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**STRATEGIC MANAGEMENT PRACTICES, TECHNOLOGICAL  
CAPABILITY AMONG LAW FIRMS IN KENYA**

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**ABSTRACT**

Law firms in Kenya operate primarily as sole proprietorships or partnerships within the legal services industry, with operations governed by professional regulations. These firms exhibit considerable diversity in their size, ownership structure, and resource base, leading to varying levels of organizational performance. While some firms have achieved notable success, others have struggled to maintain viability, occasionally resulting in dissolution or disbarment. The entry of international law firms has emerged as a significant challenge, compelling the industry to adopt strategic management approaches. In response, firms have implemented various strategies including marketing initiatives, service diversification, outsourcing, and strategic mergers. In today's globalized environment, maintaining competitive advantage through unique capabilities, assets, and strategic decisions has become crucial. The technological revolution has provided law firms with opportunities to expand their reach, though this has simultaneously intensified competition from global players. Local firms face increasing pressure as legal services become accessible worldwide, forcing them to differentiate themselves and develop sophisticated business strategies focused on market positioning and client retention. Kenyan law firms now acknowledge competition and uncertainty as permanent features of their business landscape. Forward-thinking firms have embraced strategic planning processes that emphasize shared commitment and externally-focused strategies. However, many firms still struggle with short-term thinking, often prioritizing immediate concerns over long-term strategic objectives. The legal profession faces disruption from multiple factors including service unbundling, online delivery, and technological advances such as artificial intelligence, blockchain, and automation. While the profession has historically enjoyed protected market access through regulation, technological innovations are reshaping the competitive landscape. Many attorneys continue to resist these technological changes in an effort to preserve their traditional market position and revenue streams. This evolving environment demands a more sophisticated approach to strategic planning for law firms seeking to secure their future in an increasingly competitive market.

**Key words:** *Strategic Management Practices, Technological Capability*

## Introduction

The global market of today has created a new workplace for every company due to changing demands. Workplace facilities, personnel, equipment, internal procedures and regulations, financial issues, organisational performance, effectiveness, and leadership must all be managed to higher standards. Olmstead<sup>1</sup> supports the premise, adding that in order to improve management effectiveness, law firms will need to identify "best management practices" that they may use. It is necessary to improve organisational management, problem-solving, and action-taking abilities. To improve management effectiveness, law firms will need to determine which "best management practices" to implement.<sup>2</sup> The need to serve clients more effectively in a world that is becoming more complex is reinforced by the persistence of serious organisational challenges related to the growing power of governments, the complexity and intrusiveness of regulations, the weakness of the legal system and corruption in all its manifestations, and social change and shifting societal expectations.<sup>3</sup>

Many businesses in the United States, Canada, the United Kingdom, Germany, and Australia believe that in order to meet these difficulties with more strength, the profession needs to strengthen its ethical and professional standards. This will entail changing the way law firms are operated in order to create an atmosphere that fosters the development of skills necessary to meet the issues that lawyers encounter.<sup>4</sup> In law firms in Malaysia, Law companies need to stay on top of every opportunity and aware of every threat in order to thrive in the ever-evolving legal services industry, which is becoming more competitive and more profit-constrained. Approaches to providing legal services must adapt to shifting markets through capable and efficient administration of law firms. It will be necessary for administrators, lawyers, and other management professionals to keep improving their management abilities.<sup>5</sup>

To thrive in the face of shifting demands, law firms need to stay on top of every opportunity and mindful of every threat. Bloom and Van Reenen<sup>6</sup> supports the proposal, adding that in order to meet the issues faced by lawyers, this will require changing the way law offices are operated. Khandelwal and Gottschalk<sup>7</sup> asserts that strong and efficient law firm management is necessary to adapt legal service delivery methods to changing markets. Law firms are under pressure to streamline their management and administrative systems due to their increased size and shifting market conditions.<sup>8</sup> At the same time, the COVID - 19 pandemic created enormous pressure for the services of legal aid organizations that provide free or low-cost legal representation which in

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<sup>1</sup> Olmstead, J. W.(2003) Guide to Law Firm Management Best Practices: Ideas for Managing Your Practice, Missouri, Olmstead & Associates.

<sup>2</sup> ibid

<sup>3</sup> Adams, G. A., & Jex, S. M. (2008). Relationships between time management, control, work-family conflict, and strain. *Journal of Occupational Health Psychology*, 1, 72-77.

<sup>4</sup> Bloom, N., & Van Reenen, J. (2007). Measuring and explaining management practices across firms and countries. *The quarterly journal of Economics*, 122(4), 1351-1408

<sup>5</sup> ibid

<sup>6</sup> ibid

<sup>7</sup> Khandelwal, V.K. & Gottschalk, P. (2003). *A knowledge management survey of Australian law firms*. Sydney, NSW: University of Western Sydney.

<sup>8</sup> Park, S. (2007). *Strategies and Policies in Digital Convergence*. London : IGI.

turn has led to a rise in the need for legal firms to be more productive and efficient.<sup>9</sup> Khandelwal and Gottschalk<sup>10</sup> asserts that clients are putting more and more pressure on legal firms to embrace technology to increase productivity and efficiency. Business clients are unwilling to pay solicitors to complete work in what they perceive to be inefficient and costly ways, and they expect law firms to have certain technologies in place.<sup>11</sup> The loss of future business, which can have a severely detrimental impact on profitability, is sometimes the most devastating expense linked to disgruntled customers. According to Mugambi (2010), information use outcomes were more influenced by a company's "information management," culture, values, norms, and practices on the management and use of information. He adds that as management practices entail important procedures, they can affect organisational performance as well as productivity, financial performance, staff performance, innovation, and customer satisfaction. One of the best strategies for a company to beat its competitors is to use better management practices.<sup>12</sup>

As law firms get bigger and more complicated and their markets get more competitive, both the internal and external environments have been impacted. Legal organisations are under pressure to streamline their management and administrative systems due to their increased size and shifting market conditions. As a result, legal firms are now under more pressure to be productive and efficient.<sup>13</sup> Dublin<sup>14</sup> points out that research at a legal firm is frequently repeated by several lawyers in South Africa, Nigeria, Malaysia, and India. This means that agreements, memoranda, and other documents may be made from scratch when suitable models for such papers already exist. Dublin<sup>15</sup> adds, "the concerns not just inefficiency but also the inability to make proper assignments to people with appropriate experience and to take advantage of best practices and current information." This is a significant issue since the expenses incurred by failing to assign the right job to the right individuals can lead to lost or misplaced knowledge and negatively impact the firm's efficiency.<sup>16</sup> Time loss and subpar performance are further repercussions of such behaviour. The majority of law firms still have a long way to go before their procedures are efficient, despite the implementation of initiatives that aim to standardise them.

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<sup>9</sup> Jenoff, P. R. (2023). Making Lawyers after COVID: Skills, Professionalism and Preparedness in a Post-Pandemic World. *Creighton L. Rev.*, 57, 21.

<sup>10</sup> *ibid*

<sup>11</sup> Dublin, M. (2005). [Creating a n enviro n m ent in law fi r m s w h e r e k n o w l e d g e m a n a g e m e n t w i l l w o r k](http://www.articlecity.com/articles/legal/article_165.shtml). *ArticleCity*. Retrieved from [http://www.articlecity.com/articles/legal/article\\_165.shtml](http://www.articlecity.com/articles/legal/article_165.shtml) (Archived by WebCite® at <http://www.webcitation.org/6ncxiLPPD>)

<sup>12</sup> Bloom, N., & Van Reenen, J. (2007). Measuring and explaining management practices across firms and countries. *The quarterly journal of Economics*, 122(4), 1351-1408.

<sup>13</sup> Hopkins, R. & Reynolds, P., (2003), 'Redefining privacy and security in the electronic communication age: A lawyers ethical duties in the virtual world of the internet', *The Georgetown Journal of Legal Ethics* 16(4), 675-684

<sup>14</sup> Dublin, M. (2005). [Creating a n enviro n m ent in law fi r m s w h e r e k n o w l e d g e m a n a g e m e n t w i l l w o r k](http://www.articlecity.com/articles/legal/article_165.shtml). *ArticleCity*. Retrieved from [http://www.articlecity.com/articles/legal/article\\_165.shtml](http://www.articlecity.com/articles/legal/article_165.shtml) (Archived by WebCite® at <http://www.webcitation.org/6ncxiLPPD>)

<sup>15</sup> *ibid*

<sup>16</sup> Khandelwal, V.K. & Gottschalk, P. (2003). *A knowledge management survey of Australian law firms*. Sydney, NSW: University of Western Sydney.

Khandelwal and Gottschalk<sup>17</sup> state that clients are putting more and more pressure on law firms to employ technology to increase productivity and efficiency. There is more competition and pressure on law firms to boost their efficiency and productivity. How successfully a law firm uses its people resources and the information assets it uses to provide advice is a major factor in determining its productivity, competitiveness, and success. Evans and Price<sup>18</sup> concur that while information mismanagement results in decline, efficient information management gives an organisation a competitive edge. A law firm that practices effective information asset management will be able to create specific papers more quickly, be more productive, and have less stress.<sup>19</sup>

This issue is made worse by the fact that so many other firms are using technology to increase efficiency. Additionally, "business clients are unwilling to pay lawyers to complete work in what are perceived as inefficient and expensive ways and expect law firms to have certain technologies in place".<sup>20</sup> Both material and intangible expenses will arise as clients grow more irate over attorneys' ineffective tactics.<sup>21</sup>

It is now extremely difficult for a law business to survive in Kenya's fiercely competitive legal market. For it to operate with direction and purpose, it must have well-defined, efficient management practices. The degree to which management practices are implemented to achieve the established goals determines how well a law firm performs. The management practices of a sizable Kenyan law business that had made major investments in management strategy, technology, and procedures have been studied and the results indicated that information use outcomes were more influenced by the company's "information culture," or its "values, norms, and practices with regard to the management and use of information," than by "information management," or the "application of management principles to the acquisition, organisation, control, dissemination, and use of information."<sup>22</sup> Therefore, it is crucial to investigate how management practices affect organisational performance in legal firms because they involve valuable processes that can affect productivity, financial performance, staff performance, innovation, work relationships, customer satisfaction, and ultimately organisational performance. However, the literature has not given enough attention to the study of law practice management in Kenyan law firms, and few research have been carried out to look into how law practice management techniques affect the organisational performance of these firms. Research on the relationship between strategic management techniques and performance has shown that they are

<sup>17</sup> *ibid*

<sup>18</sup> Evans, N. & Price, J. (2012). Barriers to the effective deployment of information assets: an executive management perspective. *Interdisciplinary Journal of Information and Knowledge Management*, 7, 177–199.

<sup>19</sup> Kabene, S.M., King, P. & Skaini, N. (2006). Knowledge management in law firms. *Journal of Information Law and Technology*, 1, 1-21.

<sup>20</sup> Dublin, M. (2005). [Creating a n environment in law fir ms w h e r e k n o w l e d g e m a n a g e m e n t w i l l w o r k](http://www.articlecity.com/articles/legal/article_165.shtml). *ArticleCity*.

Retrieved from [http://www.articlecity.com/articles/legal/article\\_165.shtml](http://www.articlecity.com/articles/legal/article_165.shtml) (Archived by WebCite® at <http://www.webcitation.org/6ncxiLPPD>)

<sup>21</sup> Lambe, P. (2003). [Wh at d o e s K M m e a n f o r l a w f i r m s ?](http://greenchameleon.com/thoughtpieces/kmlaw.pdf) *Green Chameleon*. Retrieved from <http://greenchameleon.com/thoughtpieces/kmlaw.pdf> (Archived by WebCite® at <http://www.webcitation.org/6ncyxIKEw>)

<sup>22</sup> Mugambi, N. C., & Kwasira, J. (2015). Influence of knowledge management practices on performance of law firms in Nakuru town, Kenya. *Impact: International Journal of Research in Business Management*, 3(11), 15-28.

positively correlated. But since it is clear that research on strategy management practices and technological capability in law firms is lacking, there is a sizable gap in the literature.

### Strategy Management Practices

Strategic management is a longer-term, comprehensive approach and strategy for a business or social organisation at various phases of its evolution.<sup>23</sup> Strategic management practices constitute four fundamental components Environmental scanning, strategy creation, strategy execution, and strategy evaluation and control.<sup>24</sup> Strategic management practices help institutions and/or organisations adapt to their operating environment. These procedures make it easier for the organisation to accomplish its aims and objectives. Hanasini-Athapaththu<sup>25</sup> described strategic management practices as a set of activities. The private sector, which exists to assist the private sector in pursuing its goals and best interests, is the source of strategic management.<sup>26</sup> To accomplish certain intended goals, these activities pertain to strategy analysis, formulation, implementation, and monitoring. There are six steps in the strategic management process. According to Pearce and Robinson<sup>27</sup>, these processes involve developing the purpose and vision of the organisation or institution, analysing the circumstances, determining the strategic objectives, analysing and selecting a strategy, putting the plan into action, and finally evaluating and controlling the strategy.

In addition to deciding on future plans, strategic management takes into account what rivals are doing and are capable of. Stated differently, it not only chooses its next course of action but also takes a few additional measures after attempting to forecast the course of its rivals' actions.<sup>28</sup> The competitive advantage attained in unpredictable situations stems from strategic management.<sup>29</sup> According to Ansoff, Kipley, Lewis, Helm-Stevens and Ansoff<sup>30</sup>, the goal of strategic management is to establish a strategic administration in order to overcome unforeseen circumstances and address environmental issues, not to replicate past successes. Companies must first recognise the necessity of this in order to strategically assess the management approach, comprehend that the environment is changing too quickly to control, and recognise that it is too difficult to dodge the competition. A strategic consciousness is the first step in the strategic management process. The required adjustments must be made in order to succeed in the competition and to be efficient in this procedure. Adopting strategic thinking at all organisational levels is the first step in putting

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<sup>23</sup> Lynch, R. (2018) Strategic management, Pearson UK.

<sup>24</sup> Wheelen, T. L., & Hunger, J. D. (2008). Strategic management and Business policy (11<sup>th</sup> ed.). Prentice Hall.

<sup>25</sup> Hanasini-Athapaththu, H.K.S. (2016). An overview of strategic management: an analysis of the concepts and the importance of strategic management. *International Journal of Scientific and Research Publications*, 6(2), 124-127

<sup>26</sup> Henry, A. (2021) Understanding strategic management, Oxford University Press.

<sup>27</sup> Pearce II, J.A. and Robinson, R.B. (2005) Strategic Management. A.J.T.B.S. Publishers, Delhi.

<sup>28</sup> Hesterly, W., & Barney, J. (2014). *Strategic management and competitive advantage*. Pearson/Education.

<sup>29</sup> Jönsson, C., & Devonish, D. (2009). An exploratory study of competitive strategies among hotels in a small developing Caribbean state. *International Journal of Contemporary Hospitality Management*, 21(4), 491-500.

