files, scanning quickly to determine if any conflicts exist. Technology would also be needed for those cases where a potential conflict is recognized to determine if a true conflict exists. There would likely be a limitation in those instances where a close call situation exists, but otherwise, this technology likely exists and could be deployed in the small law firm setting.

Upload and interview technology is also available. Current technology just needs to become more interactive and client-dependent. As most consumers have undoubtedly heard lawyers say for decades, "the facts of each legal case are different and require individual attorney attention." The challenge is in the research and development of all relevant evidence and information in a case and then distilling it into the various duties and tasks required in the pre-trial/discovery stages of each litigation matter.



The good news is that, after the attorney has verified specific factual information about the case, executed retainer documents and transferred retainer fees, this might not be needed for the initial online connection that will eventually lead to a client engaging an attorney online. This prospect is very exciting and may not be too distant in the future provided the legal profession makes certain adaptations.



Conclusion

The millennials like any generation are influenced by the culture and world developing around them. Technology and changing social dynamics have a profound effect on their beliefs and actions.

To dismiss them as simply arrogant, lazy or over-opinionated overlooks what makes them special and different from other generations. This group will challenge you, expect more from you and desire a better idea for how to live. Ignoring them may well lead to the demise of your brand. This generation is just realizing its purchasing power; as another decade passes, the brands they have built relationships with today will be the ones they are loyal to tomorrow.

Besides, learning to market to this generation will better prepare your brand for the next generation—who, at the age of one, were already using iPads and being influenced by the world at speeds so far ahead of other generations that it's hard to imagine what their values will be.¹⁴

End Notes

1/ Source: Goldman Sachs Website, Source: monitoringthefuture.org

2/ Source: An Experian Marketing Services White Paper | June 2014 "Millennials Come of Age."

3/ Source: <http://thenextweb.com/entrepreneur/2014/03/29/meet-millennials-consumers-change-marketing-landscape/2/> [Meet the Millennials: The consumers to change the marketing landscape. Jamie Gailewicz by Jamie Gailewicz 29 Mar '14, 12:00pm in Entrepreneur]

4/ Ibd.

5/ Ibd.


6/ Dogtown MediaApps.

7/ Source: <http://www.jaffep.com/blog/why-law-firms-should-target-millennials-part-1>

8/ Source: <http://www.abajournal.com/news/article/legalzoom-resolves-10.5m-antitrust-suit-against-north-carolina-state-bar> 9/


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11/ <http://thenextweb.com/entrepreneur/2014/03/29/meet-millennials-consumers-change-marketing-landscape/2/> [Meet the Millennials: The consumers to change the marketing landscape, Jamie Gailewicz by Jamie Gailewicz  — 29 Mar '14, 12:00pm in Entrepreneur] 12/ Source:

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13/ Source: The millennial generation: Revolutionizing the financial services industry. <https://www.sungard.com/resources/capital-markets/articles/millennial-generation>

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