



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

The following articles are reprinted with permission of the author, **Dennis M. Kennedy**. **The complete text of these articles and much more information is available on Mr. Kennedy's web site at <http://www.denniskennedy.com/>.**

Dennis Kennedy is an attorney who writes and speaks frequently on legal technology and Internet topics. He practices law in the Intellectual Property & Information Technology Group at Thompson Coburn LLP (<http://www.thompsoncoburn.com/>) in St. Louis, Missouri. Dennis wrote the legal technology column for *Lawyers Weekly USA* from 1996 to 1999 and has published articles in large number of publications. He edited and published his own legal technology newsletter from 1998 to 1999 and, among other things, currently writes a legal technology column for *The Indiana Lawyer* and a regular series of articles called "The Internet Roundtable" about using the Internet to market law firms with Jerry Lawson and Brenda Howard. Dennis keeps a variety of useful resources at his web site: <http://www.denniskennedy.com/>. He can be reached by e-mail at dkennedy@thompsoncoburn.com.

Editors' Notes:

Dennis Kennedy has made some extremely useful information available on his web site. In order to save space, we have taken excerpts from many of Dennis's articles that we felt would be of particular interest to small law department practitioners who are trying to make technology decisions. We have tried to highlight information we think is particularly important for corporate counsel. Please keep in mind that these materials are being prepared in July 2000, and may be somewhat out of date by the time of the Annual Meeting in October.

Many thanks to Mr. Kennedy for making this information available to us. There is much more available on Mr. Kennedy's web site, which is a great starting point for any lawyer looking for information on legal technology.

David Munn, Dan O'Neill

The Legal Technology Primer

INTRODUCTION

The Legal Technology Primer is an experiment in online publishing that collects versions of my published articles and organizes them by topic into a "book" format. In time, this "book" may include PowerPoint slide shows and even audio or video.

These articles have been published in a variety of places since 1996. Where appropriate, I have cleaned up, updated and revised articles.

[I will continue to add to the book as I continue to publish articles on legal technology that fit into this book. I see this as an evolving project and, in particular, expect the navigation elements to improve over time as I work with the format and receive suggestions and comments. It struck me that this is a more useful way to present my articles than is the traditional chronological list.](#)

[People interested in republishing any of the articles should contact me to discuss the matter and to get the appropriate permission. I encourage people to link to this site, to tell their friends and colleagues about the site, to send me comments and suggestions and to enjoy these articles, because I have enjoyed writing them.](#)

[- Dennis Kennedy](#)

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Chapter 1. Thinking About Legal Technology.

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A Legal Technology Agenda for 2000

Assuming you have put the aftermath of the Year 2000 Problem behind you, 2000 will be a year in which you will find that your clients more so than innovations in technology will dictate changes in the way you practice. In 2000, it will be more a question of implementing existing technologies well rather than preparing for strikingly new technologies. It will be a year of great opportunity for lawyers and law firms, especially those looking toward the Internet.

Here are twelve items to put on your technology agenda for 2000:

1. How Will You Do Windows? Lawyers live largely in a Windows world. You may hear a lot about Linux, Macintosh and other alternatives, but most legal applications are Windows applications.

The biggest technology release of 2000 will be Windows 2000, Microsoft's much ballyhooed and much delayed successor to Windows NT 4.0. A major new version of Windows is big news in any year, but Windows 2000 is the proverbial 800 pound gorilla — much of your thinking about upgrades and new systems will be a reaction to Windows 2000.

Microsoft clearly wants business users to move to Windows 2000, which it sees as the next generation in operating systems. Expect to see availability and support for Windows NT and Windows 98 dwindle as the year proceeds.

You may still conclude that you will stay with Windows 98 or NT for the foreseeable future, but you have to look at Windows 2000 and understand the reasons for choosing it or not choosing it. Your thinking, unfortunately, will be further complicated by the Microsoft antitrust case. Although there's always a reluctance to move to the first release of any software, it's hard to imagine a more thoroughly tested product than Windows 2000. There's a feeling of inevitability about Windows 2000.

2. An Explosion of Non-PC Options. How much longer PCs will be the "computers" of choice? Some predict that as early as 2001 the number of "information appliances" purchased, such as Palm computing devices, "smart phones" and the like, will surpass the number of PCs purchased. We soon will be seeing the decline of the PC.

Information appliances focus on a limited number of specific tasks (calendaring, e-mail, paging, web access) and are generally portable in a meaningful way. They tend to be "instant on" (no waiting to boot your PC) and extend the reach of your office computer in user friendly ways. The cost is more likely to be a few hundred dollars rather than the few thousand dollars you might spend for a PC.

While Palm computing devices are the hot items in this category and the new Visors from Handspring have gotten a lot of attention, watch this year for e-mail appliances [see, e.g., <http://www.rim.net> - Editors], web pads that allow you to browse the Internet, wireless devices and other specific-purpose devices. These devices are tailor-made for the ways many lawyers work and may improve your productivity while trimming your technology costs.

[3. A Move Toward Knowledge Management.](#) Knowledge management gets a lot attention these days. From

simple efforts to make earlier work available to reduce the need to "reinvent the wheel" to more elaborate efforts to capture and exploit the accumulated "wisdom" inside your firm, innovations in knowledge management continue to grow.

Knowledge management really means finding ways to move beyond simply processing data or managing information to unlocking the "knowledge" in your firm. You and your firm have a lot of knowledge — methods, people to talk to get things done, strategies. Typically this knowledge is in the head of only one person. The result can be inefficiencies and duplication of effort when someone doesn't know the right person to ask, can't find a file that shows how something was done in another case or can't locate a research memo on the same topic.

Firms and software companies have put a lot of effort into "unlocking" this knowledge and finding ways to make it sharable and more usable. In larger firms, attorneys use intranets, Lotus Notes applications and databases. In smaller firms, attorneys use case management packages, litigation database programs and simpler databases.

Law firms have been slow on the draw in this area, especially when compared to the massive efforts of the Big 5 accounting firms and other professional service firms. In part this slowness is because knowledge management is usually cast as a highly invasive, retooling of a practice. The better approach is to pick discrete areas in which to experiment, focus your efforts where they may bring the best results, limit the scope of projects, and try to measure your success.

Here's a move toward knowledge management for trial lawyers that everyone can afford: CaseMap (<http://www.casemap.com>). CaseMap costs less than US\$500 and this powerful software allows you to capture the knowledge you have about a case, categorize and rate your evidence, see patterns in evidence, analyze evidence and even share results with others on a team. I'm a big fan of CaseMap. Another development to watch in this area is Microsoft's Digital Dashboard initiative, which turns Outlook into the primary means of access to a variety of information you use on a regular basis. [See <http://www.microsoft.com/solutions/km/DigitalDashboard.htm> and Dennis Kennedy's Digital Dashboard article at http://www.microsoft.com/industry/legal/articles/digitaldash_dk.asp - Editors]

4. Security Is No Longer Just a Blanket. Over the past year or so, hackers and virus creators have made the world much more dangerous for computer users. Your computers and your networks have become increasingly vulnerable to attack from a variety of sources.

While you might expect lawyers, with their concern for confidentiality, to be in the forefront of computer security, the sad story is that many law firms keep information on systems that are shockingly vulnerable and commonly allow practices that make virus infection all but inevitable.

The security issues with Microsoft products alone dictate a policy of installing a regular set of upgrades, patches and industrial strength security and virus protection. Even the most secure networks are vulnerable because firms allow easy-to-break passwords. Hacking "tools" and scripts are readily available on the Internet to assist even the novice hacker.

Simply put, you must get security issues onto your technology agenda. The program to watch in this area: BlackICE. You will also want to add Stuart McClure and Joel Scambray's weekly Security Watch column in InfoWorld to your regular reading list. [Security is becoming a major concern with computers (including home computers) using "always-on" Internet connections (DSL and cable modems), making them much more vulnerable to hacker attacks. Besides BlackICE, another firewall option is Zone Alarm 2.0, which can be downloaded for free from <http://www.zonelabs.com>. See also McClure and Scambray's excellent new book on security called "Hacking Exposed." - Editors]

5. Web Presence Matters. More than ever, law firms must have a professional web site. While many law firms now have web sites, it is time to move these sites to a second generation and use the sites to provide real value.

Current Internet usage statistics show that today's user is not the stereotypical 15-year-old, but a member of a demographic group that should be attractive to almost all lawyers. A surprising number of people look for lawyers on the Internet and if you don't have a site or if you have an amateurish site, you will not get these clients.

People are developing Internet expectations and a professional web presence is one of those expectations. Take a hard look at your web site and compare what it does to what you want it to accomplish. A major revision is probably in order.

6. There's Gold In Your Networks. It's not what you know but who you know, right? Most of us do not do a good job of capturing or mining the information we have about contacts. Address books get out of date. We have a collection of business cards of people who we no longer remember. We can't remember our last conversation with a client, her birthday, names of children, et al.

It's not only embarrassing, but it hampers our practice. Programs like ACT!, GoldMine, Outlook, TimeMatters, Amicus and others all provide "contact management" options. In a sense, this is a subcategory of knowledge management. Contact management turbocharges your address book. You can keep expanded types of data on a contact and, most important, keep historical data. And you can pull useful information out of your contacts.

Such as: contacts most responsible for referrals, clients with wills over two years old, prospects who are basketball fans for the extra tickets you have, the names of art appraisers you've used in the past. You get the idea. Some programs can work with caller ID and even pop up the caller's information as you are picking up the phone.

7. Expand Your Network with E-mail Discussion Lists. One of the great Internet phenomena we've seen is the development of e-mail discussion lists. For virtually any topic you can think of there is a discussion list.

They work like this: You "subscribe" by e-mail to a list. You receive a copy of every e-mail sent to the list manager. Copies of any e-mail you send to the list manager are sent to everyone on the list. This mechanism produces an ongoing and wide-ranging discussion.

Why are they so useful? Many times, the leading lights in a field are regular participants. People tend to share a lot of practical knowledge. It is rare to see a question that goes unanswered. You can make friends all around the world. And, there is no better way to learn about new developments. Start at TileNet (<http://www.tile.net>) to find lists that appeal to you.

8. Taming the E-mail Tiger. Many attorneys have seen great benefits from using e-mail and clients increasingly want to contact attorneys by e-mail. E-mail, however, raises many important management issues. How long do you store e-mail messages? Must you protect messages to clients with encryption techniques? How do you ensure that an e-mail with important information is integrated into a client's file? How do attorneys manage growing numbers of messages? You will want to implement management solutions well before you and your attorneys are run over by the volume of e-mail they face.

9. Computers Continue Their March into the Courtroom. One clear trend in legal technology is the march of computers into the courtroom. Litigation technology includes real-time transcription, litigation databases,

trial management and trial presentation. Projectors and large monitors are becoming more common in trials. This technology can dramatically level the playing field for small firms and solos against much larger firms. Expect to see continued explosive growth in this area. From video depositions to PowerPoint slides to digital cameras, trial lawyers are seeing the benefits of using technology to present cases to jurors (and judges) who are part of the TV generation. Litigators ignore developments here at their peril.

