

# Practice Management and Legal Technology Trends to Watch

**Developments around artificial intelligence tools, cybersecurity threats, and succession planning for solo practice and small firm lawyers are major trends affecting Wisconsin lawyers in 2024.**

BY BRENT J. HOEFT

To say there was a flurry of activity and technological innovation in law practice management in 2023 might be the understatement of the year. Generally, technological advances become widely available across many industries before slowly creeping into legal technology. Lawyers tend to be risk averse, whether by nature or by training. Anyone making predictions one year ago about when generative artificial intelligence (AI) would become widely available and implemented into legal technology platforms was thinking in terms of years, not months.

At the time of the publication of this article, only 15 months have passed since the most widely known generative AI tool, OpenAI's ChatGPT, was made publicly available. In 2024, undoubtedly the flurry of AI activity will continue as more legal technology companies integrate AI into their products.

Other trends in practice management and legal technology are likely in 2024, too. Some of these will arise out of the proliferation of AI, but others are ongoing trends such as cybersecurity threats and issues inherent in places with aging populations. The following are specific trends that I expect in law practice management and technology over the coming year.

## Artificial Intelligence

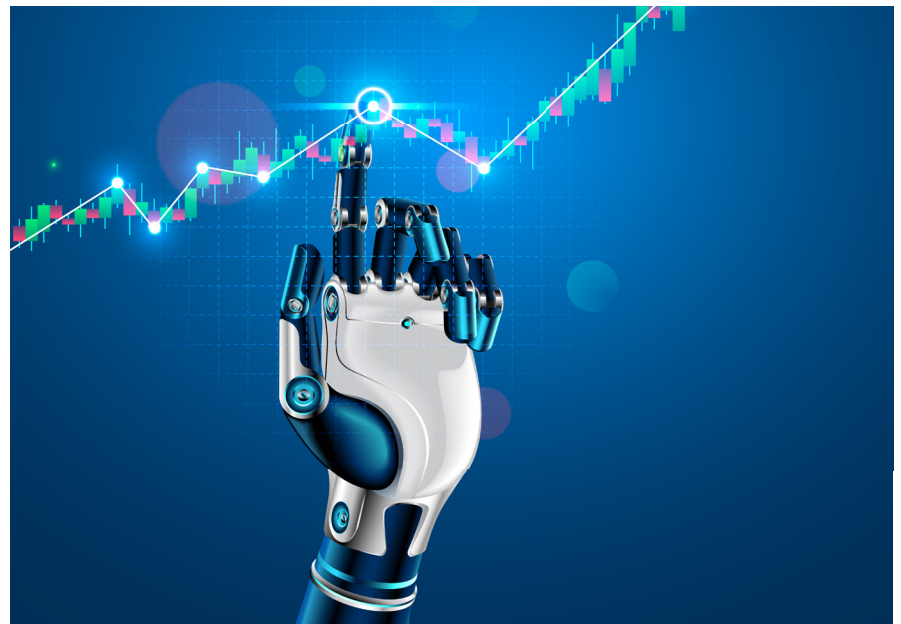
**Automating Routine Tasks and the Client Experience.** Repetitive and data-intensive tasks such as document review, contract analysis, ediscovery, and legal research are prime targets for AI automation. These tools can sort through mountains of data, identify vital information, flag potential issues, summarize

lengthy and complex documents, and assist with routine office tasks, communication, and marketing, freeing lawyers for more strategic, high-level, and client-centered work. Lawyers might already be using Microsoft's new AI product, Copilot. Copilot works across Microsoft 365 products (and eventually will work across all of Windows) to assist in such tasks as generating PowerPoint presentations from documents and meeting summaries, highlights, and key action items in Teams and creating data summaries, graphs, and charts from data sets in Excel.

**AI-powered Legal Research.** The benefits of implementing technology into legal research became apparent a few decades ago. Tasks that previously required a library of physical books were replaced by computer-based legal



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research through an internet connection and a subscription to one of the legal research providers.

Next in the evolution of legal research are AI-powered research assistants following natural-language prompts to access and sort through vast legal

libraries, identify relevant case law and statutes, summarize complex areas of law, and even assist with formulating legal arguments. Using AI in legal research not only saves time but also provides lawyers with a more comprehensive and nuanced understanding of the law. Thomson Reuters Westlaw, LexisNexis, and vLex/Fastcase have announced their versions of AI-assisted legal research tools, with more extensive rollouts coming in 2024.

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same rules and ethical obligations apply no matter who or what generates the document.

As with any technology used in legal practice, focus must remain on the ethics rules. Several bar associations and ethics committees have issued guidelines on the ethical use of AI.<sup>2</sup> In 2024, unfortunately, I expect more reports of attorney misuse of AI, as well as more guidelines issued on the ethical use of AI in the practice of law.

