Editorial

By Jason Schoolmeester.

If you haven't already figured it out, this edition of *Balance* has a technology focus. With that in mind, I thought I might make a few predictions about what we can expect in 2006.

General Technology Trends

THEY WILL BECOME ONE

You may have seen the great add on TV where a school teacher is asking a little boy to tell the class what the picture is that she is holding up (the picture is a mobile phone). The little boy gives her lots of answers, things like: a camera, a diary, an address book, a computer, the internet, a TV, a map, a stereo, a shop. This advertisement says it all to me. The mobile phone (though I'm not sure if this is the correct name any more) is taking on so many functions. This amalgamation has been called convergence: doing more with technology but using fewer gadgets to achieve it. For lawyers this means mobility. The ability to leave the desk, the office or the city and still be able to make and receive a call, send and receive email, manage appointments and even research legal issues will make these devices a must-have tool of the trade.

Prediction:

While there may be a few more gimmicky things added to mobile phones (multifunction devices), there won't be any real "WOW" additions. However, these one-size-fits-all devices will improve in design, size and cost. The greatest area of improvement will be integration, particularly in areas such as email, document management, databases and practice software (for things like time recording). So I expect we will see more and more of these devices in the hands of Territorians, though I would not recommend holding your breath for video calls in the NT any time soon.

VOICE OVER INTERNET PROTOCOL – VOIP

Voice over Internet Protocol is also called VoIP, IP Telephony and Internet Telephony. Stripping away all the jargon, VoIP is essentially using the internet for the transmission of voice conversations. There is a lot of hype about the savings to be made on the cost of phone calls. However, these savings are eroded where you have internet access through a standard telephone line (eg ADSL, where you pay for both internet access and the telephone line). While you don't need broadband, high-speed internet connections give a better quality of service, especially where you are using programs supporting video conferencing (eg Skype v2.0). For those with cable internet VoIP may indeed provide savings. I am certainly looking forward to using VoIP when the Commercial Division moves to the Department of Justice's new premises.

Prediction:

VoIP will become more popular, but make sure you do the sums. VoIP will put pressure on existing providers, who have heavily invested in their existing infrastructure, and I expect these providers will respond through price reductions. It is likely that organisations will move to replace their PABX systems with VoIP. However, the adoption of VoIP will not be as high as everyone expects and indeed will not make any significant inroads into the mobile phone market until we have faster broadband connections and greater wireless network coverage.

RESURGENCE OF APPLE COMPUTERS

I used to be first to dismiss Apple computers, but I have changed my tune. On a recent holiday in Sydney I had the opportunity to stop in at Myers and see the latest in Apple computing on display. If you base your computing purchases on pure style alone (I have been known to do that... but in my defence it was a seriously cute laptop) then the iMac, Mac Mini, MacBook Pro, iBook and PowerBook are all winners. After a few hours of playing with all of them I was amazed by the ease of use and the range of software (you can get Microsoft Word, PowerPoint and Excel). I was also intrigued by the fact that the operating system is based on UNIX which will expand the use and number of applications developed for the Mac. In addition, new Macs now sport Intel chips (that is supposed to be a good thing).

Prediction:

Expect to see more people with a Mac computer of some description. The Mac offers a stylish, cost-effective and comfortable experience: everything just works. Further, the UNIX based operating system and the move to web-based applications will mean that the Mac can be integrated easily into your organisation's existing infrastructure.

Specific Legal Technology Trends

ELECTRONIC DISCOVERY

All the predictions seem to talk about evolution, not revolution: I tend to agree. To date electronic

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discovery has been associated with those matters on the bigger end of the scale. This is probably due to the cost of the tools being developed to support these matters and the resources required to convert the documents to electronic documents. The maturing of ED tools, the proliferation of electronic documents and the increased speed and lower cost of turning paper documents to electronic documents will see more and more matters employing electronic discovery tools earlier in the process (maybe even from the start!).

Prediction:

The combination of client demand for access to documents and the increased mobility of lawyers will see stronger links forged between records management and electronic discovery processes and between the legal provider's tools and the client's records management system.

eLEARNING: CONTINUING PROFESSIONAL DEVELOPMENT

I don't think I could pass up an opportunity to talk about continuing professional development. With the impending introduction of mandatory continuing professional development, focus will turn to how technology can be used to create and disseminate legal training, particularly for regional areas (including the NT). Legal training providers have an opportunity to build on the lessons learned from other professions and universities. CPA Australia has a growing range of eLearning options which include CD-ROM based products and online assessments. These online assessments represent a shift in focus from delivery to the quality of the learning. In addition, the use of technology in GDLPs will create a generation of legal practitioners who are not only comfortable with eLearning, but will expect it.

Prediction:

The proliferation of devices like the iPod will result in an increase in demand for audio and video options for CPD. While the initial developments in eLearning are likely to focus on delivery, I expect a shift in focus to the quality of the learning to occur very quickly (though this may not be until 2007). There is also an opportunity for legal training (including in-house) to adopt different models of delivery by shifting focus from simply connecting individuals to content to connecting individuals to each other and creating a more collaborative learning environment.

WIKI

Wiki is a Hawaiian term meaning "quick, fast or to hasten". It is a very good description of the way the content of a wiki is created and maintained. Very simply, a wiki is an online database. The database operates like the web using hyperlinks to link entries and for general navigation, combined with a search engine. The key characteristic of a wiki is that anyone can add or edit content. One of the more popular examples is Wikipedia: The Free Encyclopaedia (www.wikipedia.org). The open nature of Wikipedia has not been without controversy in respect to its reliability. However, Wikipedia itself provides extensive information about research using the database clearly identifying its strengths and weaknesses. Wikipedia also reinforces the same principles we should all be applying to all internet based content and research materials generally. While some will never trust a completely open source resource, Justice Tamberlin of the Federal Court of Australia appeared to have no problems in quoting the description of "Reality Television" from Wikipedia (see *Nine Films & Television Pty Ltd v Ninox Television Limited* [2005] FCA 1404).

Prediction:

Wikipedia will continue to grow and become a good starting point for researchers (though not the only source). I think the wiki format will be used to create highly specialised databases by smaller collaborative groups which may put in place qualification requirements before users can add or edit content to improve reliability. Whether Wikipedia or similar databases are used extensively by the Judiciary remains to be seen.

In summary, I think 2006 will be a year of consolidation with a "more of the same" experience for most users and a steady as she goes approach for most organisations. With this in mind I offer this suggestion to organisations: take the money you might otherwise budget for new technology initiatives and put it into training to better leverage your existing investment. I am constantly surprised how little we all know about the software and gadgets we use everyday. Good luck with the remainder of 2006.

THANKS

Well, it has been a while since I made a contribution to *Balance* and I thought I would make amends by volunteering to assist Zoe by coordinating the contribution of a range of technology-related articles for this edition. To all those that have made contributions, thank you very much, particularly for putting up with my regular encouragement. For those that did not make the deadline or couldn't spare the time this month, I encourage you to pick an edition and submit your article. Finally, to Zoe, thanks for your patience and confidence, if nothing else I now have a far greater appreciation for the effort and commitment it takes to publish *Balance* (I can't believe we ever did this monthly!).