

Burning Turkeys/MIS Jeopardy/ELMO is Not Just a Muppet/Drooling Cellphones/Viagra Slide Show/Napster Redux

Ah, technology. How many of you picture yourself in the ad in which a lawyer is shown in a courtroom setting, coolly and professionally pounding away on a laptop while bringing a witness to his knees, as an awe struck judge and the adversary looks on. C'mon, admit it. Some of you believe that if you get enough geewhiz gizmos in your briefcase, Court TV will come knocking on your door.

Time for a reality check. Look around you. Except for the proverbial cell phone and an occasional laptop or palm device, most of your brethren (and sistren?) are happy to muddle along with desktop computers, still trying to figure out how to use the 90% of a program that they never bothered to learn. Why? We have been made to feel like dummies since MIS guys first appeared on the scene, because we could not transfer a file or print a letter using DOS. Now, thanks to Windows, we can finally print a letter, but we still feel like dummies because we can't figure out how to set up a conference call on our office phones. Quick, how many of you know what "MIS" stands for? Thought so.

Unless you are fortunate enough to have a teenager addicted to a show that must be taped in his or her absence, I'm betting that you have a VCR somewhere in the house that has blinked "12:00" since it was turned on. As I write this a turkey just burned up in my house because no one has bothered to read the "War and Peace" manual that came with the oven to learn how to set the timer. Ditto on VCR manuals, software packages, hardware instructions, etc. ad nauseum. So what's your point, you the technologically challenged ask?

Well, the point is that technology is worthwhile only if it makes a task easier, faster or if it adds value. Even if it does all that, some of us will still reject it if it is difficult to learn. (See burned turkey, supra). I know a lot of really fine trial lawyers. Nearly all of them try cases today the same way they tried them years ago. Preparation, hard work, organization and experience. Some use technology; some don't. Does it matter? I think it does. It can save you or it can kill you.

Even a die hard purist, legal pad in hand, has to admit that search functions in software that enable 40 or 50 depositions to be reviewed instantly for references to an exhibit or other testimony is an improvement over the old fashioned method of reviewing summaries (or commanding a minion to read and find them). I have used Summation in depositions to recall what someone said months before. However, I have also learned that the same search frequently misses a reference because the exhibit or document is not identified in the lawyer's question or the witness's answer. If that Q and A were critical to a case's outcome, and you missed it because you relied upon a computer search rather than actually reading the deposition prior to trial, you would probably be giving your malpractice carrier a call.

But what if it were reversed? What if a simple Westlaw or Lexis search, using terms common to the issue, would turn up a seminal case on an issue, but you missed the case because you relied upon your Legal Methods technique from the early seventies. Malpractice? I think the argument could easily be made that it would be. Think about that the next time you reject technology simply because it requires you to learn something new. . . especially if the profession generally has taken the time to learn it.

OK, enough of this deep meaning stuff. Time to go back to our toys.

Took a walk down to the courthouse a few weeks ago to watch the great penile implant (the doctor should have prescribed Viagra) high tech, no-nonsense judge, excellent lawyers, Star Wars meets Orpheum, trial of the week. The lawyers had agreed to split the cost of an ELMO video projector rental, a projector that consists of a mounted camera that projects both objects and documents on to a screen or monitor. It also allows a laptop to project Power Point or other presentation software. In this case, the lawyers were using a giant screen, which allows the jury and court to see the exhibits without difficulty. According to Jerry Potter, the use of the projector and screen saved about a week of trial time, as it dispensed with having to pass a large number of exhibits to the jurors. (OK, federal

court groupies, we know that this has been used for some time across the street, so humor us.) Potter also believes the jury appreciated the use of Power Point for use in his closing argument, based upon comments after the trial (which he won). Potter's firm has since bought a video projector, so if you want to use his, feel free to give Jerry a call. I'm sure he won't mind.

For those of you planning to take the plunge into a PDA device, I am drooling (a symptom of early Alzheimers) over a new Kyocera Smartphone (Model 6035), which combines a cell phone with a Palm VII. It will synchronize with your computer, so you can load all of your existing Outlook contacts and addresses as well as your palm based software. Best of all, you can retrieve and send emails and access the web from your existing cell service, without having to depend upon a proprietary ISP such as palm.net. Go to www.kyocera.com for more info. For those of you who don't like having to learn the graffiti inherent in Palm/Viser use, check out the Sonicblue Diamond Mako PDA, which has a keyboard built in. Be careful, though. One review says that the software used is not as intuitive as Palm based systems. Go to www.diamondmako.com. If you already have a PDA and want a keyboard, you can get a folding model for about \$100 at www.targus.com.

Got sucked into the www.lawcommerce.com site, which has a lot of stuff that might be useful to lawyers. I was intrigued by their forms bank, in which all types of agreements and contracts are sold for about \$20 each. While I prefer no-load plagiarism from really smart adversaries, I can see where this might be useful. There is a small firm section that allows for the management of payroll, insurance, 401K and time and billing, as well as tech support for your office systems. Might be worth a look.

Finally, for those of you aging boomers and nimble minded young X'ers who are losing sleep over your loss of free music in MP3 format, don't fret over the loss of Napster. Relive Woodstock or that non-music called Rap at www.winmx.com or www.aimster.com. Both are legal and both are free, at least according to Time Warner.

Technoweenie Q&A

Q. Why would someone spend big bucks on an oven and not take the time to read the instructions for use?

A. For the same reason males do not ask for directions before starting a trip, or after they have become lost. Genetics.