



TECHSHOW2020

Loving the Luddites: Serving Tech-Averse Clients

WRITTEN BY:

Annie Arbenz and Shantelle L. Argyle

PRESENTERS:

Annie Arbenz: [@anniearbenz](#)

Shantelle L. Argyle: [@shantelle8](#)

January 3, 2020



INTRODUCTION

Technology has significantly altered the practice of law and helped thousands (if not more) attorneys to streamline their businesses. It has also helped clients to better understand their cases and to participate more fully in the litigation process. Most would agree that technology has improved legal systems worldwide, yet there are some who are either unable or unwilling to use it to its fullest potential. This article will discuss issues and some potential solutions to serving these clients, including:

- Serving Tech-Averse Clients
- Online Alternatives
- Adaptability: Being the best advocate possible
- Access to Justice
- Be a Resource for Resources
- Fight the Fear

TIPS FROM ANNIE: SERVING TECH-AVERSE CLIENTS

In a practice where you serve clients who are elderly (read: didn't grow up with the technology that kids do today – it's a relative term) or are, generally, tech-averse, it is most important to understand that you need to accommodate your clients, not penalize them, for not using technology.

Making Accommodations

The following is a discussion of various new legal technologies from intake through the end of representation and ways that lawyers have accommodated or can accommodate clients who are not "feeling" the technology used.

When Making Appointments

Many lawyers have taken advantage of the opportunities to use online options to make appointments for their clients. These processes ensure that both the client and the lawyer/the lawyer's office have the same information. They also provide automated confirmation options, typically via email, which ensures the client will not "no show" his appointment. Finally, they provide the client with convenient rescheduling options

The online appointment has been one of the most positive changes I have made in my practice and I have had such wonderful feedback from my clients about how convenient and "nifty" it is. Here's how it works:

1. Client makes an appointment online (this requires them to give their name, email address and phone number).
2. Client immediately receives an email with confirmation of the appointment and a few tips from me, including a request to complete an online questionnaire and a link to a website that I've



created to give new clients information about what to expect at our first meeting and what they should bring to the meeting.

3. A client file is created on our server and the client created in our billing software.
4. 24 hours before the meeting, the client receives a reminder email and a reminder text message of the meeting.

The highlighted items are those steps that wouldn't be possible if the client does not have an email address (or, has one and doesn't use it). In my trusts and estates practice, this happens fairly often. Since we rely so heavily on the technology to automate other processes following the scheduling of the appointment, it is important that new client appointments are made online. When a new client tells our firm they do not have/use email, we make the following accommodations for that new client:

- My staff makes the online appointment and uses the client's name, phone number and an internal email address so we know the client doesn't have email and we have to use our non-email options to communicate with the client.
- We mail, via USPS, a letter confirming the appointment and a printout of the website with the tips for our first meeting.
- We create a client file and add the client to our billing software.
- We call and remind the client of the appointment 24 hours before.
- When the client comes in to meet, my assistant sits down with the client and helps them complete the online questionnaire on an iPad, which is then emailed to me automatically so I can walk into the meeting with a little background information on the client.

TIP! For the Email-Averse Client: Some phone providers allow their customer's phone numbers to be used as an email address. For example on T-mobile, you can email your client with phone number 801-555-1234 by sending an email to 8015551234@tmomail.net. This is an MMS text so you can include photos, but not necessarily document attachments.

When Meeting Remotely

I have clients all over Washington State but am unable to travel to meet with everyone personally. But, clients really like to see their lawyers and phone calls just don't cut it, particularly earlier in the relationship. I think it is for a couple reasons: (1) it's easier to trust someone when you can look in their eyes; and (2) lawyers are usually a pretty significant investment for people.

I have found that tech-averse clients are not into Zoom or other online meeting options. There is just too much involved – the correct camera, Wifi, creating accounts/passwords, etc. I have also found that most people have an iPhone or an iPad (or have a family member who can hook them up). So, the result is that I'll just call people on FaceTime on my cell phone or iPad. It's great! It's easy!

Bottom line: people who are tech-averse are not usually smartphone-averse!



