

A Family Law Guide
To Facing A New Era of Tech Disruption

D I G I T A L
TOAST

L A N D I N G J E L L Y S I D E U P !

SIËSDE DISPUTE RESOLUTION TECHNOLOGIES

www.siesde.com

FOMO

Fear Of Missing Out

REINVENTING YOUR FAMILY LAW BUSINESS MODEL

EVEN BEFORE COVID-19, the Family Law market was on the track for change. It's strides were unnoticed, as "alarm" and "fear" hadn't yet hit the marketplace. Today's consumer marketplace is dominated by tech-savvy consumers raised alongside computers, digital communications, and instant access to instant information. They communicate predominately by text and video (not by email, rarely by phone and most certainly not by fax), are comfortable doing their banking completely online, manage personal information digitally, regularly upload financial documents for their mortgage applications and, frankly, would prefer to communicate digitally, rather than face-to-face.

Family Law is no longer *just the business of law*. Technology has fueled the disaggregation of "legal" tasks and has morphed legal delivery from the sale of legal expertise to the business of legal expertise and professional services leveraged by technology and smart processes. This means that "30 years of mediation experience," being an "ADR Expert," or even "knowing" family law is only a baseline, not the end-game for family law professionals.

You may be tempted to conclude that this is not the attitude of your specific family law clients or that technology is not applicable to your experience in family law. FOMO ALERT: chances are it's simply that this tech-enabled demographic has not yet reached the stage of life where they are needing your specific family law services. Considering that this demographic came of age about 10-15 years ago, take this as the last moments of a demographic reprieve.

Today's late Gen X and early Millennial clients are pushing back - demanding a different kind of transparency from their professionals. They are price sensitive, expect you to manage your costs, communicate faster, provide better customer service, and, without a doubt, include them collaboratively on their legal journey. Be assured, they will negatively review your "dinosaur ways" online if you don't. Being able to respond flexibly to these increasingly typical client demands is a shrewd way to ensure your future market share.

Tech alone will not drive your legal transformation. Instead, new business models, redeveloped processes, and embracing market trends, all enabled by innovative legal technology, are the keys to organizational success or failure. Here are several cogent observations on Family Law business transformation:

- A business model is "the manner in which a business creates and delivers value for a customer, while capturing value for itself in doing so". Successful Family Law business models must have four interdependent elements:
 - A clear customer value proposition,
 - clear profit and expense formulas,
 - key access to and use of digital resources, and
 - efficient and well-defined business processes.

Unfortunately, you may not be as innovative as you think you are. Statistically, successful innovation come from start-ups, new firms, and fresh business models, simply because established lawyers, mediators and financial professionals (and more often, their staff) tend to be naturally change averse.

Post Covid-19, professional Family Services must be augmented by smart impactful business basics: scalable services, efficient processes, data analytics, project management tools, current communication skills, a whole new list of professional skill-sets and an understanding of the role of professional-to-professional and professional-to-client collaboration (among others).

6 WAYS TECHNOLOGY IS ALREADY MAKING A FAMILY LAW PROFESSIONAL'S LIFE EASIER



1 **DIGITAL DOCUMENTS**
STORING, SIGNING, AND SENDING
I.E. NO MORE BULKY FILES AND BOXES



2 **E-FILEING & DOC SHARING**
PROFESSIONAL COLLABORATION
I.E. QUICK, EFFICIENT, AND SECURE



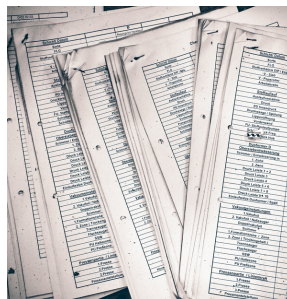
3 **A.I.-BACKED PROCESSES**
ANALYZING CUSTOMER PATTERNS
I.E. BILLING & TRACKING CLIENT HOURS



