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New Technology and the Practice of Law: Gear for Your Office and the Road

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New Technology and the Practice of Law

Gear for Your Office and the Road

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Introduction

Nearly everything you read suggests that technology is one of the prime forces driving change in the legal profession. If you take current articles too seriously you can feel archaic simply for still maintaining a physical space you call an office. Nothing in this paper will prepare you to become a complete road warrior. In fact, much of the technology discussed here is relatively old. So, think of this portion of the “New Technology” session as helping you put today’s advances in computing-power, hardware development, and software innovation to work in your still ‘becoming’ 21st Century office.

We will look at several different categories of resources, both hardware and software. A few are critical—like basic computer specs, security, and legal research. Others may be relevant for some offices and individuals, but not for others.

Basic Considerations in Choosing Desktop and Laptop Computers

The specific brand and model of computer you purchase for work does not matter so much as the specifications—amount of memory, speed of processor, available storage, and the like. Look for machines that have at least 8 Gb of memory. Do not skimp on your processor. And, buy a machine with at least a 500 Gb hard drive. If possible, try and get a solid state hard drive. They are pretty standard on Apple machines and are becoming more common on PCs. Use these specs whether you are looking for a desktop or a laptop.

If you are shopping for machines with Intel processors, get the Core i5 or Core i7. The i7 will give better performance in multi-tasking (also multimedia and high end gaming). Across the
board, Intel processors will be much more expensive than those from its main competitor AMD; but in general terms, the Intel products provide better performance.

Beyond these basics, there are a few additional items that you should also pay attention to. You want a machine with an optical disk drive that can both read and write CDs and DVDs. In addition, do not settle for a single USB port (though most machines now have at least two). Three or four USB ports are not unusual; get them; you need them. Ideally, at least one of those ports should be USB 3.0. (sometimes known as “superspeed”). A real luxury – though after you have it, it becomes a necessity – is a video card with dual digital visual interface. This allows you to connect two monitors to your computer.

You may also need two additional boring, but often necessary, add-ons: a battery back-up, known as an uninterruptable power supply (UPS) and external hard drive(s).

Many programs do not shut down well if there is a power interruption; data is lost; sometimes the program is difficult to restart at all. Server operating systems are among the most sensitive to this disruption. Further, the hardware running these programs actually is stressed by a sudden loss of power, and may fail prematurely because of it. A battery back-up provides power for a long enough period that your operating system and other programs can stop themselves normally in the event of a sudden power outage. The back-up even communicates with your system and tells it to begin the shut-down process.

If you store any practice or client data on a computer, then you need to back it up. In today’s world that can mean that you contract with a service that provides data back-up ‘in the cloud’ (something that my colleague, Jason Tubinis, will explain at some length). Or, you can back it up yourself. If you choose that option, an external hard drive is a reasonable (both in terms of money and ease of use) option. You simply plug the drive into your computer, usually
via a USB port, save what you wish to protect, then carry it with you off site or place it in a fire
proof safe.

If you purchase a machine with these basic specifications, you will have ample power,
speed and capacity (probably more than you use most days). One last rule. Any computer that
you regularly rely upon for work should be protected by an extended warranty, preferably one
with guaranteed onsite next day service. Given computer life cycles, a three year warranty is
probably plenty. You’ll be in the market for something new after three years, anyway.

**Practice Management Software**

Many of you need software that helps you manage your practice – client and case
information, time and billing, calendaring, and contacts. In fact, practice management
consultants who work with lawyers would say that ALL of you need practice management
software. These programs automate many of the routine, but time consuming, chores that must
be done in every office.

When implemented and used properly these tools can greatly increase productivity.
Firms that utilize these programs report that their practice income grew markedly after
implementation of the software—both because they had the time to accept more clients and
because their timekeeping and billing improved. Many also describe a reduction in the number
of client complaints, which is likely due to the fact that most practice management software
simplifies and encourages prompt and thorough communication with clients.

Most of this software can be set up so that it syncs with email accounts and calendars;
and tracks, logs and stores details about phone calls and mailed communication. Many versions
integrate easily with accounting programs such as QuickBooks. Since the core of these programs
is a database, they obviate the necessity of entering duplicate data for any of the tasks that they control.

There are several elementary considerations in choosing practice management software. The first is the size firm for which the software is designed. Solo and small practices have very different automation needs than medium and large firms. Another is which email clients and other tools (such as accounting software) the program will synchronize with (or are these tools built in). Not all packages include document creation, which is a really powerful tool for auto-filling forms that your firm uses repeatedly. At the same time, this add-on can greatly increase costs and set up time. Only a few of the programs offer a client portal (a way for clients to log in, and view the status of their case). Some of this software must be downloaded and maintained on your firm’s computers (which means that you need a networked environment to take advantage of intra-firm communication and file sharing); other is completely cloud based. One package is simply an Outlook plug-in.

No doubt you already receive email solicitations from several companies that have created practice management software for attorneys. If you do even a little research into the products, you will quickly see that the choices of vendors and packages are myriad and confusing. Luckily many individuals and groups have posted advice about choosing a program and several have written succinct reviews of the major offerings. I will include them in the list of Sites in the last section of this paper.