10. Collaboration Counts. Intranets allow you to turn all the information contained in your firm into a giant, private web site. All that information can then become easily accessible to other members of the firm. While intranets offer a great way to share information of all types within a firm, extranets allow you to create a private web site for a client that the client can reach over the Internet and see work in progress, billing information and other information that can enhance the client relationship and offer novel ways to work together more closely and more cheaply. Clients are starting to put pressure on firms to create extranets or to implement other collaborative software (sometimes called "groupware") such as Lotus Notes.

Extranets are becoming popular as a way for co-counsel to collaborate on complex, far-flung litigation matters like tobacco or other mass tort cases. By going to a secure, private site on the Internet, co-counsel can share information, discuss cases, work jointly on projects or documents and stay up-to-date on case developments. Other firms, large and small, are starting to use extranets for clients who want access to drafts of documents, billing information and the like. Extranets have potential to both aid in collaboration and to help save money — a dynamite combination.

11. Browser Interfaces Become Ubiquitous. A hot new Internet topic is "web-enabled" technology. In essence, this means that you can access programs and underlying information using only an Internet browser (Microsoft's Internet Explorer or Netscape's Navigator). For example, many firms now give attorneys access to e-mail through a secure web site interface. Another example to watch: the application Service providers (ASPs) such as the Serengeti project (<http://www.serengetius.com>), which plans to provide a web interface to high-powered legal software applications that are hosted by a third party rather than at your firm. Expect to see even more of this trend, including in bread-and-butter applications like document management. The benefits: reduced training time and ability to access information from almost any computer.

12. Training Takes A Front Seat. Most law firms I know tend to skimp when it comes to training. This approach can be short-sighted and foolish. Excellent training can bring you excellent results. As you consider your technology agenda for 1999, think hard about dramatically increasing your training budget and focusing on how to make that training more effective. Consider a variety of training options and remember that lawyers who refuse to participate in training can generate substantial support and other costs.

Bonus Point. Try Something New that Can Revolutionize Your Practice. There are a lot of great new technologies available to lawyers. I recommend that you pick one technology that can have a dramatic impact on your practice and invest in it. For litigators: real-time transcription, databases like Summation, trial presentation packages like Trial Director, or a trial strategy program like CaseMap. For lawyers who produce a lot of form documents: document assembly software. For presenters: PowerPoint. For all: getting your practice onto the Web. Best advice: turn your young lawyers loose on some technology projects.

Conclusion. You may notice that I did not mention much hardware and only a few software programs. More important than gee-whiz new hardware in 2000 are the Internet and your attitude toward technology and your motivation to find ways to make technology work for you in your practice.

An earlier version of this article appeared in the January 5, 2000 issue of The Indiana Lawyer.

The Best Is The Enemy Of The Good: Making Technology Choices

I have recently been rereading Harry Beckwith's wise book on marketing called *Selling the Invisible*. I

cannot recommend this book too highly. It is a collection of short kernels of wisdom on much more than marketing that will make you stop and think on nearly every page.

I had dog-eared a page that contained a short section called "Fallacy: Perfection is Perfection", where he says "You can easily get stalled from the shift from strategy to tactics because you are paralyzed by the desire for excellence." He goes on to say that here is a good way the rate the "Best Plans" in order of desirability:

Very good

Good

Best

Not good

Truly god-awful

This list gets my interest. Why does good rank above best? "Because," he says, "getting to best usually gets complicated."

Indeed it does. Beckwith says we start to face issues like can we agree on what is best, how long will it take to agree, and will reaching best in one area require sacrifice in other areas? The most important of these questions is "will all that excellence really benefit the person for whom it is intended?"

The greater the push for the perfect plan or result, the more chance what we will instead find is delay. Beckwith says that a "paralysis" sets in from the "fear that executing the plan will show that the plan was not perfect." As he says, "too often, the path to perfection leads to procrastination."

Yes!

I was reminded of this again because I am in the "buying a new computer" mode, a time when my friends know that it is best to avoid me, at least on that subject. I've read every article on laptop computers, checked all the comparison ratings, talked to everyone who will listen to me, and . . . done nothing. I even tried to break the spell by writing an article for Lawyers Weekly USA on how an attorney should choose a laptop computer but still haven't been able to follow my own advice even though my advice really makes a lot of sense to me.

It's the curse of The Best. Not the best computer, mind you. Instead, the best decision about a computer. I've fallen into the perfection trap. My quest has become finding the best performance and features for the lowest price, a goal that, even if achieved, will probably be mooted within a week or two.

In the technology arena, many people are motivated primarily by avoiding the truly god-awful decision. With research, consultation and reasonable efforts in the decision making process, you can get into the "good" choice range pretty easily. According to Beckwith, this is a result that ranks above Best. Ironically, often the only "truly god-awful" choice is standing pat with obsolete technology and doing nothing.

Often, it doesn't take much more effort to get from "good" to the "very good" category. Think about it, really: either Word or WordPerfect, by any standard, are very good choices, as are Novell or Windows NT on the network side, Netscape Navigator or Microsoft's Internet Explorer as browsers. You can't go too wrong. A choice can be made pretty quickly and then efforts focused on making it work for you.

Unfortunately, especially in a committee setting, that's easier said than done. Inexorably, you start to move toward the Best. The tip-off is when you start to talk only of specific features and move away from discussing benefits to users.

This movement toward the Best moves you away from reality to a fragile construct that finally barely can stand on its own. An example? I did all this research, came to a decision about a laptop computer. I

[mentioned the brand I was considering to a friend and the friend made a comment about how the on/off switch on his laptop of the same brand really annoyed him. Boom, I tossed away my decision and went back to square one. And I didn't even try the on/off switch for myself.](#)

[You will recognize this phenomenon at your law firm. Months go into making a decision and one day someone reports that a friend's law firm tried the same approach and it was a disaster. All the work you did gets thrown away and yesterday's consensus gets tossed into the trash can.](#)

[How many reviews do you have to see to convince yourself you are right? Your focus can easily turn to an abstract notion of the perfect choice and you get stuck.](#)

[I have been doing a lot of thinking lately about the implications of handheld computers \(e.g., the Palm computing devices\). What intrigues me is that these devices are moving us to a place where we can choose a device that reflects how we work best instead of being forced to accommodate our working patterns to the technology. You like to write out things - get a computer that has handwriting recognition. Like to dictate first drafts - speech recognition.](#)

[Here is a clue to dealing with the curse of the Best. Turn the focus back on to what you need, what will help you and what will make you work better. Move away from an endless comparison of features, especially those features you probably won't use. Do the same thing on a firm-wide basis and keep those questions at the forefront as you make decisions. As Beckwith says, focus on what will really benefit the person for whom the technology is intended.](#)

[This approach should move you comfortably into the zone of the good and very good. You can then move forward and focus on making what you've chosen work better for you.](#)

[When you start to drift into the nether worlds of the Best and find yourself stuck, turn to the practical, not the ideal, the real-world concerns, not abstract test results, and filling your needs, not the often esoteric concerns of reviewers.](#)

[As Beckwith says, "Don't let perfect ruin good." Or, as my wife says, "will you just buy a computer?"](#)

[An earlier version of this article appeared in the November 1, 1998 issue the Legal Technology Strategies Newsletter.](#)

[Chapter 2. E-mail Lessons.](#)

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TAMING THE E-MAIL TIGER

Many attorneys are finding that they increasingly rely on communication by e-mail. They are also finding that at times their e-mail mailboxes look as if a blizzard had hit them. It is not uncommon to find attorneys who receive well over a hundred new e-mail messages a day.

Internet guru Jakob Nielsen in the September 19, 1999 issue of his essential Alertbox newsletter (<http://www.useit.com/alertbox/990919.html>) notes that surveys say that whether people get 10, 100 or 1,000 e-mails a day, they all say that the number they get is "overwhelming." The volume of e-mail will only be increasing. In the same newsletter, Nielsen stresses the importance of "protecting your mailbox."

[In other words, you want to manage your e-mail before it manages you. I sometimes call this "taming the e-mail tiger." Fortunately, most e-mail packages, especially newer ones, provide you with valuable](#)

management options. You can also use techniques not specific to individual programs to take control of your e-mail. A great idea is to implement these techniques while your volume is low so that you can have them in place as your e-mail volume grows.

There are four points in the e-mail process at which you can have a significant impact on e-mail management: before a message sent to you, when you send a message, when or as you receive a message, and when you store or delete a message. An approach that attacks each of these four points will bring you the greatest benefit, but taking steps at any one or more of them will also help you.

Before E-Mail is Sent to You.

The strategy here is to reduce the volume of unwanted e-mail and make sure that the messages you want come to your main mailbox.

There are several sources of heavy e-mail volume.

Using the Internet for commercial services or buying products is likely to result in your e-mail address becoming available to direct e-mail marketers who will hit you with all kinds of commercial e-mail, commonly known as "spam."

A second potential source of high message volume is an e-mail discussion list. While these discussion lists can be enormously valuable if they relate to specific topics of interest to you, some of them can generate hundreds of e-mails on a daily basis or when a heated discussion is going on.

A third source of e-mail volume can occur if you indiscriminately make your e-mail address available to clients, friends, co-workers and everyone else you meet.

The best first step for you to take is to have both a "work" e-mail address and a "home" e-mail address and make every effort to limit the use of the work address to business-related e-mail.

Obtaining free e-mail addresses has become an easy thing to do. Yahoo (<http://www.yahoo.com>) and Excite (<http://www.excite.com>) provide free e-mail addresses. Law.com (<http://www.law.com>) and the ABA (<http://www.abanet.org>) can even provide you with a more upscale-looking free address.

After obtaining a "home" e-mail address, use it any time you are asked to supply an e-mail address for commercial or informational purposes that might lead to spam mail. Use your work address only for important mail that you want to handle in the work setting.

Blocking certain types of messages can also help you. Your Internet Service Provider, your firm's network administrator and some e-mail programs, such as Outlook, can set up "spam filters" to block e-mail from certain locations or with certain words or phrases in the subject line or body of the message. Look into what options you might have available.

Consider the potential volume of any e-mail discussion list before you subscribe to it and resist the urge to subscribe to every interesting discussion list you find. A good option that many discussion lists have is a "digest" subscription — you receive one large e-mail a day containing all the messages posted to the list that day topped with a table of contents.

In short, being thoughtful in how and to whom you give out your e-mail address can go a long toward protecting your mailbox and making your mailbox manageable.

Managing Your Outgoing Mail.

The first decision you must make is whether you want to keep copies of all the messages you send. I cannot imagine why you would not, but I have been surprised by several lawyers who did not want to keep copies of the messages they sent.

Assuming that you decide to keep copies of your outgoing e-mail, how do you do so? Most newer e-mail programs automatically store copies of all your sent messages, usually in an easily accessible folder called something like "sent mail." In some programs you have to turn that feature on, so don't assume that copies of your e-mail are being kept. In my experience, about 30 seconds with the manual or a help screen and clicking in a checkbox or two will enable this function.

Some e-mail software (usually older programs) will not store copies of your outgoing e-mail. The easy solution is simply to send an extra copy of each message to yourself. The best technique is to send a "bcc" (anachronistically, "blind carbon copy") which does not show your recipient that you are doing this. Some e-mail programs do not have a "bcc" function, so simply "cc" a copy to yourself. You'll get the copy, but your recipient may notice that you sent the copy to yourself.

