

Practice Management eSource

Late Summer/Early Fall 2006

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ABA TECHSHOW 2006 Review

Technology As A Given: ABA TechShow 2006

By Conrad J. Jacoby, Esq. (reprinted with permission)

Every tradeshow and conference has a distinct theme and personality. Almost always, conference organizers create and promote a theme in advance. And almost just as often, a combination of events, participants, and location leave an impression that may-or may not-be directly related to a conference's official theme. The American Bar Association's TechShow 2006, held April 20-22 in Chicago at the Sheraton Towers hotel, was no exception to this rule as it presented its snapshot of how lawyers are adapting to the ever-deepening insertion of technology into their practices.

TechShow has always been more of an educational outreach for attorneys than a showcase for cutting edge legal technology software and services. Unlike the New York LegalTech Show, where vendors proudly display their bleeding edge beta-test (and sometimes alpha-test) software, TechShow caters to a different crowd-folks who actually intend to use the technology solutions they see at the show. At the same time, though, TechShow has always attracted many technology evangelists, whether they were lecturers, vendors, or even attendees trying to stay on the cutting edge. Finding the right balance between techno-glitz and practicality is a never-ending challenge.



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ABA TECHSHOW 2006 REVIEW, continued

Past TechShows have focused on bringing attorneys into the technology fold, usually by suggesting that they needed to redesign the way in which they execute many of their practice and administrative tasks. Speakers warned of the perils of ignoring electronic discovery and falling behind clients in using computers and the internet. Marketing specialists warned that any law firm that didn't offer extranet services to its clients ran the risk of being replaced as counsel. Vendors demonstrated how adding their solutions would provide new, wondrous, and profit-generating functionality to law practices. Many of these same topics and vendors were part of the 2006 TechShow, but this time, the message was slightly different than in the past.

This year, technology was no longer on the outside of the legal community, knocking on the door for entrance. While virtually everyone can point to specific attorneys who oppose integrating modern tools into their practice (and who still grumble about the loss of their beloved WordPerfect 5.1 word processing software), the legal community as a whole has nonetheless accepted that computers-for better or for worse-are now an essential part of running a successful law firm. Accordingly, many presentations focused on improving technology use within law firms, not starting technology initiatives from scratch. The e-discovery track, for example, focused on *better* ways to manage collection, production, and review of digital information, not on a debate over whether or not this material is relevant and responsive to discovery requests. Unlike past years, it was assumed that attorneys already understand the substantive value of e-mail messages, draft documents, and other digital information repositories.

Discussion regarding the amendments to the Federal Rules of Civil Procedure scheduled to take effect December 1, 2006 focused on strategies for identifying and resolving concrete differences in e-discovery disputes, rather than introductory suggestions like, "Have you ever talked to your client's I.T. director?" It was assumed that successful litigators, constantly reminded by any number of high-profile e-discovery opinions issued in the past few years, no longer need this level of tutoring. It's simply part of today's legal environment.



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ABA TECHSHOW 2006 REVIEW, continued

Similarly, the e-lawyering track no longer focused on the questions of whether law firms should have an online presence. In 2006, even law firms that rely almost exclusively on referrals to generate new business still have a web site, sponsor a blog, or have some other digital presence. Instead of preaching the value of e-lawyering, presentations focused on specific ways in which potential business could be generated and ways in which firms could actually generate revenue from leveraging tools and systems that they already had in place. These presentations (correctly) assumed that lawyers could better use technology in this area, but they also (correctly) assumed that lawyers are no longer ignoring the World Wide Web as they might have only a few years ago.

The vendor floor also showed clear change from last year's TechShow. While at least one commentator has unhappily noted that 30 of 100 vendors at TechShow were promoting some e-discovery aspect of their business (Jason Krause, "Staying Above The E-Flood," *ABA Journal* (May 2006)), this figure minimizes the significant diversity of vendor products and services that were shown at the conference.