<sup>30</sup> Ansoff, H. I., Kipley, D., Lewis, A., Helm-Stevens, R., and Ansoff, R. (2018) *Implanting strategic management*, Springer.

these changes into practice.<sup>31</sup> It will be simple to execute the following stages if all employees support strategic consciousness and reach an acceptable level of quality within the company.

### **Ambidexterity in Technological Capability**

Over the past ten years, there has been a significant increase in the intersection of technology and law and its effects on the provision of legal services globally.<sup>32</sup> In particular, technology is making it easier for businesses to reach a larger clientele, enabling cross-border legal services, and giving clients a platform to obtain legal information and assistance.<sup>33</sup> Additionally, technology organises legal knowledge and evaluates attorneys' arguments based on the values and ideas that are put forth.<sup>34</sup> In order to give people access to high-quality legal information, legal tech platforms like HG in Tanzania and Uwakili.com in Kenya were developed.<sup>35</sup> However, given the evolving technological developments brought about by the ongoing shift in client and legal professional preferences as well as the emergence of a global pandemic like COVID-19, it is necessary to address the factors influencing legal professionals' adoption of legal tech.<sup>36</sup> The Law Society of Kenya (LSK) requested a court order in 2018 to prevent the Ministry of Lands and Physical Planning from using National property Information Management Systems (NLIMS) to digitise property transaction procedures.<sup>37</sup> This made others wonder if lawyers are prepared for the use of technology in the legal field. In both rich and developing nations, it has been noted that court proceedings are increasingly taking place virtually.<sup>38</sup> Despite the abundance of research on legal technology, the majority of these studies have concentrated on the field's development, prospects, and obstacles in developed nations like the UK and Australia.<sup>39</sup> The influence of technological capabilities and legal practice as new frontiers have been examined in some of the Kenyan studies that are currently available and included in this research.<sup>40</sup> Additionally, these studies suggest more

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<sup>31</sup> Goldman, E., & Scott, A. R. (2016). Competency models for assessing strategic thinking. *Journal of Strategy and Management*, 9(3), 258-280.

<sup>32</sup> Ashley, K. D. (2017). *Artificial intelligence and legal analytics: new tools for law practice in the digital age*. Cambridge University Press.

<sup>33</sup> Micha-Manuel Bues & Emilio Matthaei, 2017. "[LegalTech on the Rise: Technology Changes Legal Work](#)

[Behaviours, But Does Not Replace Its Profession](#)," *Management for Professionals*, in: Kai Jacob & Dierk Schindler & Roger Strathausen (ed.), *Liquid Legal*, pages 89-109, Springer.

<sup>34</sup> Muigua, K. (2020). Legal practice and new frontiers: Embracing technology for enhanced efficiency and access to justice. 1-30. Retrieved January 29, 2021, from <http://kmco.co.ke/wp-content/uploads/2020/06/Legal-Practice-and-New-FrontiersEmbracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-KariukiMuigua-Ph.D-June-2020.pdf>

<sup>35</sup> *ibid*

<sup>36</sup> Jacobowitz, J. L. (2020). Chaos or Continuity? The legal profession: From antiquity to the digital age, the pandemic, and beyond. *Vanderbilt Journal of Entertainment & Technology Law*, 23(1), 279-301.

<sup>37</sup> *ibid*

<sup>38</sup> Judicial College of Victoria. (2020). Coronavirus and the courts. Retrieved January 30, 2021, from <https://www.judicialcollege.vic.edu.au/resources/coronavirus-and-courts>

<sup>39</sup> Humphreys, R. (2017). How changes in technology are shaping the law and the legal profession in America. *Regent UL Rev*, 30(1), 371-372.

<sup>40</sup> Kigwiru, V. K. (2019). Emerging technological innovations in the legal profession and its impact on the regulation of market competition: Kenyan perspective. Available at SSRN 3355861, 1-38.

legal technology study. Even though it might be said that Kenyan courts have gone digital, the growing volume of cases that need to be resolved highlights the urgent need for innovation and legal technology adoption in the judicial system. This study took advantage of this chance and emphasised elements such as social, personal, and technical that six Law businesses and legal practitioners should be aware of Kenya's growing use of innovation and acceptance of legal technology.

The successful completion of this research project may show the value of legal technology to law firms and legal professionals in a time when court cases are growing daily and the world is growing more isolated due to global pandemics like COVID-19.<sup>41</sup> By explicitly highlighting technical factors (flexibility, infrastructure, and capability), personal factors (attitudes and beliefs), and social factors (influence of social networks including opinions and reviews) that support innovation and adoption, the research helps law firms and legal professionals use legal technology. This is further motivated by the understanding that technological innovations are becoming ingrained in human nature, necessitating deeper research into the variables influencing legal technology innovation and acceptance.

In the twenty-first century, technology has changed the character and methods of practice of the legal profession in Kenya and around the world. In many regions of the world, including Africa, the practice of law has historically involved in-person courtroom attendances, when a variety of participants, including litigants, advocates, and judicial authorities, take part in court proceedings<sup>1</sup>. However, given the quick changes that have occurred on the international scene, this position is no longer viable. A number of industries, including the legal profession, were impacted by the global economic instability caused by the coronavirus illness (COVID-19) epidemic. Most professions found it challenging to operate from their usual physical locations as a result of the preventive measures enforced by most states and advised by the World Health Organisation, such as physical distancing<sup>3</sup>. The consequences of the COVID-19 pandemic did not spare the legal profession. Employees' physical attendance at workplaces, such legal firms, became challenging as a result of the preventive measures implemented in the majority of states. In order to overcome this difficulty, legal businesses came up with different ways to work, such working remotely. The COVID-19 pandemic's consequences were also recognised by Kenya's judiciary, which implemented alternate methods of accessing the legal system, including electronic submission of court documents and petitions and virtual court hearings. The Ministry of Lands' digitisation of services via the Ardhisasa platform has also disturbed the conveyancing practice. One may argue that this has caused an unprecedented disruption to the legal profession.

The COVID-19 pandemic's disruptions have shown how technology affects contemporary legal practice. Technology is essential to the success of procedures like remote working, electronic filing, and virtual court hearings. Therefore, one may argue that the adoption of technology by the legal profession is a need. Information technology's dominance, economic globalisation, the blending of sectors and professions, and the growing integration of knowledge<sup>6</sup> are more factors contributing to this. Though legal technology has received praise for simplifying and enhancing

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<sup>41</sup> Puddister, K., & Small, T. A. (2020). Trial by zoom? The response to COVID-19 by Canada's courts. *Canadian Journal of Political Science*, 53(2), 373-377.

the precision, efficacy, and efficiency of time-consuming procedures in day-to-day practice, it has also drawn criticism for the issues it brings up, including data privacy and job loss as a result of legal services automation. The purpose of the study is to critically examine how technology has affected contemporary legal practice in Kenya. By going over both the benefits and drawbacks of technology in contemporary legal practice, it aims to bring the two divergent points of view together. The article makes the case that adopting technology as a tool for access to justice will benefit the legal profession more than it will harm it. In addition to addressing the issues surrounding the use of technology in the legal profession, it offers doable strategies for the legal profession to adopt technology as a tool for trade in commerce and dispute resolution.

This paper explores these recent advancements and is predicated on the idea that the legal profession stands to benefit more than suffer if it keeps using technology as a means of obtaining justice. Providing, implementing, and developing technology to attain competitive superiority is the overarching objective of technology strategy. Technology strategy is the subject of a great deal of theoretical research. The ability of an organisation to cultivate various competencies that facilitate technological innovation is emphasised by its methodology. Clients now have more control over the delivery of legal services and want better efficiency, predictability, and cost effectiveness, making the legal sector a buyers' market rather than a sellers' market.<sup>42</sup> In addition to having better access to the easily accessible legal information on the Internet, clients frequently adopt new technology before attorneys do.<sup>43</sup> As a result, clients of legal firms are growing more demanding and intelligent.<sup>44</sup> Law companies are under increased pressure to abandon the conventional pricing model, which bills time in increments of six minutes.<sup>45</sup> The advent of various charge arrangements, including blended rates, capped fees, set prices, value pricing, staged costing, event costing, and success fees, is causing a shift in pricing models.<sup>46</sup> To properly handle alternative fee agreements and other intricate invoicing structures, law firms must offer accurate, dependable, and scalable reporting.<sup>47</sup>

<sup>42</sup> Evans, C. (2015). [\*2015 state of the legal market\*](#). Melbourne, VIC: Melbourne Law School and Thomson Reuters. Retrieved from <https://peermonitor.thomsonreuters.com/wp-content/uploads/2015/08/2015-AU-Report-FINAL.pdf> (Archived by WebCite® at <http://www.webcitation.org/6ncydhjvl>)

<sup>43</sup> Kabene, S.M., King, P. & Skaini, N. (2006). Knowledge management in law firms. *Journal of Information Law and Technology*, 1, 1-21.

<sup>44</sup> Muir, L., Douglas, A. & Meehan, K. (2004). Strategic issues for law firms in the new millennium, *Journal of Organisational Transformation & Social Change*, 1(2), 179-191.

<sup>45</sup> Tjaden, T. (2009). [\*The 7 faces of legal knowledge management\*](#). Paper presented at LawTech Canada. Retrieved from [www.legalresearchandwriting.ca/images/7faces.pdf](http://www.legalresearchandwriting.ca/images/7faces.pdf). (Archived by WebCite at <http://www.webcitation.org/6oAa8NOKw>)

<sup>46</sup> Blanco, L. & Latta, C. (2012). [\*Knowledge management in Australian law firms and the accelerating rate of change\*](#). Sydney, NSW: Colin Biggers & Paisley. Retrieved from <http://www.cbp.com.au/publications/2012/december/knowledge-management-in-australian-law-firms-and-t> (Archived by WebCite® at <http://www.webcitation.org/6ncxQ524T>)

<sup>47</sup> Dunford, N. & Le-Nguyen, M. (2014). [\*Five trends affecting legal CIOs\*](#). *CIO*. Retrieved from [http://www.cio.com.au/article/538951/five\\_trends\\_affecting\\_legal\\_cios/](http://www.cio.com.au/article/538951/five_trends_affecting_legal_cios/) (Archived by WebCite® at <http://www.webcitation.org/6o9hJRm0Q>)



Legal firms face difficulties simply detecting and managing the abundance of legal information assets, which is known as "information overload".<sup>48</sup> Law companies are adopting social media, information management systems, and other technologies as a result of technological advancements.<sup>49</sup> Emergence of new workplace practices is made possible by new technologies. For instance, cloud storage capacity enables the central storage of customer, case, and other firm information, which can be accessed from home or at work with considerable cost savings. Businesses understand that allowing employees to use their own devices can boost employee productivity by creating a more flexible work environment, and that device mobility allows attorneys to access digital documents while in court.

Intranets, expert systems, online dispute resolution platforms, and knowledge management tools including artificial intelligence, document management, and decision assistance are all used by law firms. Law firms can search, manage, and retrieve information from both internal and external sources with the help of content management systems.<sup>50</sup> Due to concerns about intellectual property and security threats to client information, few legal firms have yet to adopt social media.<sup>51</sup> Law firms are under growing pressure to boost their productivity and efficiency. Clients in business are no longer prepared to pay solicitors to do work that is thought to be costly and ineffective.<sup>52</sup> To stay competitive, law firms need to improve their operational efficiency.<sup>53</sup> Putting knowledge management techniques into effect is one of the biggest problems facing legal companies. Law firms are 'in the knowledge business' and must share knowledge in order to foster innovation, create agile and adaptable organisations, strengthen the firm's institutional memory, and enhance internal and external effectiveness.<sup>54</sup> Nonetheless, there aren't many financial or other incentives for solicitors to advise their peers.<sup>55</sup> Lawyers under the billable hour system do not want

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<sup>48</sup> Jarvis, F. (2013). Information overload: big data threatens business model of even the elite law firms. *Legal Week*, 15(40), 13.

<sup>49</sup> Kabene, S.M., King, P. & Skaini, N. (2006). Knowledge management in law firms. *Journal of Information Law and Technology*, 1, 1-21.

<sup>50</sup> Winston, A.M. (2014). Law firm knowledge management: a selected annotated bibliography. *Law Library Journal*, 106(2), 175-491.

<sup>51</sup> ibid

<sup>52</sup> Dublin, M. (2005). [Creating an environment in law firms where knowledge management will work](http://www.articlecity.com/articles/legal/article_165.shtml). *ArticleCity*. Retrieved from [http://www.articlecity.com/articles/legal/article\\_165.shtml](http://www.articlecity.com/articles/legal/article_165.shtml) (Archived by WebCite® at <http://www.webcitation.org/6ncxiLPPD>)

<sup>53</sup> Hunter, L., Beaumont, P. & Lee, M. (2002). Knowledge management practice in Scottish law firms. *Human Resource Management Journal*, 12(2), 4-21.

<sup>54</sup> Zeide, E. & Liebowitz, J. (2012). Knowledge management in law: a look at cultural resistance. *Legal Information Management*, 12(1), 34-8.

<sup>55</sup> Blanco, L. & Latta, C. (2012). [Knowledge management in Australian law firms and the accelerating rate of change](http://www.cbp.com.au/publications/2012/december/knowledge-management-in-australian-law-firms-and-t). Sydney, NSW: Colin Biggers & Paisley. Retrieved from <http://www.cbp.com.au/publications/2012/december/knowledge-management-in-australian-law-firms-and-t> (Archived by WebCite® at <http://www.webcitation.org/6ncxQ524T>)

to spend time on corporate knowledge management activities because they cannot be billed, and the main source of a lawyer's revenue is time spent with clients.<sup>56</sup>

### Management of Law Firms in Kenya

A law firm is a company that was established by one or more solicitors to practise law. In addition to representing clients in civil or criminal lawsuits, corporate transactions, and other situations when legal advice and other help are required, a law firm's main services include educating clients (individuals or corporations) on their legal rights and obligations. Global law firms need to be viewed in the broader framework of the legal profession's development as a commercial entity.<sup>57</sup> There are no outside investors in law firms. Instead, the firm's owners are also its employees. The profession of law is thought to be among the oldest in the world, with roots dating back to the Roman Empire (GoK, 2014).

The law firms Anjarwalla & Khanna, Coulson Harney, Hamilton Harrison & Mathews, Kaplan & Stratton, and Walker Kontos dominate the Kenyan market for corporate commercial legal services.<sup>58</sup> Kenyan law firms are represented in one of the four corporate law networks: Lex Africa, Lex Mundi, African Legal Network, or the DLA Piper Africa Network.<sup>59</sup> These law firms are part of a formalised legal network. In Kenya, there are many different types of lawyers. It includes the government's whole judicial branch. This arm falls into the bench and bar categories. Judges and magistrates make up the bench, and advocates make up the bar (GoK, 2014). The Advocates Act and the Law Society of Kenya (LSK) Act are the two legal documents that govern the management of advocates (GoK, 2012).

