

Technology in a Law Office

UTK College of Law
Fall 2014

Thomas A. Kulaga
Knox Patents: Kulaga Law Office, PLLC
www.KnoxPatents.com

1

I, Tom Kulaga, am a patent attorney with a solo practice. I started my firm in 2005 after working for a local firm for the previous 5 years. The Kulaga Law Office is as paperless as a law office can be. All incoming mail is scanned and shredded unless the client is to receive the original via snail mail, which is rare. Almost all my clients prefer e-mail. All outgoing mail sent as a hardcopy is scanned for storage. I do not store any permanent paper files – there are no file cabinets. I use a document management system for storing and retrieving the electronic files for a client's matter. The electronic files include paper mail and e-mail correspondence, scanned copies of documents, word processing documents, and various other files such as pictures and drawings. Standard form letters are generated by the case management software.

I do use paper with what I call "day files," which are temporary files containing paper copies of documents used to complete a specific task. The day file may contain printed copies of documents used for proofreading. It may also contain working copies of various documents. The day file is destroyed after the task is completed. I use a software based docket calendar. A secondary, backup calendar is maintained on Google calendar so I can access it on my iPad and smart phone. All data files are backed up multiple times during the day. Multiple backup copies are stored off-site.

Handout accompanying this presentation: The slide presentation, with notes (17 slides).

Survival in the Marketplace

Fast – Smart - Articulate

Profitable

2

Today's marketplace is tough. With the current economic situation lawyers are competing against lawyers.

For new positions, lawyers need to be fast, smart, and articulate. But, most importantly, lawyers need to be profitable. That is the bottom line. To be hired and to remain employed, a lawyer needs to be able to bring in more revenue than the lawyer costs the firm.

Lawyers and Technology

There are 3 levels of proficiency:

- **Dinosaur**
 - Can surf and read e-mail, but little else
- **Novice**
 - Can use the computer, but does not fully understand what can be done with one
- **Proficient**
 - Require a computer to get work done

3

Lawyers are just like everyone else in today's society. As technology advances and new tools and devices are introduced, not everyone keeps up.

Typically, older attorneys, such as the named partners of established firms, do not keep up with technological advances. They are the **dinosaurs**. Most can read their e-mail, but there are still a few that have their secretaries print out their e-mail so that it can be read. Dinosaurs are almost extinct, but many still work in law offices.

Others, the **novices**, have learned to live with computers and other high tech devices. They know how to type in a word processor or do research on the Internet. But they do not always understand how things work or why things have to be done a certain way on the computer. They can get by, but they often need help and guidance.

Then there are those who grew up using computers and other devices. These people have no trouble using smart phones and computers. They use text messaging and IM. They can program a DVR. They are the **proficient** computer users.

Technological Advances

- 1874 Typewriter
- 1950 Electric Typewriter
- 1952 Dictaphone – Dictating Equipment
- 1959 Xerox copier
- 1966 Fax Machine
- 1978 Word Processing Machines
- 1983 Personal Computers
- 1985 Cell phones
- 1993 Internet
- 1996 E-mail

4

Up to the mid-1990s, little changed in the use of technology in law offices. A lawyer either dictated or handwrote a document that was subsequently typed by a secretary. Copies of the document were made and mailed or faxed to the client or were filed with the court by delivering the documents to the clerk of the court.

Law Office Technology 1994

- Electric Typewriter
- Dictating Equipment
- Fax Machine
- Copiers
- Personal Computers were not common
- Minimal Networking
- Internet was rarely used

5

20 years ago computers were making in-roads in almost all law offices. Many attorneys had access to a personal computer, or at least their secretary did, and some few attorneys actually typed their own documents. In the smaller firms, the computers were not connected to a fileserver. The Internet was a place to surf, but it was not yet a serious research tool. Westlaw and Lexis-Nexis were not Internet based research tools. Instead, they were available on CDs and with dial-up modem connections to private networks.

Law Office Technology 2014

- ~~Electric Typewriter~~
- ~~Dictating Equipment~~
- ~~Fax Machine~~
- Copiers and Scanners
- Computers / Laptops / Smart Phones
- Network with File /Application Servers
- Internet
- e-mail and txt communications

6

A well-equipped law office of today relies heavily on computers. Very few lawyers still dictate. Typewriters are available, but they mostly collect dust. Fax machines are little used. Scanners are a necessity, as is e-mail communications. The Internet is a valuable research and educational tool. Smart phones are widely used.

What does a Lawyer do?

- Read
- Write
- Talk/Listen

7

A lawyer does three things: **read**, **write**, and **talk**. Practicing lawyers spend a lot of time writing. We write briefs and other pleadings, agreements, and lots of letters. Most attorneys also spend a lot of time reading what other attorneys write. Lastly, lawyers talk, and hopefully, they also listen.

