

How Computers Made Us Better Lawyers



ABA/Susan Dodge

BY JOSHUA STEIN

Most lawyers have no control over an important part of their job: the creation of paper. Because they won't touch a keyboard, they must rely on their secretaries and their word processing staff to convert scribbles on a yellow legal pad, musings on a dictation tape or markups of previous drafts into finished documents. They are captives of their secretaries and word processing staff.

Some lawyers are beginning to use desktop computers to escape

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this captivity. And word processing is only the beginning.

In the next five years, the personal computer will change the way you practice law—if you let it. Here are a few computer stories.

TAX ANALYSIS

A client wanted to know which of five tax alternatives for a real estate investment would produce the best results. Rather than prepare a complex memo attempting to describe the applicable law so the client's office could apply it (perhaps incorrectly), the lawyer loaded a spreadsheet package into his computer and prepared a detailed analysis of exactly how each alternative would work for this transaction. The client was delighted with the quick response.

On a Saturday morning the

owner of a shopping center received word that a *lis pendens* had just been filed against the property, which was to be sold on Monday. The plaintiff was contacted, and he agreed to attend the closing. The owner's attorney brought a portable computer and printer to the closing. After an hour the parties resolved their differences. A half hour later the attorneys had approved the settlement agreement (as it was being written on the computer screen). The agreement was printed out and signed, and the transaction closed on schedule.

In another situation, the client was on the other side of the country and needed the contract in three hours. When the lawyer finished the drafting, he loaded a communications software package in his personal computer, logged on to an

electronic mail network, typed a quick cover note to the client and transmitted a copy of the contract to the client's electronic mailbox. Five minutes later he called the client to tell him the contract was waiting.

The next day, the seller's lawyer called with comments on the contract. The buyer's lawyer loaded his word processing software and the contract itself. Having been through similar negotiations many times before, he was able to revise the contract—on the computer screen—as he and the other lawyer discussed it. At the computer screen, he wrote new language to respond to every point the seller's lawyer raised, as he raised it.

He knew he could transmit the revised contract to the seller's lawyer immediately through ABA/net®, an electronic mail network exclusively for lawyers, sponsored by the American Bar Association.

NO MORE TELEPHONE TAG

A variation on the electronic mail theme: a lawyer working on a major case had convinced all the firms and individual lawyers representing his client to join ABA/net®.

They initially used ABA/net® to exchange drafts and comments much like the real estate lawyers in the earlier examples. The lawyers also handled many routine communications by sending notes through the electronic mail network, instead of spending half the day playing telephone tag.

Four litigators were working on a complex case and wanted to organize their thoughts. One of them had a personal computer with some simple outlining software. The four sat down to discuss their ideas.

As they reached tentative agreement on how the case should be organized, the attorney with the computer recorded each idea on the computer screen—just as he would have a few years ago on a legal pad.

In days of yore, the legal pad would have been a mess after 15 minutes. But a computer now makes brainstorming faster and neater.

The "czar" of one firm's litigation department used a personal computer on his desk to keep track of the entire department's docket. By spending half an hour a day up-

dating information in a database package (less time than he previously wasted each day puzzling over his old handwritten notes), he was able to keep the docket current and keep track of who was doing what and when it was due.

FASTER, BETTER, SMARTER

Each of these examples shows how the personal computer can help lawyers work faster, better and smarter. They can spend their time doing legal thinking and legal work instead of pressuring secretaries and word processors.

Once lawyers learn the value of personal computers in their practice, they may very well have much the same experience that journalists had—their initial resistance melts into acceptance, and finally addiction.

Of all the reasons that lawyers fear computers, the most well-founded one is the fact that mastery of computers can take some time. Lawyers seem to know just enough about computers to recognize how little they know and how much there is to know.

Learning how to use a computer is an investment of time (to say nothing of money) and it isn't easy or quick. Like an investment in a law degree, though, the time you spend learning to use a computer is an investment that should pay off very well and very quickly.

HOW BUY ONE

Buying and learning how to use a computer are two entirely separate tasks, both of them large and forbidding to the newcomer.

If you're buying a computer for your law practice, you can't go too far wrong with a major brand IBM-compatible with at least 20 megabytes of hard disk capacity and an appropriate printer.

The print quality you require will depend on what you intend to do with the output; the print speed you require will depend on how much work you plan to do.

If you do any substantial amount of printing, you will find that a laser printer, though relatively expensive, is so quiet and fast that it completely alters the way you use your computer and dramat-



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ically increases the value of the computer in your work.

The Apple Macintosh is easier to learn than an IBM PC (or an IBM-compatible). Until Apple's recent attack on the business market, though, the IBM (or a compatible) was the computer of choice in law firms. This is no longer so, and today you cannot go wrong with either system. In choosing between the two you should note what computers are already in use in your office and whether they are compatible with the system you're considering.

Be sure to ask your dealer to show you—by putting the system together at the store—that the printer you buy has been properly connected with your computer.

GET SUPPORT

Ask about your dealer's policy on "support" after you make your purchase. One of the best support policies is at a store in Santa Monica, Calif., where they give each computer buyer six hours of free individual training followed by nearly unlimited availability to answer short questions over the telephone until 11 p.m. any evening. They also offer service contracts on everything they sell.

A good computer dealer can help you get started, but "discount fever" has been sweeping the industry and good dealers are hard to find. A good dealer is willing to spend some time with you, listen to you describe your needs, and explain to you in an intelligible way how different systems can meet those needs.

Make sure the computer you want is in your dealer's stock and ready for immediate delivery. Given the volatile downward trend of computer prices, you don't want to pay today's prices for delivery a month or two later. And you shouldn't pay today's prices for a computer that will sit around for a few months until you decide you have time to learn how to use it.

When you buy a computer, learn how to use it immediately and put it to use. Your increased productivity now will more than make up for the few dollars you could have saved if you had waited.

Learning how to use a computer is harder than buying one, but you have the benefit of limitless

trials and errors. Virtually nothing you type at the keyboard can damage your computer.

You should break the learning process into little pieces: first, learn how to plug the computer in and turn it on; second, learn how to insert the diskette that carries the disk operating system ("MS-DOS"); third, learn how to get into your word processing system; fourth, type and print a one-sentence letter; and fifth, start improving and playing with that letter.

Do it in exactly that order and before you know it you'll feel comfortable with your computer. Refer to the manual freely.

Before you know it, you will be discovering the joys of practicing law with the help of a personal computer—and you will probably never want to go back to yellow legal pads.

Even a computer enthusiast will admit that the use of computers for legal drafting is not without problems or costs. Any lawyer who puts a personal computer on his desk may encounter some of the following problems:

No record of changes.

When you write and revise at the computer, you don't produce a written record of all changes, so you sometimes can't figure out how you got from where you were to where you are. (Some new software, such as "CompareRite" from JuriSoft Systems, solves much of the problem by computerizing the redlining process—if you remember to save a copy of the document before you start revising it.) By pushing a few buttons you can print out a paper draft at any time—but too many drafts can produce chaos, especially during active negotiations.

Too much speed. When clients learn how quickly you can work, they will begin to expect it all the time. The speed and urgency of every deal will increase accordingly and so will the risk of mistakes.

Malfunctions. Very rarely, computers, software, or diskettes will malfunction. The solution is to make backups of everything routinely (which takes no time but does require attention at least twice a week). With proper backup procedures, you should never have a substantial loss of data. ■



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