



By Jamal Lacy, Juris Doctor



Here's a little thought exercise. If you had the foresight to see the rise of Netflix circa 2006¹, you'd probably notice that it overtook a competitor that couldn't get out of its own way, was slow to embrace technology, and was preoccupied with unnecessary fees that ultimately made customers sour on its product. Sound familiar?

In a report from the American Bar Association², consultant and managing shareholder at MesaFive, LLC, Prescott Blane highlighted the changing landscape of the legal profession:

Nonlaw firm providers are gradually taking work away from law firms, Prescott says, noting the three primary competitors are accounting firms, consultants and contracted lawyer services.

¹ Huddleston Jr., Tom. Netflix didn't kill Blockbuster - how Netflix almost lost the movie rental wars. CNBC. 22 September, 2022, <https://www.cnbc.com/2020/09/22/how-netflix-almost-lost-the-movie-rental-wars-to-blockbuster.html>

² 5 top trends impacting the legal profession now, American Bar Association. October 2019, <https://www.americanbar.org/news/abanews/publications/youraba/2019/october-2019/a-management-consultant-on-how-to-navigate-5-trends-buffeting-la/>

“They tend to impact the middle and lower market the most,” he says.

Innovation is survival. And law firms have felt the squeeze of competition that is better leveraged, more cost-effective, and embraces technology³. But that analysis is from 2019. Think of how the world has changed since then. What of the latest, perhaps most consequential, paradigmatic shift in modern times, the COVID-19 pandemic? What happens when life forces employees to slow down, reassess their goals, and reevaluate what’s really important to them? And what happens when an industry, faced with this call to adapt, just can’t get out of its own way? As Prescott⁴ put it,

Law firms, like most organizations, only change when they have to.

Well, if the past two years have taught us anything, it’s that change is no longer a question. It’s here. The real question is where will you be when everyone else finally catches on?

At once, time is of the essence, yet seemingly ever abundant. However, now, it’s on the employee’s clock, not the employer. Employees are working from their home offices, setting their own schedules, and learning more each day how to move business on their own terms. And those are the people who will push this profession into the new age.

Industry evolves. You’d be hard pressed to find a VHS tape in a world dedicated to streaming platforms. Looking back, there are lessons to be learned from Netflix’s rise to prominence. And the legal profession is not as different as we might like to think. Sure, the legal industry may be slow to evolve. But you don’t have to be.

³ [Id.](#)

⁴ [Id.](#)

As the future requires attorneys to grow more acquainted with remote work, the bar that separates the elite from everyone else will rest less on the name of the firm and more on an ability to adapt with the times. Discussing the shifting work management dynamic in a September 2021 National Law Review article⁵, Michelle Fivel, partner at Major, Lindsey, & Africa notes:

It's an incredibly demanding profession. It's a 24-7 profession, regardless of whether you're in the office or on a beach on vacation. The vast majority of attorneys, they're never off the grid. People have to be trusted to be their own bosses and to be professional, responsive, and hardworking. And that's going to have to be the case to be successful whether you're sitting inside an office at your firm, or inside of your home office.

Entrepreneurial attorneys will be tasked with managing their own offices. And it's only a matter of time before those attorneys understand that an office without walls invites a world of opportunities for self-determined lawyers and the clients who are smart enough to hire them.



And that's where we come in. Our passion at InfraWare is geared toward enabling people to deliver their best performance. With litigation discovery being so time-consuming and expensive, why not start there? High stenographer costs, expedite fees, charges per page, and long

⁵ Ford, Chandler. Changes Law Firms are Adopting Amid COVID-19: Trends in Remote Work & Litigation. The National Law Review. 7 September 2021, <https://www.natlawreview.com/article/changes-law-firms-are-adopting-amid-covid-19-trends-remote-work-litigation>

turnaround times have not only obstructed access to quality legal representation, they have obstructed your ability to do your best work.

So when we saw that attorneys were tolerating long turnaround times and excessive fees for deposition transcripts, we came up with a solution. And when the world shifted to face a pandemic in 2020, we answered the moment. Our service, [Readback](#), the first to offer Active Reporting, is the shift that forward-thinking attorneys have been waiting for. It places power and time back in the hands of the attorney who for too long has been held back by a system too slow and too comfortable to meet the demands of modern-day clients.