In essence, lawyers are communicators. We communicate with both the written and spoken word.

Law school is an opportunity for future lawyers to develop skills that allow them to read, write, and talk/listen proficiently. For example, sitting in a classroom listening to a professor is not very much different than listening to a client during a meeting. In both cases what the person is saying must be fully and clearly understood.

What does a Lawyer do? (2)

- Communicate
- Document creation and handling
- Research
- Advertising / Marketing

8

Writing and reading implies documents. Lawyers create and access a multitude of documents. When lawyers aren't creating documents, they are revising or reviewing them. These documents have to be stored somewhere. And, they must be retrievable in a timely manner.

Attorneys communicate with clients, other attorneys, government agencies, and a wide assortment of other people and entities. The communications are either verbal, as in a telephone call or a conference, or written, as with correspondence, pleadings, filings, and invoices.

Attorneys spend much time doing legal research, whether it is for a specific client matter or for maintaining their competence. The days of consulting a library filled with books have passed. Much of the research being done today involves sources on the Internet.

Finally, there is advertising and marketing. Some attorneys do no more than list their names in the telephone book. Others see advertising as a necessary tool to grow and maintain their practice. Technology offers many new ways for attorneys to be found by clients.

How does a Lawyer do it?

- Heavy reliance upon technology
- Documents
 - Files and data are maintained in electronic form
 - Document Management software for accessing
 - Word processors for manipulating
 - File servers for storing
 - Desktops, laptops, tablets, and smart phones are the tools

9

An automated law office is one that relies heavily on office automation. (How is that for a redundant statement of the obvious!) In today's office, technology is primarily computer related. Every desk has a computer, which is connected to a local area network (LAN) and the Internet. Software is used to generate documents, communicate with others, track work schedules, and maintain and manage records and files.

I communicate with almost all my clients through e-mail. It is faster, but it requires that the client prints documents if they need to be executed.

How does a Lawyer do it? (2)

- Communication
 - Internet telephone/video (VoIP)
 - e-mail and scanned copies of incoming mail
 - Instant messaging
 - Computers, tablets, and smart phones are the tools

10

Technological advances have made available tools that impact every aspect of an attorney's work life. For example, communications occur with electronic messaging (e-mail), instant messaging (IM), video conferencing, cordless telephones, cell phones, personal digital assistants (PDAs), and Internet based telephone and video (VOIP).

In my office I have three telephone lines. Line one is a landline with AT&T. I have that for reliability. If line 1 is busy phone calls roll-over to line two. Line two is Skype and Line three is Google Voice. Skype and Google Voice are VoIP. I have boxes for each one that plug into the network and into my phone system. My phone system switches between the lines and also handles voice mail. One feature I wish my phone system had is to send my voice mail via e-mail.

How does a Lawyer do it? (3)

- Research
 - CD-ROMS (obsolete)
 - DVD (obsolete)
 - Internet – Do not rely on Wikipedia!
 - On-line Services
 - Search engines
- Advertising and Marketing
 - e-mail
 - Websites
 - Internet presence

11

Research is no longer limited to books and reporters. Electronic research tools are in abundance. Lexis and Westlaw offer on-line services accessed from computers in the office or laptops from remote locations. Legal information is stored on CD-ROMs and DVDs, which can be accessed from individual computers or from a network. But, CDs and DVDs have given way to on-line tools.

The Internet offers a plethora of information. Google is great as a topical search tool or for getting information on specific persons. Yahoo is good for searching for businesses.

And, finally, advertising is no longer restricted to the telephone book. Most law firms have Internet websites. Some attorneys have attempted to use e-mail solicitation. But, e-mail has proven to be a much better marketing tool for maintaining client awareness than it is for soliciting new clients.

Having a web presence aids tremendously in a marketing plan. Blogs are just one way to let others know of a person's expertise. Internet forums offer another route to getting exposure for a lawyer.

Solo or Firm?

- Traditionally,
a lawyer's first job is with a firm
- Today, though,
many graduates are going solo

12

Everyone wants to graduate from law school and get to work as a lawyer.

Traditionally, new lawyers worked for a firm. A lucky few leave school and clerk for a judge. Some few are hired by corporations as in-house counsel. It should be so easy these days.

A current trend is that many law school graduates are going solo straight out of school.

With a firm the hardware and software will be provided and there might even be training on how to use it. But starting a solo practice means that you will be doing it all yourself. Unfortunately, many starting a solo practice do not have a lot of funds for purchasing equipment and software. After the cash flow picks up and there is some funds for equipment and software the problem is finding time to figure out what you need, buy it, and then set it up.