The Advocates Act of 1961 serves as a framework for the general legal activities of advocates, and the LSK Act of 2015 establishes a body to supervise those advocates' general practices. Advocates are allowed to work for law firms and practise law (GoK, 2012). In Kenya, the majority of law firms are partnerships or single proprietorships (LSK, 2015). To cover all the basics, some businesses are divided into departments and have department heads. Typically, these are sizable legal practices with numerous associates. This has the benefit of increasing revenue for the company and interacting with a large number of clients. The drawback of having a large law company is that decision-making and coordination become more difficult. Some law firms have been doing well, but others have struggled to stay in business, which has caused them to dissolve and, in certain situations, be debarred (LSK, 2014). Among the many difficulties facing legal businesses are the rise and admission of foreign law firms, which force the industry to adopt strategic management approaches.<sup>60</sup> There is proof that different legal firms have also written and implemented strategies like marketing, diversification, outsourcing, and mergers and acquisitions.

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<sup>56</sup> Sukumaran, S., Chandran, K. & Chandran, K. (2013), Knowledge management strategy using activity theory for a law firm. In *Proceedings, 8th International Conference on Knowledge Management in Organizations: Social and Big Data Computing for Knowledge Management* (pp. 521-553). Berlin: Springer Verlag.

<sup>57</sup> Henderson, W. D. (2014). From big law to lean law. *International Review of Law and Economics*, 38, 5-16.

<sup>58</sup> Taddia, M. (2016). Feature : Kenya : African Leader. *Law Society Gazette*, (20), 1-6.

<sup>59</sup> Klaaren, J. (2016). African corporate lawyering and globalization. *International Journal of the Legal Profession*, 22(2), 226-242. <https://doi.org/10.1080/09695958.2015.1133423>

<sup>60</sup> Henderson, W. D. (2014). From big law to lean law. *International Review of Law and Economics*, 38, 5-16.

With over 8,000 advocates as members, the Law Society of Kenya is the premier bar association in Kenya. The Society's mission is to counsel and support Kenyan lawyers regarding their conditions of practice. In Kenya, it is legally required to be a member of the Society in order to practise advocacy. However, membership in the Society is individual rather than corporate. There are perhaps 50 large legal firms out of the 600 that operate in Nairobi. Sole proprietorships make up the majority of them (LSK, personal communication, August 19, 2013). For many years, the legal profession has been seen as a noble one, governed by certain carefully maintained customs and standards. For example, solicitors were not allowed to promote their services. However, there has been a paradigm shift in recent years, with legal firms increasingly being allowed to advertise, albeit in limited ways. As a result, many companies have had to shed their noble reputation and adopt corporate management techniques. Businesses from all over the world are beginning to view Kenya as an alluring place to invest. Higher quality legal counsel is needed both locally and, in many cases, internationally as a result of the increased interest in Kenya. However, with the establishment of numerous law faculties in Kenyan universities, the legal system has significantly advanced, and it is anticipated that 500 advocates would be enrolled in Kenya each year. Yet, the rise and admission of international law firms, particularly from the East African region, is one of the many obstacles that Kenyan lawyers must overcome.

Because these firms bring a variety of specialised knowledge to the table, they force law firms in this country, and especially in Nairobi, to develop strategies that offer them a competitive advantage in their industry. The severe worldwide economic forces have left law firms in disarray. With the expansion and complexity of law firms and the emergence of internal competition in their marketplaces, both the internal and external environments have been impacted. Organisations are under pressure to rationalise their management and administrative systems due to their increased size and the quickly shifting market conditions. The need for legal firms to be more productive and efficient is growing. Lawyers are seen as poor competitors in the corporate client market due to the sharp rise in demand for corporate legal services and the corresponding rise in demand for personal client services.

As a result, client turnover has increased and revenues have decreased. The majority of lawyers fail to see how important it is to make client relations the main priority of their daily planning, but it is this emphasis that sets exceptional client relations attorneys apart from the others. The organisation of legal practice and the lawyer-client relationship have changed as a result of shifting legal demands and increased competition across law firms. Businesses that use recognised management techniques outperform those that don't on a global scale. One of the best methods for a company to beat its competitors is through better management techniques.<sup>61</sup> It is also linked to significant gains in output and productivity as well as client retention. It may appear apparent that management has an impact on a company's performance. Nevertheless, there isn't a lot of published empirical data on the topic yet. This appears to be a social science gap. Only a few quantitative research have been published thus far. These, however, concentrate on related subjects rather than management procedures specifically. The severe worldwide economic forces have left law firms

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<sup>61</sup> Bloom, N., Dorgan, S., Dowdy, J. and Van Reenan, J. (2007), *Management Practice and Productivity; Why they matter*, McKinsey & Company, UK

in disarray. Global business experts concur that the increased use of information technology, which has enabled improved coordination and communication across organisational boundaries, is causing significant changes in company competitions and management methods. It has been noted that businesses that use recognised management techniques outperform those that don't. One of the best strategies for a company to beat its competitors is to use better management practices.<sup>62</sup> Research up to this point has indicated a growing interest in comprehending how management of law practices affects their organisational success. Different opinions have been reached as a result of these studies. Others maintain opposing opinions, while others claim a favourable impact.<sup>63</sup>

### Actors of Strategic management Practices

Service Differentiation Strategies: Studies on service differentiation have described strategies for differentiation. Among the service differentiators mentioned by Kotler and Keller<sup>64</sup> are simple ordering, shipping, installation, customer training, customer consulting, maintenance and repair, and refunds. Chenet et al. (1991) found that trust and service quality had an impact on service distinctiveness. Chege, Kimutai and Kibet<sup>65</sup> assert that the essential elements of service differentiation are the marketing mix: product, price, place, promotion, physical proof, process, and people. Khodaparasti, Aboufazel, and Isakhajelou<sup>66</sup> link the studied elements of the marketing mix with productivity and efficiency.

Value-based pricing models and more legal services for less money are what consumers of legal services have been requesting.<sup>67</sup> Consumers of legal services have also been demanding more technology in service delivery (Report on the State of the Legal Market, 2018) and increased efficiency in service delivery (The FLIP Report, 2017). Since differentiation entails creating products or services that are deemed to have superior value or a unique appeal, law firms can strategically position themselves as offering value on those parameters by concentrating on the factors that consumers value.<sup>68</sup> This study will focus on the three aforementioned factors: value-based pricing and flexible pricing models; the use of technology to improve operations; and the efficiency of service delivery in order to ascertain how law firms are positioning themselves to be viewed as the preferred service provider.

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<sup>62</sup> *ibid*

<sup>63</sup> Olmstead, J. W(2003) *Guide to Law Firm Management Best Practices: Ideas for Managing Your Practice*, Missouri, Olmstead & Associates.

<sup>64</sup> Kotler, P. & Keller, L.K. 2016. *Marketing Management*. Pearson Education. Fifteenth Edition.

<sup>65</sup> Chege, J., Kimutai, G., & Kibet, Y., (2018). Effectiveness of Differentiation Strategy on Business Performance of Kenyan Betting Companies. *IOSR Journal of Business and Management*, 20(7), 22-27. doi:10.9790/487X2007062227

<sup>66</sup> Khodaparasti, R. B., Aboufazel, A., Isakhajelou, R., (2015). Ranking the most Effective Marketing Mix Elements on the Sales of Javid Darb company Products: an AHP Technique. *Journal of International Studies*, 8(2), 164-173.

<sup>67</sup> Deloitte Legal. (2017). *A Changing World Requires a New Approach to Law*. Deloitte Legal. Retrieved December 11th , 2019, from <http://www.deloitte.com/legaltrends>

<sup>68</sup> Chege, J., Kimutai, G., & Kibet, Y., (2018). Effectiveness of Differentiation Strategy on Business Performance of Kenyan Betting Companies. *IOSR Journal of Business and Management*, 20(7), 22-27. doi:10.9790/487X2007062227

Pricing Strategies: Value-based pricing models and more legal services for less money are what consumers of legal services have been requesting.<sup>69</sup> Consumers of legal services have also been demanding more technology in service delivery (Report on the State of the Legal Market, 2018) and increased efficiency in service delivery (The FLIP Report, 2017). Since differentiation entails creating products or services that are deemed to have superior value or a unique appeal, law firms can strategically position themselves as offering value on those parameters by concentrating on the factors that consumers value.<sup>70</sup> This study will focus on the three aforementioned factors: value-based pricing and flexible pricing models; the use of technology to improve operations; and the efficiency of service delivery in order to ascertain how law firms are positioning themselves to be viewed as the preferred service provider.

In an effort to keep their biggest clients, big legal firms are now providing fixed fees, alternative fee arrangements, and significant hourly discounts.<sup>71</sup> Businesses are increasingly agreeing to discounted fixed rates plus a contingency through hybrid contracts or contingency fee models.<sup>72</sup> In addition to the conventional billing models and capped fee arrangements, a Law Society of New South Wales Commission of Inquiry discovered that law firms were adopting what they called "collared fee arrangements," which are a hybrid of the fixed fee arrangement and the hourly billing model—that is, a firm agrees on a fixed fee but still keeps track of the amount of time spent on the work. The client tops up the amounts by a predetermined percentage if the job exceeds the hourly rate. The attorney agrees to a decrease in the capped fee if the opposite occurs (The FLIP Report, 2017). Big businesses now have flat fee agreements where they commit to a specific yearly legal budget regardless of the amount of work completed.<sup>73</sup>

Other research, however, has criticised the idea that legal businesses have been adopting more flexible pricing structures. The alternative pricing structures that legal firms have implemented have drawn criticism from Deloitte Legal (2017), which claims that these arrangements are merely variants of the hourly billing rate. A shadow time-based system, where fixed fees may be agreed upon but are essentially based on concealed hourly rates, is the basis for the alternative pricing models that legal firms have been exploring, according to the legal Society of New South Wales (2017). Although law firms were thinking about and adopting alternative fee arrangements, the FLIP Report (2017) noted that these arrangements would remain controversial since they frequently transfer the risk of underquoting on law firms alone.

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<sup>69</sup> Deloitte Legal. (2017). A Changing World Requires a New Approach to Law. Deloitte Legal. Retrieved December 11<sup>th</sup>, 2019, from <http://www.deloitte.com/legaltrends>

<sup>70</sup> *ibid*

<sup>71</sup> Weins, D. C. (2010). Why Law Firms Are Like Hotels: 'Rack Rates' Are Negotiable, Real Rates Vary by Client. Retrieved December 11, 2019, from

[http://www.abajournal.com/news/article/client\\_beware\\_law\\_firm\\_rack\\_rates\\_are\\_negotiable\\_and\\_real\\_rates\\_vary\\_even\\_f](http://www.abajournal.com/news/article/client_beware_law_firm_rack_rates_are_negotiable_and_real_rates_vary_even_f)

<sup>72</sup> Dillof, N. J. (2011). The Changing Cultures and Economics of Large Law Firm Practice & Their Impact on Legal Education. *Maryland Law Review*, 70. Retrieved December 9<sup>th</sup>, 2019, from <http://digitalcommons.law.umaryland.edu/mlr/vol70/iss2/5>

<sup>73</sup> Dillof, N. J. (2011). The Changing Cultures and Economics of Large Law Firm Practice & Their Impact on Legal Education. *Maryland Law Review*, 70. Retrieved December 9<sup>th</sup>, 2019, from <http://digitalcommons.law.umaryland.edu/mlr/vol70/iss2/5>

The Advocates Act, the Advocates Remuneration Order, 2014, and the Code of Standards of Professional Practice and Ethical Conduct, 2016 all govern the cost of legal services in Kenya. The minimal fee that legal firms are permitted to charge for professional services is set by the Advocates Remuneration Order, 2014; this fee is often determined by the transaction value. Charging less than the required minimum is illegal under the Advocates Act and the 2016 Code of Standards of Professional Practice and Ethical Conduct.

### **Use of Technology to Improve Processes**

Business processes are the group of tasks required to provide a service or the way that work is planned and coordinated to create a service.<sup>74</sup> By automating manual activities, facilitating information sharing, and hence expanding access to information, information technology advancements and information systems have been enhancing corporate processes.<sup>75</sup> In their 2007 study, Padgett and Mulvey<sup>76</sup> examined how service companies use technology to stand out in a crowded market. They discovered that new positioning opportunities arise with the introduction of important technologies. According to Padgett and Mulvey, businesses can either commercialise technology by utilising it as a new interface that allows clients to communicate with the business or as a new feature that benefits the client. Technology can be utilised as a back-end functionality to enhance procedures. According to the report, businesses must demonstrate to customers how the new technology enables them to obtain significant advantages and feel emotional rewards if they want to use it as a differentiator.

The 2019 Guide to Legal Technology supports the categorisation of technology as either a back-end functionality or a forward interface with clients. It focusses on knowledge management, case management and analytics, legal research, business development, practice management (e.g., for calendaring, case or contract management, or time tracking), and support activities like document and process automation, e-discovery, data analysis and extraction, smart contracts, and interactive features like cha

Hongdao, Bibi, Khan, Ardito<sup>77</sup> investigated the ways in which legal technologies facilitate the creation of novel business delivery models. According to the survey, technology-based firms that were formerly available to lower-end market segments, including Rocket Lawyer and Legal Zoom, have greatly enhanced their offerings and are now catering to a wider demographic. They cited this to back up their assertion that the market for legal services is already experiencing disruption.

However, opinions on the idea that technological disruption is already occurring are far from uniform. Some contend that the hoopla in media stories is distorting the actual scope of the changes brought about by technology (The FLIP Report, 2017). They contend that whereas legal apps and

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<sup>74</sup> Laudon, K. C, Laudon, J.P., (2018). Management Information Systems, Managing the Digital Firm (Vol. 15th Edition). Essex: Pearson Education Limited.

<sup>75</sup> ibid

<sup>76</sup> Padgett, D., & Mulvey, M. S. (2007). Differentiation via technology: Strategic positioning of services following the introduction of disruptive technology. *Journal of Retailing*, 83(4), 375-391.

<sup>77</sup> Hongdao, Q, Bibi, S, Khan, Ardito, A. (2019). Legal Technologies in Action: The Future of the Legal Market in Light of Disruptive Innovations. *Sustainability*, 11, 1015. Retrieved November 13th, 2019, from [www.mdpi.com/2071-1050/11/4/1015/html](http://www.mdpi.com/2071-1050/11/4/1015/html)

artificial intelligence are currently being marketed, actual business activity has not yet been observed. This is in line with the Law Society of the United Kingdom's (2019) assertion that legal technology is still in its infancy and has not yet disrupted the legal system, and that efficiency is still the primary emphasis of technology rather than the introduction of novel legal frameworks.

### **Efficiency in Service Delivery**

Fugate, Mentzer, and Stank<sup>78</sup> investigated logistics performance in relation to efficiency, effectiveness, and distinction. Efficiency, according to the study, is the capacity to deliver the intended results for customers at a price that they can afford. The study made the argument that, despite prior research suggesting that efficiency and effectiveness were mutually exclusive, today's market dynamics - such as a more picky customer base, quick technological advancement, and globalization - require that businesses combine efficiency, effectiveness, and differentiation to succeed in a fiercely competitive market. According to their findings, efficiency and effectiveness do not necessarily have to be traded off; rather, they support one another through differentiation. The efforts made by legal firms to improve service delivery efficiency were examined in a 2018 survey.<sup>79</sup> The following were some of the factors taken into account: using pay decisions to reward productivity and profitability; replacing human resources with technology; implementing knowledge management programs; systematically reengineering processes; and aggressively seeking out client conversations to gain a deeper understanding of their needs. According to the survey, the majority of the companies were replacing human resources with technology and leveraging compensation decisions to promote efficiency and profitability. The majority of businesses, however, lacked knowledge management initiatives, actively sought out client discussions on matter management, and had not conducted any methodical process re-engineering.