Moreover, the number of e-discovery vendors was down sharply from the 2005 ABA TechShow, when it seemed that every vendor felt a need to demonstrate how they, too, were part of the e-discovery feeding frenzy. Much more than last year, attorneys visiting TechShow had a balanced opportunity to experience the spectrum of technology products and services available to attorneys practicing today.

Like the speakers, vendors at the 2006 TechShow assumed that their audience was generally familiar with many technology concepts. Case management software developers, for example, didn't need to educate conference attendees about the value of databases; sales presentations instead focused exclusively on features that could add value to a specific practice group. Document management system developers focused not on the value of document management, which is now familiar to attorneys, but on features that distinguished their particular products from their alternatives. And competing e-discovery offerings were compared to one another, rather than to an alternative of not using any e-discovery tools or services at all.



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All in all, the 2006 TechShow presented an upbeat perspective on the way that technology has been integrated into the legal community. Increased reliance on computers has indeed changed the way that lawyers must approach many traditional tasks, such as preparing litigation matters for trial, managing internal work product, and communicating with clients and opposing counsel. At the same time, the ABA TechShow 2006 demonstrated that attorneys have, sometimes grudgingly, accepted the challenge of plying their craft in a technology-driven world. And, in doing so, they are finding that their fundamental skills and expertise-the "lawyering" part of a legal practice-are still as important now as ever before.

***Conrad J. Jacoby, Esq.** is the founder of **efficientEDD**, a consultancy focusing on e-discovery and litigation support issues. A practicing attorney as well as a consultant, Mr. Jacoby writes and lectures extensively on e-discovery topics, including his monthly "E-Discovery Update" column on www.llrx.com. He is also co-chair of the DC Bar's Law Practice Management Section and a member of the Sedona Conference Working Group on Electronic Document Retention and Production. Mr. Jacoby may be contacted at conrad@efficientedd.com or via phone at 703-869-1669.*

eSource thanks Attorney Jacoby for his insight and expertise as regards one of today's most important factors in running a successful law firm - **TECHNOLOGY**.

- Editor **Ω**

The LPM Resource Library has several new volumes regarding e-discovery. Check out our list at

www.gabar.org/programs/law_practice_management/resource_library/

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Life Away From Work

If you're a fan of the popular TV series "24", there are all kinds of games (Can you Save L.A.?) available. If you want to be a CTU agent, you have to be able to see the big picture while uncovering clues in the "24" photo game. Plus, you can purchase past seasons' shows on DVD. Get it all at <http://wgnsuperstation.trb.com/entertainment>. Ω

Gadget Review

Smart Phone

SmartPhone??? What's that????

They're new and they've got great potential! If you need to check e-mail or your calendar, browse the Web, listen to music, or get directions on the go, look no further than this new breed of cell phone. Not any old phone will do; to open up the possibilities, you need a smart phone.

Like a computer, these new phones are "smart" because they have an advanced operating system. This allows a cell phone to have many features similar to those of a PDA. Such advanced operating systems are made by Microsoft, Palm, and Symbian.

If you're in the market for a new cell phone, consider how you might use a smart phone. These products might be a better and more productive choice for you than a trendy Motorola Razr.

Say you're traveling on business and your paralegal needs instructions you've saved on your laptop. You need to e-mail those instructions but you are nowhere near a Wi-Fi hotspot or a telephone line. Don't stress . . . read on!

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What's New in Gadgets, continued

Since your smart phone is capable of sending and receiving data, it can also double as your laptop's modem, using either Bluetooth or a USB cable. This process is called tethering.

Tethering can take several steps to set up. And your wireless provider may charge extra for it. But it could mean making an important connection.

The ability to take photos and video is almost a given with smart phones. However, the image quality falls a bit short of that of a low-priced digital camera.

After taking pictures with your digital camera, simply insert the camera's memory card into the smart phone. This can come in handy for more than pictures of your family. If needed, you can e-mail the pictures directly from the phone while in the field.