You can also save yourself a lot of time and trouble with e-mail addresses by using your e-mail program's "address book." Rather than try to remember and type in individual addresses every time you send an e-mail, put the addresses into the address book under the person's name. You can then select the person's name off the list when you send an e-mail and have the e-mail address automatically entered for you on your message.

A final, important technique for managing outgoing mail is to make good use of the subject matter line and use descriptive phrases that will help you locate what is in the e-mail. Too many people use no subject, terms like "message," or clever phrases, and then have difficulty later finding the message later. While the more powerful e-mail programs have "find" functions, it may be difficult to remember the exact words you want to search for. A good subject line also helps your recipient notice your message and manage it appropriately.

Managing E-mail When or As You Receive It.

Your e-mail program will put all your new e-mail into a "new mail" folder or an "in box." The contents of that folder are what you see when you open your e-mail program. Most programs give you many options to create additional folders and move mail among them. More powerful programs allow you to set up routines known as "filters" or "rules" that will automatically handle e-mail based on directions you can establish.

The first technique that you want to use with incoming messages is to delete everything that you don't need to keep and all "junk" mail. Change your mind or make a mistake? Many e-mail programs can be set to keep deleted mail in the "recycle bin" for a period of time (including forever) before it is irretrievably deleted. In other words, you have ways to undelete if you make a mistake.

Therefore, it pays to be aggressive in deleting mail from your in box. Deleting unnecessary messages will reduce clutter and make it easy to find the messages you want to find. Similarly, dealing aggressively and immediately with your e-mail by replying quickly or forwarding messages can help you manage your in box.

A second important technique is to select the best "view" for your e-mail. I'll use Microsoft Outlook as an example. In Outlook, you can set up a "tri-pane" view that shows all your mail folders in one pane, the contents of your Inbox or the folder you have selected in another pane, and the first roughly 20 lines of the selected message on your screen before you even open the message. Using this tri-pane view can help you scan e-mail messages quickly and delete spam or other messages.

In addition, Outlook has ten ways to view e-mail (by sender, by topic, last seven days, unread, etc.) and gives you ability to create custom views. You are highly likely to find a view that can help you best manage e-mail. You can also sort within the views in a number of ways.

You will definitely want to create additional folders and organize your received mail in folders. Choose the approach that works best for you. I prefer to create folders for individuals, groups or projects. I like to be able to go to a folder called "Newsletter" and know that I can find all the e-mails I've gotten related to this newsletter in one place. Others might prefer action folders: "reply needed", "ASAP", "to file", et al.

The simple fact is that any of these folder techniques will help you greatly and organize old mail while keeping your in box clean for new mail.

Once you create the folders, you simply move relevant messages into each folder after you have received them.

"Rules" or "filters" can make this task even easier. Some e-mail programs allow you set up rules for dealing with e-mail. Generally, these are simple "if-then" rules like "if subject line contains the words 'get rich quick', then delete message on arrival" or "if sender is X, move message to X folder on arrival". Outlook has a great feature called "organize" that simplifies the creation of the most commonly used rules.

This technique can be a very powerful way to manage e-mail. Many people especially like these rules for e-mail discussion lists because they automatically move all the discussion list mail to a folder. The folder contents can then be read at leisure and the list messages do not overwhelm your in box.

If your e-mail program has this feature, it's well worth your time to learn how to use it.

Storing, Archiving and Deleting Old E-mail.

On several occasions I've talked with an attorney who commented on how "slow" his or her e-mail program was performing. When we checked, the slowness was the result of a "new mail" folder or "in box" that had thousands of messages going back several years.

While from a management standpoint, the easiest thing to suggest is to delete and archive old messages, deletion and archival raise some thorny issues and there are many nuances.

Recent court cases indicate that old e-mail can come back to haunt you, either because you still have it or because it has been deleted. Just ask Bill Gates. Keeping all old e-mail can also, over time, take up storage space. There is developing law in this area and a lot of subtle issues. I will not make any blanket statements, but will suggest that you are well advised to pay attention to these issues now and consider adopting firm-wide policies on e-mail storage and deletion.

Two other points to consider:

First, as significant matters and details are handled increasingly by e-mail, it is vital that these messages become part of the client or case file. Or that you know that they exist and can locate them immediately when they are needed. What if your client provided key information to a summer law clerk by e-mail and you are unaware of it and then cannot find out once you do become aware of it? Think carefully about ways to integrate e-mail into your case management or document management systems.

Second, remember, as I suggested earlier, that deletion does not mean that a message is "deleted." Even if you go to a policy that mandates, for example, annual deletion of e-mail, you will want to make sure that it is fully deleted. Products like Shredder 2.0 (<http://www.stratfor.com>) and a companion e-mail deletion product called ShredMail can ensure that your deleted messages and files cannot be later retrieved and meet deletion standards set by the Department of Defense. There are a number of other similar products from companies like Symantec (<http://www.symantec.com>). These types of products should be considered if you adopt such a policy on deletion.

Conclusions.

E-mail is a marvelous tool, but it raises a number of its own problems. With a few relatively simple steps, both e-mail issues and e-mail itself are manageable. Keeping in mind the idea of "protecting your mailbox" and taking advantage of some common sense techniques and a few features of your e-mail programs, like rules, of which you might not have been aware can help make your life a little easier.

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Chapter 4. Internet Lessons.

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An Internet Toolbox for Legal Research

A job becomes much easier when you have the right tools. The Internet changes many things, but not this simple truth.

Lawyers starting to use the Internet for legal research quickly find that they are some important differences between the Internet and the traditional online legal research tools like LEXIS and WestLaw. They will not find a centralized index, directories, start screens, help screens or toll-free customer support.

Tapping into the enormous value of the Internet requires that you learn a variety of new techniques and tools. Research on the Internet requires some different skills than what you have learned for online legal research. These new skills can be learned and practiced, but the best way to become an efficient and effective user of the Internet is to be pointed to some of the best tools for the job.

Here are some resources that should be part of every lawyer's Internet toolbox:

FindLaw - <http://www.findlaw.com> - FindLaw is a large directory of legal web sites, organized and categorized, with its own search engine to help you locate legal sites easily. It's often referred to as the "Yahoo" of legal research, in reference to the heavily-used directory/search engine called Yahoo (<http://www.yahoo.com>). If you want just one place to start your search for general legal information, FindLaw is a great choice.

Catalaw - <http://www.catalaw.com> - CataLaw is similar to FindLaw in that it is an organized and categorized directory of legal web sites. You may find that you prefer its features and interface to those of FindLaw.

The Virtual Chase - <http://www.virtualchase.com> - Genie Tyburski's excellent collection of materials, articles and resources on techniques, tips and resources for researching legal topics on the Internet also includes her presentations and seminars on legal research topics. Since she's a librarian, she does a great job of cataloguing, organizing and describing web sites. There's also good information about what are the "best" web sites on different topics.

Law Library Resource Xchange - <http://www.llrx.com> - Speaking of librarians, LLRX is a great site run by several law librarians. LLRX is a regular newsletter with uniformly excellent articles focusing on research, the Internet and the use of technology in legal research. The back issues contain a wealth of helpful information. LLRX is the premier place for information about trends and developments in legal research.

Legalonline - <http://www.legalonline.com> - Occasionally lawyers complain that while they can find some web sites on a given topic, they can't find the really good ones. Bob Ambrogi, an excellent writer on Internet topics, regularly rates legal web sites. For example, on a monthly basis, he names "5-star" web sites by categories. Because he's given two of my sites 5-star ratings, I think he has a very sharp eye. Seriously, though, his lists point you to some of the very best legal web sites.

Jurist: The Law Professors' Network - <http://jurist.law.pitt.edu> - The law professors haven't been sitting around while everyone else creates authoritative resources. Jurist contains a lot of information relating to legal education and links to a wide variety of web pages created by law professors. These pages might include online courses, publications and papers, research and other academic materials. Better yet, they can give you access to the thinking of leading legal academics.

Law News Network - <http://www.lawnewsnetwork.com> - This site is the combined site of the newly merged American Law Media and National Law Journal groups. Some of you may remember this site as the excellent Law Journal Extra site (<http://www.ljx.com>). Among other features is an excellent daily e-mail newsletter that gives you the day's legal headlines from a variety of publications. Expect to find lots of great editorial content and articles on this site, both practical and legal. It's also a great resource for breaking legal news.

Lawyers Weekly - <http://www.lawyersweekly.com> - You have to pay a modest fee for some of the material, but the Lawyers Weekly site is a great resource for opinion summaries, legal news and articles for improving your practice.

Law.com - <http://www.law.com> - Law.com has an ambitious goal — it wants to be the portal by which you enter the Internet for anything legal. Think of it as a one-stop shop for legal matters on the Internet. You name it, it's got it, including the ability to have your own free law.com e-mail address (e.g., medicalmalpracticelawyer@law.com). It's another good source for legal news and commentary.

Martindale-Hubbell - <http://www.martindale.com> or <http://www.lawyers.com> - Want to find another lawyer? Want to save a trip to the library? The entire Martindale-Hubbell directory is on the Internet. For free. Find lawyers in other cities, old law school classmates and opposing counsel. The new advanced search features allow you to search for lawyers by practice areas. There are other features to the web site, to be sure, but the lawyer locator is a feature you'll use frequently.

Georgia State's Meta-Index for U.S. Legal Research - <http://gsulaw.gsu.edu/metaindex> - Another excellent storehouse of links to legal resources. You might even like this site better than FindLaw or CataLaw. In any event, it's a good place to check before giving up on your search.

Virtual Law Library - <http://www.law.indiana.edu/law/v-lib/lawindex.html> - An enormous collection of legal resources organized by subject matter and maintained by Indiana University.

My Virtual Reference Desk - <http://www.refdesk.com> - A complete and very handy collection of all sorts of reference tools (dictionaries and the like) on the Internet.

Deja.Com — <http://www.deja.com> — Deja is essentially a directory and search engine for Usenet newsgroups. Newsgroups are online discussions that focus on very specialized topics. You will be amazed by the amount and types of information that you may find on esoteric topics in some of these newsgroups. Be careful, however, about believing everything that you read.

The Search Engine Compartment of Your Tool Box

For legal research, I recommend that you start with the sites listed above rather than beginning with the general search engines. Why? The general search engines tend to give you too many extraneous results. As an experiment, I once did a search on the term "civil procedure" on the Altavista search engine

<http://www.altavista.com>) and got over seven million hits and links to web pages. The results ranged from civil engineering to procedures for formatting hard drives.

On occasion, however, you may find that FindLaw and the other legal specialty search engines do not produce the information you want. At that point, you will need to make use of the general search engines such as Altavista (<http://www.altavista.com>), Excite (<http://www.excite.com>) and HotBot (<http://www.hotbot.com>).

New search engines are being introduced on a regular basis. The methods in which search engines work can also change over time. There are many nuances in the ways that search engines work and it is important to realize that none of the search engines cover even half of the pages available on the Internet. Search engines are particularly weak on new web sites (it can take a few weeks to a few months to add a site to a search engine's index) and web pages on AOL and other commercial services.

I've found three ways to learn about search engines that are relatively painless and can help you greatly.

First, visit the Search Engine Watch web site (<http://www.searchenginewatch.com>), review the useful set of resources and information there. The site also has a monthly e-mail newsletter that keeps you up-to-date with the latest developments in search engines. It's an excellent way to find out about new search engines.