When Sending Documents for Review/Signature

I love emailing documents to clients for review/signature. It's just the best. But there really isn't a great alternative if someone doesn't like/have email or doesn't have a printer. We just end up sending documents to them via USPS but I always send a self-addressed stamped envelope for them to send back easily. Sometimes people do email and are not tech-averse, but they would prefer physical documents. That's OK, too, but I think it's fine to push your internal processes a little bit in certain situations (i.e., still send via email if they'll accept it). They can print them at home!

The Bottom Line

We, as tech-forward lawyers, may have lovely technology-drive processes that make our lives easier that are foiled by tech-averse clients, but we must be willing to adapt our processes for all clients in a way that maintains our efficiency. I believe you will be happily surprised with clients' willingness to challenge themselves

Encourage Learning

I wouldn't know what I know about technology if I didn't learn from others and challenge myself to work with different technologies and incorporate them into my personal and professional life. Honestly, it's not always easy. Every time we get new software at the office, I know that we won't be fully adapted for at least 6 months. However, nearly every technological advance I've made has been better for my clients, my staff, my work product, and for my work-life balance.

While it isn't kind or "good for business" to force clients to do something they're not willing to try, I do feel comfortable encouraging them to use new technologies, particularly if they're interested but uneducated about the technology. When you can help someone use technology in a productive way, the client learns and may even be able to extend that experience to challenge themselves again!

Be Patient & Understanding

This goes without saying, right? As our own personal reliance on technology increases, we need to be patient with others who aren't as reliant on technology, just as those who are more advanced with technology are patient with us! It's important to be aware that your client may not have learned how to type in school or hasn't operated an iPad before. As crazy as that may seem these days, it's true. I recently taught a new staff member at my firm how to write a check! That seems crazy to me, but it's not that crazy these days, I guess!

Point is: times change, we need to be patient and understanding with all of our clients.

ONLINE ALTERNATIVES

Lawyers are, traditionally, averse to providing their services in any way other than the traditional way (i.e., in-person meetings and phone calls). I, too, have struggled with it over the years but have determined that providing online services is not only a necessary adaptation we need to make for the benefit of our clients but can also be a very profitable for the lawyer.



There are other sections of Techshow more specifically focused on online alternatives for clients, but here I want to highlight the fact that I have been happily surprised by tech-averse clients' willingness to try online alternatives when it's cheaper and easier for them use. Truly, given the incentive, tech-averse people can do great things!

As an example, I have created a website called Orbit Wills to provide estate planning documents for clients, with the service provided completely online. It's much cheaper than the traditional way of doing estate planning and it's done much quicker. When new clients call with a quick need or don't want to shell out a pile of money to get a simple plan done, they can use Orbit Wills. Although they may be initially skeptical of the online-only option, once they use it, they love it! And tell their friends! It's amazing! To note, I have also included the option where (for an additional fee), I will print the documents and send to the client for signature. This way, if they don't have a printer (or ink!) they can still get it done.

The point here is that the increase of online options for clients is forcing/helping those who are tech-averse to adapt over time.

ADAPTABILITY: BEING THE BEST ADVOCATE

These materials have discussed various ways to accommodate tech-averse clients but we thought it would be helpful to share some specific tools that will help you accommodate your clients and encourage them to increase their use of technology.

Genius Scan

Genius Scan is a free app that you can download and use on your smartphone. In the app, the user takes a picture of the document to be sent and the document can be saved as a PDF and emailed or messaged to a third-party. You can batch several pages together and send as one scan. There are no watermarks or other branding. It's an incredible tool to have on the go. It's so wonderful, in fact, that I ask each of my clients to download the app when they hire me. Sure, they can send a photo from their cell phone but sometimes I need/prefer a clean PDF to file with the court or include as an exhibit, so the scan/PDF is much better. It's easy to use and free. Clients love it.

<https://thegrizzlylabs.com/genius-scan>

Typeform

I have always loathed the idea of sending clients a multi-page document to fill out in anticipation of an appointment with me. There are some clients who may want to do that, but most would be turned off by it. When my job is to make something (estate planning) easy for them, I don't find a multi-page questionnaire to be "on-brand."

The answer, for me, was to use Typeform, a website that hosts online questionnaires to send to third-parties. I have different kind of questionnaires for the different cases I take. The link to the Typeform questionnaire is emailed to the client and they take a couple of minutes to complete it. It's easy and short and clients actually love it. I get compliments all the time on the Typeform and how "nifty" it was! Love hearing that.