4 **PROTECTING PRIVACY**
FOR YOUR FIRM AND YOUR CLIENTS
I.E. PIPEDA & REGULATORY COMPLIANCE



5 **DIGITAL WORK STATIONS**
WORKING REMOTELY AND VIRTUALLY
I.E. VIRTUAL STAFF, ACROSS TIME ZONES



6 **CO-PARENTING TECH**
DISPUTE RESOLUTION
I.E. POST-NEGOTIATION SUPPORT

AUTOMATION AND TECHNOLOGY ARE JUST TOOLS

Just as healthcare technologies have dramatically improved healthcare *without replacing doctors*, legal process automation (backed by efficiency technologies) will make the practice of law simpler, *without replacing lawyers*. Instead, professionals can expand their market share, take on more cases, and prioritize resources. This enables them to work faster and compete with larger firms for work that was previously reserved exclusive to the big guys. Automation is not intended to interfere with your legal practice. Embrace the possibilities and make the technology work for your business model.

"The use of technologies to collect and automate data can help narrow down the issues for family professionals. Algorithms and language processing techniques are identifying patterns related to domestic violence, power imbalances, fraud detection, and mental illness. Technology can also provide a useful foundation from which clients and their professional can together build their own resolution pathway."

TECH INNOVATIONS

FAMILY LAW

SPECIALITY TECH-SPECIFIC TOOLS

The majority of Family Law Firms want to increase revenues, yet the typical professional already works more than they plan to each week.

The average full-time family lawyer *plans* to work 46.8 hours per week but ends up working 49.6 hours. Over the course of a 50-week work year, the added 2.8 hours each week adds up to 140 additional hours—roughly 3.5 weeks—of unplanned work each year.

Up to 75% of lawyers, mediators and financial professionals also report working outside of regular business hours *often or always*, and 39% say this negatively affects their personal life.

Law firm staff report that they plan to work 41.1 hours per week, but that they also end up working more, averaging 43 hours each week—with 37% working outside of regular business hours and 16% saying it negatively affects their personal life.

Today there is ODR, Artificial Intelligence, Contract Analysis, IP Automation, and many more tools. More than ever these exciting tools are finding practical application in family law.

While other areas of law move forward with technology, family law, by virtue of its inherent complexities, has often been referred to as the last bastion of tech innovation. Even as other legal professionals begin to pivot around new technologies and business models, family lawyers are only just starting to see a rise in innovative methods of service delivery.

In reality, tech is beginning to make huge inroads into family law, through smart marketing, client management, data analytics and dispute resolution tools. Client triage, online retainers, cloud-based separation agreements, and co-parenting apps are now popping up around the world. Existing technology can screen for domestic violence, highlight power-imbalances, generate solutions for parenting arrangements, and even address the tone of communications between divorcing spouses.

WHERE IS FAMILY LAW TECH GOING? (NOT IN THE NEXT DECADE... NOW!!!!)



MACHINE-LEARNING TRIAGE

PROVIDING GREATER ACCESS TO JUSTICE
AND DIRECTING CLIENTS TO RESOURCES



ONLINE DISPUTE RESOLUTION (ODR)

ADR RESOURCES TO NOT ONLY RESOLVE
DISPUTES BUT TO GET AHEAD OF DISPUTES



LEGAL CHATBOTS
CUSTOMIZED RESPONSES TO QUESTIONS
HELPING CLIENTS SORT THROUGH THE SEA
OF ONLINE INFORMATION



SOLUTION GENERATION

PROCESSING DATA PATTERNS AND FINDING
SOLUTIONS FOR YOU AND YOUR CLIENTS



LEGAL DESIGN

CLIENT CENTERED PROCESSES DESIGNED
AROUND YOUR CLIENT'S NEEDS



NATURAL LANGUAGE PROCESSING

MAKING COMPLICATED LANGUAGE SIMPLER



FINANCIAL VISUALIZATION
HELPING YOUR CLIENTS TO VIEW THE BIG
PICTURE IN A CONCISE MANNER



**CONSUMER-FACING
ANCILLARY SERVICES**
INTEGRATIONS INTO TAXES, BANKING,
MORTGAGES, AND FINANCIAL PLANNING



VIRTUAL MEETING SPACES
IT IS THE NEW NORM
THE MARKET DEMANDS IT



FINANCIAL DISCLOSURE

CANADIAN FAMILY LAW TECHNOLOGY LEADS THE WAY

According to research, Family Law "pain points" like financial disclosure typically requires 70-80 days to complete. Probably one of the most cumbersome processes in family law (for both the professional and their client), the financial disclosure process is ripe for innovation.