Second, keep your eye open for useful articles on search engine tips such as the one in the July 1999 issue of PC Computing magazine. Even a simple tip like putting quotation marks around the phrase you are searching for can be a great help and, in many cases, save you the pain of constructing a cumbersome Boolean search query.

Third, monitor how each of the search engines treats your own web site after you submit it to them. How long does it take to get added? Where does your page rank on relevant search terms? Does it stay in that position? Based on my experiences with my own web sites, I really like Altavista and I have a poor opinion of Yahoo.

Once you start learning about search engines, you will be surprised by two things: how many search engines there are and how many different algorithms they use to rank results. It can be overwhelming.

Here are five tips to help you master the use of search engines.

Learn One Search Engine Well. Each search engine has its strengths and weaknesses. You will find the greatest success when you learn to work within these limitations. While the professional craftsman may have the right tool for each job, he or she also has a general tool that can be used for most every situation. That's what search engines are — tools that can be used to give you rough results or get a job done quickly. It doesn't matter whether it's the perfect tool — it just gets the job done.

For many years, I've used Altavista (<http://www.altavista.com>) as my general purpose search engine. It is fast and up-to-date. Lately, though, its search screen has become so cluttered with ads and extraneous material that I've found it difficult to use. I've found myself switching to Google (<http://www.google.com>), a new search engine that is lightning fast and has spartan, uncluttered screens.

Ask others who use the Internet regularly what search engines they use. Among the major search engines that most people use: AltaVista (<http://www.altavista.com>), Excite (<http://www.excite.com>), Google (<http://www.google.com>), HotBot (<http://www.hotbot.com>), NorthernLight (<http://www.northernlight.com>) and Snap (<http://www.snap.com>). Google and NorthernLight have recently become popular among Internet experts I know.

2. Remember the MetaSearch Engines. Sometimes a sledgehammer is the best tool. There are times when you don't care about sophistication and fine-tuning. When you just want results, metasearch engines may be

the best tools.

The idea is simple: metasearch engines simultaneously send search requests to multiple search engines and report and rank the answers for you. You get to search several search engines from a single starting point. In certain situations, this brute force method may quickly turn up the results you need. I tend to use it for searches on a very general topic or when I get frustrated over a lack of success in finding things. As I said, sometimes a sledgehammer is just the tool you want.

There are at least five metasearch engines to consider: Dogpile (<http://www.dogpile.com>), Mamma (<http://www.mamma.com>), Metacrawler (<http://www.metacrawler.com>), ProFusion (<http://www.profusion.com>), and SavvySearch (<http://www.savvysearch.com>). Try them out. There will probably be one or more that has a user interface or other features that will appeal to you.

Try New Search Engines. 1999 was a year in which several new and useful search engines appeared. I recommend trying new search engines when you hear about them. There may be something about how they approach the task of searching that really appeals to you.

Here are two examples. DirectHit (<http://www.directhit.com>) is a search engine that ranks results based on site popularity. The underlying theory is that the best sites get more traffic and have more sites linking to them. This theory may or may not be true, but in certain types of searches DirectHit may generate the most relevant results. AskJeeves (<http://www.askjeeves.com>) has become popular this past year. The metaphor is that "Jeeves" is your online butler who handles your requests. Its unique feature is that it allows you to ask plain language questions ("where do I find a list of largest medical malpractice verdicts?") and then generates a list of results based on that question. My experience with AskJeeves has been very uneven. There are times when the answers are uncannily correct and there are times when you wonder if Jeeves even "heard" your question.

Match Search Engines to Your Preferences. The key to using search engines is finding the one that best matches the way you work and the way you think. For example, AskJeeves's plain language interface can be an excellent tool for beginners. People familiar with the Boolean searches of Lexis or WestLaw (AND, OR, NOT, etc.) will prefer a search engine that provides a lot of advanced search tools. Metasearch engines can be great when you don't want to fool with nuances.

The good news is that with the number of search engines available you are likely to find one that feels comfortable and will wear well on you. If you just want the facts, the simple interface of Google may appeal to you. If you want your search engine to make suggestions and give you a lot of options, Excite or Altavista may be just the ticket. The goal is to find what you need to find in the best way you can.

Keep in Mind What You Are Looking For. Search engines have limitations. They should be used for limited purposes. Ultimately, what I am looking for when I search for anything is either an official site or a well-tended, comprehensive site put together by someone who really knows the subject matter. Those types of sites are my real targets when I use a search engine because I know that once I reach those sites, someone has collected the best sites and reviewed the information available on the Internet. In other words, I'm closer to finding information that I can trust, always an issue on the Internet.

You'll have your best luck with search engines if you use them to help you find these gateway and expert sites rather than simply using search engines to find specific answers.

Conclusion.

Experts will tell you that nothing is more important than selecting the right tools for the job at hand. Legal research on the Internet is no exception. Adding the resources I've listed above to your Internet toolbox and

[spending some time getting familiar with them will quickly make the Internet a much more useful place for you.](#)

[Earlier versions of this article appeared in the March 15, 1999 issue of The Indiana Lawyer and the July 12, 1999 issue of Missouri Lawyers Weekly.](#)

Great Internet Resources on Extranets

Extranets are essentially either secure, private parts of your web site that may be accessed only by permitted parties or they are portions of your intranet that can be accessed from outside by permitted parties. In practice, what you see is a portion of a web site that requires a password for entry and allows you access to information, including internal information like billing statements and documents, that other visitors to the web site simply cannot get. The result is a method to navigate with a browser to get information you need and the ability to share information within a tightly-defined group easily and securely.

Law firms are using extranets to create special areas for clients and co-counsel. Extranets can be found in widely-scattered mass tort litigation and other litigation involving cases and law firms around the country. Clients like being able to access drafts of documents, pleadings, memos, and time and billing records by looking at their law firm's extranet site.

Want to learn more? Here are some places to start:

What is an extranet? (definition) - <http://whatis.com/extranet.htm> (Note: the "Whatis" site is a great resource for basic explanations of technical concepts)

[Extranet Resource Center - http://pw2.netcom.com/~bakerpub/extranet/extranet.html](http://pw2.netcom.com/~bakerpub/extranet/extranet.html)

Extranet - PC Webopedia - <http://webopedia.internet.com/TERM/e/extranet.html>

Extranet: A Reference Page - <http://www.netg.se/~kerfor/extranet.htm>

Extranets: Creating the Collaborative Law Practice (by Richard Granat and David Levine) - <http://www.digital-lawyer.com/Extranets.htm>

Extraordinary Extranets - <http://webreference.com/content/extranet/index.html>

The Law Practice Technology Center - <http://www.lptc.com> (the place to get a copy of Alston & Bird's "Pure Oxygen" intranet/extranet package)

[The Virtual Law Practice - http://idm.internet.com/features/legalnet.shtml](http://idm.internet.com/features/legalnet.shtml)

CIO Magazine's Extranet Resources - http://www.cio.com/forums/intranet/extranet_sites.html

[Extranet Planning Guide - www.intranetjournal.com/extranets/eplanningguide.html - Editors]

Specific Legal Extranet Solutions:

[LegalAnywhere \(now Niku\) - http://www.legalanywhere.com](http://www.legalanywhere.com)

[TrialNet - http://www.trialnet.com](http://www.trialnet.com)

[NetTech's extranet resources - http://www.nettechinc.com/extranetr.htm](http://www.nettechinc.com/extranetr.htm)

[An earlier version of this article appeared in the April 1, 1998 issue of the Legal Technology Strategies](#)

[Newsletter.](#)

Chapter 8. Palm Computing Lessons.

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Six Reasons for the Popularity of Palm Computing Devices

The future of computing may be in the palm of your hand. A Palm computing device may permit you to work in the way that you like to work and not the way a computer or its software makes you work.

Many attorneys rely on calendars, daily planners, address books and legal pads. Others rely on notes scribbled on scraps of paper and stuffed into their pockets or purses. Carrying and managing these items can become a burden. Other times, an attorney may want to access e-mail or perform simple word processing or other functions without hauling around a notebook computer.

A Palm computing device (the PalmPilot, Palm III, Palm IIIx, Palm V, Palm VII, Visor and others) is a very small handheld computer that runs the Palm operating system (OS). A Palm device can digitize and consolidate the information in your address book and planner and let you perform many other tasks. By design, it in fact fits into the palm of your hand and into a shirt pocket. Many of you have seen other attorneys carrying these devices. In fact, over 3 million of these devices have already been sold.

This device has pen-based input and lets you store and manage notes, to-do lists, addresses and contact information, your calendar and even e-mail. And, this is the key point, information stored on the Palm device can be easily synchronized with information on your home or business computer.

A Palm device can benefit many attorneys, especially those who spend a lot of time on the go and who rely on calendars and to-do lists. I've consistently been surprised at useful my Palm IIIx has become and the power that it holds.

I see six factors for the Palm devices' popularity (in addition to simple "gadget chic" or the "gee whiz" factor):

1. It Does A Limited Number Of Things But It Does Them Very Well And Very Quickly. One of the big complaints about today's software is that programs tend to have "feature bloat." The typical user uses only a fraction of the features of any software and many programs are slow-loading monsters. The Palm devices are truly "instant on" and take you to the application of your choice as soon as you hit the "on" button. No need to go get a cup of coffee while first Windows 95, 98 or NT, then Word or WordPerfect, load. Your Palm device will have the standard features you want and the simplicity to be used on a quick basis whenever you need it.

2. You Can Synchronize Data With Your Home Or Business Computer. When you meet someone, you can enter the contact information immediately into your Palm device. You can even "beam" information by infrared waves with another Palm device user (Palm III or later). When you get back to the office, you slip the unit into its "cradle," push the "hot sync" button (literally a one-button process) and the information is added to the address book on your office computer and any new information your secretary added to the office address book is downloaded into your Palm device at the same time. The same for notes. Didn't get the chance to read all your e-mail before you left the office? Download your e-mail into your Palm device and take it home and read it at your leisure.

3. Because Of The Large Installed Base, Software Developers Are Writing New Programs For The

Palm Devices. There has been an explosion of new software for Palm devices, from productivity software to games, which have added new feature and enhanced the value of the Palm devices. There are over 4,000 Palm programs and new programs allow you to import your documents and spreadsheets into your Palm device and read them at home. Don't want to read your own documents? Books, articles, the Constitution and Bankruptcy Code, among other things, can be downloaded into your Palm device, making it an electronic book.

4. It Is Priced Sensibly. The Palm IIIx, which I use, can be found at mail order houses for under \$300. The more expensive Palm V (less memory, but a more stylish look than the IIIx) costs less than \$400. The brand new Palm VII, with a built-in wireless modem costs around \$600, but connection costs may eat you alive. The good news is that Handspring's new Visor runs the Palm OS and is priced in the \$200 — 250 range and we should see some downward movement in the Palm III, V and VII family.

5. It Actually Fits Into A Shirt Pocket. Because it is small, lightweight and legitimately fits into a shirt pocket, you really can take the Palm devices anywhere, greatly increasing its utility and value. This "always-with-you" factor is key to its utility.

6. The Batteries Really Do Last a Long Time. I experimented with a Windows CE palm-sized PC and found that my batteries went dead even if I didn't use the unit for a while. Devices with color screens are notorious for short battery life. The Palm devices give you bang for your buck on batteries. Most Palm device users seem to get about two months of battery life with normal use on a set of AAA batteries.