Surviving in Today's Office

Competing demands on Lawyers

Practice of Law

vs.

Using technology efficiently

13

How is a new lawyer to survive after graduating from law school?

The new lawyer must be able to practice law, that is, be able to offer legal opinions and perform legal work.

But in order to do that, the new lawyer must be comfortable with the technological tools available.

The above is true regardless of working in a firm or in your own solo practice.

Hardware Tools

- Computers: Desktop, Laptop, Netbook
- Tablets
- Cell phones / Smart Phones
- Scanners and printers

14

The hardware in today's office includes computers, at least one for every person in the office. Along with the computer on the desktop, many attorneys have a laptop for travel and home use. Some use the laptop as their primary computer.

Those computers have to be connected to something. There are networks with file servers, application servers, and web servers. Scanners have become a necessity. Printers, both B&W laser and color, are still used, even in a paperless office.

In my office I have a computer and so does my secretary. Each computer has three monitors. The computers are connected to a file server where everything is stored. We have a multifunction device that scans and prints. It is connected to the network. My secretary has a desktop scanner that she uses everyday. The scanner includes software for OCR (optical character recognition) that converts the scanned image into a text file so that we can copy and paste from the scanned document.

I have a wireless router connected to my network. The router allows me to easily connect my tablet and smart phone to the network. I also have a standing desk with a laptop wirelessly connected to my network.

SW Tools for the Lawyer

- **Word processing** (Word, LibreOffice, WordPerfect)
- **Web browser** (Internet Explorer, Opera, Firefox)
- **E-mail client** (Outlook, GroupWise)
- **Personal Information Management** (Outlook)
- **Case management** (Needles, PracticeMaster)
- **Time and billing** (TABS, AbacusLaw)
- **Document management** (Worldox, iManage)
- **Miscellaneous Software** (Adobe Acrobat, scanning SW, encryption SW)

15

As a lawyer practicing with today's technology, being adept at using software is crucial for success.

Some software is ubiquitous. Almost everyone uses a word processor, an e-mail client, and a web browser. Case management, billing, and docketing software is also found in many law firms.

Case management software typically allows for the use of form letters and automated document assembly, making the creation of client and matter specific correspondence less time consuming. Many case management programs communicate with PDAs, providing case and matter information when the attorney is away from the office. Many find that a personal information management (PIM) package is very useful for maintaining calendars and appointments. Document intensive firms (that includes almost all firms with more than a few attorneys) often use document management software. Such software allows easy tracking of files and documents without the hassle of using Windows and without having to name and store files.

In my practice I use both LibreOffice and Microsoft Office for document creation. I use PracticeMaster to keep track of all my matters, clients, time, phone calls, and documents. PracticeMaster also creates my standard letters, which are then saved as pdf files. I use Worldox for document management of all my documents, even those that are scanned using a desktop scanner.

What else is needed for survival?

- Proficiency with hardware/software
- Ethics
- Networking

16

Proficiency with the available tools allows attorneys to focus on practicing law. The ideal situation is to practice law without thinking of the tools.

And never forget the ethical rules. For example:

- Rule 1.4 deals with client communications. What if a client does not receive a critical e-mail message? What if that message is trapped by a spam filter?
- Rule 1.5 deals with attorney fees. Are fees reasonable when they are based on the time to do a task manually or with the most advanced tools?
- Rule 1.6 deals with confidentiality. Is the client satisfied that confidentiality is maintained through e-mail messaging? How about cell phone or wireless communications? Smart phones and tablets with the ability to conveniently carry client data in a pocket create new problems. What if the phone or tablet is lost or stolen? Has the confidential information been encrypted?
- Rules 1.7 and 1.9 deal with conflicts of interest related to clients, both current and former. Conflict checks with a computer based case management system are fast and accurate, provided, of course, that all data necessary to perform the conflict checks are entered into the system.
- Rules 7.1 to 7.6 deal with advertising and communications that present unique challenges for the those who want to take full advantage of e-mail and the Internet.

Networking is a valuable skill that helps many attorneys. I rely upon networking for many of my clients. More than one-third of my new clients are referrals.

KBA Legal Expo

- An opportunity to learn about law office technology and to meet local attorneys and business people
- Friday, April 17, 2015
 - At the UT Conference Center
 - www.knoxbar.org
- Exhibit hall is FREE
- Attend CLE classes at a reduced rate

17

Every year the **Knoxville Bar Association (KBA)** holds a Legal Expo with many vendors and various CLE sessions. Law school students can join the KBA for FREE. Participating in KBA events is a great way to meet other lawyers and start networking.