Some smart phones come with pre-installed image viewers and organizers. If you want this capability, add-ons are available from SplashPhoto (www.splashdata.com); Palm, Windows Mobile, Symbian; \$30)) and Resco Photo Viewer (www.resco.net); Palm and Windows Mobile; \$15 and up). Both vendors have have free trials.

With the proper software, your smart phone can also help navigate the highways and byways. For Windows Mobile units, there is Microsoft Pocket Streets 2005 (www.microsoft.com); \$25). It displays maps of thousands of North American cities.

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What's New in Gadgets, concluded

As an aside, if you turn up lost without any of these products, instant help is available through Google SMS. Send a text message to 46645 (GOOGL) with the to and from address. Google will text message back with directions.

For example, say you're in Washington, D.C. and want to go from the White House to the John F. Kennedy Center for the Performing Arts. Enter the following text: To 2700 F Street, NW Washington DC From 1600 Pennsylvania Avenue Washington DC. Google will text back the directions in a matter of seconds.

Smart phones are another example of electronic convergence. As they become more like computers, we will find new uses for them. Already, some can download and display TV shows (for a price). Your initial reaction may be, "Who needs that?" But that is the classic reaction to new electronic products. History has shown that most of us eventually want, if not need, these new gizmos. Ω

Software Talk

Heads UP ! ! ! !

In January 2007, Microsoft is expected to release its new operating system called Vista.

If you're thinking of purchasing new computer equipment, should you wait in order to get one with Vista?

No. And there are many reasons why.



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Software Talk, continued

First, your equipment may not be adequately powerful to deploy the software you want to use now. In addition, if your current operating system is old (Win 98), it is no longer supported, can be unreliable and might be visited frequently by the BSOD (blue screen of death).

All this can cause you to suffer loss of time and loss of work as a result. Secondly, and more to the point, we don't feel that it is in anyone's best interest to be one of the first on the block to install and use a new major software release, particularly one as mission critical as an operating system, which can impact every hardware device and all software installed. Let the large firms and corporations, who have entire IT departments, roll out the new software releases, put it through its paces, deal with all the incompatibilities and bugs, and make life much easier for you. Better to wait the six months or so it takes for one or two service packs to be released to resolve those problems. You would be well served to purchase new equipment today if you need it, keeping Windows Vista in mind.

Following are some reasons *why* you will actually want to upgrade to Vista. There are expected to be a lot of advantages/improvements in Vista not found in XP, let alone older OS versions. We haven't been testing it, so we can't tell you firsthand what works great and what doesn't. Here is information we've read, written by various sources who *have* tested it.

The OS has a rating system which evaluates components such as the processor, the memory, hard drive and graphics cards to come up with an overall score to let you know what kind of performance you can expect from a computer. This will make your purchasing decisions easier. There is also an upgrade component to the rating system which advises specifically what components rate poorly, so you know what to upgrade on an existing system to get the most performance bang for your upgrade buck.



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Software Talk, continued

- 2) You have probably personally experienced a problem of a PC which slows down over time. PCs actually lose significant performance as more software loads at startup, hard disks become fragmented, and other features “gunk” up the works. That’s why IT managers and consultants advise you to periodically “rebuild” your PC by reformatting the hard drive, and reinstalling everything, from operating system on up, in order to “refresh” performance. It’s an issue that Microsoft is trying to tackle in Vista. Microsoft has added several features that aim to keep the PC from bogging down over time.
- 3) Security enhancements. Microsoft is focusing on changing the behaviors that leave computer systems vulnerable to attack. For example, most computers today are run in administrator mode, making it easy to add new programs and make other changes, but in doing so it allows major fundamental changes to a computer to be made by malicious software. With Vista, MS is trying to change that so a computer runs with the least possible permission level. Only those programs that truly need administrator privileges would run at that level. Microsoft plans a similar change to Internet Explorer that would reduce the level of access given to external web sites in an attempt to lessen the possibility of malicious attacks.
- 4) Improved desktop searching and organizing. A “quick search pane” allows users to type queries and instantly see matching files. Search results can be saved as virtual folders that are automatically updated to include all items that fit a particular query. Documents, pictures, music and even applications can also be given a rating or keywords to add further criteria for searching.
- 5) This is sure to be a favorite enhancement – making sure that a laptop connected to a projector displays correctly without having to press any keys. This will eliminate repetitive key manipulation to activate the external monitor port. This will make it a lot easier to get both the projector and the laptop to display the same image. It’s not a big deal, but toasts will be offered to those who manage to fix it.