<https://www.typeform.com/>



HelloSign, Adobe Fill & Sign, DocuSign, etc.

Another marvelous invention is the electronic signature. In most jurisdictions, courts are accepting e-signatures. Also, it's convenient for all kinds of agreements that I need clients to sign quickly and get back to me. There are many affordable options for obtaining client signatures quickly and electronically, including

- HelloSign: <https://www.hellosign.com/>
- Adobe Fill & Sign: <https://acrobat.adobe.com/us/en/mobile/fill-sign-pdfs.html>

Mobile Notary

Many practices require notarized documents. If a client cannot make it into your office or if it is not cost-effective for you or your staff to visit the client to notarize their signature, you can look to hiring a mobile notary to meet the client wherever to get the notarized signature. This is kind of a low-tech accommodation, but it is a necessary one in certain circumstances.

TIPS FROM SHANTELE: ACCESS TO JUSTICE

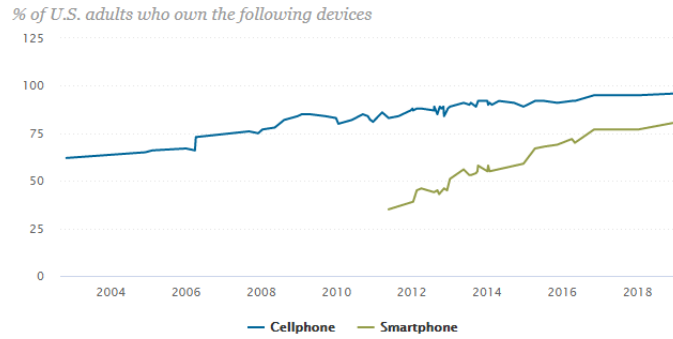
Access to Justice is a common buzzword in the legal industry today (as it should be.) The concept stems from the acknowledgement that many do not have access to remedies available in our legal system, for several different reasons. If a client cannot access the system due to geography, language, financial issues, mental/physical issues, lack of education, or --in the case of this article – technology limitations, their ability to get relief is significantly impeded. Each year countless litigants represent themselves in every major jurisdiction in the United States and the world. Recognizing and, when possible, accommodating our client's technological limitations can increase Access to Justice.

Phones – Today's Computers?

When serving impoverished clients, it is surprising to some that the majority of American adults (96%) do in fact have access to a mobile phone.¹ Programs such as Lifeline (a program administered by the Federal Communications Commission) provide grant funding for subsidized mobile phone service. States also have various programs for free or inexpensive devices. Through these efforts, the average US citizen has more access to mobile phones than ever. So how does this impact a client in a litigation? As with most technology, there are both positive and negative implications.

¹ Pew Research Center, <https://www.pewresearch.org/internet/fact-sheet/mobile/>, Accessed January 6, 2020
Loving the Luddites: Serving Tech-Averse Clients
January 3, 2020





Source: Surveys conducted 2002-2019.

PEW RESEARCH CENTER

Positive - Increased Communication

More access to a communication device means more ability to call and return calls to one’s attorney. This can improve the pace of litigation by removing long delays when critical information is required. In addition, savvy lawyers who can (and should) provide a number to a client for texting purposes have seen marked reductions in phone traffic and dramatic increases in responses to requests for information and documents.

Positive and Negative - Increased Accessibility

An informed client is a happy client. The ability to update your client on the status of their case quickly and easily, using a method that they are likely to use often (as opposed to mailing a letter or – gasp! – faxing) means that they are informed. This reduces calls to the office to get updates and creates a sense of inclusion in the litigation process.

The downside of being more accessible is in today’s era of instant gratification and instant communication, you need to teach your client what is appropriate and help manage their expectations. If a 2-minute phone call will eliminate a 50-text discussion, pick up the phone.

Negative – Incomplete Solution

While 96% of U.S. adults have at least one mobile phone, only 81% of them are Smartphones. In addition, for some families, that mobile phone is their only source of Internet access. These means that while those with Smartphones might have the ability to read emails, managing attachments (altering, signing, printing, transmitting, notarizing) can be difficult. For a pro se party (or limited scope client), being able to print and notarize documents can be critical to their litigation. Even in an e-file jurisdiction, few courts have authorized electronic signatures for non-attorneys.