Owners of the early Palm Pilots have loved them and I'm quickly learning why. There are Palm web pages, e-mail mailing lists and user groups. It's great to see people so excited about a product that they feel enhances their productivity. I'm reminded of the excitement of the early Macintosh community.

A Palm device, however, is not perfect. It has limited functionality and you'll want to keep that in mind. If you see your Palm device as an "extension" of your computer and not as a "replacement" for it, you will be happy with your results. The big issue is that data entry is pen-based. There is no keyboard, although there are third-party keyboards for about \$80. You can input data either by using a pen to pick out keys on a keyboard image on the screen or, as most do, by learning "Graffiti," the Palm handwriting recognition program. In essence, Graffiti is a form of shorthand. It can be learned fairly easily, but it takes time for you to become proficient. It forces you to learn a new method of writing rather than attempting to recognize your normal handwriting. Another program called "Jot" is available which allows you to use a more natural approach.

The Palm devices are ideally suited for people who rely heavily on calendars and to do lists, use their address books and new contacts regularly and jot short notes to themselves. If you match that profile, I highly recommend that you take a look at the Palm devices. We are beyond the stage where these devices are only for gadgeteers. The Palm devices have excellent functionality for many lawyers right now and may be an inexpensive tool that fits your practice needs.

The Essential Palm Computing Software List For Lawyers, Version 2.0

One of the things that it is important to realize about Palm Computing is that while your Palm computing device will be quite functional out of the box, expect to spend another several hundred dollars getting it into the configuration that's best for you.

At least 4,000 programs have been written for the Palm devices. In fact, you can get access to over 3,100 of these programs on the CD-ROM that comes with David Pogue's indispensable book, [*PalmPilot: The Ultimate Guide \(Second Edition\)*](#). [It's not so much the case that the preloaded programs are inadequate but that there are better versions of many of the standard programs. A Palm device is a productivity device and](#)

one that can be programmed in ways that reflect the ways you work best. Most of the "I wish I could do X" thoughts you will have can be resolved by a program already in existence.

Another key point to keep in mind always is that a Palm device is an "extender" of your desktop and notebook computer, not a "replacement" for them. Keep that firmly in mind and you will not be disappointed with a Palm device, but will begin to revel in its power.

Here is a list of essential Palm programs:

Desktop to Go (<http://www.dataviz.com>) - You absolutely want to be able to synchronize your desktop e-mail and calendaring packages (Outlook, Notes, GroupWise, et al.) with your Palm device. Desktop to Go (\$49.95) allowed me to make a few choices and then ported over 500 contacts and personal and public calendar information from Outlook to my Palm IIIx and took additional info from the Palm and placed it in Outlook. Because of the power and utility of this type of synchronization, you want to have a powerful program that will handle the task. I simply would not leave this operation to the Palm's built-in functionality. There are also other products in this category, like Puma's Intellisync (<http://www.pumatech.com>) (\$69.95), that have been well-reviewed.

SynCalc or RPN - The built-in Palm calculator is a bit toy-like. You'll want to replace with one that gives you more functionality and, most likely, financial functions. SynCalc (\$17.95) is a popular choice. If you are a Hewlett Packard user, as I am, RPN (\$15 shareware) with the HP "reverse Polish notation" (you either love it or you hate it) is a must.

A Doc Reader - Doc readers turn your Palm into an electronic book. Many books and other documents are available in Doc format (conceptually, it's like PDF files, read-only). You'll need a Doc reader to read them (conceptually, they're like the Adobe Acrobat reader). I like AportisDoc Mobile Edition 2.1 (<http://www.aportis.com>) (\$30). TealDoc (<http://www.tealpoint.com>) (\$16.95) is another excellent example of the category. The widely-praised Documents to Go (\$39.95) from Dataviz (<http://www.dataviz.com>) enables you to transfer your own word processing documents and spreadsheets to your Palm device. I've liked what I've seen with Documents to Go.

AvantGo - Simply put, AvantGo allows you to grab information from the Internet and pull it down to your Palm device whenever you hot sync. In essence, you can get news updates from the Wall Street Journal, USA Today and a variety of other "channel providers." You received stripped down info (no graphics). Very handy for grabbing news, sports scores and stock info. Using AvantGo makes it very easy to run up against the 2 megabyte storage barrier and will make you wish you had opted for the 8 megabyte device. Free and essential. (<http://www.avantgo.com>)

Hackmaster - Hackmaster is the building block for a variety of "hacks," which are programs that work on the underlying Palm system and change a variety of features. Hacks can change screen highlighting, save battery life and do many, many other things. Hackmaster, free, is essential for any of the hacks.

BrainForest - BrainForest is my favorite program in the "outliner" category. Outliners really reflect the way most lawyers work. BrainForest may be the one program that convinces lawyers of the utility of the Palm devices. \$39. (<http://www.aportis.com>)

BackupBuddyNG — Excellent backup utility. I feel much better with Backup Buddy on the job. \$20. (<http://www.backupbuddy.com>).

Worthy of Special Consideration.

You are likely to find that one or more of the built-in Palm apps will disappoint you in some way. You might

want more calendar views. You might want to show to-dos on the same page as your calendar. You might want to be able to add drawings to your memos. You may have difficulty with the Graffiti handwriting recognition software. Here are some of the replacements to consider:

Action Names - A calendar program that gives you a number of helpful views (weekly, etc.) and places to-dos on the same page as your calendar appointments. (<http://www.iambic.com>) (\$19.95). Datebk3 (<http://www.gorilla-haven.org/pimlico/>) is another excellent calendar replacement with tons of features.

SuperNames - I like the graphic file folder metaphor, so SuperNames is a welcome replacement for the address book. Each letter of the alphabet has a separate file folder and it's much easier to navigate your contacts. If you are importing hundreds or thousands of contacts, ease of navigation can be important. (<http://www.standalone.com>) (\$34.95)

Jot - I really like Graffiti, the built-in handwriting recognition system. What some people see as its limitations, I see as benefits. This split of opinion, by the way, is typical for Palm users. The beauty of Palm devices is that you can configure them to work in the way that you work best. Jot is the most popular replacement for Graffiti. The key points: with Jot, you can write on the entire screen and you can write your letters more "naturally." (<http://www.cic.com>) (\$40)

Launcher III - The standard Palm home screen is adequate. Launcher III replaces it with a more friendly, to me, graphic file metaphor and shows time, battery and memory information in a helpful way. I really like this program. Freeware.

Checkit - A surprisingly useful application. Occasionally, you have checklists that you use over and over. You want to check items off, but still see the whole list, then blank the checkboxes and reuse the checklist. That's what Checkit does. Very nice app. \$8. (<http://www.aho.ch/checkit>)

Games - Sometimes you have time to kill and don't want to be productive. Your needs will vary. I like PocketChess, although it's humbling to find that it is a Palm IIIx, rather than IBM's Big Blue program, that can beat me consistently. Free (<http://www.eskimo.com/~scottlu>).

Lefty - In essence, a hack to optimize the Palm for left-handed people. I can't really point to anything that it has enhanced for me, but we lefties loved to have our uniqueness considered. (<http://www.strout.net>)

As you might have guessed, almost all Palm software is available in demo or evaluation formats. There are lots of shareware and freeware programs. You will normally be downloading programs from the Internet.

Bonus:

Cases - It's comical how much time can be spent talking about the "right" case for a Palm device. I am convinced that the Palm becomes most useful when it is with you at all times. I wanted a case to wear on my belt on casual days and non-work days when I am wearing a shirt without a pocket. My answer: the Rhino Pak 1000, which gives you a kind of contemporary, outdoorsy, utilitarian feel. \$19.95 (<http://www.rhinoskin.com>).

Great Palm Computing Resources For Lawyers

I've been scouring the Net for great Palm computing resources. Here are some of the best resources I've found:

PalmLaw.com (<http://www.palmlaw.com>) - As best as I can tell, this site was the first, and, until recently,

only comprehensive Palm site for lawyers. It contains quite a few useful resources and links, especially to legal Docs.

NetTech's Palm Resources for Lawyers Web Page (<http://www.nettechinc.com/palm.htm>) — I was involved in the start-up of this useful list of the Palm resources for lawyers. It collects most of the resources I've found and collects a number of useful articles.

Bruce Dorner's Palm article (<http://www.nettechinc.com/dorner01.htm>) - Bruce originally wrote this article for Lawyers Weekly USA. This article will definitely make you think about the potential of Palm computing for technophobic lawyers.

Alan Steinberg's online seminar (<http://www.legalspan.net//insessions/speakers/0007.asp>) - I was there when Alan taped this seminar. It's a very practical discussion of how a practicing lawyer uses a PalmPilot. It was taped before the Palm IIIx, V and VII were released and you will want to take that into account, but it's an excellent intro to Palm computing. Also worth finding: the audiotape of Alan's Palm presentation at TechShow 99. Alan's other Palm materials can be found on his web site (<http://www.steinberglaw.com>).

3Com's Official Web Site (<http://www.palm.com>) - "Official" web sites tend to be disappointing, but this one is an exception. There's a lot of great info here.

PalmCentral (<http://www.palmcentral.com>) - A comprehensive site with lots and lots of great features and resources. An essential software resource.

ZDNet's Palm Resources (<http://www.zdnet.com/products/pdauser/palm.htm>) - A great "all you can eat" resource - reviews, software downloads, news, articles.

Gadgeteer (<http://www.gadgeteer.com>) - A great source of reviews. Opinionated and highly personal. Great reviews of cases. Essential!

PilotGear.com (<http://www.pilotgear.com/>) - Another excellent comprehensive resource for finding software and accessories.

Palm Power Magazine (<http://www.palmpower.com>) - I rely on magazine web sites for news, reviews and other info. Here's a good one.

Tap Magazine (<http://www.tapmagazine.com>) — The web site for a great print magazine on Palm computing.

Palm InfoCenter (<http://www.palminfocenter.com>) — A comprehensive one-stop shop of Palm related developments, articles and information.

Great Print Resources

David Pogue, *PalmPilot: The Ultimate Guide* (Second Edition) (O'Reilly 1999). An indispensable and essential resource for every Palm device owner.

Jeff Beard's great "24 Things You Can Do with a Palm Connected Organizer" article in the October/November 1999 issue of *Law Office Computing*

Tap Magazine

Note: I keep a list of useful Palm computing resources at <http://www.denniskennedy.com/palm.htm>.

BRAINFOREST: A REVIEW

I recently shared the podium with Cliff Holleran, an attorney and innovative technology user in Fort Wayne, Indiana, at a presentation on litigation technology to the Indiana State Bar. While I was talking about all the cool new dedicated litigation software that is now available, Cliff was making an excellent case for using tools like outliners for similar purposes because lawyers are used to making outlines.

I was thinking about his points because one of my pet projects is helping people get more use out of the programs they already own and Cliff had given me some good ideas. I then started to look at the outliners available for the Palm. The light went on.

I want the Palm to be a way for me to record ideas, sketch out ideas for articles and presentations, and to jot down ideas that I can develop from time to time. My initial thought was that the memo pad function of the Palm would do the trick. But it didn't. I decided to look at outliners.