Even with lots of helpful online advice, the choices are still daunting in number and complexity. Many experts recommend hiring a consultant to help with selection, set up and implementation. Almost all writers about these programs insist that you should at least purchase onsite training. And, while practice management software can improve your firm’s efficiency and bottom line, it is costly both in money and time. There is a pronounced learning
And, if you put poorly organized, incorrect or incomplete data into the system, it will produce faulty, if not useless, products.

**Gadgets**

There are hundreds of electronic gadgets available today. Many of them actually perform tasks that could be useful in your practice. Let’s look at a few.

**Portable projectors**

Give a presentation anywhere; draft a document with colleagues or clients and have no one breathing over your shoulder; show the jury your diagrams, photos and charts even in courtrooms with no presentation equipment. These are just a few of the ways that lawyers can make good use of projectors that are small and light enough to carry easily. There are two basic families of portable projectors—one about the size of a large smartphone; the other larger, but still compact enough to throw in a backpack or bag. Some are as inexpensive as $200, others run into the thousands. The smallest are usually more expensive, and cannot project as brightly. But, there are serviceable models in every size and price range.

**Power Banks**

A power bank is essentially a rechargeable external battery. Some plug into a computer via a USB port to charge themselves, others can be plugged into a wall socket. They range in size and shape from a really thick credit card, to a small flashlight, to a deck of cards. All can supply around one half of a full charge to a cell phone.

**Pen or Wand Scanners**

These mobile scanning tools allow you to capture documents in electronic form while away from the office. Pen scanners are literally the size and shape of large writing implements. They are powered either by battery or by USB tether to a laptop. Although it takes some practice
(your document must be really flat and your hand must be very steady) you can get clear, useable copies of documents with these tiny devices. Wand scanners are usually just longer than the width of standard paper. Some you slide down the page to capture text; their larger cousins have a feed mechanism. Again, several brands are battery powered and some connect via USB to a laptop for juice. Others plug into a wall outlet. Of course, you can also download a scanner app for your phone.

**Smart Pens**

Smart pens write with ink onto paper, just like dumb pens. However, a smart pen also saves your handwritten notes in digital form. Some come with OCR software that allows searching of the resulting electronic document. Others include audio recording capability so that you can pair your written notes with spoken annotation. Several will sync wirelessly with other devices like tablets, phones and laptops.

**Notes on Security**

This section is *literally* notes. Just a few random security concerns or solutions that you may not know about.

First, the locus of most security issues for computers has shifted from the operating system (think Windows) to the browser (Firefox, Chrome, Internet Explorer, Safari). Whatever browser you use, be sure to either regularly check for updates or enable automatic updating. Usually updates have as much to do with fixing security issues as increasing speed.

Do you encrypt the files on your laptop? Do you have client data saved on the device? Actually, encrypting the files on your computer is not difficult. Some versions of Windows have encryption capability built in. Go to the Control Panel, and look for BitLocker Drive Encryption, click on it, then click turn on BitLocker. For other versions of Windows, there is a free program
called TrueCrypt that you can download. On Macs, go to System Preferences, Security, File Vault, turn on File Vault.

Invest in a few secure flash drives. As do the processes above for your laptop, these devices encrypt the data you save to a USB drive. In both instances, you can open or share files without problem, but you are protected from intruders over open wireless networks or capture code that may be on public computers you use with your flash drive.

Also, be aware that security experts are very critical of the iPhone, especially older models. The advice most of them give is that if you use an iPhone for client communication, upgrade to the newest model (the 4S and 5 feature many security improvements) and ensure that you are running the latest IOS.

Comparing Legal Research Databases

The universe of available legal research databases has grown exponentially in the last decade—there are more providers in both the commercial and the free categories. Other presenters will cover several of the free sites, including a couple that debuted just in the last year.

In the commercial market for databases that include broad case, statute, regulation and rule search (what I think of as basic primary legal research), Georgia attorneys need to be knowledgeable about the offerings of four providers – Bloomberg Law, Fastcase, Lexis, and Westlaw. The discussion that follows focuses on what each of these vendors offers that a solo practitioner or small firm might consider relying upon. I will mention pricing, but some of these vendors do not publicly reveal exact pricing models. It is always crucial to contact a vendor representative directly to get a price quote.
Bloomberg Law is a relative newcomer to the legal research marketplace, but it is built upon the robust business research platform that Bloomberg has offered for many years. There is no confusion about the contours of the plan you purchase from Bloomberg Law. You can only buy everything they offer. The database includes published and many unpublished Federal decisions; state decisions; unannotated current Federal and State statutes and regulations; Federal and state dockets; law reviews; treatises and practice materials from BNA, PLI, and the ABA; Bloomberg’s outstanding company research data; news; and public records. Because you can only buy all of this, Bloomberg Law is probably going to be priced significantly higher than the basic packages that Lexis and Westlaw offer to small firms.