InfraWare CEO [Nick Mahurin](#) posed the question:

Why do you have to be representing a Fortune 500 company or some other wealthy client with deep pockets to have access to this power tool as a litigator?⁶

Well, here's the answer: You don't. Not anymore. Active Reporting is your tool to even the playing field. It's your key to unlock the restraints of an industry too set in its ways to keep pace with client demands. Active Reporting is your opportunity to take the legal profession where your client needs it to be.

And with that comes the potential for more business. 2021 saw an all-time high in class action settlements⁷. Reuters reports that Requests For Proposals, including panel firm bids, have gone up, perhaps signaling a failure on the part of firms to provide adequate counsel during the pandemic⁸. As for "The

⁶ Mahurin, Nick. "Readback Maxlaw conference Presentation Highlights." YouTube. Uploaded by InfraWare, 31 December 2021, <https://www.youtube.com/watch?v=e5PgeYv3O9c>.

⁷ Seyfarth Shaw LLP, Maatman Jr., Gerald. 5 Key Trends In Workplace Class Action Litigation For 2021: Trend #1 Record Settlements. JDSupra. 10 January 2022, <https://www.jdsupra.com/legalnews/5-key-trends-in-workplace-class-action-4920267/>

⁸ Watson, Nancy. The "Great Resignation" and its impact on the legal industry. Reuters. 10 September 2021, <https://www.reuters.com/legal/legalindustry/great-resignation-its-impact-legal-industry-2021-09-10/>

Great Resignation,” although young attorneys aren’t burning any bridges, they are re-evaluating their options and looking for more. It’s a tug-of-war between expanded opportunity and Big Law where firms have to pay more in benefits and sign-on bonuses to compete⁹.

This pandemic has presented many obstacles. But, it has also presented new opportunities and options for those whose skills are in high demand. Columnist Vivia Chen, in her conversation with a recruiter, writes¹⁰,

And what else are associates seeking as they move from one firm to another? Because of the extraordinary demand for talent, associates are in the driver’s seat, says Summer Eberhard, a recruiter with Major Lindsey & Africa. “They don’t have to accept their current role because there’s an abundance of opportunities. They want jobs that check all the boxes—less hours, more mental health support, more diversity and remote work.”

The work is out there, but what about the time? And what about the cost passed onto your client? When it’s been estimated¹¹ that a litigator may spend a hundred hours in discovery for every hour spent in the courtroom, the issue is clear. Time is money. And time lost waiting on deposition transcripts could be better spent on client needs and new business opportunities. If we take a step back to look at this from the independent, solo practitioner or small firm lawyer’s perspective, it’s clear that there are better, more efficient ways to conduct business.

⁹ Chen, Vivia. Big Law’s Great Resignation: Why I Don’t Believe the Hype. Bloomberg Law. 12 November 2021, <https://news.bloomberglaw.com/business-and-practice/big-laws-great-resignation-why-i-dont-believe-the-hype>

¹⁰ *Id.*

¹¹ Burdensome Discovery in Litigation: Definitions and Relief. Law Offices of Stimmel, Stimmel & Roeser. <https://www.stimmel-law.com/en/articles/burdensome-discovery-litigation-definitions-and-relief>

You should have the tools to keep pace with demand. Unfortunately, relying on the stenograph machine means tolerating long delays and unwanted fees. But Active Reporting flips that dynamic. With Active Reporting, you'll have the advantage of near-time text, access to rough drafts within an hour of your deposition, and the option for a certified transcript (as well as the audio) in just one business day. The cost? Low flat rates. So whereas deep pockets too often drive the pace and direction of litigation, we've provided a service that can save forward-thinking attorneys time and resources that they can then pass on to their clients.

So we ask again, where will you be when . . . ?

When history looks back on this moment, its winners and losers, it will reward those who were able to meet the demands of a new normal. And just as your business, in a world of remote work, has no walls to contain its promise, your best work extends far beyond the limits of a stenograph machine. Think bigger. Let [Readback](#), the first service to offer Active Reporting, be your tool to possibility.