There seem to be three major outliners for the Palm platform: BrainForest, ThoughtMill and Arranger. As with all Palm software, one may fit the way your work better than others do. I really believe that every attorney will want to test one or more of these programs.

BrainForest is my favorite. It is a classic outliner tool that allows you to create outlines with collapsible and expandable subsections (called "branches" and "leaves" in the BrainForest metaphor). You can highlight subsections and "drag and drop" the subsections into new places and change priorities. Double tapping on a subsection will open it to reveal all of the details of that subsection.

BrainForest places a triangle in front of sections that can be expanded. Tap in the triangle and the section expands to show details. Tap again and the section closes up. Don't like the outline number system? You can easily switch to other numbering and lettering choices.

BrainForest can shift into a "to do" mode that will allow you to create sophisticated to do lists and check off items as you complete them. A project mode will even allow you to list the "percentage completed" on the project.

It's a classic example of the Palm as PC extender, not replacement. I can jot down ideas for articles quickly and put together an outline. I can export an outline out of BrainForest into a "to do" or memo format and sync it to my PC and easily use it. More important, I can record and organize ideas as I have them, add new ideas when I want and reorganize the outline whenever I have a few minutes.

BrainForest seems like a great tool for lawyers to work on arguments, briefs and presentations and get down their thoughts on the fly when they have a few minutes free.

BrainForest is a powerful and easy-to-use tool that should be in every Palm lawyer's toolbox. Find out more at <http://www.aportis.com>.

Information Appliances: Alternatives to Palm Computing Devices

Palm computing devices seem ideally suited for people who rely heavily on calendars and to do lists, use their address books and new contacts regularly and jot short notes to themselves. If you match that profile, I highly recommend that you take a look at the Palm devices as a way to consolidate those items.

Other people don't quite match that profile and may want something with the functionality of a Palm device, but that gives them greater ease of entering data, taking extended notes and creating first drafts and outlines. Others may have specific needs that particular Palm devices do not address. Others may simply want color screens. Still others may want to add functionality to a device, such as a cellular phone or pager, that they already carry.

Internet appliances are starting to reflect the ways that people actually work. Your job will soon become one of matching how you work best with an information appliance rather than accommodating your work style to that of a particular machine.

For example, the Phillips Nino has the Palm functionality and size, but has a more stylish (to me) design and a built-in digital voice recorder. If you like to dictate, the voice recorder may be a great addition. You don't have to carry a separate recorder and tapes. Other companies have added features that may appeal to specific users. For example, Symbol Technologies has created a Palm III with a built-in bar code scanner.

Not all information appliances are palm-sized. Another type of information appliance has a larger screen and a keyboard built-in. Historically, these keyboards have been tiny and, at best, they are at least "suit pocket sized" devices. They are not nearly as handy, small and lightweight as the Palm devices. This category of computer, commonly called "handheld PCs", tends to cost about two to three times as much as a Palm device, or not much less than a bargain basement notebook computer. You typically get more functionality, a keyboard and a larger screen than you get with a Palm device, but there are tradeoffs to be made and sales are small compared to the Palm devices.

New developments have made this category far more interesting. Keyboard design, ergonomics and size have improved. Screens are bigger and better. Some of the handhelds have screens is about half the size of small notebook computer screens.

The most important handheld development, however, is probably Windows CE. [The latest version of Windows CE has been dubbed "PocketPC." - Editors] Windows CE, in simplest terms, is a stripped-down version of Windows (it looks like Windows 95) which is designed to run on these small computers, on TV controllers and other devices. In addition, to providing a Windows "look and feel", Windows CE allows these devices to run "pocket" versions of Word, Excel, PowerPoint, Outlook and Internet Explorer, which have basic functionality but limited features. For example, you can play PowerPoint presentations and connect to a projector, but you cannot edit the presentation. You simply download your presentation from your computer into your handheld PC before the presentation and run it at the meeting room. One caveat: CE devices seem to eat batteries.

In some ways, the handheld PCs are in a pricing "no man's land." For a few hundred dollars more you can find a decent laptop computer and there is talk of laptops below \$1,000 by the end of the year. On the other hand, if what you use a computer for, especially on the road, is simple word processing, PowerPoint presentations, e-mail and some Internet access. If you've ever lugged any laptop computer a half mile through an airport, you'll appreciate the benefits of a small and lightweight computer that gives you the functionality you need.

For the many non-typists out there, Cross, the pen maker makes the CrossPad. It looks just like a pad of paper and lets you take notes on a touch screen. It uses handwriting recognition software and can store up to 50 pages at a time. Think about how you work. If you attend meetings and take a lot of notes, consider the benefits of a product that would allow you to upload those handwritten notes simply into you main computer. The CrossPad can be found for about \$300. Most people I've talked to who have used a CrossPad love the concept but think that Cross is a generation or two away from perfecting the technology.

Apple users have long had the option of using the Newton, which was a pioneer device in this category, and

was one of the first to use handwriting recognition. Apple recently pulled the plug on the Newton, but there is a devoted core group of users and, if there is discounting, a close out Newton might be an attractive option, especially for Macintosh users.

In another development, companies like Nokia are building keyboards and limited computer functionality into cellular phones. Nokia recently licensed the Palm OS. Expect to see Palm-like functionality being built into phones, pagers and related devices.

Another exciting new development will be the "web pads." Web pads are tablet-sized flat touch screens with built-in browsers that allow you to access the Internet. Some will be cordless. You can sit in your chair and be on the Internet instantly. Look also for developments in TV set-top devices and even video gaming units.

These devices may allow you to argue that you are in fact working productively while lounging by the pool or in the recliner on Sunday afternoons during football season. I am more intrigued, however, by the opportunities they present to reflect the way that you work best, rather than forcing you into a certain mold.

We are in the relatively early stages of development of this category and exciting developments are yet to come. Some experts predict that by 2001 we will be buying more information appliances than PCs. We are beyond the stage where these devices had appeal only to gadgeteers, but there are still some quirks out there before the product market matures. All of the devices, however, have functionality for lawyers right now and may fit your practice needs. The Palm devices clearly dominate the market and, for most, a Palm unit would be the device of choice. But think about the way you work best and you may find an information appliance that fits your work style and becomes a true productivity tool.

Chapter 10. Software Lessons.

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Why Lawyers Don't Choose Case Management Software

Take a minute and try this exercise: add up the time you spend looking for files, looking for misfiled information, designing filing and calendaring systems and digging through the rubble on your desk in the average day. (As a starting point, the average person spends sixteen minutes a day just looking for lost items.) Multiply that by the number of days you work in a year. Multiply that times your hourly billing rate. Ponder that amount.

Lawyers spend an inordinate amount of time looking for information and attending to administrative details. And, if time is money, lawyers should be adopting ways to decrease the amount of unproductive time they spend.

If there were a way to keep your files constantly accessible to you and your staff, to organize your client information, to reduce paper and clutter, to streamline intake and retrieval of information, to generate reports that give you meaningful information about your practice and to keep information at your fingertips, you would probably stand in line to sign up for it. Case management software offers all these potential benefits, and more. Yet, after many years, many seminars and many consultants, many lawyers and law firms [and corporate legal departments — Editors] have not adopted these programs.

Let's consider the reasons that lawyers give for not using case management software.

1. "I Don't Know What It Is." I've been surprised by the number of lawyers who have told me that "Someone told me that I need case management software, but I really don't know what it is." Part of the

reason for this is that the term "case management" has a litigation feel to it and non-litigators struggle a bit with the concept. Think of it as "practice management" or, better, "matter management."

Every lawyer has some kind of system for dealing with ongoing matters and dormant or closed matters. Typically, that system involves file folders, filing cabinets and papers stacked in piles on their desks and in their offices. Information retrieval typically involves memory, knowledge of an individual filing system, a byzantine numbering system, and lots of scrambling around to find items.

Case management software automates that administrative process. It makes information available to people who do not physically control the file, makes it possible to update and modify information easily, and, most important, makes it easier to find information quickly when you need it. In the more sophisticated programs, you can also integrate timekeeping, billing, accounting and even document management into a single package. As a result, accessing the case management program when a client or opposing counsel calls can immediately bring to your computer screen the information you need to address the issue at hand.

2. "It Costs Too Much." I've heard this comment from lawyers about programs costing \$295 as well as about programs costing thousands of dollars. I'm sympathetic to it because I've noticed that most firms have had at least one horrendous, money-wasting experience with technology in the last ten years and are, for good reason, gun shy. Focusing solely on the costs of the program, however, is the wrong approach when considering case management software.

Instead, you will want to analyze this software requires on a "return on investment" basis. If you bill on an hourly basis, your income is limited by the number of hours you can bill. If you use value billing, the more efficiently you can work, the more profit you'll make on each transaction. In either model, recovering lost or unproductive hours will bring you a meaningful return.

On a conservative basis, cutting in half the time you spend simply looking for lost documents alone probably recovers \$5,000 of time per year for the average lawyer. Case management software also offers other efficiencies and the costs and benefits can be quantified. You can make a meaningful decision based on how long it will take for the software to "pay for itself." In firms of 50, 100 or more lawyers, these economics will involve large, meaningful numbers.

Not surprisingly, lawyers starting a firm clearly see the benefits of a case management solution. If a solo can use case management software to help run a practice and avoid hiring a secretary (or can hire a paralegal who is billable rather than a secretary), those savings alone may make for an easy decision. In larger firms, simply reducing or holding the line of staff hiring may economically justify a move to a case management system.

3. "It's Too Complicated." I recently watched a demonstration of two case management programs for small firms in which the ability to enter information in six different ways was touted as a great feature. Wrong! Giving lawyers too many choices results in a training nightmare. Lawyers want to be able to use a program easily, to access the information they want simply and not be confronted with a computer screen that looks like the controls of an F-18 fighter jet.

Consultants and sales reps are too often guilty of describing an overwhelming vision of case management — all documents scanned, no paper, no filing cabinets, client files appearing on your screen as you pick up the phone. This overemphasis on the "gee-whiz" simply overwhelms many lawyers who see instead a future in which they are constantly trying to learn how to drive the software and never practicing law.

Each lawyer, however, if he or she thinks about it, can identify one to three administrative issues that, if they could be made available or eliminated, would dramatically improve his or her practice. Some examples: having accounting and timekeeping information immediately available when an opposing counsel calls with a settlement offer, having a list of all cases involving the same opposing counsel, judge or arbitrator, having a

chronology of all contacts with a client readily available, or having the ability to do a mailing to all clients whose wills are older than two years.

Many case management products produce exactly this result and often give you the ability to enter data about a client or individual once and have it appear in a firm address book, in time, billing and accounting and in case and matter management. You do not need to make changes in 3 or 4 separate programs.

That simple feature really sold us and has sold many others. The point to remember: focus on your needs, not on the bells and whistles. In many cases, less is more and simpler is better. If the program can do the one or two things that you think are most important in a simple enough fashion, you probably won't find the program very complex after all.

4. "It Doesn't Match My Needs." Last year at the ABA's TechShow, I counted 25 vendors who offered some form of case management software. Some were general packages. Some were designed for small firms and some for large firms. Some were designed for specific practice areas or types of firms, such as plaintiff's personal injury firms.