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Software Talk, concluded

6) Untethering laptops — better methods for laptops to roam from one Network to another, and better sharing of files between laptops and desktops.

We could go on, but you get the idea that this operating system really *will* offer some significant advantages, right?

Pricing of this new product is a well-hidden secret, but if we're going to buy it they've got to release cost soon.

In our next edition, we'll talk more about minimum hardware specifications related to Vista. **Ω**

Marketing

Can **COLOR** Enhance Your Marketing Success?

A recent web-based study found that color is probably a factor that should be considered when choosing or redesigning your marketing materials. Marketing materials consist of business cards, brochures, letterhead, website and anything else on which you put your firm's name or logo.

More than half (57%) of the top 200 law firms in the United States use some shade of blue as the main color in their graphic identities. Fewer than 20% use red.

Blue has long been recognized by many color-driven industries as being a calm or low-stimulation color. Textiles, auto makers, interior decorating and the clothing industry all turn to shades of blue (mainly the darker shades) to promote a feeling of sophistication, discipline and authority (the navy or blackened blue suit is still the mainstay of business attire). Conversely, the 17% of firms who chose red are obviously aware that red suggests excitement, action and aggression. This would probably be a very good choice for sports and entertainment law – maybe even tax attorneys!

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Marketing, concluded

Well, what about the other colors. What makes up the other 26%? Gray - 7%; Green – 5%; Brown – 1%. The remaining 13% of firms in the survey ran the gamut from magenta to lime.

Last summer when the Law Practice Management Program decided to redesign its marketing materials, we went with a true navy field with light blue and olive green lettering and modern graphic images. We didn't even know this survey was in the works!

If you need assistance with marketing, give us a call at 404-527-8772.Ω

New Materials in Our Library

Business Competency for Lawyers (how to set up an effective and efficient business that is worth your investment – maximize cash flow, avoid lagging payment and use of collection services)

Complete Guide to Divorce Practice, The, 3rd Edition: Forms and Procedures for the Lawyer (This guide has the whole divorce kit-and-kaboodle, plus forms and letters on a CD. If divorce is how you make your living, you've got to see this book.)

Electronic Evidence and Discovery Handbook (E-Discovery and the use of electronic evidence has increased dramatically over the past few years, but many lawyers still struggle with the complexities of dealing with electronic information. This comprehensive book provides lawyers with the templates they need to develop an effective E-Discovery strategy, and to frame appropriate E-Discovery requests. In addition to the ready-made forms, the authors also supply helpful information and commentary to bring you rapidly up to speed in the electronic discovery field.)

We have additional new materials – visit

www.gabar.org/programs/law_practice_management/resource_library/Ω

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Book Review

Don't Sweat the Small Stuff at Work

Author: Richard Carlson, Ph.D.

This little handbook is a GEM! If you work eight, 10 or even 15 hours a day, feel unappreciated, stressed-out, and generally ground down by the rat-race, you are in need of Don't Sweat the Small Stuff at Work. It's packed from cover to cover with simple stress-busting advice, and it's also a fascinating insight into the challenges and traumas of (everyone's) everyday working life, whether you're the boss or have a supporting role.

Written by Dr. Richard Carlson, who has a series of similar works to his name, Don't Sweat the Small Stuff at Work contains one hundred bite-sized chapters with titles such as Eliminate the Rat Race Mentality, Don't Dramatize Deadlines, Stop Anticipating Tiredness, Don't Sweat the Demanding Boss, and Learn to Delegate. This book was donated to the Law Practice Management Resource Library by a staff member who benefited greatly from the two-page chapter entitled "Give Up Your Fear of Speaking to Groups."