### **Competitive Advantage from Differentiation**

A firm's competitive advantage is the increase in productivity brought about by either low-cost or unique products.<sup>80</sup> It is a company's capacity to raise its market share or profit, lower the cost of its goods, or improve the quality of its products.<sup>81</sup> According to some definitions, competitive advantage is the degree to which businesses can take advantage of opportunities, get rid of dangers, and cut expenses. Drawing on Porter<sup>82</sup>, Fisher<sup>83</sup> contends that the primary benefit of difference is that it gives the company the ability to charge more or make more flexible adjustments to the price/quantity variables. Because the service provider can apply larger margins, this ultimately leads to increased profitability for the business. Businesses who use service differentiation to make

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<sup>78</sup> Fugate, B. S., Stank, T.P., & Mentzer, J.T., (2010). Logistics Performance: Efficiency, Effectiveness, and Differentiation. *Journal of Business Logistics*, 31(1), 43 -62.

<sup>79</sup> Clay, T.S., & Seeger, E.A., (2018). Law Firms in Transition. Altman Weil Inc. Retrieved November 12, 2019, from [http://www.altmanweil.com/dir\\_docs/resource/45F5B3DD-5889-4BA3-9D05C8F86CDB8223\\_document.pdf](http://www.altmanweil.com/dir_docs/resource/45F5B3DD-5889-4BA3-9D05C8F86CDB8223_document.pdf)

<sup>80</sup> Porter, M., & Magretta, J. (2014). *Strategy and Competition: The Porter Collection (3 Items)*. Harvard Business Review Press.

<sup>81</sup> Sachitra, K. M. V. (2017). Review of competitive advantage measurements: reference on agribusiness sector. <http://d.r.lib.sjp.ac.lk/handle/123456789/4456>

<sup>82</sup> Porter, M. E. (1980). Industry structure and competitive strategy: Keys to profitability. *Financial analysts journal*, 36(4), 30-41.

<sup>83</sup> Fisher, R. J. (1991). Durable differentiation strategies for services. *Journal of Services Marketing*, 5(1), 19-28.

their marketing investments more customer-centric see an improvement in their financial success.<sup>84</sup>

According to Banker, Mashruwala, and Tripathy<sup>85</sup>, differentiation is also more likely to guarantee that the service provider gains and maintains a competitive advantage than the cost leadership approach. Cost-centric methods might be simpler for rivals to adopt, but differentiation strategies are more difficult to copy.<sup>86</sup> According to Porter<sup>87</sup> (quoted in Banker et al., 2014), cost leadership methods that rely solely on operational savings are easily replicable, and as a result, the competitive advantage they provide gradually wanes. Conversely, differentiation brought about by the distinctiveness of goods and services gives businesses a sustained competitive edge.

Putting the requirements of the client first also aids in the co-creation of knowledge between businesses and consumers, which acts as a barrier to entrance.<sup>88</sup> According to McGee<sup>89</sup>, differentiation tactics provide a barrier to entry and, as a result, a long-term competitive advantage. There is empirical literature to support these opinions. Chege, Kimutai and Kibet<sup>90</sup> investigated how Kenyan betting companies' business performance was affected by their differentiating approach. The study found that the public was successfully convinced to purchase from the betting companies by the tactics used. Comparing U.S. law firms with and without documented revenue and profit growth was the focus of a 2017 study (Report on the State of the Legal Market, 2018). The report found that companies exhibiting profit and revenue development were those that had developed distinctive pricing strategies by communicating pricing up front with their clientele. According to Deloitte Legal<sup>91</sup>, technology has had a major impact on businesses in a number of ways, including lowering expenses and time spent on repetitive tasks, facilitating insight sharing via social networks, improving the calibre and consistency of work, helping with workload management (e.g., through eBilling systems), and fostering stronger relationships with customers.

### **Technological Capabilities and Performance of Law Firms**

Access to justice has been greatly aided by the legal profession ever since colonialism brought about the establishment of Kenya's formal justice system. However, there are other barriers to accessing justice in Kenya, such as the high cost of litigation, the remoteness of the courts, and the

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<sup>84</sup> Gebauer, H., Gustafsson, A., & Witell, L. (2011). Competitive advantage through service differentiation by manufacturing companies. *Journal of business research*, 64(12), 1270-1280.

<sup>85</sup> D. Banker, R., Mashruwala, R., & Tripathy, A. (2014). Does a differentiation strategy lead to more sustainable financial performance than a cost leadership strategy?. *Management decision*, 52(5), 872-896.

<sup>86</sup> *ibid*

<sup>87</sup> Porter, M. E. (1980). Industry structure and competitive strategy: Keys to profitability. *Financial analysts journal*, 36(4), 30-41.

<sup>88</sup> Gebauer, H., Gustafsson, A., & Witell, L. (2011). Competitive advantage through service differentiation by manufacturing companies. *Journal of business research*, 64(12), 1270-1280.

<sup>89</sup> McGee, J. (2015). Focus Strategies. Wiley Encyclopedia of Management, 1-2.

<sup>90</sup> Chege, J., Kimutai, G., & Kibet, Y., (2018). Effectiveness of Differentiation Strategy on Business Performance of Kenyan Betting Companies. *IOSR Journal of Business and Management*, 20(7), 22-27. doi:10.9790/487X2007062227

<sup>91</sup> Deloitte Legal. (2017). A Changing World Requires a New Approach to Law. Deloitte Legal. Retrieved December 11<sup>th</sup>, 2019, from <http://www.deloitte.com/legaltrends>



intricacy of the rules and procedures, among others.<sup>92</sup> Economic instability brought on by societal and economic shifts, technological adaptation, ethical and compliance concerns, and ongoing professional growth all exacerbate these challenges and have a direct effect on the legal profession, particularly among attorneys.<sup>93</sup> Clients continue to seek efficiency and responsiveness from their solicitors at a lower cost due to the changing times and the aforementioned difficulties. The COVID-19 epidemic, which altered the legal profession's landscape, has made these difficulties worse. The pandemic's widespread adoption of the concept of remote working has not only altered how solicitors conduct their work but also given them the chance to analyse and reevaluate how law firms would function going forward.<sup>94</sup> Additionally, there is a rising argument that physical offices will likely appear substantially different in the future than they do now as law firms embrace the idea of working remotely as a result of the COVID-19 pandemic.<sup>95</sup> These are a few of the anticipated and surprising consequences of the COVID-19 epidemic on law firms, where remote work is predicted to become more popular than ever and businesses will use more flexible and cautious financial models.<sup>96</sup>

Notwithstanding the difficulties mentioned above, the prospects for modern legal practice are thought to be astounding. It has been stated that the ability to comprehend and use technology as a practice tool and area of core competence is what makes lawyers in the twenty-first century strong.<sup>97</sup> The legal industry, and solicitors in particular, have long been portrayed as being resistant to technology, sluggish to adapt, and cautious of new developments. However, in contemporary legal practice, this stance is no longer viable. The use of desktop phones, filing cabinets and yellow legal pads has given way to computers, tablets, cell phones and other mobile devices, as well as frequently virtual or cloud-based platforms, in the practice of law.<sup>98</sup> Because of this and the difficulties that the COVID-19 pandemic has caused in the practice of law, technology has become a necessary component of the legal industry. The extent to which Kenya's legal profession has

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<sup>92</sup> Strengthening Judicial Reform in Kenya: Public Perceptions and Proposals on the Judiciary in the new Constitution, ICJ Kenya, Vol. III, May, 2002; See also Kariuki Muigua, Avoiding Litigation through the Employment of Alternative Dispute Resolution, pp 6-7, a Paper presented by the author at the In-House Legal Counsel, Marcus Evans Conference at the Tribe Village Market Hotel, Kenya on 8th& 9th March, 2012.

<sup>93</sup> Mboya, Apollo, 'The Bar: Challenges and Opportunities', in Ghai, Y.P. and Cottrell, J. eds., The legal profession and the new constitutional order in Kenya. Strathmore University Press, 2014, p. 242.

<sup>94</sup> Samantha Stokes | April 27 and 2020 at 06:59 PM | The original version of this story was published on The American Lawyer, 'The Coronavirus Will Change the Legal Industry's Approach to Remote Work—But How?' (Law.com International) available at <https://www.law.com/international-edition/2020/04/27/the-coronavirus-will-change-the-legal-industrys-approach-to-remote-work-but-how-378-140355/> (accessed on 23/06/2022)

<sup>95</sup> Paul Hodkinson | May 05 and 2020 at 01:00 AM | The original version of this story was published on The American Lawyer, 'Welcome to the Law Firm Office of the Future: Smaller, Higher-Tech and One-Way' (Law.com International) available at <https://www.law.com/international-edition/2020/05/05/smaller-higher-tech-and-one-way-welcome-to-the-law-firm-office-of-the-future/> (accessed on 23/06/2022)

<sup>96</sup> *ibid*

<sup>97</sup> Kingsley Ugochukwu Ani, 'The 21<sup>st</sup> Century Lawyer: Challenges and Prospects' (Social Science Research Network 2018) SSRN Scholarly Paper ID 3270279 <https://papers.ssrn.com/abstract=3270279> (accessed on 23/06/2022)

<sup>98</sup> Gaffney Nick, 'Law Practice Management: Transforming a Law Practice with Technology' available <https://www.americanbar.org/groups/gpso/lo/publication/s/gpso/2017/september-october/law-practice-management-transformation-technology/> (accessed on 23/06/2022)

adopted technology is examined in this research, primarily because to the COVID-19 outbreak. The difficulties and opportunities related to the employment of legal technology are also covered.

### Virtual Court Infrastructure

The COVID-19 pandemic had a significant impact on the way justice was administered. In order to prevent the spread of Covid-19 and to protect the health of judges, solicitors and litigants, in-person court hearings were no longer viable. Due to the worries raised by the pandemic outbreak, Kenya's judiciary announced a reduction in court operations nationwide during the height of the disease.<sup>99</sup> Due to the vast numbers of people who are typically involved in the day-to-day operations of courts, including as judicial officials, attorneys, court personnel, and litigants, courts were considered potential hotspots for the spread of the pandemic.<sup>100</sup> In order to continue delivering justice throughout the epidemic, this compelled the judiciary in the majority of nations, including Kenya, to adopt technology. Due in large part to the COVID-19 pandemic, Kenya's judiciary has increased the use of technology in court proceedings. This includes the use of digital display devices, real-time transcript devices, e-filing, e-service of documents, video and audio conferencing, digital import devices, and electronic delivery of rulings and judgments.<sup>101</sup> This marks a significant turning point in the legal profession's adoption of technology as a tool for access to justice.

As has been well noted, even after the COVID-19 pandemic, courts may be more inclined to adopt technology and lessen their reliance on in-person hearings and paper copy records, especially when it comes to case management.<sup>102</sup> This necessitates the ongoing use of legal technology following the COVID-19 pandemic and the investment in infrastructure to guarantee the seamless and effective operation of the procedures.<sup>103</sup> Additionally, it demands for the establishment of some permanent virtual courts and tribunals in order to provide the courts and all registries with the necessary infrastructure. Adopting virtual court technology is probably going to be a crucial part of getting justice in the future as well as today.

Legal Services Digitisation: To improve efficiency and service delivery, there have been notable advancements in the digitisation of legal services. Among these services, land registration is crucial. The Registrar is required by the Land Registration Act to keep the land register and other relevant records in a safe, dependable, and easily available format, including electronic files.<sup>104</sup>

<sup>99</sup> Muigua. K., 'Virtual Arbitration Amidst Covid19 : Efficacy and Checklist for Best Practices' available at <http://kmco.ke/wp-content/uploads/2020/05/Virtual-Arbitration-Procedure-in-Amidst-COVID-19-Efficacy-and-Checklist-for-Best-Practices69523-Reviewed.pdf> (accessed on 23/06/2022)

<sup>100</sup> *ibid*

<sup>101</sup> Kenya Law: Electronic Case Management Practice Directions, 2020' available at <http://kenyalaw.org/kl/index.php?id=10211> , Rule 6, (accessed on 23/06/2022)

<sup>102</sup> *ibid*

<sup>103</sup> The Remote Courtroom: Tips and Tricks for Online Hearings' available at <https://www.washurist.com/en/news-and-insights/legal-updates/the-remote-courtroom-tips-and-tricks-for-online-hearings> (accessed on 23/06/2022)

<sup>104</sup> Land Registration Act, No.3 of 2012, S 9 (1) (b)

Additionally, the Act mandates that the Registrar provide electronic access to the register's contents for the general public.

### **Why Adopt and Invest in Technological Capability in Law Firms**

The COVID-19 pandemic's difficulties have highlighted the necessity for the legal profession to adopt technology as a tool for access to justice.<sup>105</sup> The judiciary has now adopted legal technology, including virtual court sessions. Additionally, legal technology has been adopted by law firms through features like remote working. Although the COVID-19 pandemic's issues led to a widespread adoption of this technology, the judges and legal professionals must continue to embrace legal technology after COVID-19.<sup>106</sup> To improve the efficiency, cost-effectiveness, and promptness of the administration of justice, legal technology investment is required.<sup>107</sup> In order for attorneys and law firms to benefit from globalisation and increase their attractiveness on a worldwide scale, technology investment is also essential. With the introduction of various social media platforms that allow interconnectivity beyond the national boundaries and enable cross-border relationships between clients and their lawyers and law firms among themselves, lawyers can use technology to access the ever-expanding international Alternative Dispute Resolution modes, such as international arbitration, mediation, and Online Disputes Resolution (ODR). This is especially important in light of the rapidly expanding networking and borderless legal practice.<sup>108</sup> With the advent of the internet and telecommunications systems, clients are no longer restricted to the lawyers in their regions or the need for legal services within their jurisdiction, so they should take advantage of the enormous growth of international trade, interstate deals, bilateral and multilateral treaties, and the increasingly global nature of legal practice.<sup>109</sup> As a result, astute practitioners must raise their game with international best practices. The success of law firms and the judiciary's role in the administration of justice are expected to be improved by investments in legal technology.