**Governmental and Judicial Guidelines.** In 2023, some federal governmental officials took actions or made comments in an effort to deal with the potentially negative aspects of AI.<sup>3</sup> Additionally, judges in several federal jurisdictions have issued standing

orders for their courts requiring lawyers to submit affidavits or certificates regarding the use of AI in any filings.<sup>4</sup> I anticipate additional governmental and judicial guidelines will be issued in 2024. It remains to be seen whether such actions will succeed as intended or will have unintended consequences.

**Law Firm Succession**

In the U.S., as of the last census, “the share of residents 65 or older grew by more than a third from 2010 to 2020 and at the fastest rate of any decade in 130 years.”<sup>5</sup> The percentage of State Bar of Wisconsin members who are 60 years old or older reflects this trend. Among solo practitioners who are active members in good standing, 56% are age 60 or older, and 28% are age 70 or older. Thus, more attorneys will need to consider how to pass on their law practices to younger lawyers.

Planning for this transition is a trend that will continue in 2024 and beyond. Formulating a law firm succession plan is vital, especially for attorneys with solo practices or in small firms. It is essential that this succession plan also includes planning for the worst-case scenario of an attorney’s death or incapacity. One of the first steps for an attorney (the registering attorney) to consider is designating another attorney as a successor to handle the winding down of the practice in the event of the registering attorney’s unexpected death or disability. A successor attorney will oversee the smooth transition of open client matters to other lawyers and handle the return and proper disposition of client files and retained funds. Taking these steps to plan for the unexpected is part of diligent representation of clients<sup>6</sup> and helps the heirs and those appointed to handle the estate of the deceased attorney.

Only 8% of Wisconsin solo practitioners who are active State Bar members have registered a successor attorney. In 2024, I hope to see an upward trend of Wisconsin solo practitioners taking a

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moment to go to their account profile on the State Bar of Wisconsin's website and registering a successor attorney.<sup>7</sup>

## Cybersecurity

All the buzz about AI in 2023 nearly drowned out the news of cyberattacks and cybersecurity to the point that some people might think these threats have subsided. This conclusion would be wrong. Phishing, business email compromise, and ransomware are ever-increasing threats to law firms.

Gone are the days of the cybersecurity best practice of identifying phishing emails through telltale signs of poor grammar, typos, and odd tones. Threat actors are using AI to generate very convincing and professionally drafted emails. Lawyers and law firms are increasingly targets of attacks, and threat actors are developing new

methods to target the legal industry. One such method is creating malicious websites associated with common legal industry search terms, resulting in these sites appearing high up on search engine results. When lawyers visit these sites and try to access information by interacting with the fraudulent website, malicious code containing ransomware is deployed.<sup>8</sup>

On the defense side of cybersecurity, AI is making its way into data security software to increase the speed of detection and protection against security threats. Companies are implementing AI into their antivirus, endpoint protection, and network intrusion detection and prevention systems. In 2024, AI will contribute to the creation of new, more sophisticated cyberattacks, as well as improved security defenses to combat these new threats.

## Conclusion

There is much to be excited about in legal technology and law practice management in 2024 and beyond. As the practice management advisor at the State Bar of Wisconsin, I stay on top of these trends and keep members informed of current best practices and recommendations. There will be growing pains as generative AI becomes more common in legal practice and recommendations, and guidelines will evolve. AI implications of which we're currently aware are likely the tip of the iceberg of the reality that will unfold in the coming years.

I predict that 2024 will be an interesting ride. Tune in and buckle up; there will undoubtedly be some turbulence as we embark on this new technological journey together. **WL**

## ENDNOTES

<sup>1</sup>See Pranshu Verma & Will Oremus, *These Lawyers Used ChatGPT to Save Time. They Got Fired*, Wash. Post (Nov. 16, 2023), <https://www.washingtonpost.com/technology/2023/11/16/chatgpt-lawyer-fired-ai/> (behind paywall for some readers); Justin Wise, *Lawyer's AI Blunder Shows Perils of ChatGPT in 'Early Days'*, Bloomberg L. (May 31, 2023), <https://news.bloomberglaw.com/business-and-practice/lawyers-ai-blunder-shows-perils-of-chatgpt-in-early-days>; Associated Press, *Michael Cohen Says He Unwittingly Sent AI-Generated Fake Legal Cases to his Attorney*, NPR (Dec. 30, 2023), <https://www.npr.org/2023/12/30/1222273745/michael-cohen-ai-fake-legal-cases>.