Unless you work in a specific practice area that may be covered by a particular product or two, it is difficult to evaluate choices meaningfully. As I've mentioned the term "case management" lends itself to the work of trial lawyers and you may notice that some programs take that approach. If, for example, you do estate planning, "matters" really won't mean much because every client has the same matter. A demonstration of the software that focuses on the features of the software rather than its benefit to your practice will leave you with the feeling that the software is not for you.

Some case management software allows for a degree of customization. In addition to reading reviews and talking to others who use the product who have a similar practice, the ability to do some customization should be an important factor. If you also do a good job of identifying what the program can do to help you in your practice and insist on finding a program that will do that, I think you'll find programs that do meet your needs.

5. "I'm Too Busy." Time is money, after all. And why are you so busy? If the reason is because you are looking for documents or practicing in an inefficient matter, you may want to make some time to consider case management. For example, do you routinely work ten and twelve hour days that result in six to eight billable hours?

If you are too busy because of workflow, then case management software can really help you in handling that inflow of new work. Because case management information can be accessed remotely or even transferred to a Palm computing device, some lawyers have found that the software can help them avoid going to the office on weekends.

Again, the issue is one of identifying the barriers that keep you from working well and seeing if case management software can help you on those specific issues. Sometimes the simpler changes can bring the biggest benefits.

6. "I'll Become A Slave To The Software." You may have even experienced this at home with Quicken. This reaction is a reasonable one. After all, for better or worse, you have developed a system of organization that's gotten you to where you are today. You want to practice law, not organization.

Sometimes I've found that this reason masks another reason. Lawyers can be embarrassed by their lack of technological savvy, the mayhem that passes for a "system" of organization in their offices or their utter dependence on a secretary who knows the system. In fact, it's interesting to see how the possible loss of a long-time secretary motivate lawyers to consider case management software. You will get your best results if you analyze your current methods as part of introducing case management software.

Another legitimate concern is the amount of time it may take to convert existing systems and transfer data into new case management software. Won't you be running a paper system and a computer system in parallel, at least for a while? Consider these issues in your return on investment analysis.

Finally, the closer a case management software program can mimic or adapt to your existing methods, the better a candidate it is for you. Again, customization may be an important consideration and worth additional expense. Your software should help you practice law better, not make you an expert on using the software.

7. "I'll Lose Money If I'm More Efficient." The villain here is hourly billing practices. What if I become 20 to 40% more efficient? Won't that simply mean that I'll make 20 to 40% less per year? Why would I want to do that?

Clients have not yet started to make lawyers pay for inefficiency. That tide is turning. As we see the rise of non-traditional competition and competition from law firms leveraging technology, there will be increasing downward pressure on the fees charged for standard legal services.

Case management software offers ways to deal with a higher volume, lower margin practice. It also can help you use information you have to strengthen personal relationships with clients (e.g., your software automatically reminds you of a client's birthday or gives you a list of clients you haven't talked with for over 6 months) or to track and identify sources of new clients (e.g., what clients reported that they came to you because of an ad you placed). A decision to use case management software will force you to look at your billing practices and what the alternatives are.

More important, this objection is based on the assumption that the time savings you find will eliminate billable hours. In fact, it's likely to eliminate non-productive time that probably was not being billed anyway. How often do clients get a statement with an entry like: "tore apart office looking for piece of paper that had notes regarding bank accounts; finally found it buried in papers on desk after third try: 3.5 hours"?

Conclusion: There is a grain of truth in most of the common objections to case management. On closer examination, however, the objections tend to dissolve. If you can focus on your most important needs and the simplest steps that will bring you the most benefits, case management software will bring you meaningful and measurable business results and financial benefits. That's the whole point for bringing technology into your practice. Take a look at the programs out there today and what their capabilities and strengths are. Identify what your needs are. Then look at case management software. Your life may get a little easier.

Remote Access to Your Files and E-mail

How many times have you found yourself at home or on the road wishing that you had access to your files and your e-mail on your office computer? How many times have you arrived at your office in the morning only to realize that the work you had done the night before was still on your home computer?

Access to your files and e-mail from any location has become a necessity in the contemporary practice of law. The good news is that it is no longer a luxury available to the most technologically-advanced lawyers. You have a variety of easy-to-implement methods to access your files and e-mail from other computers in other locations.

1. The Old Standard: Floppy Disk. The simplest way to have your computer files available at home, on the road and in the office is to copy the files you want onto a floppy disk and take it with you. This method is cheap and easy, especially since the "send to" function in Windows 95 makes copying files to a floppy disk very simple.

There are, however, a few drawbacks with the floppy disk strategy.

Space Limitations. As file sizes have increased, it has become much easier to fill a floppy disk and more common to find that your files take up space on several disks.

Management. I counted seventeen floppy disks in my briefcase this morning. If you use floppy disks to transfer data, you need to do a good job of labeling and managing your disks and keeping them in a place where you can find them.

Reliability. One of the reasons I have seventeen floppy disks in my briefcase is that I used to use a single floppy disk to transfer data between home and office. The failure rate of floppy disks was much higher than I could tolerate and now I make multiple copies.

2. Removable Media: Zip and Other Drives. The newer removable storage media like Iomega's Zip and Jazz drives (<http://www.iomega.com/>), Syquest's Sparq drive (<http://www.syquest.com/>) and Imation's SuperDisk drive (<http://www.imation.com/>) offer a number of advantages over floppy disks. First and foremost, they allow you to store more information on a disk, ranging from 100 megabytes on a zip disk to more than a gigabyte on other types of disks. These drives read data much faster than can a floppy disk drive, are designed to be portable and can be simply connected to the parallel port of any computer.

Removable media drives are inexpensive (\$100-\$300). The disks range from about \$10 to \$50 and have a reputation for greater durability than floppy disks.

[Consider recordable CD-ROM as an alternative. CD-ROM recorders, including portable ones, are readily available. Hewlett Packard's M820e (\$384) is one that can be used with a laptop. Most computers have the ability to read from a CD-ROM, blank recordable disks are extremely affordable and reliable, and they hold a tremendous amount of data. In fact, they are a viable method of backing up large amounts of data as well as transferring data. — Editors]

3. Remote Control: pcAnywhere, Carbon Copy and other software products. Floppy disks and removable media are a good solution as long as you remember which files you need to bring with you. They are not, however, a good choice for e-mail access.

There are a number of software programs, pcAnywhere (<http://www.symantec.com/pca/index.html>) being the example with which I am most familiar, that allow you to dial in to your office computer or network and essentially take over a computer in your office. The keyboard and the mouse you are using at home are literally controlling a computer in your office and your monitor shows what is happening on that office computer.

You will need to set up a host computer in your office with a modem which is configured with pcAnywhere or an equivalent product and have the program also installed on your laptop or home computer. You can then call the host computer in your office and retrieve information off of the computer's hard drive or your office network. You can work on files online or you can download files to your home computer, work on them and then upload them back to your office. Since you are using the computer in your office remotely, you have access to your e-mail and other programs on your network.

I like this method, but I have seen a few problems. Occasionally someone forgets to set the pcAnywhere computer to the host mode. A problem with the host computer wipes out outside access for everyone. You also might get a busy signal if someone else is already connected.

[Consider security risks from this type of access. Many network administrators will not allow remote control products to be installed on networked computers because anyone who can dial in to the host computer has the ability to access information on the network just as easily as someone in the office. — Editors]

4. E-mailing Files to Yourself. Many attorneys have both a "home" e-mail address and a "work" e-mail address. If you are one of them, you can take advantage of sending files as e-mail "attachments" as a way of making files available to you in other locations. "Attaching" a file is a method of sending a file along with an e-mail so that the e-mail recipient can retrieve the file.

If you are on the road, dialing in to your office through a product like pcAnywhere will involve long distance phone calls. If, on the other hand, you have your own America Online account, for example, you can e-mail the files you will need to work with while you are on the road to yourself at your America Online e-mail address before you leave on your trip. When you are ready to work on the files in your hotel room, you can simply call a local America Online access number, retrieve your e-mail, open the attachment and work on the file that you need. Similarly, your secretary could send you an e-mail with files you need attached to the e-mail.

A drawback to this approach is that sometimes files are very large and take a long time to download. You need to be familiar enough with e-mail to work with the attachment features of your e-mail program.

You can also access your office e-mail by automatically forwarding all your e-mail to your "home" e-mail address during your absence from the office.

5. Retrieving E-mail from Your Office. Recent developments may allow you to retrieve your e-mail over any Internet connection. My old law firm used Groupwise for e-mail and using Groupwise's "WebAccess" to retrieve and work with e-mail over the Internet. WebAccess allows a user to visit the firm's WebAccess web page using his or her own Internet service provider and browser, enter a user name and password and then have access to all of his or her e-mail. You can read e-mail, delete e-mail, respond to e-mail and organize your e-mail as you would in the office. Whatever actions you take over the Internet are then synchronized up with your office network. When you return to the office you will find that your e-mail program reflects everything you did over WebAccess.

I was very pleased with WebAccess, especially its convenience and cost savings on long distance. We had noticed recently that the vast majority of users were using PC Anywhere simply to check their e-mail. WebAccess gives our users flexibility and reduces traffic on our remote access modems. Check to see if there is something similar to WebAccess for your e-mail program.

Another great option for Palm computing device users is to download your e-mail into your Palm device. Using a software program like Desktop to Go or Intellisync, you can take your e-mail with you with the push of a button. You can then read your e-mail later, dispose of it and work on responses to be transferred from your Palm device back to your computer.

6. Outsourcing and Online "Briefcases". There have been some stories lately about several new ways to access your files and e-mail through the Internet by creating "virtual offices" on the Internet. You then upload files to a location on the Internet which you can access through a browser with password protection. One example is HotOffice (<http://www.hotoffice.com/>), which allows you not only to transfer files and work with all your e-mail, but to provide a whole range of Internet services for you and your clients.

A second product is the Visto (<http://www.visto.com/>) briefcase which again allows you to place files on the Internet, access them through a browser from wherever you are located and work with your e-mail.

Both of these services, and there are others, require a monthly fee and some set-up. Trial versions are available. However, since you are outsourcing these services, you will not have to buy special software or hardware that you will have to learn and maintain. Expect to see more of these services in the near future.

7. Extranets and Private Web Pages. You can also create private web pages or extranets to accomplish

[much of the same results as HotOffice or Visto. These approaches are especially interesting if you have concerns about outsourcing your confidential data to third parties.](#)

[In simplest terms, an extranet is a web site on the Internet that is accessible only to the people who you give access to it. An extranet allows your attorneys and certain clients limited access to a variety of different information, including internal office information. If you set up an extranet, you could make files available to your attorneys and allow them to retrieve e-mail and have access to a variety of information from any computer with an Internet connection. For the more technologically advanced, there are ways to enhance the security of extranets through "tunneling protocols" and the establishment of "virtual private networks."](#)

[More interesting to the average user, however, are products from companies like Legal Anywhere \[now Niku\] \(<http://www.legalanywhere.com/>\) which provide you with a basic extranet hosted by the company and contain most of the features you will want. The Legal Anywhere service is reasonably-priced and certainly worth looking into as a good solution for firms that do not want to create a custom extranet.](#)

Conclusions.