Language Barriers

One barrier to Access to Justice is language access. State courts have committees to explore these issues and create solutions and have made significant strides to ensure that both civil and criminal litigants have interpreters. Websites have been updated to be translated into many languages, and some jurisdictions



even have information forms available in more than just Spanish and English. However, these solutions are not helpful when the client is not actually at the courthouse or on the court's website. What about clients who have language barriers when visiting their attorney's office? If a client knows your client portal or an email from you is not going to be in their native language, they may not use it. Here are a couple of suggested solutions to help get your non-English clientele in the loop:

Video Interpreting Services

If you need to instruct a client on a form or explain a process to them, you can use subscription video interpreting services such as [Languageline](#). These can be expensive and attorneys may not want to pass the cost on to the client, but in a pinch they can help. Ask your local court if they use a similar service for less-common languages (for which an interpreter might not be available in-person). Your local Bar might also have a referral or even have a discounted member benefit.

On-Call Interpreters

In many jurisdictions, certified court interpreters are contractors and not court employees. This means they have a local business offering interpretation and translations and are often available to be hired for specific projects. Some will even be available for on-call services, in the event you need to have a phone call with client or someone is a walk-in that you speak to only briefly until you can have a formal appointment. Depending on the interpreter's availability and the demand for their services, this can be relatively inexpensive.

A great use for interpreters like this is to have them create mini versions of your website in a different language. It can include enough content to give information about your services and how to set an appointment, helping you capture a client that might otherwise not have found your website or who might choose not to use it. You can also have them create short emails for you to send in a different language (with much better grammar and sentence structure than you would get trying to do similar with Google Translate). These emails can include links to language providers, resources, and explanations that you might use Google Translate to read it but that they can text in their own language. If you need to be able to text a client, allowing them to do so in their own language can increase their willingness to do so. It also adds an extra touch to the level of service they receive.

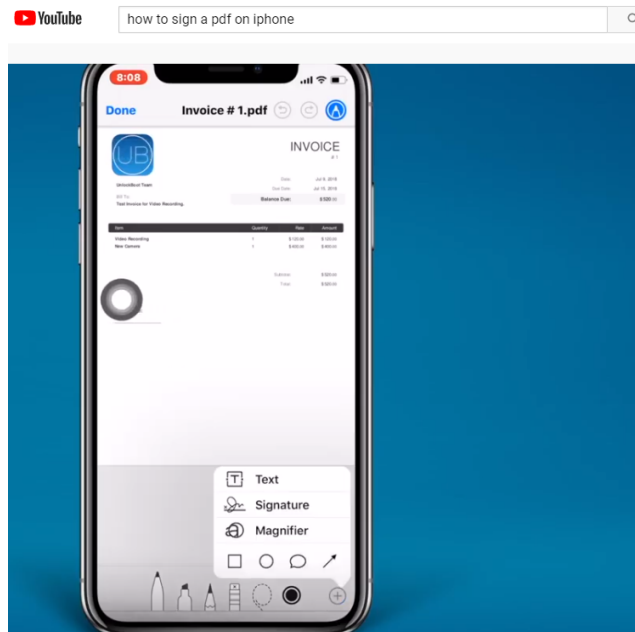
A Special Note on Deaf Clientele

The deaf community has had a particularly difficult time with legal services, which has resulted in a wealth of remote services to help both providers and clients to communicate online or via phone. However, it is still a significant challenge for a deaf person who would like to appear in person to meet with an attorney. Attorney accommodation for deaf clients is a requirement under the Americans with Disabilities Act ("ADA"), which requires that you provide whatever resources are necessary to "effectively communicate." It is important to be aware of what that means and to have a list of providers that can provide interpretation services if the client does not have a friend or family member who will come with them to the appointment. Your local Court and Bar can likely provide a referral, as well as local advocacy organizations.



BE A RESOURCE FOR RESOURCES

Part of our role as counselors is to counsel. (Shocking, right?) When it comes to technology, if you want or need your client to be capable of using a tool you might need to be a resource for resources. This means that while you may not personally be able to teach them how to use their iPhone to download a PDF and sign it, you might need to be able to point them in the right direction for instruction. For commonly needed lessons, put together a cheat sheet of instructions from online or YouTube tutorials from reputable providers. There are countless free videos which walk you through the basics. You should also have a list of a few apps (such as mentioned previously) that you recommend to clients.