Technology-related knowledge and skills are necessary in today's environment, whether at the individual or organisational level. In particular, because technology is inherently scalable, it is a potent motivator for innovative talent. By facilitating sound decision-making and problem-solving,

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<sup>105</sup> Virtual Hearings: The Way Forward in the UK in Uncertain Times available at [https://www.denton.com/en/in\\_sights/alerts/2020/march/29/virtual-hearings-the-way-forward-in-the-uk-in-uncertain-times](https://www.denton.com/en/in_sights/alerts/2020/march/29/virtual-hearings-the-way-forward-in-the-uk-in-uncertain-times) (accessed on 27/06/2022)

<sup>106</sup> Muigua.K., 'Embracing Science and Technology in Legal Education for Efficiency and Enhanced Access to Justice' Op cit

<sup>107</sup> ibid

<sup>108</sup> Emmanuel Oluwafemi Olowononi and Ogechukwu Jennifer Ikwuanusi, 'Recent Developments in 21st Century Global Legal Practice: Emerging Markets, Prospects, Challenges and Solutions for African Lawyers' (2019) 5 KIU Journal of Social Sciences 31; Samuel Omotoso, 'Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects' Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects available at [https://www.academia.edu/40663364/LAW\\_LAWYERS\\_AND\\_THE\\_SOCIAL\\_MEDIA\\_IN\\_THE\\_21ST\\_CENTURY\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.academia.edu/40663364/LAW_LAWYERS_AND_THE_SOCIAL_MEDIA_IN_THE_21ST_CENTURY_CHALLENGES_AND_PROSPECTS) (accessed on 27/06/2022)

<sup>109</sup> ibid

technological innovation and adoption give businesses sustainability.<sup>110</sup> Several lines of research have been conducted to further understanding of technical developments in light of this evidence.<sup>111</sup> However, the comprehension of technical advancements in the legal sector has been challenged in recent years by the creation of new software and technology for the legal profession, such as legal technology, or "legal tech".<sup>112</sup>

Legal tech is the use of digital technology to assist in recognising, interpreting, and applying the law as well as, to some extent, in the creation of the law.<sup>113</sup> To broaden the term, legal tech promotes the use of various software programs and technology to help attorneys provide and deliver legal services more creatively.<sup>114</sup> Regarding innovation and acceptance, the latest technology developments serve as a tool and a catalyst for the digitisation of legal procedures.<sup>115</sup> Generally speaking, the key question is still how law firms and legal professionals may innovate, given the managerial viewpoint, the importance of the legal profession, and the current difficulties facing the legal sector. In other words, integrate technology into their legal practice to enhance efficacy and tackle outstanding legal matters.<sup>116</sup>

Hoffmann-Riem<sup>117</sup> asserts that major changes in the economy, politics, law, and culture, as well as in every aspect of life, are brought about by technical breakthroughs. It's also critical to recognise that these changes are not exclusive to the legal industry.<sup>118</sup> Numerous justifications have been offered to highlight the innovation that is propelling the legal sector. For example, clients of today are increasingly expecting more from legal experts in terms of time, cost, and output, which is driving innovation in the legal sector.<sup>119</sup>

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<sup>110</sup> Salam, S., Hafeez, M., & Mahmood, M. T. (2019). The dynamic relation between technology adoption, technology innovation, human capital, and economy: comparison of lower middle-income countries. *Interdisciplinary Description Complex Systems: INDECS*, 17(1), 146-161.

<sup>111</sup> See Corrales, M., Fenwick, M., & Haapio, H. 2019: pp. 1-15; Klutz & Mulligan, 2019: 34.

<sup>112</sup> Muigua, K. (2020). Legal practice and new frontiers: Embracing technology for enhanced efficiency and access to justice. 1-30. Retrieved January 29, 2021, from <http://kmco.co.ke/wp-content/uploads/2020/06/Legal-Practice-and-New-FrontiersEmbracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-KariukiMuigua-Ph.D-June-2020.pdf>

<sup>113</sup> The Law Society. (2019). Lawtech adoption research report. London: The Law Society. Retrieved January 26, 2021, from <https://www.lawsociety.org.uk/en/topics/research/lawtech-adoption-report>

<sup>114</sup> Correa, M. (2019, January 29). What is legal technology and how is it changing our industry? Retrieved January 20, 2021, from The Lawyer Portal: <https://www.thelawyerportal.com/blog/what-is-legal-tech-and-how-is-it-changingindustry/>

<sup>115</sup> Koulou, R., Kallio, L., & Hakkarainen, J. (2017). Law and digitalization - an agenda for the future. Helsinki: University of Helsinki Legal Tech Lab.

<sup>116</sup> Jackson, A. B., Banks, D., Hollywood, J. S., Woods, D., Royal, A., Woodson, P. W., & Johnson, N. J. (2016). *Fostering innovation in the U.S. court system: Identifying high-priority technology needs and other needs for improving court operations and outcomes*. Santa Monica, Calif: RAND Corporation.

<sup>117</sup> Hoffmann-Riem, W. (2021). Legal technology/computational law. *Journal of Cross Disciplinary Research in Computational Law*, 1(1), 1-16.

<sup>118</sup> Kigwiru, V. K. (2019). Emerging technological innovations in the legal profession and its impact on the regulation of market competition: Kenyan perspective. Available at SSRN 3355861, 1-38.

<sup>119</sup> Caserta, S., & Madsen, M. R. (2019). The legal profession in the era of digital capitalism: Disruption or new dawn? *Laws*, 8(1), 1.

Legal professionals that do not innovate, embrace, and apply the best tools are at danger due to technological improvements.<sup>120</sup> Technology continues to be the top priority on people's lists when it comes to innovation and adoption (i.e., little adjustments that show how people enhance current practice to pursue their objectives clearly and succinctly).<sup>121</sup> Around the world, technology's capabilities are what enable people and businesses to work differently. It is important to remember, nevertheless, that adopting technology might necessitate additional factors, such as adjustments to training or policies, attitudes, and other people's perceptions.<sup>122</sup> The way attorneys and other legal professionals operate has completely changed as a result of legal technology. For instance, over 700 legal start-ups in various fields, including eDiscovery, lawyer search, and legal research, have been created in the United States (US) as a result of the use of technology in courts and other legal operations.<sup>123</sup> The use of legal technology has advanced significantly in Africa as a whole. For example, initiatives such as the African Legal Information Institute (AfricanLII) in South Africa provide legal software that helps governments, businesses, and individuals create and maintain open legal portal access.<sup>124</sup>

Significant progress has been made regionally in terms of law firms collaborating with tech companies to enhance legal practice. Young legal entrepreneurs who are committed to using legal technology to reimagine the legal profession are spearheading the change in legal practice in East African nations.<sup>125</sup> According to a recent survey found on the techcabal.com website, 67% of legal tech hot spots are in Eastern African nations, and African legal tech companies are rapidly growing their operations throughout the industry. According to the survey, Uganda is among the East African nations where legal services are increasingly being digitalised. The COVID-19 pandemic's catalytic effect further enabled this.<sup>126</sup> Furthermore, in Kenya, the digitisation and integration of legal information and documents became significant around 2010. The choice to explore tech-solution resulted from this (Mbui, 2014). The AfricanLII recently joined with Kenya Law, a State corporation that creates and disseminates Kenya's official legal reports. The goal of the collaboration was to create a new web-based software platform that would enhance and modernise case law database administration. Consequently, several ICT companies that specialise in the creation of web-based computer in order to provide legal tech services, systems have joined with

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<sup>120</sup> Kigwiru, V. K. (2019). Emerging technological innovations in the legal profession and its impact on the regulation of market competition: Kenyan perspective. Available at SSRN 3355861, 1-38.

<sup>121</sup> Waye, V., Verreynne, M. L., & Knowler, J. (2018). Innovation in the Australian legal profession. *International Journal of the Legal Profession*, 25(2), 213-242.

<sup>122</sup> Jackson, A. B., Banks, D., Hollywood, J. S., Woods, D., Royal, A., Woodson, P. W., & Johnson, N. J. (2016). *Fostering innovation in the U.S. court system: Identifying high-priority technology needs and other needs for improving court operations and outcomes*. Santa Monica, Calif: RAND Corporation.

<sup>123</sup> Srivastava, S. (2020, June 18). Appinventiv.com. Retrieved from A brief overview of the evolution of legal technology sector: <https://appinventiv.com/blog/evolution-of-legal-technology/>

<sup>124</sup> Badeva-Bright, M. (2020, March 06). *Laws.Africa*. Retrieved from African legal technology organizations partner to develop a new caselaw management system for Kenya: <https://laws.africa/2020/03/06/african-legal-technology-organization-s-partner-to-develop-a-new-caselaw-management-system-for-kenya.html>

<sup>125</sup> Onyango, C. (2021, September 7). *Techcabal*. Retrieved May 5, 2022, from Legal technology at the forefront of change in Africa: <https://techcabal.com/2021/09/07/legal-technology-at-the-forefront-of-change-in-africa/>

<sup>126</sup> *ibid*

certain legal organisations or people.<sup>127</sup> Research has been done to identify the elements that contribute to the legal industry's effective adoption of legal technology. In relation to technical aspects, research has used the Technology Acceptance Model (TAM) to examine quality factors such as the distinctiveness of legal technology, quality design, degree of flexibility, extent of data quality, perceived usefulness, and perceived ease of use of legal software.<sup>128</sup> In addition, social considerations include things like whether or not legal systems are taught in law schools, how much technology is accepted by peers, and how much the legal system is accepted by senior legal specialists (mentors). Experience, attitude, age, abilities, and inventiveness are further personal aspects.<sup>129</sup> However, given the complexity that most legal practitioners face, a study of these studies suggests more research in the field of legal technology. This paper took use of this weakness. Additionally, Blues and Matthaei<sup>130</sup> showed that there is a growing need for legal technology. For instance, technology helps businesses reach a wider clientele in the cross-border legal services sector. Additionally, it gives customers access to a larger network of legal experts and resources for obtaining legal information and guidance. In order to assist firms and legal practitioners with practice administration, billing, big data, electronic discovery, predictive analytics, knowledge management, and document storage, legal tech uses software and technology.<sup>131</sup> Legal professionals need to consider the potential and problems that come with legal technology. Regarding opportunities, implementing automated systems enables people to finish legal tasks like legal research on schedule. It also improves efficient document generation and the due diligence procedure. As a result, legal technology has made it easier to write legal papers online, comply with regulations, and incorporate businesses. Above all, the degree of knowledge integration techniques that accompany the use of legal technology is highly successful.<sup>132</sup>

Rahman and Moran<sup>133</sup> showed that lawyers can use online conflict resolution and predictive analysis, which necessitates learning about a range of technical advancements. This results in increased proficiency in the particular area of the legal profession. Access to legal information can be made simple via knowledge integration. For example, the Kenya Law website offers case laws,

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<sup>127</sup> Badeva-Bright, M. (2020, March 06). Laws.Africa. Retrieved from African legal technology organizations partner to develop a new caselaw management system for Kenya: <https://laws.africa/2020/03/06/african-legal-technology-organizations-partner-to-develop-a-new-caselaw-management-system-for-kenya.html>

<sup>128</sup> McAran, D., & Manwani, S. (2016). The five forces of technology adoption. In F. H. Nah, & C. H. Tan (Ed.), *International Conference on HCI in Business, Government, and Organizations* (pp. 545-555). Springer, Cham.

<sup>129</sup> Bues, M. M., & Matthaei, E. (2017). Legal tech on the rise: technology changes work behaviors, but does not replace its profession. *Liquid Legal* (pp. 89-109). Springer, Cham.

<sup>130</sup> *ibid*

<sup>131</sup> Muigua, K. (2020). Legal practice and new frontiers: Embracing technology for enhanced efficiency and access to justice. 1-30. Retrieved January 29, 2021, from <http://kmco.co.ke/wp-content/uploads/2020/06/Legal-Practice- and-New-FrontiersEmbracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-KariukiMuigua-Ph.D-June-2020.pdf>

<sup>132</sup> Devereux, J. (2020). The Future of the Law Profession. In *Careers in Law: A Guide for Students, Graduates and Professionals*. (pp. 301-307). Singapore: Springer.

<sup>133</sup> Rahman, M. W., & Moran, M. (2018). *Law and Modern Technology: Lack of Tech Knowledge in Legal Profession May Cause Injustice*. Publications and Research. CUNY Academic Works.

legislation, and legal material to the public under the theme "where legal information is public knowledge."<sup>134</sup>

Halis<sup>135</sup> also mentioned that technology can employ big data methods to examine textual interpretative techniques and their suitability for use in courts, as well as evaluate lawyers' arguments from the perspective of values and principles that are put forward. Legal technology is becoming more accurate and taking less time than people.<sup>136</sup> However, both legal professionals and those looking for legal services face a number of difficulties as a result of legal technology. For attorneys, law firms, and clients that use online legal services, the difficulties lead to new types of digital risk and new opportunities for digital harm.<sup>137</sup> The services that a lawyer can provide at any one time are subject to strict regulations in the open legal market. As a result, technological advancements may create uncertainty about the services that a lawyer can provide at one time.<sup>138</sup> These issues could include price manipulation, professional ineptitude, and the provision of unregulated legal services.<sup>139</sup> Additionally, there is an excessive amount of friction between conservative justice and the more liberal world as a result of the employment of ICT tools. In Kenya, the use of digital tools to deliver legal services has become a crucial component of competitiveness amongst players in the legal market.<sup>140</sup> This creates the possibility of a digital gap that institutionalises a two-tiered system that is unable to provide low-income people with the proper justice.<sup>141</sup> Imagine a system in which everyone must utilise complex electronic file systems that charge parties for access without offering support staff or price waivers. Therefore, in order to embrace and utilise legal technology, legal practitioners need to be aware of its features. Simply put, "individuals who are in some capacity engaged in the legal system such as lawyers, academics, advocates, and judges" are referred to as legal professionals.<sup>142</sup>

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<sup>134</sup> Alarie, Benjamin, Anthony Niblett, and Albert H. Yoon. "How artificial intelligence will affect the practice of law." *University of Toronto Law Journal* 68, no. supplement 1 (2018): 106-124.

<sup>135</sup> Halis, Denis De Castro. "Transforming the Legal Profession Through the Use of Technology in Courts: The Case of Brazil." In *Proceedings of International Academic Conferences*, no. 0902782. International Institute of Social and Economic Sciences, 2014.

<sup>136</sup> Sobowale, J. (2016, April 1). ABA Journal. Retrieved April 29, 2022, from How artificial intelligence is transforming the legal profession: [https://www.abajournal.com/magazine/article/how\\_artificial\\_intelligence\\_is\\_transforming\\_the\\_legal\\_profession?utm\\_source=i](https://www.abajournal.com/magazine/article/how_artificial_intelligence_is_transforming_the_legal_profession?utm_source=i)

<sup>137</sup> Caserta, Salvatore, and Mikael Rask Madsen. "The legal profession in the era of digital capitalism: disruption or new dawn?." *Laws* 8, no. 1 (2019): 1.

<sup>138</sup> Syed, N. Tech adoption challenges in corporate legal departments. Retrieved January 23, 2021, from <https://blogs.thomsonreuters.com/legal-uk/2019/03/21/tech-adoption-challenges-in-corporate-legal-departments/>, 2019.

<sup>139</sup> Kigwiru, Vellah Kedogo. "Emerging technological innovations in the legal profession and its impact on the regulation of market competition: Kenyan perspective." *Available at SSRN 3355861* (2019).

