The Federal Lawyer In Cyberia

MICHAEL J. TONSING

Lean Times Require Cyberian Lawyers to Think Wisely

So what do Cyberian lawyers do in lean times like these? They think wisely.

Use What You Already Have, But Use It More Effectively

First, Cyberian lawyers do a quick inventory of their hardware and software. Many of us buy products because they seem so terrific when we read their descriptions, but once these products arrive, we fail to use them, simply because we've moved on to another, newer thought. Now would be a fruitful time to revisit products we've already purchased but never removed from their shrink wrap and products we've installed but whose manuals we've never read (making us far less efficient—or even clueless about the real contributions these items could make to our practice). It is a good time to hunker down, install these products, and read their manuals.

Second, in lean times, wise Cyberian lawyers limit new product acquisitions to items that will almost certainly add to the bottom line (billing and matter management software comes to mind). I use PCLaw® in my own practice, and I've used it for quite a while. Next month, I will finally get around to taking the two-day training program offered by its creators—presumably to learn how to make the software dance.

Study after study has shown that lawyers who do not contemporaneously record billable time bill fewer hours. I believe that my investment in training will pay dividends very quickly.
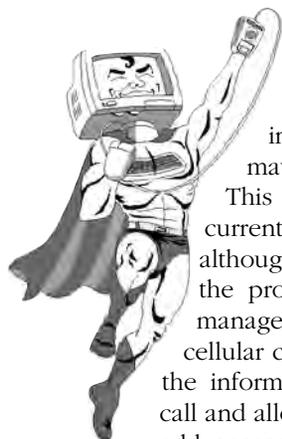
Consider Adopting TalkTIMR®

If you use a Blackberry®, Palm Treo®, or Windows Mobile® phone—plus a calling plan that includes data service—you may want to consider adopting TalkTIMR. This program, which is for smart phones and currently integrates fully only with Abacus Law®–although the developers are planning to integrate the program with other legal billing and client management software soon—is installed on your cellular communications device. TalkTIMR captures the information necessary for billing the telephone call and allows the attorney who concludes the call to add necessary explanatory comments. That data can then be exported to your billing software. A year of TalkTIMR service costs about as much as it would cost to pay most lawyers for the time used to capture less than two hours' worth of such phone calls that would otherwise have been lost.

According to the folks at Proximiti®, the company behind TalkTIMR,

> You … use your cell phone just as you normally would. Our software operates quietly in the background and automatically captures information about inbound and outbound calls. The default setting for TalkTIMR is to pop a window at the end of each call with information on the call just completed and suggestions on call type, client/matter code and billable time. You can accept this information or revise it on a per call basis. Since cell phones are often used for personal calls too, you can quickly mark calls as personal and from that point forward, these numbers are omitted from reporting. You can also delete immediately any call record from TalkTIMR and it will not be included in any of the reports. If you're busy and need to get to the next call, simply click on "Later" and the call detail record is retained where you can later either append the necessary billing data or have an assistant do that for you." (*See* www.proximiti. com/TalkTIMR_Main.aspx.)

The service seems like a moneymaker to me.

Many lawyers understand that, in tough economic times, the government will be looking for any and all sources of revenue; therefore, disallowing business expenses attributable to a law firm's cell phones will be a tempting target. TalkTIMR will provide effortless and irrefutable proof of the percentage of cellular business use like no other product I am aware of.

Proximiti also sells a similar product for landline telephones. That service might also be worth considering.

Once Again, Consider LawDocsXpress®

A money-saving source I have touted to cost- and efficiency-minded Cyberians in several previous columns—and one that deserves special emphasis during difficult economic times—is LawDocsXpress. This company, now in its seventh year of operation, allows law firms to do several things with great confidence, security, and confidentiality: they can outsource legal secretarial work, reduce overtime, supplement resources in costly or difficult to staff markets (or, in effect, have Internet-based secretarial service available as needed while trying a case out of town), do some very cost-effective load-leveling in an in-house typing

pool, and improve attorney/secretarial ratios. Whew!