Dr. Carlson's advice is witty as well as informative, and he never slips into the platitudes or home-spun philosophy to which similar works fall prey. In just 154 4x6" pages, he tells you how to transform your negative outlook on work into a positive and fulfilling one. Commuting can become a breeze, heavy workloads an opportunity to gain success and the daily dilemmas of office life can turn into new forms of motivation. Don't Sweat the Small Stuff at Work is a dynamic, solution-based handbook. It's also delightfully portable.

Call Kim Henry at 404-527-8772 if you or someone on your staff would like to borrow this book from our Resource Library.

Read and be serene! **Ω**

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Vendor Spotlight



Be sure to check out the new **Online Vendor Directory** (www.gabar.org/vendor_directory). Here you can find all the services you need from companies who specialize in serving attorneys. Best of all, many of our vendors offer **exclusive** benefits to our members, but you'll only find them on the **Online Vendor Directory**. You can also voice your opinion (good or bad) on the services you receive from any of our vendors and we will make sure the vendor hears you. For more information contact Jodi McKenzie, Member Benefits Coordinator at 404-526-8618.

Two featured discounts currently offered are:

31 Stories, LLC (www.31storiesllc.com) offers a broad array of specialized counseling services with the goal of helping individuals, couples, families, groups and employers improve their day-to-day experiences of relationships, work and life. 31 Stories, LLC offers a 20% discount off the initial session for all State Bar of Georgia members. Look for this discount on the Vendor Directory under Mental Health Services.

James Beddow (jm@jmbeddow.com) is an accountant in the Kennesaw area offering accounting and accounting software/training services to State Bar members. His web site is full of useful information about laws and the latest accounting software programs. Mr. Beddow offers one free hour of consultation with the purchase of any software or training time. Look for this discount on the Vendor Directory under Accounting. Ω

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Casemaker Tip

Casemaker has been the fastest growing research tool in the nation!

Many are finding that Casemaker offers features similar to those found on the pricey commercial vendors; the advantage of Casemaker being that it is **FREE** to all State Bar members! One of the helpful features Casemaker offers is CaseCheck. When you are researching in the Georgia Case Law database, CaseCheck will let you know if the case you are looking at has been cited in subsequent cases. If the case you are looking at has been cited, a list of the relevant cases will appear in the CaseCheck field on the right hand side of your screen. You can then click on the title of those cases to be taken directly to the place where your case is cited within the context of the CaseCheck case. If your case has not been cited in subsequent cases, CaseCheck will inform you with a “no references found” message. Ω

Upcoming Events

Educational Opportunities Close to Home

Below are dates for upcoming training sessions for Casemaker at the Bar Center. These sessions are filled on a first-come, first-served basis and there is no charge for SBG members and their staff. Check out the schedule and registration information and contact Kim Henry (kim@gabar.org or 404-527-8772) to sign up.

Casemaker Training (Trainer: Jodi McKenzie - only 10 seats available per session)

August 29, 2006

10:00am to Noon

2:30pm to 4:30pm

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Upcoming Events, conclusion

Enhanced Bridge the Gap

September 20, 2006 (Jodi McKenzie)

Bar Center, Atlanta, Georgia

(Please contact ICLE Georgia at www.iclega.org for registration information) Ω

On a Personal Note . . .

Our Natalie Kelly was safely delivered of a daughter on August 1st. Infant Charlise LaShae, Mom, Dad (Charles) and big sister, Roschelle, are all doing very well.

Want More Resources? More Articles? More Technology Advice? More Books to Check Out? Sample Forms?

You can interact directly with the Law Practice Management Program at www.gabar.org/ga_bar/lpm.html.

Practice Management eSource is a publication of the staff of
the Law Practice Management Program of the
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Look for our Next Issue in October 2006