<sup>140</sup> Katumbi, Mailu. "Implication of information technology adoption on business models adopted by law firms in Nairobi County." PhD diss., Strathmore University, 2019.

<sup>141</sup> Smith, Roger. "Digital delivery of legal services to people on low incomes." *The Legal Education Foundation* (2014).

<sup>142</sup> Muigua, Kariuki. "Legal Practice and New Frontiers: Embracing Technology for Enhanced Efficiency and Access to Justice." *Obtenido de http://kmco.co.ke/wpcontent/uploads/2020/06/Legal-Practice-and-New-Frontiers-Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-Kariuki-Muigua-Ph. D-June-2020.pdf* (2020).

This report, however, restricts the term to only include solicitors who are actively practicing law and providing legal services, such as individual capacity building and training. Access to justice is significantly facilitated by legal experts.<sup>143</sup> Legal practitioners have been forced to rethink their legal strategies due to the rise of global pandemics like COVID-19 and the growing disruptions caused by technology. To guarantee that hearings can take place, for example, courts and solicitors around the world have re-examined how they administer justice.<sup>144</sup> As a result, virtual hearings have been implemented to reduce the risk of disease transmission and to guarantee the preservation of everyone's health while they are present. This conceptual study outlined the elements influencing innovation and legal tech uptake by Kenyan legal professionals, drawing on TAM and the importance of legal professionals like solicitors. By doing this, the study contributes to a better knowledge of legal technology in Kenya and the key elements influencing legal practitioners' adoption of it. This study specifically aims to highlight the ways in which technological, individual, and social factors impact legal technology innovation and uptake.

In Kenya, almost every industry has altered its methods of operation, and the legal sector is no exception. Because of the advances in technology. Comparing the performance of law firms is difficult, but it is feasible to rank them based on the volume of cases they handle and the importance of the issues they debate. Mohammed Muigai Advocates, Oraro & Co. Advocates, and Kaplan & Stratton Advocates are a few of the leading law firms in Nairobi County (City).<sup>145</sup> Generally speaking, these legal practices are using technology to be more efficient. Technology has helped law firms know promptly where cases are listed, unlike in the past when they would answer the phone to enquire where court one's case is listed in.<sup>146</sup> Furthermore, by enabling law firms to join international online alliances and legal firm directories to reach the worldwide market, technology is also significantly influencing research and opinion formation. Nairobi's legal practice has become more diversified as a result of law firms' ability to stay abreast of new developments in the field thanks to access to global alliances.<sup>147</sup>

However, there are several obstacles that Nairobi, Kenya, legal firms must overcome in order to use technology. The technical components of technology are the first problem. It is unknown if all legal firms have made investments in cutting-edge technologies with sufficient integration, infrastructure, adaptability, and capability.<sup>148</sup> Additionally, to the best of the researcher's knowledge, there is still a low level of personal ideas, attitudes, and intentions regarding the use of technology in legal practice. Therefore, there needs to be more focus on educating the public and legal professionals about the need of having a positive attitude and belief system in order to

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<sup>143</sup> Ghai, Yash P., and Jill Cottrell. "The legal profession and the new constitutional order in Kenya." (2014).

<sup>144</sup> Judicial College of Victoria. (2020). Coronavirus and the courts. Retrieved January 30, 2021, from <https://www.judicialcollege.vic.edu.au/resources/coronavirus-and-courts>

<sup>145</sup> Katumbi, Mailu. "Implication of information technology adoption on business models adopted by law firms in Nairobi County." PhD diss., Strathmore University, 2019.

<sup>146</sup> *ibid*

<sup>147</sup> Business Daily. (2013, March 17). Retrieved May 4, 2022, from How technology has transformed law firms: <https://www.businessdailyafrica.com/bd/lifestyle/personalfinance/how-technology-has-transformed-law-firms-2027514>

<sup>148</sup> Bockshecker, Alina, Sarah Hackstein, and Ulrike Baumöl. "Systematization of the term digital transformation and its phenomena from a socio-technical perspective—A literature review." (2018).



use innovation.<sup>149</sup> Last but not least, not all law firms and legal professionals have fully embraced social networking as a factor or structure that contributes to innovation and the adoption of legal technology.<sup>150</sup> Thus, these three criteria and their effects on legal tech and creativity among legal practitioners were the focus of this study.

### **Safeguarding the Privacy of Data**

Cyberattacks and data breaches are among the hazards and difficulties related to data that come with using legal technology. Regardless of the state of local data protection laws, the legal profession must invest in data protection infrastructure to improve efficiency and safeguard client data.<sup>151</sup> To improve their efficacy, this may also call for a review of the current data protection legislation.<sup>152</sup> Additionally, it is crucial to provide legal professionals, including judges and solicitors, with the information security management and data protection skills and knowledge they need. This makes it feasible to ensure the security, privacy, and integrity of the data that attorneys have access to.

### **Introducing Training and Education in E-Literacy**

Continuous and improved e-literacy training on the effective use of technology is required as the legal profession continues to adopt it. All participants in the legal profession, including personnel, solicitors, and judicial officers, should be the focus of the training. To support such training, the judiciary can communicate with pertinent parties, such as the government and tech companies. Law schools should create pertinent courses to be incorporated in their curricula in order to equip law students with the necessary abilities. Such training should also be directed towards law students. In order to let citizens to engage meaningfully with the justice sector through platforms like the e-filing portal, the training should also be directed towards the general public. Such training can improve the ability of judges and solicitors and help to improve the usage of legal technology. In order to reduce the possibility of losing their jobs, employees like law clerks should also receive training on how to use legal technology. This will ensure that they are knowledgeable about new advancements and capable of carrying out their duties using technology.<sup>153</sup>

### **Capacity Building**

The continuous investment in physical infrastructure to improve the use of technology in the administration of justice necessitates the establishment of institutional and legal frameworks to both facilitate the adoption of new technologies and guarantee an efficient regulatory framework

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<sup>149</sup> Li, Yaoran, Veronica Garza, Anne Keicher, and Vitaliy Popov. "Predicting high school teacher use of technology: Pedagogical beliefs, technological beliefs and attitudes, and teacher training." *Technology, Knowledge and Learning* 24 (2019): 501-518.

<sup>150</sup> Muigua, Kariuki. "Legal Practice and New Frontiers: Embracing Technology for Enhanced Efficiency and Access to Justice." *Obtenido de <http://kmco.co.ke/wpcontent/uploads/2020/06/Legal-Practice-and-New-Frontiers-Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-Kariuki-Muigua-Ph.-D-June-2020.pdf>* (2020).

<sup>151</sup> Muigua.K., 'Embracing Science and Technology in Legal Education for Efficiency and Enhanced Access to Justice' Op cit

<sup>152</sup> ibid

<sup>153</sup> Muigua. K., 'Legal Practice and New Frontiers: Embracing Technology for Enhanced Efficiency and Access to Justice' Op Cit

to address the various issues raised by legal technology.<sup>154</sup> Organisations like the Law Society of Kenya could improve their own and attorneys' proficiency with legal technology by implementing strategies like including information and communication technology (ICT) training in their Continuing Professional Development (CPD) curriculum.

### **Setbacks to the Technological Capabilities in Law Firms**

**Data Privacy/Information Security Concerns:** Data privacy and information security issues arise from the use of legal technology, including videoconferencing, electronic filing, and electronic document service. The technological infrastructure that facilitate these procedures, like emails and e-filing platforms, could be vulnerable to hacking and other intrusions.<sup>155</sup> In these situations, unauthorised users might get access to the system and carry out unlawful actions, like stealing data, erasing data, or transmitting unsolicited data to parties.<sup>156</sup> In order to guarantee the effectiveness and success of legal technology, it is crucial to address the cybersecurity issues related to its use. To improve their ability to use legal technology, legal institutions like the judiciary and law firms should also be multinational, diverse, entrepreneurial, cooperative, and tech-friendly.<sup>157</sup>

**Enhanced e-filing and service of Court Pleadings and Documents:** The judiciary must to think about embracing and switching to electronic document filing systems completely. In terms of money and space for storing the hardcopy papers, this would save courts and law firms a great deal. Because both parties may access the documents from any location, it would also improve accessibility and review efficiency. To protect privacy, all that has to be done is make such data more secure. This can be accomplished by making investments in cutting-edge infrastructure and providing information management training to the personnel in charge of it.

**Legal fees Remuneration Guide:** Billing for time and services rendered in accordance with the Advocates Remuneration Order is often the standard method of compensation used by solicitors. However, it is necessary to urge members of the Bar to switch from the conventional billable time and services system to alternative billing strategies by realising that lawyers are selling knowledge in addition to "legal services" and "time." This knowledge can be sold on a fixed, results-based, hourly, graduated, or any combination basis.<sup>158</sup> Legal technology, which enables solicitors to

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<sup>154</sup> *ibid*

<sup>155</sup> Ngotho, P., "Expediting Ad Hoc Arbitrations through Emails: the Experience of a Kenyan Arbitrator," (2015) 1 *Alternative Dispute Resolution*, pp 133-134.

<sup>156</sup> *ibid*

<sup>157</sup> Kenya Institute for Public Policy Research and Analysis (KIPPRA), 'Leveraging on Digital Technology in Administration of Justice' available at <https://kippra.or.ke/leveraging-on-digital-technology-in-administration-of-justice/> (accessed on 24/06/2022)

<sup>158</sup> Emmanuel Oluwafemi Olowononi and Ogechukwu Jennifer Ikwuanusi, 'Recent Developments in 21st Century Global Legal Practice: Emerging Markets, Prospects, Challenges and Solutions for African Lawyers' (2019) 5 *KIU Journal of Social Sciences* 31; Samuel Omotoso, 'Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects' *Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects* available at [https://www.academia.edu/40663364/LAW\\_LAWYERS\\_AND\\_THE\\_SOCIAL\\_MEDIA\\_IN\\_THE\\_21ST\\_CENTURY\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.academia.edu/40663364/LAW_LAWYERS_AND_THE_SOCIAL_MEDIA_IN_THE_21ST_CENTURY_CHALLENGES_AND_PROSPECTS) (accessed on 27/06/2022)

service clients or appear in court virtually without the need for in-person encounters, further improves this scenario. Because of this, it becomes necessary to think about updating or changing the current Remuneration Order to account for these new possibilities.

### **A Prospect for Online Legal Practices in Kenya**

Some law offices closed as a result of the COVID-19 pandemic, while others permitted their staff to work from home. This practice is still in place today. Due to this circumstance, some legal practices have chosen to shut down their physical locations and switch to virtual businesses, where its staff members would work from home all the time.<sup>159</sup> It's possible that the trend of attorneys using virtual legal firms will continue because of the cost-effectiveness and flexibility of operating such businesses. Therefore, it is stated that in order for the profession to prosper and remain relevant, attorneys should think about investing in cutting-edge legal procedures like virtual law firms so they may profit from technology<sup>59</sup>. However, the growth of virtual law firms will inevitably come with certain challenges including those of regulation. The regulators of provision of legal services should adequately prepare to respond to the impact of technology on law practice and lawyer regulation, including the growth in cloud computing, virtual law offices, and outsourcing of legal services.<sup>160</sup>

### **Globalized Network of Legal Services**

By working with other firms in Africa and beyond, some Kenyan law firms have already benefited from legal technology.<sup>161</sup> Bowmans, Iseme Kamau & Maema (IKM) Advocates, and Dentons Hamilton Harrison & Mathews are a few examples of such law firms in Kenya that have increased their presence throughout Africa and beyond by forming partnerships with other firms and setting up offices abroad. Through these partnerships, law firms can reach a larger clientele and take advantage of technology to service customers in several jurisdictions, giving them a global appeal.<sup>162</sup> To expand their offerings and serve clients in several jurisdictions, more local businesses should give the concept some thought.

### **Challenges In Using Legal Technology**

The rapid advancement of technology may cause the legal profession to fall behind in terms of adapting to new developments. This is demonstrated by the fact that some law firms still employ outdated technology, such as outdated desktop computers and hard drives, to store data instead of

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<sup>159</sup> Meganne Tillay | May 27 and 2020 at 10:13 AM, 'Slater & Gordon to Close London Office, Staff to Work From Home Permanently' (Law.com International) <[https://www.law.com/international-edition/2020/05/27/slater-andgordon-to-close-london-office-staff-to-work-from-home-permanently/?cmp\\_share](https://www.law.com/international-edition/2020/05/27/slater-andgordon-to-close-london-office-staff-to-work-from-home-permanently/?cmp_share)> accessed 3 June 2020; Meganne Tillay, Simon Lock | May 29 and 2020 at 08:38 AM, 'Slater & Gordon Working From Home: How Will It Work?' (Law.com International) available at <https://www.law.com/international-edition/2020/05/29/slater-gordon-workingfrom-home-how-will-it-work> (accessed on 27/06/2022)

<sup>160</sup> Laurel S Terry, Steve Mark and Tahlia Gordon, 'Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology' (2011) 80 Fordham L. Rev. 2661, p. 2662.

<sup>161</sup> Karangizi, S., 'Future Proofing the Legal Profession in East Africa | ALSF' available at <https://www.aflsf.org/director-article/future-proofing-legal-profession-east-africa> (accessed on 27/06/2022)

<sup>162</sup> Muigua. K., 'Legal Practice and New Frontiers: Embracing Technology for Enhanced Efficiency and Access to Justice' Op Cit

more contemporary options like laptops and cloud-based storage solutions. Additionally, judicial officers' and solicitors' proficiency with legal technology is a challenge.<sup>163</sup> There have been instances where solicitors and judicial officers have encountered difficulties utilising the e-filing technology or participating in virtual court sessions.<sup>164</sup> Therefore, the effectiveness of legal technology depends on judges and solicitors having the necessary abilities and staying up to date with technological advancements to increase productivity.

**Risk of Technological Failure:** Affordable and secure internet connectivity is essential for the process's effectiveness because procedures like virtual court sessions depend on it. Virtual court hearings in Kenya have encountered difficulties, such as bad internet access or failed video links, which make the procedure less successful.<sup>165</sup> Addressing such technical challenges becomes even more challenging because participants will be spread out across different locations.<sup>166</sup> The right to access justice may be undermined in criminal cases that are handled online and in which the accused lack a reliable internet connection, so limiting their capacity to adequately defend themselves. Furthermore, inadequate or restricted electrical connectivity may make these difficulties worse. Therefore, maintaining the effective operation of such systems is essential to the success of legal technology.

**Credibility concerns during examination of witnesses:** The absence of in-person observation when witnesses are interviewed virtually raises questions about how a court will evaluate the reliability and quality of the evidence, particularly during cross-examination.<sup>167</sup> One benefit of in-person court proceedings is that a judge can assess a witness's credibility by looking at his or her tone, body language, and facial expressions. Evaluating these nonverbal clues is crucial to establishing a witness's credibility.<sup>168</sup> Virtual court proceedings are one example of how legal technology may be used to subvert this goal, which could jeopardise the right to access justice.

