



A Survey of Communication Technology for the Digitally Challenged Litigator

By Allen E. Hoover and David E. Ross

If you are a litigator, your schedule is often grueling, and you are frequently out of the office. You need to communicate with clients and with other members of your litigation team, and (sad to say) you and your team don't always keep bankers' hours. Often, when you receive a letter, fax, or voice mail, you need to act quickly, whether it's 11:00 a.m. or 11:00 p.m.

Whether you practice at a mega-firm with hundreds of lawyers, or are a sole practitioner, there are several technologies that are available today that can be of great assistance to you. Most importantly, these technologies are useful for lawyers, not just support staff. If you're a litigator, even a "digitally challenged" litigator, read on. Most of the following technologies are described from the viewpoint of the litigator who is traveling, but in most cases these technologies are just as useful when the lawyer is in his or her own office.

Electronic Dictation

Electronic dictation is an extraordinarily useful technology. For the uninitiated, an electronic dictation recorder serves essentially the same function as a cassette recorder – you dictate, and your words are recorded for a secretary to transcribe later. The difference between an electronic dictation recorder and a cassette recorder is that, with an electronic recorder, there are no cassette tapes. Instead, the recordings are saved as electronic files, which you can then send by e-mail to your secretary. The advantages to an electronic recorder over a cassette recorder are overwhelming:

- You can be anywhere in the world, and, so long as you have access to a computer with e-mail, you can dictate and send the files immediately to your secretary. There's no more sending tapes to your secretary via Federal Express, and there are no more worries about losing or breaking tapes. If you need something typed today, you don't need to place a long-distance call to your secretary for a few hours while you dictate.
- Unlike cassette tapes, which degrade with time, electronic files are digital. They're always crystal-clear, so there are fewer errors in transcription.
- You don't need to worry about running short of cassette tapes when you're out of the office. Electronic dictating recorders will usually hold at least couple of hours' worth of

dictations before they fill up (and sometimes vastly more time), and once you send a dictation to your secretary, you can delete it from the recorder and start over.

- Do you have fifteen letters to dictate? You can start a new electronic file for each dictation, rather than chain them back-to-back on the same cassette tape. This will make it easier for your secretary to keep track of which letters are finished, leading to fewer errors. If the letters are long, your secretary can send some of the files to other secretaries to get the work done more quickly (which, of course, is not possible if the letters all are recorded on a single tape). Also, the electronic files are usually numbered sequentially, to help you and your secretary keep track of each dictation.
- If you e-mail a file to your secretary, usually a copy of the file will remain in your “sent items” e-mail folder. If your secretary accidentally deletes a file, you can re-send it to him or her. (It’s no fun to have to repeat an hour-long dictation because a tape was accidentally erased.)
- Electronic files are sometimes compatible with “speech recognition” programs.

Presently, electronic dictation recorders and associated software are available from Olympus, Sony, Philips, & Disonic.

Universal Inbox

Another very useful tool is the universal inbox. With a universal inbox, all e-mails, faxes, voice mail messages, instant messages, and calendar meeting requests are routed to a single inbox. This provides several advantages for the traveling litigator:

- Taking a break from a deposition or hearing? You can quickly check one place to see whether someone has tried to contact you. If you do have a message, you’ll know right away, and you can access the message quickly.
- You can access communications any time, day or night. If opposing counsel sends you a fax in the middle of the night, you can be ready to take action immediately, without waiting for your office to open for the day.
- If you receive an important communication, via fax, e-mail, or otherwise, you can circulate it to other members of the litigation team immediately.
- Using some programs (for instance, Outlook), calendar requests are integrated with your calendar, and with the calendars of others on your trial team. If the judge has just set a surprise hearing tomorrow, you can notify other members of the trial team and place the matter on their calendars, all in one step.

Examples of commercially available universal inbox software include Microsoft Outlook, Eudora Pro E-mail, and Lotus Notes Domino.

