Wireless for Dummies/E-Filing Comes to a Federal Court Near You/TBA Bench Bar Promo

Wireless

Wireless technology continues to mature in both ease of set up, speed, security and lower cost. Offices and home users can now install a wireless network system that equals the performance of wired ethernet, without the hassle of installing cables, internal cards, servers or other cumbersome devices. A wireless router that connects to a cable or DSL modem can be had for less than $100, with network cards from $50-100, depending upon technology. Notebook users with a wireless pc card now have access to the internet through WiFi Ahotspots@ in many locations, and some of that access is free. Go to www.wififreespot.com or www.hotspot-locations.com for a list of locations. ISP providers such as Verizon and T-Mobile allow access in many airports for about $6.00/hour, or unlimited monthly access for around $30.00/month. Presently, the MBA is exploring the feasibility and cost of installing a hot spot in the courthouse, perhaps in the library.

I have written columns about the difficulty I have had installing wireless network systems over the past several years, comparing the ordeal to a technological sex change operation. Forget everything I said. Life has changed with Windows XP and the new standards, which allow for painless installation of the components. True plug and play now exists, and anyone who can read can do this. This is one thing you can try at home.

There are now 3 separate standards that govern wireless systems, with a 4th (802.11e), on the way. The current standard, 802.11a, is the most expensive and the fastest. It has a rated throughput (speed of transmission) of 54Mbps, which compares to a throughput of 11Mbps for 802.11b. Usable throughput for the Aa@ is about 15-22 Mbps, and 4-6 Mbps for the Ab@. If all you are concerned about is

email, websurfing, and downloading the occasional file, the Ab@ is more than adequate for most homes or businesses. Great deals can be had on routers and cards for the Ab@ technology, and those deals will get even better as the Aa@ technology matures. For those of you who have a complex network which needs the ability to download files or have multiple users, there is a dual mode standard that significantly increases throughput, known as 802.11a/g. More expensive, but may be worth the additional investment. For additional information, go to www.pcmag.com.

I recently added an inexpensive wireless router to the office network, which allows internet access from the lobby, conference room and library with a notebook and wireless card. The next day, I was quickly reminded of why security issues need to be addressed by all wireless users. A technoweenie from the ad agency on the floor below us advised me that he picked up my router signal, and that I needed to change the security setting from the default. Good lesson to remember and the process is very simple. Needs to be done anytime a wireless router is used in any location.

E-Filing

For those of you who are anxious to begin filing pleadings, motions and other court papers electronically in state and federal courts, progress is at hand. The federal judiciary has already begun to implement Case Management/Electronic Case Files systems, which will allow for documents to be filed electronically. As of this writing, over 50 district courts, 72 bankruptcy courts, and the Court of Federal Claims have implemented E-filing. It is anticipated that all federal courts will be online by the end of 2005. The Western District of Tennessee has already begun the process.

Under this web based system, documents are generated in a word processor, then saved and filed in PDF format. The system acknowledges receipt of the documents instantly, providing notice to counsel of record or parties in the case. EM/ECF operates round the clock, so litigants can file at any time of the day or night, and are not dependent upon clerk office hours. Administrative costs for both courts and litigants are reduced, and many of the paper problems which have plagued the court system is alleviated.

Unfortunately, there is a downside. Since CM/ECF allows courts to make documents available to the public over the internet, personal and privacy concerns have surfaced. Many believe that the ability to word search millions of court files could lead to identity theft, as vast amounts of personal information are frequently found in filings. As searchers are no longer bound by the tedious process of checking out files individually in a clerk's office, court documents can now be mined for confidential, proprietary and trade secret information, medical information, witness identity, plea agreements and other data that might be harmful if publicly available on a wide scale. Accordingly, the Judicial Conference's Committee on Court Administration and Case Management has adopted guidelines to address these concerns.

1. Make civil case and bankruptcy files available to the public, with exception of Social Security cases. Modify "personal data identifiers" to exclude or redact Social Security numbers, dates of birth, financial account numbers, and names of minor children.

2. Preclude access to criminal files unless a high profile case imposes extraordinary demands on court resources. Access allowed if all parties consent and presiding judge finds that access is warranted. www.privacy.uscourts.gov

Many state courts have also implemented similar technology, and other states, including Tennessee, are taking a hard look. State court issues present different issues, as divorce, adoption and other cases contain information that could be damaging to litigants if the information becomes widely accessible. The Tennessee Bar Association is having a Bench/Bar Program on E-Filing on June 17, which will include a panel discussion by judges, clerks and attorneys on the pros, cons, problems and ethics of such systems, following a presentation by federal District Court Clerk Keith Throckmorton.