Lexis offers two basic plans that are targeted for the small firm market. One includes only primary Georgia materials (cases, current annotated code, regulations, and some regulatory decisions). The other includes both state and federal primary materials, as well as some secondary material—Georgia law reviews, for sure. I got no confirmation about exactly what other secondary material might be included. Pricing for these plans will run much lower than for Bloomberg, and slightly lower than for similar plans from Westlaw. Call a company representative for pricing details.

Westlaw offers at least four basic plans for the small firm market, and actually makes the details of both content and ‘off the rack’ pricing available online:


The main page describes the most basic plan; links to progressively more inclusive plans are in the right side bar. The lists of resources included are long and confusing, but significantly all include historical codes. In summary, the most basic plan is Georgia primary law, the next adds Federal, the third more Federal, and the fourth includes some secondary materials. Our campus
rep urges students to call before deciding about the pricing, because there are often discounts and specials.

Fastcase is freely available to every member of the Georgia bar, so it is the only one of the ‘low cost’ commercial vendors I will describe. The other low cost database offerings are very similar to Fastcase. The one exception is LoisLaw, which in higher pricing plans includes treatises from Aspen/WoltersKluwer. Fastcase includes Federal cases, unannotated code, regulations and rules; state cases (most from 1950 – present), unannotated codes, regulations and rules.

Each of these four alternatives includes very sophisticated search functionality, supporting Boolean queries and allowing a variety of sorting criteria for results lists—i.e., relevance, date, court. Lexis and Westlaw have significantly more editorial content (annotations, headnotes, case summaries) than the other two; Bloomberg features more than Fastcase. Each product includes a citator function. One of my colleagues, Anne Burnett, prepared a chart that compares this feature for each vendor, which I have included on the next page.

Your choice of a legal research platform should be based on a detailed analysis of what the vendors offer, how much it costs, and how often you need to utilize various kinds of resources. It is also valuable to include some reflection about yourself and your practice in this calculation. How much knowledge and experience do you have? How often do you accept cases outside of your main areas of expertise? Are you an expert researcher? Do you enjoy research?
| Does it indicate whether case is still good law? | Yes | Yes | Yes | No |
| Does it claim to cover all cases citing your case? | Yes | Yes | Yes | Sorta (uses algorithm only to identify cases citing your case) |
| Does it cite to secondary sources containing citations to cases? | Yes | Yes | Yes, but in Citing Documents tab (and not much there yet). | No |
| Is there a measure of the depth of treatment by the citing cases? | Yes – green bars indicate length of discussion (mentioned – cited – discussed – examined) | Yes – blue bars indicate length of discussion (cited – mentioned – analyzed – discussed) | Indicates number of times the case in question is cited. | No |
| Does it indicate which headnotes in your case are discussed in the citing cases? | Yes (Westlaw headnotes) | Yes (Lexis headnotes) | Does not indicate headnotes, even if BNA headnotes exist for the case in question. | No |
| Does it include snippets of text with each citation? | Yes | Yes | Yes (“extracts”) | Yes |
Sites to Help You Keep Up

Technology changes constantly. Not all of us want to devote the time and energy required to be both a legal and a technology expert. Several organizations and individuals recognize that reality and offer clear, concise explanations and reviews of new technologies. These sites represent just a few of the valuable offerings on the Web.

ABA Legal Technology Resource Center

http://www.americanbar.org/groups/departments_offices/legal_technology_resources.html

The Legal Technology Resource Center (LTRC) provides legal technology guidance to ABA members through various outlets including a technology blog, publications, monthly webinars and this website. Some of LTRC’s resources linked from this site: Law Technology Today, a blog featuring the leading voices on legal technology; guidance on key issues associated with technology and ethics, including a comparison of cloud computing ethics opinions; a survey of lawyers’ use of technology; research on significant emerging technology issues such as cloud computing, XML standards development, and universal citation.

PC Magazine

http://www.pcmag.com/

This site offers readable, useful reviews of just about any technology on the market as well as ‘how to’ articles that usually even a Luddite can follow. There is lots of advertisement on the page, but the content is worth reading around the ads.

PC World

http://www.pcworld.com/

Very similar to PC Magazine. If you put device name reviews into any search engine, so of the most understandable and reliable content you will find is coming from one or both of these two sites.
attorneyatwork.com

http://www.attorneyatwork.com/

The site touts itself as “providing one good idea every day”. If you subscribe, they will send it to your email. At the site you can see the daily dispatch, and an archive of posts. Content covers everything from how to get a grip on cloud computing, legal apps and local search, to what to do about burnout and workplace bullies.

jurispage.com/blog

http://jurispage.com/blog/

JurisPage is a firm that provides Web site design and marketing services to attorneys. Their blog covers starting up and managing a law practice, internet marketing, legal technology, law practice management, and everything in between.

law.about.com

http://law.about.com/

This corner of the about.com Web site specializes in law practice management. The law office technology section has articles on equipment, software, legal research tools, mobility tools and apps.

lawyerist.com

http://lawyerist.com/start/

On Lawyerist and its companion forum, the Lawyerist LAB, you will find information and advice for starting or building a law practice. The contributors actually experiment with technology and other practice tools and pass along what they learn.