[There are a wide variety of options for lawyers to get access to their files and e-mail at home or on the road. I use four of these methods on a regular basis. Consider your needs, explore these different approaches and pick the ones that match the way you work and then break away from your office. Expanding your ability to have access to your files and e-mail can make your life easier and your practice more productive.](#)

[An earlier version of this article appeared in the June 15, 1998 issue of Lawyers Weekly USA.](#)

Chapter 16. Important Trends in Legal Technology

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Blessed Rage For Simplicity: The Most Important Trend In Technology?

[When you are around accomplished craftspeople for any period of time, you start to notice how easy their work seems to be for them. You also notice that they have a lot of tools, many of which you've never seen before, all of which seem perfectly suited for the task at hand. I'm often struck by the elegance of their function and how simple and well suited both to the task and to the individual doing the task they seem.](#)

[I've noticed this in a number of settings lately. The other day, I got on an elevator with a guy who was delivering five-gallon water bottles. He had a handcart that had a couple of shaped metal tubes that allowed him to slide the bottles securely onto the cart and unload them easily. He could also carry several more bottles than he could with a standard handcart. In fact, I tried to imagine how difficult it would be to hold these rounded bottles on a standard handcart and the time and effort that it would take to try to strap them on and keep them secure. I also pictured myself with a tipped handcart and the bottles rolling across the floor, something that would not happen with this specially-designed handcart.](#)

[But I also imagined a day when someone said, "here's what we need. Why don't we try welding some tubes onto a handcart so the bottles slide right in and don't fall out?" In fact, maybe one delivery person got so tired of bottles falling off that he or she welded the bars on a regular handcart. A simple idea makes a great tool. A better result comes from considering the user and the process and by limiting functionality rather than expanding it.](#)

[I was reading the story of the inventor of the PalmPilot and his efforts to make sure the first PalmPilot would work as he envisioned it. He focused not just on operating system and technical details. He also cut a block of](#)

[wood in the same dimensions as the PalmPilot and carried it around for months to make sure that it really worked as a shirt-pocket device. He wanted to understand the user experience. Thinking about this story will help you understand what a Palm device can and cannot do well.](#)

[We are moving toward a time when we have technology that fits our tasks rather than having our tasks fit our technology. In other words, I think all the talk about "information appliances" means something.](#)

[Part of what's driving this movement is the general sense that our lives, and our PCs in particular, have become too complicated and overwhelming. There's a movement toward simplicity in other technologies we use. Want fresh-baked bread? Push a button on your bread maker. Microwave ovens have one button to push for popcorn and cooking sensors for one-button cooking and reheating. As more intelligence gets built into products, they become easier to use. PCs have even more intelligence built into them, yet it seems that using them is getting harder and harder.](#)

[In part, there are, in a way, too many choices - Windows NT, Windows 2000, Windows 98, Windows 95, Macintosh, Novell, Linux, BeOS, WordPerfect, Word, 25 different case management programs, Palm, multiple product versions. You finally reach a state where you long for what Wallace Stevens once called a "blessed rage for order." How do you make sense of it?](#)

[We are trying to make our PCs and the standard programs we use perform tasks for which they are not optimally suited. Another part of the problem is that clearly the PC environment does not always work for the ways that we work. You see a lot of frustration, primarily focused on Microsoft.](#)

[Now, some people seem to deal with this issue by adopting an anti-Microsoft method of dealing with complexity. It goes like this: I don't care how much it inconveniences me, as long as I can avoid using Microsoft products, I am doing a good thing.](#)

[As a general rule, this kind of negativity gets you nowhere, in no small part because it does not focus on how you work.](#)

[I advocate another approach: a movement toward simplicity. Simplicity in the sense of what works best for the way you, not anyone else, work. And we are seeing some signs of that movement.](#)

[Windows can be a maddening environment, but I tend to like it. Microsoft has done some things that really work for me. I really like the right mouse button and knowing that I can click it and most of the things I want to do become available. Coming from a Macintosh background, I'll always prefer a graphic interface. I also like the fact that you get a lot of consistency in the interface. I never liked DOS and DOS programs where F7 would mean "enter" in one program, "print" in another and "exit" in a third. Even if you argue that it is easier to press one key than to use a mouse, that doesn't work for me. The good news, however, is that there doesn't have to be a right and a wrong.](#)

[How do you work? Learning to dictate for voice recognition does not make sense if you can type 100 words a minute and have an unusual accent. Learning to type is no solution if you can't type but can dictate 100 words per minute. "Simple" depends on how you work best.](#)

[How you work best can vary with each task. It now drives me crazy to wait for Windows to boot. Especially if all I want to do is enter a phone number, make a note to myself or jot down some ideas for an article. Here, the instant-on Palm device is perfect. When I want to write an article like this one, however, a Palm device is not the right tool. A handheld Windows CE device might be perfect for on-the-road presentations because it is so light and will run PowerPoint presentations. If you have to edit your presentation on the fly, however, it's the wrong tool.](#)

[Other examples? Bill Coplin, at NetTech, thinks that the "killer app" for attorneys will be the perfection of](#)

handwriting recognition on a device like the CrossPad because attorneys are so used to carrying legal pads. On the other hand, Bob Wiss and Greg Krehel at CaseSoft want CaseMap to "replace the legal pad." I'm excited by the cordless flat panel web appliances due out soon from Cyrix and others that will allow you to access the Internet while sitting in your favorite chair. My notion of the perfect simple device has full-time Internet connectivity.

The fact is that getting to simple is not so simple. In fact, the whole notion of simplicity is quite complex.

How do we begin to move to simplicity in our computer technology? I want to talk about four possible solutions, all of which open up the paradoxes of simplicity.

One solution is to create **simplicity through multiplicity**. There's always been a strand in predicting our technology future that focuses on making computers "ubiquitous." An excellent recent discussion on this point of view can be found in an article on MIT's Oxygen project by Michael Dertouzos in the August 1999 issue of Scientific American (<http://www.scientificamerican.com/1999/0899issue/0899dertouzos.html>). The notion is that we can make life easier and simpler by having many computers instead of one and scattering them all over our houses and offices and matching function to location. Lately, this notion includes the idea of having "Internet tone," just like dial tone, so we can plug into the Internet anywhere and anytime.

As an example, we might have a PC on the desk, a Palm in our pocket, an electronic phone book in a cell phone, an electronic book on the night table, and so on. The right tool will always be at hand because there will be many location- and function-specific devices.

This approach becomes more possible as hardware prices continue to drop. In my opinion, the Palm gives us a taste of this approach and it is an attractive one.

A second solution is to create **simplicity by standardizing on one interface** (and that interface might even be Windows). The most-talked about candidate is the browser. The browser is simple. What if we can use the browser as the main interface and treat all the information we use as if it were a series of web pages? Click on a hyperlink and access information anywhere and retrieved information from other programs or even get Java applets to do word processing and other functions.

This approach really appeals to me because I sometimes feel that I'm one of the half dozen people outside Microsoft who really likes browser integration in the operating system. Think about it: whether you are accessing files on your local computer, your network or the Internet, all you're doing is accessing files. Why use a different program? This approach to file access and management is so obvious and desirable to me that I literally cannot even understand the arguments to the contrary.

But the browser is not the only option. Look at is how you use your computer. In what program do you spend most of your day? It might be Outlook (check out Microsoft's Digital Dashboard initiative), ACT, a word processor, a PIM, a case management program, an e-mail program. An approach to simplicity would be to add functionality and access to your data to that program.

A third approach is to create **simplicity by limiting functionality**. Palm computing is one example. Another example is something like a Java-based approach that would allow you to grab as much functionality as you need at the time.

Here's an example. As I write these words, I'm looking at a screen that has shockingly close to 100 buttons and menu items on the screen as I simply type text. If I step back from writing and look at the screen, I feel a bit like a jet fighter pilot.

What if I could grab versions of a word processing program that gave me only the functionality I needed for the task at hand? A couple of fonts, spell checker, word counter. When I needed more functions, I could just

grab that specific functionality as, for example, a Java applet.

Or, maybe I could rent the additional functionality or even other programs only if I need them from an Internet-based service. Presumably, a limited-function version of our standard programs would run faster and cause fewer glitches.

A fourth approach is to create **simplicity through customization**. A custom approach tailored to how we work might require the underlying programming to be more complex, but what we will see and use will be much simpler - to us. It's going to be more expensive, and more work to set up and get right, but it gives us some interesting possibilities.

Consider this example. Think of a lawyer who doesn't want to use a computer, but when pushed, says that what really frustrates him or her about computers is that they can't do what would be most useful to him or her: calculating settlement figures. When an opposing party makes a settlement offer, it might take days and several people using several programs to put together disbursements, fee arrangements and the like into a form where the lawyer could decide whether the offer was "reasonable" or not. Far too often, these settlement calls come on a Saturday or after hours, at a time when the lawyer can not get any information. That lawyer might very well say that if you could give him or her one button to click on that would produce that information, he or she would immediately buy whatever technology that could make that happen *because the technology would solve the lawyer's business problem.*

A programmer might be able to give the lawyer that button to produce that customized result. Clicking on that button would set of a process, invisible to the lawyer, that pulled information transparently from a variety of underlying programs and then displayed the necessary result in an understandable and usable form.

Custom approaches are funny things. Most people have a reluctance to go that route. The upfront costs are certainly higher than off-the-shelf solutions, especially where you don't put a cost on frustration and wasted time. In this country, "custom" seems for many people to be synonymous with "decadent," or seen as a luxury.

On the other hand, custom can bring us closer to getting the right tool for the job, Just as the carpenter has a specialty router jig for certain cuts that saves a great deal of time, gets the job done right and allows the carpenter to enjoy the craft, a settlement calculator may do the same thing for a busy personal injury attorney. Ironically, the better the custom design and the more upfront work put into it, the more effortless and simple the results.

I'm fascinated by this notion of simplicity and the "complexity" that seems to underlie it. My friend Howard Smith is a serious cyclist (he owns 15 bikes) and was helping me buy a bike recently. He ended up building a bike that he thought would work best for me and I learned a lot during the process.

At one point, Howard introduced me by e-mail to Grant Peterson, something of a legend in bike design circles. We had an interesting discussion about handle bars and other things, all in the context of how I would actually use a bike. After I got my bike, I began to subscribe to Grant's great newsletter (<http://www.rivendellbicycles.com>). Even if you don't ride a bike, the newsletter is fascinating for the glimpse it gives into how a gifted designer sees things. Grant's comments on things outside the realm of cycling are often incisive and profound. Another great source of ideas about simplicity is Jakob Nielsen's writing on web design at <http://www.useit.com>. Both Peterson and Nielsen advocate a highly user-focused approach that moves you toward customization, where it makes sense, and lots of upfront effort in the design stage of a project. Both leave you with a sense of simplicity and effortlessness in the actual use of a bicycle or web site that you will want to apply in other areas.

There's a lot to think about on this subject. I recommend taking a look at the technology tools you use and

thinking about how they work for you and how they could better fit what you do. It's that aspect of simplicity that I would suggest that you focus on and make a guiding principle. Resist the urge to make a dislike of Bill Gates your motivating principle in making technology choices. You still may end up miles away from Microsoft, but do so in a way that reflects the way you work best.

The great news is that there are so many technology choices and so much power in those choices that we can come much closer to finding the tools that suit us best than we ever have before. And that trend is likely to continue. Paradoxically, it may be in more complexity and looking forward rather than backward, that we move to a simplicity most of us crave.

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