**Job Losses:** There are worries that adopting legal technology may lead to employment losses as a result of legal services becoming more automated. Conveyance advocates and clerks who provide services through the electronic land registry and Ardhisa platforms may lose business as a result of the automation of land services. Furthermore, anyone can use the e-citizen platform's services, like registering enterprises and firms, which could lead to lawyers who originally supplied these services losing their jobs.

**Costs:** A significant portion of the population may be excluded from the legal system due to the expenses involved in using legal technology. The use of legal technology depends on gadgets that may be beyond the means of impoverished residents, such as computers, laptops, smartphones,

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<sup>163</sup> Kenya Institute for Public Policy Research and Analysis (KIPPRA), 'Leveraging on Digital Technology in Administration of Justice' available at <https://kippra.or.ke/leveraging-on-digital-technology-in-administration-of-justice/> on 24/06/2022)

<sup>164</sup> *ibid*

<sup>165</sup> Walker, J., Virtual Hearings: An Arbitrator's Perspective, available at <https://intarbitrators.com/wpcontent/uploads/2020/03/Virtual-Hearings-An-Arbitrators-Perspective.pdf> (accessed on 24/06/2022)

<sup>166</sup> *ibid*

<sup>167</sup> Walker, J., Virtual Hearings: An Arbitrator's Perspective, Op Cit

<sup>168</sup> *ibid*

and internet connectivity. Therefore, it is crucial to consider these issues while embracing legal technology to guarantee that every Kenyan's right to access justice is respected.

## **Conclusion**

The nature and practice of law have been significantly impacted by technology. The legal profession, which has historically been sluggish to adopt new technologies, has been compelled to do so out of necessity. The COVID-19 epidemic exposed this need and altered the legal practice environment in several nations, including Kenya. To be relevant in the face of globalisation and technological advancements, attorneys and law firms must adopt technology. In order to improve efficiency and everyone's access to justice, the judiciary is also urged to adopt technology. Notwithstanding the difficulties presented by technology, successful legal technology adoption can overcome these difficulties and revolutionise the pursuit of quick, inexpensive, and effective access to justice. It is possible for the legal profession to embrace technology in order to increase productivity and access to justice.

Technological breakthroughs are causing a revolution in the legal profession. More orthodox legal companies are being replaced by those that embrace technology and hire professionals with a variety of abilities in addition to traditional attorneys. It is crucial to remember that technology is intended to supplement lawyers' work, not to replace it. It's no secret that a lot of people are aware of the benefits of legal technology, especially when it comes to monotonous and unsatisfying jobs that are simple to automate. On the other hand, workplace changes brought about by individual adaptation and technical developments happen gradually. It takes careful planning to integrate new software into current systems, including breaking down processes for automation and obtaining pertinent data for machine learning. Adoption can still be hampered by time constraints and change aversion, even with more straightforward software solutions.

Since there is little time for training and correct implementation, implementing legal technology in the current context is difficult. This time limit may have an impact on how people view and use technology. It is essential to give training top priority and execute changes gradually to get past this barrier.

When innovative technologies in the legal sector perform well on everyday activities, their actual worth becomes clear. To influence value perceptions and promote quick adoption, internal feedback from users who have had good experiences is essential. By sharing these stories, we may ultimately increase confidence in legal technology's potential and promote a cultural shift towards its acceptance and effective use in the workplace.

As technology develops, many solicitors worry about their job security. This is especially true for people who were trained traditionally and developed their skills in a setting that relied less on technology. The unpredictability of these developments may lead to reluctance to embrace new technology and raise questions about their efficacy and dependability in the legal industry. Professionals who have spent a lot of time and energy learning and becoming proficient in old

ways may feel threatened by the advent of technology. They can be concerned that automated solutions would replace their knowledge and experience.

It is clear that law schools must modify their curricula to address the issues of the present and the future given the dynamic character of the legal profession. A flexible and thorough strategy is required to properly prepare law students. One of the most important ways to guarantee that graduates have a solid understanding of both conventional legal principles and the complexities of a constantly evolving digital context is to incorporate technology into the curriculum. In addition to prioritising soft skills necessary for productive communication in a technologically advanced legal environment, this innovation in teaching can create enduring bonds with clients and coworkers.

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The literature and empirical research provide evidence that the legal sector is not just going through a lot of change, but also that its information assets are not being managed well. Increased market competitiveness, more sophisticated clients, more financial strains, pervasive technology, an abundance of information, and shifting law firm demographics are the main causes of the changes in the business environment. It is clear that law schools must modify their curricula to address the issues of the present and the future given the dynamic character of the legal profession. A flexible and thorough strategy is required to properly prepare law students. One of the most important ways to guarantee that graduates have a solid understanding of both conventional legal principles and the complexities of a constantly evolving digital context is to incorporate technology into the curriculum. In addition to prioritising soft skills necessary for productive communication in a technologically advanced legal environment, this innovation in teaching can create enduring bonds with clients and coworkers.

## References

- Adams, G. A., & Jex, S. M. (2008). Relationships between time management, control, work-family conflict, and strain. *Journal of Occupational Health Psychology*, 1, 72-77.
- Administration of Justice' available at <https://kippra.or.ke/leveraging-digital-technology-in-administration-of-justice/> (accessed on 24/06/2022)
- Alarie, Benjamin, Anthony Niblett, and Albert H. Yoon. "How artificial intelligence will affect the practice of law." *University of Toronto Law Journal* 68, no. supplement 1 (2018): 106-124.
- American Lawyer, 'The Coronavirus Will Change the Legal Industry's Approach to Remote Work—But How?' (Law.com International) available at <https://www.law.com/international-edition/2020/04/27/the-coronavirus-will-change-the-legal-industrys-approach-to-remote-work-but-how-378-140355/> (accessed on 23/06/2022)
- American Lawyer, 'Welcome to the Law Firm Office of the Future: Smaller, Higher-Tech and One-Way' (Law.com International) available at <https://www.law.com/international-edition/2020/05/05/smaller-higher-tech-and-one-way-welcome-to-the-law-firm-office-of-the-future/> (accessed on 23/06/2022)
- Ansoff, H. I., Kipley, D., Lewis, A., Helm-Stevens, R., and Ansoff, R. (2018). *Implanting strategic management*, Springer.
- Ashley, K. D. (2017). *Artificial intelligence and legal analytics: new tools for law practice in the digital age*. Cambridge University Press.
- Badeva-Bright, M. (2020, March 06). Laws.Africa. Retrieved from African legal technology organizations partner to develop a new caselaw management system for Kenya: <https://laws.africa/2020/03/06/african-legal-technology-organizations-partner-to-develop-a-new-caselaw-management-system-for-kenya.html>
- Badeva-Bright, M. (2020, March 06). Laws.Africa. Retrieved from African legal technology organizations partner to develop a new caselaw management system for Kenya: <https://laws.africa/2020/03/06/african-legal-technology-organizations-partner-to-develop-a-new-caselaw-management-system-for-kenya.html>
- Blanco, L. & Latta, C. (2012). [Know ledge management in Australian law firms and the accelerating rate of change](http://www.cbp.com.au/publications/2012/december/knowledge-management-in-australian-law-firms-and-t). Sydney, NSW: Colin Biggers & Paisley. Retrieved from <http://www.cbp.com.au/publications/2012/december/knowledge-management-in-australian-law-firms-and-t>(Archived by WebCite® at <http://www.webcitation.org/6ncxQ524T>)
- Bloom, N., & Van Reenen, J. (2007). Measuring and explaining management practices across firms and countries. *The quarterly journal of Economics*, 122(4), 1351-1408
- Bloom, N., Dorgan, S., Dowdy, J. and Van Reenan, J. (2007). *Management Practice and Productivity; Why they matter*, McKinsey & Company, UK.

- Bockschecker, Alina, Sarah Hackstein, and Ulrike Baumöl. "Systematization of the term digital transformation and its phenomena from a socio-technical perspective—A literature review." (2018).
- Bues, M. M., & Matthaei, E. (2017). Legal tech on the rise: technology changes work behaviors, but does not replace its profession. *Liquid Legal* (pp. 89-109). Springer, Cham.
- Business Daily. (2013, March 17). Retrieved May 4, 2022, from How technology has transformed law firms: <https://www.businessdailyafrica.com/bd/lifestyle/personalfinance/how-technology-has-transformed-law-firms-2027514>
- Caserta, S., & Madsen, M. R. (2019). The legal profession in the era of digital capitalism: Disruption or new dawn? *Laws*, 8(1), 1.
- Caserta, Salvatore, and Mikael Rask Madsen. "The legal profession in the era of digital capitalism: disruption or new dawn?." *Laws* 8, no. 1 (2019): 1.
- Chege, J., Kimutai, G., & Kibet, Y. (2018). Effectiveness of differentiation strategy on business performance of Kenyan betting companies. *Journal of Business and Management*, 20(7), 22-27. Kenyan Betting Companies. *IOSR Journal of Business and Management*, 20(7), 22-27. doi:10.9790/487X
- Chege, J., Kimutai, G., & Kibet, Y., (2018). Effectiveness of Differentiation Strategy on Business Performance of Kenyan Betting Companies. *IOSR Journal of Business and Management*, 20(7), 22-27. doi:10.9790/487X 2007062227
- Clay, T.S., & Seeger, E.A.,. (2018). Law Firms in Transition. Altman Weil Inc. Retrieved November 12, 2019, from [http://www.altmanweil.com/dir\\_docs/resource/45F5B3DD-5889-4BA3-9D05C8F86CDB8223\\_document.pdf](http://www.altmanweil.com/dir_docs/resource/45F5B3DD-5889-4BA3-9D05C8F86CDB8223_document.pdf)
- Correa, M. (2019, January 29). What is legal technology and how is it changing our industry? Retrieved January 20, 2021, from The Lawyer Portal: <https://www.thelawyerportal.com/blog/what-is-legal-tech-and-how-is-it-changingindustry/>
- D. Banker, R., Mashruwala, R., & Tripathy, A. (2014). Does a differentiation strategy lead to more sustainable financial performance than a cost leadership strategy? *Management decision*, 52(5), 872-896.
- Deloitte Legal. (2017). A Changing World Requires a New Approach to Law. Deloitte Legal. Retrieved December 11th , 2019, from <http://www.deloitte.com/legaltrends>
- Devereux, J. (2020). *The Future of the Law Profession. In Careers in Law: A Guide for Students, Graduates and Professionals.* (pp. 301-307). Singapore: Springer.
- Dillof, N. J. (2011). The Changing Cultures and Economics of Large Law Firm Practice & Their Impact on Legal Education. *Maryland Law Review*, 70. Retrieved December 9<sup>th</sup> , 2019, from <http://digitalcommons.law.umaryland.edu/mlr/vol70/iss2/5>
- Dublin, M. (2005). [Creating an environment in law firms where knowledge management will work.](http://www.articlecity.com/articles/legal/article_165.shtml) *ArticleCity.* Retrieved from [http://www.articlecity.com/articles/legal/article\\_165.shtml](http://www.articlecity.com/articles/legal/article_165.shtml) (Archived by WebCite® at <http://www.webcitation.org/6ncxiLPPD>)



- Dunford, N. & Le-Nguyen, M. (2014). [Five trends affecting legal CIOs](http://www.cio.com.au/article/538951/five_trends_affecting_legal_cios/). *CIO*. Retrieved from [http://www.cio.com.au/article/538951/five\\_trends\\_affecting\\_legal\\_cios/](http://www.cio.com.au/article/538951/five_trends_affecting_legal_cios/) (Archived by WebCite® at <http://www.webcitation.org/6o9hJRm0Q>).
- Emmanuel Oluwafemi Olowononi and Ogechukwu Jennifer Ikwuanusi, 'Recent Developments in 21st Century Global Legal Practice: Emerging Markets, Prospects, Challenges and Solutions for African Lawyers' (2019) 5 *KIU Journal of Social Sciences* 31; Samuel Omotoso, 'Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects' *Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects* available at [https://www.academia.edu/40663364/LAW\\_LAWYERS\\_AND\\_THE\\_SOCIAL\\_MEDIA\\_IN\\_THE\\_21ST\\_CENTURY\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.academia.edu/40663364/LAW_LAWYERS_AND_THE_SOCIAL_MEDIA_IN_THE_21ST_CENTURY_CHALLENGES_AND_PROSPECTS) (accessed on 27/06/2022)
- Evans, C. (2015). [2015 state of the legal market](https://peermonitor.thomsonreuters.com/wp-content/uploads/2015/08/2015-AU-Report-FINAL.pdf). Melbourne, VIC: Melbourne Law School and Thomson Reuters. Retrieved from <https://peermonitor.thomsonreuters.com/wp-content/uploads/2015/08/2015-AU-Report-FINAL.pdf> (Archived by WebCite® at <http://www.webcitation.org/6ncydhjvl>)
- Evans, N. & Price, J. (2012). Barriers to the effective deployment of information assets: an executive management perspective. *Interdisciplinary Journal of Information and Knowledge Management*, 7, 177–199.
- Fisher, R. J. (1991). Durable differentiation strategies for services. *Journal of Services Marketing*, 5(1), 19-28.
- Fugate, B. S., Stank, T.P., & Mentzer, J.T., (2010). Logistics Performance: Efficiency, Effectiveness, and Differentiation. *Journal of Business Logistics*, 31(1), 43 -62.
- Gaffney Nick, 'Law Practice Management: Transforming a Law Practice with Technology' available [https://www.americanbar.org/groups/gpsolo/publications/gp\\_solo/2017/september-october/law-practice-management-transforming-law-practice-technology/](https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2017/september-october/law-practice-management-transforming-law-practice-technology/) (accessed on 23/06/2022)
- Gebauer, H., Gustafsson, A., & Witell, L. (2011). Competitive advantage through service differentiation by manufacturing companies. *Journal of business research*, 64(12), 1270-1280.
- Global Legal Practice: Emerging Markets, Prospects, Challenges and Solutions for African Lawyers' (2019) 5 *KIU Journal of Social Sciences* 31; Samuel Omotoso, 'Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects' *Law, Lawyers And The Social Media In The 21st Century: Challenges And Prospects* available at [https://www.academia.edu/40663364/LAW\\_LAWYERS\\_AND\\_THE\\_SOCIAL\\_MEDIA\\_IN\\_THE\\_21ST\\_CENTURY\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.academia.edu/40663364/LAW_LAWYERS_AND_THE_SOCIAL_MEDIA_IN_THE_21ST_CENTURY_CHALLENGES_AND_PROSPECTS) (accessed on 27/06/2022)
- Goldman, E., & Scott, A. R. (2016). Competency models for assessing strategic thinking. *Journal of Strategy and Management*, 9(3), 258-280.
- Halis, Denis De Castro. "Transforming the Legal Profession Through the Use of Technology in Courts: The Case of Brazil." In *Proceedings of International Academic Conferences*, no. 0902782. International Institute of Social and Economic Sciences, 2014.