A marriage between IBM Canada, The National Research Council of Canada, and the Ontario Association for Family Mediation, SIÈSDE's Financial Disclosure App is one of many digital tools created to simplify, standardize, and streamline processes like financial disclosure for family lawyers, mediators, divorce financial specialists, mortgage brokerages and their clients.

The App utilizes open-banking data aggregation and artificial intelligence to seamlessly lead client files from interview to the final generation of a Net Family Property Statement.

Specifically the Financial Disclosure App automates the client interview process, populates a digital document list, streamlines the gathering of documents to one accessible, secure, Canadian cloud platform (IBM Vault), and in one key stroke generates the necessary financial forms (Form 13.1 Financial Statements, Net Family Property Statements, etc.)

The App is now being utilized as part of larger platforms being rolled out for Collaborative Professionals (**CollabR8.ca**) and Mediators (**Medi8.ca**). Added features allow for collaboration between professionals, visual negotiation tools, and sharing of financial files with opposing counsel.

The Financial Disclosure App has taken a labour-intensive manual process that averaged ten to twelve weeks, and reduced client completion time to only a few days.

TIPS FOR GROWING YOUR LAW FIRM IN A DIGITAL AGE

Tech alone will not drive legal transformation; new business models will. Demand for law firm services has been flat for six years even as the overall demand for legal services has steadily increased. The difference can be explained by the failure of law firms to adapt to changing consumer expectations



INVEST IN TECH THAT REINVENTS PROCESSES

Investing in the right technology can transform the practice of your firm. But first be prepared to revisit your established processes and understand that there *will be* a learning curve ahead of you. Implementing change management strategies and investing in tech that addresses process will allow firms to complete work in a more efficient manner and give the resources they need to compete. Your goal is to see your team work smarter, not harder and be competitive on the legal landscape.

COST FLEXIBILITY AND FEE STRUCTURING

Rigidly sticking to the traditional billable hour model *may cost you* when it comes to attracting a new generation of clientele. Providing options such as unbundled, limited scope services or flat fee products will give your clients the choices they desire. Business is about the bottom line, and better understanding how technologies can reduce overhead and costs will help you keep more of the money you earn and improve net profits.



MAP CLIENT TOUCH POINTS

The user experience is **THE** priority in the digital world. Clients crave a human-centered process that meets both their legal, financial and emotional needs. Understanding *exactly* how your clients interact with your firm, both directly and indirectly, is crucial to providing value.

Mapping out a client experience can yield insights about how to optimize your process and how your digital presence can interact with and support your physical presence

TECH EFFICIENCIES

Time spent on administrative tasks: Of Family Professionals who ranked their firm as "successful or unsuccessful," the "unsuccessful" reported spending nearly twice as much time on administrative tasks, 15.3% of their working time compared to just 8.7% at firms for lawyers at "very successful" firms.



CLIENT EXPECTATIONS

There is a significant disparity between how lawyers and other professionals believe clients want to work with them and how clients actually prefer to work with professionals.

Client expectations is now the baseline for how professionals structure the delivery of family law services. Today's clients are demanding that their legal professionals harness emerging technologies to streamline processes, reduce unnecessary billable hours, as well as provide new forms of value-added services.

TECH HAS A GOOD TRACK RECORD

What family law professionals must recognize is that technology has already been very successfully leveraged in other industries (Financial Services, Health Care, Insurance, etc.) to either focus on reducing expenditures/service costs or on providing entirely new ways to deliver traditional services.

This can be through the software automation of a manual process, through leveraging data, or in using artificial intelligence to delivery efficiency-driven services.



A SOLE PRACTITIONER'S BFF

Research on sole practitioners reports that nearly 40% of time is spent on administrative tasks. Process efficiencies are a major factor that firms must address in order to contribute to the overall success of their practice.

Legal Tech *can* transform your services, including those that traditionally required complex process infrastructure and extra staffing. This means smaller firms will be better-positioned to compete with larger firms and that the latter will need to evaluate their offerings if they wish to keep their prices at current levels.