<sup>2</sup>*Proposed Advisory Opinion 24-1 Regarding Lawyers' Use of Generative Artificial Intelligence - Official Notice* (Nov. 13, 2023), [https://www.floridabar.org/the-florida-bar-news/proposed-advisory-opinion-24-1-regarding-lawyers-use-of-generative-artificial-intelligence-official-notice/?utm\\_source=thebrainyacts.beehiiv.com&utm\\_medium=newsletter&utm\\_campaign=143-fl-ca-bars-take-ai-action](https://www.floridabar.org/the-florida-bar-news/proposed-advisory-opinion-24-1-regarding-lawyers-use-of-generative-artificial-intelligence-official-notice/?utm_source=thebrainyacts.beehiiv.com&utm_medium=newsletter&utm_campaign=143-fl-ca-bars-take-ai-action); see Isabel Gottlieb, *California Bar to Vote on AI Guidelines Over Disclosure, Billing*, Bloomberg L. (Nov. 13, 2023), [https://news.bloomberglaw.com/business-and-practice/california-bar-to-vote-on-ai-guidelines-over-disclosure-billing/?utm\\_source=thebrainyacts.beehiiv.com&utm\\_medium=newsletter&utm\\_campaign=143-fl-ca-bars-take-ai-action](https://news.bloomberglaw.com/business-and-practice/california-bar-to-vote-on-ai-guidelines-over-disclosure-billing/?utm_source=thebrainyacts.beehiiv.com&utm_medium=newsletter&utm_campaign=143-fl-ca-bars-take-ai-action).

<sup>3</sup>Exec. Order No. 14,110, 88 Fed. Reg. 75,191 (Oct. 30, 2023) (Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence); Chief Justice John G. Roberts Jr., *2023 Year-End Report on the Federal Judiciary* (Dec. 31, 2023), <https://www.supremecourt.gov/publicinfo/year-end/2023year-endreport.pdf>; see also Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0206> (last visited Jan. 9, 2024).

<sup>4</sup>Jessiah Hulle, *AI Standing Orders Proliferate as Federal Courts Forge Own Paths*, Bloomberg L. (Nov. 8, 2023), <https://news.bloomberglaw.com/us-law-week/ai-standing-orders-proliferate-as-federal-courts-forge-own-paths>. Here are a few examples of standing orders on AI: Judge Brantley Starr of the U.S. District Court for the Northern District of Texas, <https://www.txnd.uscourts.gov/>

judge/judge-brantley-starr; Judge Stephen Alexander Vaden of the Court of International Trade, <https://www.cit.uscourts.gov/sites/cit/files/Order%20on%20Artificial%20Intelligence.pdf>; Magistrate Judge Gabriel Fuentes of the U.S. District Court for the Northern District of Illinois, [https://www.ilnd.uscourts.gov/\\_assets/\\_documents/\\_forms/\\_judges/Fuentes/Standing%20Order%20For%20Civil%20Cases%20Before%20Judge%20Fuentes%20Revision%208-11-23.pdf](https://www.ilnd.uscourts.gov/_assets/_documents/_forms/_judges/Fuentes/Standing%20Order%20For%20Civil%20Cases%20Before%20Judge%20Fuentes%20Revision%208-11-23.pdf); Senior District Judge Michael Baylson of the U.S. District Court for the Eastern District of Pennsylvania, <https://www.paed.uscourts.gov/sites/paed/files/documents/procedures/Standing%20Order%20Re%20Artificial%20Intelligence%206.6.pdf>.

<sup>5</sup>Mike Schneider, *America Aged Rapidly in the Last Decade as Baby Boomers Grew Older and Births Dropped*, AP (May 25, 2023), <https://apnews.com/article/census-demographics-population-age-race-ethnicity-3bf63785a69db2a96a13eb70767c5f5e>.

<sup>6</sup>Instructions for registering an attorney with the State Bar of Wisconsin's Successor Registry: Log into your account at [www.wisbar.org](http://www.wisbar.org); click on "myStateBar"; under "myProfile," click "Successor Registry"; fill in the fields; and click "Submit Advanced Profile."

<sup>7</sup>SCR 20:1.3 Diligence: "A lawyer shall act with reasonable diligence and promptness in representing a client." ABA Comment [5]: "To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action." Cf. Model Rules for Lawyer Disciplinary Enforcement R. 28 (2002) (providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another lawyer to protect the interests of the clients of a deceased or disabled lawyer).

<sup>8</sup>Robert Lemos, *Law Firms & Legal Departments Singled Out for Cyberattacks*, Dark Reading (Nov. 30, 2023), <https://www.dark-reading.com/cyberattacks-data-breaches/law-firms-face-a-more-dangerous-threat-landscape>. **WL**