I am a sole practitioner, and I know from experience that I can keep my overhead significantly lower by relying on these excellent "Cyberian secretaries." Of course, I continue to use these services. According to its Web site (www.lawdocsxpress.com), LawDocsXpress—

> provides reliable and secure, outsourced legal secretarial services and legal word processing for law firms, corporate legal departments and governmental entities. LawDocsXpress has been able to differentiate their offering and acquire a significant client base by using only U.S. labor with years of legal secretarial experience and emphasizing a high quality of service via the Internet.

As a lawyer who has used these services even when I have been in litigation "crisis mode," I can personally attest to the truth of this mission statement. These folks are nothing short of amazing. Everything they do for you is encrypted and safe. They check their resource staff for conflicts before assigning your work, and they assign your project to a secretary who's familiar with your field of law and its specialized lingo. The company's Web site continues:

> LawDocsXpress enables their clients to dramatically reduce costs associated with overtime and temporary help. Law firms, corporate legal departments and governmental entities use LawDocsXpress for full outsourcing, occasional help, overflow (evening and weekend) work projects, peak periods or standard document preparation and word processing. LawDocsXpress caters to the unique needs of "boutique firms" that practice intellectual property (patent and trademark), workers compensation, corporate transactional and litigation (including appellate).

If you have not heeded my previous advice, consider doing so now. LawDocsXpress knows its stuff. And the service will save you money in the long run—and maybe even in the short run, as discussed below. Controlling overhead costs in this way allows me to pass efficiencies along to clients by producing faster results at a lower cost.

By visiting the LawDocsXpress Web site, you can sign up and use its services for 30 days, paying only for the typing/transcription services that you use (which are billed on a quarter-hour basis). You literally cannot lose! At the end of the 30-day trial, you can decide whether to continue using the services—only then would you sign up as a permanent firm client and pay the license fee (which goes to pay for your third-party-vendor encryption license, for the most part.)

LawDocsXpress is truly a no-brainer during tough economic times.

Once Again, Consider Support.com®

I have mentioned Support.com in this column before. The company also deserves a special mention again in the context of a column on controlling costs related to technology. (See www.support.com.) In a nutshell, Support.com provides computer technical support over the Internet. The company's technicians are very knowledgeable and are based in the United States. The company's pricing can be by the episode, or you can purchase a yearly subscription—it's your choice. For obvious reasons, I've opted for a yearly subscription.

Words cannot describe the feeling of confidence it gives me to know that my computers, which are so central to my professional life, are backed up by a team of highly competent computer engineers who are available day or night to resolve the puzzling glitches that go with owning the labor-saving devices we call computers. When something bad happens, I don't want a two-day turnaround; I want a fix right now. And when I need help, I get the undivided attention of a very competent computer engineer within minutes.

Moreover, because Support.com's charges are based on a flat fee and are known in advance (fees vary according to a schedule that is based on the type of problem)—I am never nervous in dealing with the technicians. I have dealt with other technical support groups in the past, and I have always suspected—rightly or wrongly—that the technicians were stretching my problems out to make their "bottom line" larger. I no longer encounter this problem. I also have dealt with technical service providers located offshore. Not any more.

High-quality, omnipresent, U.S.-based technical support with fees determined in advance—all of this is good for controlling costs. Try Support.com; I believe you will find that its services are extremely cost-effective.

Type Faster Yourself with Speech Recognition Software

In a not-too-distant future issue, I will review the latest version of Dragon® Naturally Speaking® for Lawyers (Version 10), the speech recognition program from Nuance Communications Inc.® that purports to be able to boost your "typing speed" from whatever it currently is to a remarkable 140–160 words per minute with a 99 percent accuracy rate. The program also promises a "read back" feature that allows users to sit back in their chairs and have an electronic voice read back what they've dictated and written. (I have always believed that hearing one's words read back produces superior results when compared to ordinary visual proofreading on one's own.)

I have used Version 9 of Dragon Naturally Speaking for Lawyers quite happily. If Version 10 surpasses Version 9—and does anything close to what the devel-

opers claim it will do—the program unquestionably will add further to my professional efficiency and to my bottom line. Like LawDocsXpress, which I use for larger projects like briefs and memorandums (thanks to the ability of their Cyberian legal secretaries to deal with complex tables of contents and tables of authorities), Dragon also helps control overhead costs and allows me to pass further efficiencies along to clients—again, by producing faster results at a lower cost.