"As the practice of law becomes increasingly complex, ... the reputations of lawyers and their competence or qualifications in particular fields may not be sufficiently well known to enable a person to make an informed choice."

CHAPTER XIV, COMMENTARY 1
CBA CODE OF PROFESSIONAL
CONDUCT



MARKETING FAMILY PROFESSIONALS AND CLIENT ACQUISITION

Marketing is an integral element of a Family Professional's success. From branding to networking, your marketing efforts have a direct impact on your bottom line—especially for sole practitioners and small practices.

Marketing is also a multi-billion dollar industry and just as nuanced and complex as any other advanced profession. Good marketing draws upon advanced theories in psychology, sociology, statistical and big-data analysis, mathematics, case studies, and the unforgiving end result of the market itself.

To be effective, a professional must establish the expertise necessary to convince a prospect to become a client. Technology has enabled many tools, some with more credibility than others. The goal is to create a personal relationship with the prospect. Today more often than not, this is done via the internet.

While appearing simple, marketing is one of the most complex and high-stakes industries in the world. Notwithstanding, lawyers, mediators and financial professionals often approach marketing as some sort of obligatory box to check off before they can get back to their work, rather than understand the opportunity before them.

YOUR ONLINE PRESENCE

Almost all Canadians now have access to the Internet (whether from home, school, office, library, or phone) with 86% of Canadians now using high speed Internet from home. Analysis has shown that people will almost always research medical, financial, and most certainly legal issues online before speaking with a professional.



YOUR WEBSITE

Most Family Professionals are just happy to be online, but websites are no longer a set-it-and-forget-it tool. Web design has become a science and consumers expect a great deal from their online experiences. Some important things to consider when you plan your website (If you don't understand what the terms mean, hire a professional):

- Google Business Profile
- Landing Pages
- Site Speeds
- Image Optimization
- Search Engine Optimization (SEO)
- Bounce Rate
- Voice Engine Optimization
- Google/Apple Maps
- Mobile Experiences
- Design and Behavior Methodologies
- User Experience/User Interface (UX/UI)
- Customer Interaction (Live Chat, Chatbot)

SOCIAL MEDIA

Many professionals find social media to be unnecessary if not irrational, but social media is not just for socializing, it is a distinct method of interaction and communication that provides a platform to communicate what your practice is all about. More importantly, people now use social media to conduct online searches conducting their queries on LinkedIn, Twitter, Instagram, and Facebook. If you are not active on these platforms, you immediately limit your chances of ever being discovered. This holds true not only on social media search results but also search engines such as Google

Must Join: LinkedIn, Facebook, Twitter
Should Join: Pinterest, Instagram, YouTube
Could Join: Tumblr, Reddit, Flipboard
Possibly Join: Goodreads, Care2, Behance





DIGITAL TOAST

LANDING JELLY
SIDE UP!

Covid-19 means that things will never be the same again. Exactly how they will be different remains to be seen. Regardless, the future-focused professionals and relevant Family Law practices are leveraging the growing power of technology.

The future of Family Law Services and the future of Family Law Justice Systems is based on smart, human-centred designs and human-experienced processes. Business strategies and resources directed to family law services and processes, must take into consideration the impact on the humans that interact within any of our environments.

The transformation will not be instantaneous for anyone; the client, the technologist, Law Societies, The Court System and most certainly for the Family Law professionals involved. It is a process of learning, creating, launching, failing, revising and implementing again.

In a post-Covid world, smart Family Law business models embrace the power of the tools that technology is offering us and leveraging the benefits to us, our teams and more importantly our clients.



About SIËSDE:

SIËSDE Dispute Resolution Technologies innovates, creates and prototypes legal and dispute resolution technologies specific to Family Law and ADR processes. The SIËSDE Platform of Technologies facilitates problem solving solutions and specializes in identifying and resolving family Law legal process "pain points."

SIËSDE has been developing online dispute resolution (ODR) and Legal Tech solutions for Lawyers, Mediators and Collaborative professionals since 2016. SIËSDE is based from IBM Toronto, CANADA.

If you would like to understand how SIËSDE can assist your Legal Firm, Collaborative Association or ADR Organization, please contact us at info@siesde.com