For heavy technology issues, be familiar with local libraries or senior organizations where classes may be available or where a community member can use a computer and get assistance from staff or volunteers.

One great resource is GCLearnFree where free lessons on everything from Internet and email basics to Microsoft Office are provided for free. <https://edu.gcfglobal.org/en/>

Lastly, create a fake client and try your technology tools yourself. You should be familiar enough to answer basic questions but also be able to see it from the client's perspective. For example, a client portal which has confusing invoicing or file uploading will look totally different when you log in as the attorney. Sign in as a client so you can see what they see. If you don't feel comfortable enough with a tool to explain it to someone else, you might reconsider using that tool in your office.

Human Interaction is Sometimes Necessary

Yes, it's hard to accept sometimes, but human interaction is sometimes the only way to get the job done. If your client struggles with technology or seems unwilling to try, it may be that what they really need is an understanding human to help them through. All the technology in the world cannot substitute a good



bedside manner, so keep that in mind if you or your client (or both) seems to be getting frustrated. Putting the time in can be very rewarding both for your state of mind and the attorney-client relationship.

Fight the Fear

Tech-averse clients (and even lawyers) often have anxiety over learning new tools or sometimes fail to adopt a tool into daily use when they have already invested in learning it. Here are some common issues and how to overcome them:

Fear of Data Breach

This fear is common for both attorneys and clients, particularly senior clients, who have not grown up with their personal data being shared anywhere (let alone on the Internet). Stories of hackers, identity theft, and companies we trust leaking our private information have certainly confirmed fears for clients. If you want your client to use your technology, you need to carefully discuss how the data is secured and what measures you take to keep it safe. You cannot guarantee their data is 100% protected so this is a fine line to walk. Answer questions to the best of your ability, refer them to experts if you don't know the answers, and educate yourself on the tools you are using.

For example, a big concern for attorneys is email. While the email may be safe on your computer, tucked behind a firewall, or even in your inbox on a secure (https) website, it can be unencrypted during the transmission process. Gmail correspondence is encrypted in-transit going out, but to be encrypted when receiving the sender must use a provider that can handle TLS encryption. This means that if your client uses an email provider that does not support TLS encryption, whatever they are sending to you is vulnerable until it hits your inbox. Learning these basic security issues can alleviate anxiety for both of you.

Insecurity About Ability

Anyone who has stood before an ATM or copy machine with a line of people behind them knows the anxious feeling that creeps up your spine. We are often nervous about people judging us for how long it takes to figure out something new, or that we will make a mistake with people watching. Part of this is just general "impostor syndrome" but for some it is a real discomfort with technology that is enhanced by pressure from others.

The best way to gain confidence with technology is to learn it. Familiarity reduces anxiety when paired with self-care, such as someone who is afraid of flying but does it more and more often while practicing breathing techniques. There are classes in person and online that can help increase that familiarity in a safe environment, without prying eyes, as well as books that offer step-by-step training.

The next tool to gain confidence is repetition. Using a tool once after you get a good grasp on it won't serve you very well if you never pick it up again.

For our clients, perhaps they won't need to ever e-sign a document again in their life, but they will very likely need to know how to download an attachment. Encourage them to practice in their non-litigation life so that they can keep up their skills. It may seem silly, but this positive interaction with their attorney will likely have a lasting impact.



Incentivize!

Anxiety over technology can arise from many places, but another issue is apathy. If someone doesn't see the benefit in expanding their comfort zone, they will stay where they feel safe. If it's truly critical for your client to use a tool (whether it's because it makes things easier for you or for them in the long run) you might want to consider incentivizing it. For example, perhaps you would love to get some positive reviews from your happy clients, but they tend to be elderly people who don't have a Gmail account. Consider offering gift cards to anyone who agrees to post a review, then be sure to request it from those who are likely to leave a positive one. (This is also a great tip for staff who you might be trying to convince to switch to a new system.)

CONCLUSION

We hope you found these tips helpful for service technology-challenged clients. Best of luck in your practice!