Consider Making Your CLE Experiences Far More Comfortable and Somewhat More Cost-Effective

Lawyers who spend nonproductive time traveling to and from continuing education classes because they abhor the small laptop screen CLE "webinars" and video podcasts that have recently become ubiquitous may be able to justify investing in a product that will allow them to watch CLE classes on a high-definition television in their home or office thanks to a new device currently available through Amazon.com®.

This new device, called SlingCatcher®, is technically known as a "universal media player," which allows you to watch any video you've captured on your computer on your big screen television. The product has received mixed reviews on Amazon.com, but the latest iteration seems to be delivering on the developer's original promise.

According to one consumer/reviewer writing last November, "It is easy to set up, you only need to hook up one cable to your TV and then you hook up the SlingCatcher to the internet." (SlingCatcher is made by the highly successful company that developed the highly advertised and almost universally acclaimed SlingBox®.) One major advantage of SlingCatcher is that it comes with a remote control box that lets you pause the video you are watching, then resume watching—no small blessing during an MCLE presentation delivered by a talking head. (Go to www.slingmedia.com/go/slingcatcher.)

Check Out Audio and Video Products Made by Roku

A company called Roku makes some ingenious Cyberian products that are in the same vein as SlingCatcher and also may have present or future applications to your practice. One device is a "radio"—the so-called Roku Wi-Fi Soundbridge radio system that picks up streaming audio broadcasts from your Wi-Fi network and broadcasts them. The broadcasts have beautiful sound quality, and the system does not require an intervening computer terminal. The Roku Soundbridge can also play an array of nonstreaming file types, including MP3s, making the system potentially useful as a broadcaster of business-related podcasts (whether streamed live or captured on a computer-based SD/MMC card).

The Roku Wi-Fi Soundbridge radio system is matched by the Roku digital video player (previously known as the "Netflix Player by Roku"), which in-stantly streams movies from Netflix (and will soon be able to do so from Amazon Video on Demand—a library consisting of more than 40,000 movies) over the Internet—directly to your television. Can videos of legal seminars available from Amazon be far behind?

The *Wall Street Journal*, *CNET*, *WIRED*, and other publications have given the Roku digital video player overwhelmingly positive reviews. For example, the editors at *CNET*, generally not given to hyperbole, could hardly contain themselves when reviewing the video device: "In the final analysis … it's a ground-breaking product. … [T]he Roku box lets us enjoy more content at no extra charge beyond the price of the box itself. In other words, it's pretty much giving you access to video-on-demand content for nothing, and it's pretty hard to compete with 'free.'"

The Roku video player is priced considerably lower than the SlingCatcher is, selling at a bit less than $100. According to the company as well as those who have previously reviewed the device, "it is compact, easy to set up and intuitive to use." (There can be no denying that it is compact! Weighing in at 11 ounces, the player is a mere 5 x 5 x 1.75 inches.)

You can connect a Roku video device to the Internet through most broadband providers (such as a cable modem or a DSL connection). You'll need at least 1.2 megabytes per second of Internet download speed to watch movies that have decent quality instantly on the Roku digital video player. The faster your connection is, the better your video quality (although the folks at Roku indicate that this rule of thumb peaks out at about 5 megabytes per second).

You can use your audio or video Roku's built-in Wi-Fi capabilities to connect directly to a wireless network or use a router's Ethernet port for a wired connection. Either way works.

The video Roku device, like the SlingCatcher, is controlled via an included remote control box. According to the Roku Web site, "Choose the item you want to watch, play, fast-forward, rewind, pause, and resume play later, just like watching a DVD."

Roku's digital video player sounds terrific. Plus, the price is very reasonable. Big screen MCLE anyone?

Conclusion

Be prudent and think wisely—and your Cyberian law practice may not just survive an economic downturn, it may actually prosper. See you again next month in Cyberia. **TFL**

Michael J. Tonsing practices law in San Francisco. He is a member of the FBA editorial board and has served on the Executive Committee of Law Practice Management and Tecchnology Section of the State Bar of California. He also mentors less-experienced litigators by serving as a "second chair" to their trials (www.Your-Second-Chair.com). He can be reached at mtonsing@lawyer.com.