- Hanasini-Athapaththu, H.K.S. (2016). An overview of strategic management: an analysis of the concepts and the importance of strategic management. *International Journal of Scientific and Research Publications*, 6(2), 124-127
- Henderson, W. D. (2014). From big law to lean law. *International Review of Law and Economics*, 38, 5-16.
- Henry, A. (2021). *Understanding strategic management*, Oxford University Press.
- Hesterly, W., & Barney, J. (2014). *Strategic management and competitive advantage*. Pearson/Education.
- Hoffmann-Riem, W. (2021). Legal technology/computational law. *Journal of Cross-Disciplinary Research in Computational Law*, 1(1), 1-16.
- Hongdao, Q, Bibi, S, Khan, Ardito, A. (2019). Legal Technologies in Action: The Future of the Legal Market in Light of Disruptive Innovations. *Sustainability*, 11, 1015. Retrieved November 13th, 2019, from [www.mdpi.com/2071-1050/11/4/1015/html](http://www.mdpi.com/2071-1050/11/4/1015/html).
- Humphreys, R. (2017). How changes in technology are shaping the law and the legal profession in America. *Regent UL Rev*, 30(1), 371-372.
- Jackson, A. B., Banks, D., Hollywood, J. S., Woods, D., Royal, A., Woodson, P. W., & Johnson, N. J. (2016). *Fostering innovation in the U.S. court system: Identifying high-priority technology needs and other needs for improving court operations and outcomes*. Santa Monica, Calif: RAND Corporation.
- Jackson, A. B., Banks, D., Hollywood, J. S., Woods, D., Royal, A., Woodson, P. W., & Johnson, Jacobowitz, J. L. (2020). Chaos or Continuity? The legal profession: From antiquity to the digital age, the pandemic, and beyond. *Vanderbilt Journal of Entertainment & Technology Law*, 23(1), 279-301.
- Jenoff, P. R. (2023). *Making Lawyers after COVID: Skills, Professionalism and Preparedness in a Post-Pandemic*
- Jönsson, C., & Devonish, D. (2009). An exploratory study of competitive strategies among hotels in a small developing Caribbean state. *International Journal of Contemporary Hospitality Management*, 21(4), 491-500.
- Judicial College of Victoria. (2020). *Coronavirus and the courts*. Retrieved January 30, 2021, from <https://www.judicialcollege.vic.edu.au/resources/coronavirus-and-courts>
- Justice." *Obtenido de http://kmco. co. ke/wpcontent/uploads/2020/06/Legal-Practice-and-New-Frontiers-Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-Kariuki-Muigua-Ph. D-June-2020. pdf* (2020).
- Kabene, S.M., King, P. & Skaini, N. (2006). Knowledge management in law firms. *Journal of Information Law and Technology*, 1, 1-21.
- Karangizi, S., 'Future Proofing the Legal Profession in East Africa | ALSF' available at <https://www.aflsf.org/director-article/future-proofing-legal-profession-east-africa> (accessed on 27/06/2022)

- Katumbi, Mailu. "Implication of information technology adoption on business models adopted by law firms in Nairobi County." PhD diss., Strathmore University, 2019.
- Kenya Institute for Public Policy Research and Analysis (KIPPRA), 'Leveraging on Digital Technology in
- Kenya Institute for Public Policy Research and Analysis (KIPPRA), 'Leveraging on Digital Technology in Administration of Justice' available at <https://kippra.or.ke/leveraging-on-digital-technology-in-administration-of-justice/> (accessed on 24/06/2022)
- Khandelwal, V.K. & Gottschalk, P. (2003). *A knowledge management survey of Australian law firms*. Sydney, NSW: University of Western Sydney.
- Khodaparasti, R. B., Aboulfazl, A., Isakhajelou, R., (2015). Ranking the most Effective Marketing Mix Elements on the Sales of Javid Darb company Products: an AHP Technique. *Journal of International Studies*, 8(2), 164-173.
- Kigwiru, V. K. (2019). Emerging technological innovations in the legal profession and its impact on the regulation of market competition: Kenyan perspective. Available at SSRN 3355861, 1-38.
- Kingsley Ugochukwu Ani, 'The 21<sup>st</sup> Century Lawyer: Challenges and Prospects' (Social Science Research Network 2018) SSRN Scholarly Paper ID 3270279 <https://papers.ssrn.com/abstract=3270279> (accessed on 23/06/2022)
- Klaaren, J. (2016). African corporate lawyering and globalization. *International Journal of the Legal Profession*, 22(2), 226–242. <https://doi.org/10.1080/09695958.2015.1133423>.
- Kotler, P. & Keller, L.K. 2016. *Marketing Management*. Pearson Education. Fifteenth Edition.
- Koulu, R., Kallio, L., & Hakkarainen, J. (2017). Law and digitalization - an agenda for the future. Helsinki: University of Helsinki Legal Tech Lab.
- Lambe, P. (2003). [What does KM mean for law firms?](http://greenchameleon.com/thoughtpieces/kmlaw.pdf) *Green Chameleon*. Retrieved from <http://greenchameleon.com/thoughtpieces/kmlaw.pdf> (Archived by WebCite® at <http://www.webcitation.org/6ncyxIKew>)
- Land Registration Act, No.3 of 2012, S 9 (1) (b).
- Laudon, K. C, Laudon, J.P., (2018). Management Information Systems, *Managing the Digital Firm* (Vol. 15<sup>th</sup> Edition). Essex: Pearson Education Limited.
- Laurel S Terry, Steve Mark and Tahlia Gordon, 'Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology' (2011) 80 Fordham L. Rev. 2661, p. 2662.
- Li, Yaoran, Veronica Garza, Anne Keicher, and Vitaliy Popov. "Predicting high school teacher use of technology: Pedagogical beliefs, technological beliefs and attitudes, and teacher training." *Technology, Knowledge and Learning* 24 (2019): 501-518.
- Lynch, R. (2018) Strategic management, Pearson UK.

- Mboya, Apollo, 'The Bar: Challenges and Opportunities', in Ghai, Y.P. and Cottrell, J. eds., *The legal profession and the new constitutional order in Kenya*. Strathmore University Press, 2014, p. 242.
- McAran, D., & Manwani, S. (2016). The five forces of technology adoption. In F. H. Nah, & C. H. Tan (Ed.), *International Conference on HCI in Business, Government, and Organizations* (pp. 545-555). Springer, Cham.
- McGee, J. (2015). Focus Strategies. *Wiley Encyclopedia of Management*, 1-2.
- Meganne Tillay | May 27 and 2020 at 10:13 AM, 'Slater & Gordon to Close London Office, Staff to Work From Home Permanently' (Law.com International) <[https://www.law.com/international-edition/2020/05/27/slater-andgordon-to-close-london-office-staff-to-work-from-home-permanently/?cmp\\_share](https://www.law.com/international-edition/2020/05/27/slater-andgordon-to-close-london-office-staff-to-work-from-home-permanently/?cmp_share)> accessed 3 June 2020; Meganne Tillay,
- Micha-Manuel Bues & Emilio Matthaei, 2017. "[Legal Tech on the Rise: Technology Changes Legal Work Behaviours, But Does Not Replace Its Profession](#)," [Management for Professionals](#), in: Kai Jacob & Dierk Schindler & Roger Strathausen (ed.), [Liquid Legal](#), pages 89-109, Springer.
- Mugambi, N. C., & Kwasira, J. (2015). Influence of knowledge management practices on performance of law firms in Nakuru town, Kenya. *Impact: International Journal of Research in Business Management*, 3(11), 15-28.
- Muigua, K. (2020). Legal practice and new frontiers: Embracing technology for enhanced efficiency and access to justice. 1-30. Retrieved January 29, 2021, from <http://kmco.co.ke/wp-content/uploads/2020/06/Legal-Practice-and-New-FrontiersEmbracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-KariukiMuigua-Ph.D-June-2020.pdf>
- Muigua, K. (2020). Legal practice and new frontiers: Embracing technology for enhanced efficiency and access to justice. 1-30. Retrieved January 29, 2021, from <http://kmco.co.ke/wp-content/uploads/2020/06/Legal-Practice-and-New-FrontiersEmbracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-KariukiMuigua-Ph.D-June-2020.pdf>
- Muigua, K., 'Virtual Arbitration Amidst Covid19: Efficacy and Checklist for Best Practices' available at <http://kmco.co.ke/wp-content/uploads/2020/05/Virtual-Arbitration-Proceedings-Amidst-COVID-19-Efficacy-and-Checklist-for-Best-Practices69523-Revised.pdf> (accessed on 23/06/2022) Kenya Law: Electronic Case Management Practice Directions, 2020' available at <http://kenyalaw.org/kl/index.php?id=10211>, Rule 6, (accessed on 23/06/2022)
- Muir, L., Douglas, A. & Meehan, K. (2004). Strategic issues for law firms in the new millennium, *Journal of Organisational Transformation & Social Change*, 1(2), 179-191.
- Ngotho, P., "Expediting Ad Hoc Arbitrations through Emails: the Experience of a Kenyan Arbitrator," (2015) 1 *Alternative Dispute Resolution*, pp 133-134.
- Olmstead, J. W(2003). *Guide to Law Firm Management Best Practices: Ideas for Managing Your Practice*, Missouri, Olmstead & Associates.

- Onyango, C. (2021, September 7). Techcabal. Retrieved May 5, 2022, from Legal technology at the forefront of change in Africa: <https://techcabal.com/2021/09/07/legal-technology-at-the-forefront-of-change-in-Africa/>
- Padgett, D., & Mulvey, M. S. (2007). Differentiation via technology: Strategic positioning of services following the introduction of disruptive technology. *Journal of Retailing*, 83(4), 375-391.
- Park, S. (2007). *Strategies and Policies in Digital Convergence*. London: IGI.
- Paul Hodkinson | May 05 and 2020 at 01:00 AM | The original version of this story was published on The
- Pearce II, J.A. & Robinson, R.B. (2005) *Strategic Management*. A.J.T.B.S. Publishers, Delhi.
- Porter, M. E. (1980). Industry structure and competitive strategy: Keys to profitability. *Financial analysts journal*, 36(4), 30-41.
- Porter, M., & Magretta, J. (2014). *Strategy and Competition: The Porter Collection (3 Items)*. Harvard Business Review Press.
- Puddister, K., & Small, T. A. (2020). Trial by zoom? The response to COVID-19 by Canada's courts. *Canadian Journal of Political Science*, 53(2), 373-377.
- Rahman, M. W., & Moran, M. (2018). Law and Modern Technology: Lack of Tech Knowledge in Legal Profession May Cause Injustice. *Publications and Research*. CUNY Academic Works.
- Sachitra, K. M. V. (2017). Review of competitive advantage measurements: reference on agribusiness sector.
- Salam, S., Hafeez, M., & Mahmood, M. T. (2019). The dynamic relation between technology adoption, technology innovation, human capital, and economy: comparison of lower-middle-income countries. *Interdisciplinary Description Complex Systems: INDECS*, 17(1), 146-161.
- Samantha Stokes | April 27 and 2020 at 06:59 PM | The original version of this story was published on [Thttp://kmco.co.ke/wp-content/uploads/2022/06/Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-in-the-Legal-Profession-Dr.-Kariuki-Muigua.pdf](http://kmco.co.ke/wp-content/uploads/2022/06/Embracing-Technology-for-Enhanced-Efficiency-and-Access-to-Justice-in-the-Legal-Profession-Dr.-Kariuki-Muigua.pdf)
- Simon Lock | May 29 and 2020 at 08:38 AM, 'Slater & Gordon Working From Home: How Will It Work?' (Law.com International) available at <https://www.law.com/international-edition/2020/05/29/slater-gordon-workingfrom-home-how-will-it-work> (accessed on 27/06/2022)
- Sobowale, J. (2016, April 1). ABA Journal. Retrieved April 29, 2022, from How artificial intelligence is transforming the legal profession: [https://www.abajournal.com/magazine/article/how\\_artificial\\_intelligence\\_is\\_transforming\\_the\\_legal\\_profession?utm\\_source=i](https://www.abajournal.com/magazine/article/how_artificial_intelligence_is_transforming_the_legal_profession?utm_source=i)
- Srivastava, S. (2020, June 18). Appinventiv.com. Retrieved from A brief overview of the evolution of legal technology sector: <https://appinventiv.com/blog/evolution-of-legal-technology/>

- Strengthening Judicial Reform in Kenya: Public Perceptions and Proposals on the Judiciary in the new Constitution, ICJ Kenya, Vol. III, May, 2002; See also Kariuki Muigua, Avoiding Litigation through the Employment of Alternative Dispute Resolution, pp 6-7, a Paper presented by the author at the In-House Legal Counsel, Marcus Evans Conference at the Tribe Village Market Hotel, Kenya on 8th& 9th March, 2012.
- Sukumaran, S., Chandran, K. & Chandran, K. (2013). Knowledge management strategy using activity theory for a law firm. In *Proceedings, 8th International Conference on Knowledge Management in Organizations: Social and Big Data Computing for Knowledge Management* (pp. 521-553). Berlin: Springer Verlag.
- Syed, N. Tech adoption challenges in corporate legal departments. Retrieved January 23, 2021, from <https://legalsolutions.thomsonreuters.co.uk/blog/2019/03/21/tech-adoption-challenges-in-corporate-legal-departments/>
- Taddia, M. (2016). Feature: Kenya: African Leader. *Law Society Gazette*, (20), 1–6.
- The Law Society. (2019). Lawtech adoption research report. London: The Law Society. Retrieved January 26, 2021, from <https://www.lawsociety.org.uk/en/topics/research/lawtech-adoption-report>
- The Remote Courtroom: Tips and Tricks for Online Hearings’ available at <http://www.ashurst.com/en/news-and-insights/legal-updates/the-remote-courtroom-tips-and-tricks-for-online-hearings> (accessed on 23/06/2022)
- Tjaden, T. (2009). *The 7 faces of legal knowledge management*. Paper presented at LawTech Canada. Retrieved from [www.legalresearchhandwriting.ca/images/7faces.pdf](http://www.legalresearchhandwriting.ca/images/7faces.pdf). (Archived by WebCite at <http://www.webcitation.org/6oAa8NOKw>)
- Virtual Hearings: The Way Forward in the UK in Uncertain Times available at <https://www.denton.com/en/insights/alerts/2020/march/29/virtual-hearings-the-way-forward-in-the-uk-in-uncertain-times> (accessed on 27/06/2022)
- Walker, J., Virtual Hearings: An Arbitrator’s Perspective, available at <https://intarbitrators.com/wpcontent/uploads/2020/03/Virtual-Hearings-An-Arbitrators-Perspective.pdf> (accessed on 24/06/2022)
- Waye, V., Verreynne, M. L., & Knowler, J. (2018). Innovation in the Australian legal profession. *International Journal of the Legal Profession*, 25(2), 213-242.
- Weins, D. C. (2010). Why Law Firms Are Like Hotels: ‘Rack Rates’ Are Negotiable, Real Rates Vary by Client. Retrieved December 11, 2019, from <http://www.abajournal.com/news/article/client-beware-law-firm-rack-rates-are-negotiable-and-real-rates-vary-even-f>
- Wheelen, T. L., & Hunger, J. D. (2008). Strategic management and Business policy (11<sup>th</sup> ed.). Prentice Hall.