VPN and Document Management

With a VPN (virtual private network), every litigator can have remote access to case-related documents. For instance, all of the case pleadings and correspondence might be stored on the firm's network. If a litigator is away from the office, he or she can quickly log in and retrieve any letter, pleading, memorandum, or other document from the case.

The usefulness of a VPN is enhanced significantly when the firm employs a document management system. For the uninitiated, a document management system essentially replaces a "network drive" (e.g. the firmwide "G:\\" directory). A good document management system will keep track of each document by any number of specified criteria, such as date, author, document title, revision number, client and/or matter number, document type, and comments. In addition, a document management system typically allows for searching by keyword. Such a system offers several advantages over the "network drive":

- Searching for a particular document? You (or your secretary) can search by author, title, keyword, etc., and your searches can be as broad or as narrow as you wish. For instance, if you remember that your partner Bill Jones wrote a brief last summer on promissory estoppel, you can quickly search for documents written by Bill Jones that contain the term "promissory estoppel" and that were written between May and October of last year.
- Typically, document management systems require the user to specify a minimum amount of information about a document before it can be saved. Also, the date, author, and version number are typically stored automatically. These features lend a certain consistency and searchability to the files contained in the system. You won't have a disk full of randomly distributed files called "Contract.doc" or "Letter.doc" with no idea of the author, client, subject, or purpose of the document.
- Document management systems allow for enforcement of "Chinese walls" within a law firm. Specifically, the document management system can be set up to disallow certain attorneys from seeing documents relating to clients for whom they are prohibited from working.
- Document management systems have security and access log features that are more robust than network drive systems. If you create a document, you can set the document to be private (just for you to access), for the document to be public (anyone can edit or view the document), or for the document to be "read only" (everyone can see the document, but only you can edit it). You can set other security parameters for the document (for instance, you can specify that only your trial team has access to the document, and only certain people on the team can edit it). Also, you can see a log of who has accessed any document in the system (if this feature is enabled; otherwise, your IT department likely will have access to such a log).

VPN software is available from Cisco, Microsoft, Nortel, and Citrix, among others. Document management software is available from providers such as Interwoven, Hummingbird, Stellent, and EMC.

IP Telephony

IP telephony offers several advantages principally for larger firms, but some of the benefits of this technology are available to small firms as well. Generally speaking, IP telephony is a way to employ your firm's computer network for making telephone calls. IP telephones look and sound like ordinary telephones, but offer several advantages for the litigator over standard "PBX"-based telephone systems. For larger firms, IP telephony offers many cost advantages:

- With an IP telephone systems, all calls within and between offices are "internal calls. If you have an office in New York and one in Los Angeles, you can talk all day to members of your trial team, with no long distance charges.
- IP telephones allow for making conference calls, again with no telephone or long distance charges to others on your firm's network.
- Using an IP telephony system, your office can set up "least cost" call routing systems. For instance, if you work in the Los Angeles office and are calling a client in New York, the call can be routed as an internal call through your New York office, and from the New York office to your client (where the call will be treated as a local call).
- If you visit a remote office of your firm, typically you can "log in" and receive calls. Callers can dial your everyday number and reach you directly.

Even if you don't practice at a firm with multiple offices, IP telephony can be very useful:

- Your computer can become your telephone when you're out of the office. All you'll need is your computer, and an inexpensive headset and microphone. If you're camped out in a hotel room for a couple of days, you can make and receive calls on your normal business number. Except for whatever you might be paying the hotel for an Internet connection, the calls will be free.
- IP telephones can easily be configured to provide internal callers with a lot of information, such as whether you are out of the office.
- IP telephones integrate well with voice mail and email systems.

IP telephones and services are available from numerous vendors, including 3COM, Polycom, Avaya, Lucent, and Alcatel.

Integration with Handheld Devices

All of the above technologies are useful when traveling with a computer. They're even more useful when traveling with a handheld device, such as a Blackberry, Treo, or Pocket PC. Most of the above technologies can be wholly or partially integrated with such a device.

These technologies can be of great assistance to any litigator, especially when traveling. If you are a litigator, you're encouraged to investigate these technologies.

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