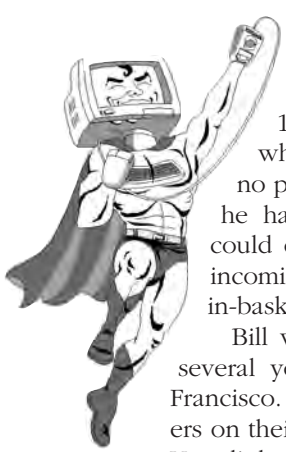
MIKE TONSING

The Luddites Are Gone, I Think. But, Maybe Not.

It was not that many years ago that I had a colleague in the practice of law who prided himself on dictating letters to a secretary who took shorthand, reviewing her drafts and correcting them, then signing the finished letters with a very expensive fountain pen. He was a senior partner in the firm. I still remember him pacing back and forth in his office as he dictated. I remember equally well the veteran secretary who seemed to have the patience of Job as she would correct "her" mistakes.

I taught in a paralegal program for more than 20 years. I co-founded that program back in the 1970s, when many lawyers had no idea what a paralegal was or what a paralegal could do in a law office. Many of our best students were escapees from jobs as legal secretaries. I recall vividly that, during the interview process that preceded an offer of employment, many of these candidates denied that they had even the most basic typing skills. It didn't take too long to figure out that the motive behind the denials was that typing had become a badge of slavery, and the job applicants wanted desperately to escape into a world where they would not be chained to a typewriter or (in later years) a computer. Little did these students know that, within a few years, the idea of a lawyer dictating a letter to a legal secretary would become an anachronism, and the idea that only clerical workers should have keyboards on their desks would pass into oblivion.



The same guy who dictated all those letters in our office back in the 1970s seemed to feel that computers were an aberration that would pass from the scene in the 1980s. I remember the look on his face when Bill told me that there was absolutely no point in learning how to use e-mail, because he had a very competent legal secretary who could do that for him and who could download incoming e-mails, print them, and put them in his in-basket with great efficiency.

Bill was not alone. In the early 1980s, I spent several years in the U.S. Attorney's Office in San Francisco. The attorneys there did not have computers on their desks back then, only the secretaries did. Very little research was done online. We had a single dedicated terminal in the law library that was used for that purpose, and the terminal needed to be dusted regularly. I know, because I was one of the very few attorneys who used the terminal.

Later in my career I moved to a large law firm, also in San Francisco. By that time, all the attorneys in the firm had computers on their desks. However, none of those computers were connected to the Internet. Instead, they were connected to the network that allowed lawyers to share the drafting of documents with their secretaries and, as I recall, there was a rudimentary database of documents that the lawyers could retrieve and clone.

As things progressed, that law firm, which consisted of 400 lawyers, hired an "IT director" and built an "IT Department." By the time I left the firm, the Information Technology Department had six members. The ratio of workers to secretaries was changing rapidly. And it would be unthinkable to hire a paralegal who denied having the ability to type.

Even then, I remember the IT director coming into my office to tell me the latest anecdote about a lawyer who couldn't master even the most fundamental computer skills. One of the favorite jokes that circulated through the IT Department at about that time dealt with a lawyer who called the firm's technology hotline and told the technician that a screen had popped up on his computer indicating that he could proceed by striking any key. Exasperated, he told the technician that he had already wasted at least five or 10 minutes in a fruitless search for a key on his computer keyboard that was labeled "any."

I also remember attending an event at the U.S. Supreme Court and going to the gift shop to find appropriate items to take back to the lawyers and secretaries in our firm. I couldn't resist calling the lawyer who was so proud of his inability to read e-mails and announcing to him that I had found the perfect computer to meet his needs. He immediately protested, saying that he had no interest in computers. I brought back a beautifully wrapped box for him that contained a quill pen.

These recollections were prompted by the recent series of columns I read online by a gifted writer named Christopher Danzig. His subject was what he called "techno-ignorance." He recited a series of what he characterized as "scandalous blunders," such as turning over thousands of privileged documents in response to an electronic discovery request. However, he also made the point that most of the technology errors that are made in law firms are little "snafus that are just annoying, pointless, and a waste of time." (See www.abovethelaw.com for July 7, 2011.) How true!

The search for the "any" key that actually took an attorney away from billable time and tied up a technician for several minutes is more typical than a scandalous blunder.

In one of his columns, Danzig recounted a problem that is discouragingly chronic in law offices and is typically done more often by support staff who are not properly trained. I myself have watched individuals download documents that are already in PDF format and prepare to file the hard copy somewhere so that it won't be lost. Then, in an apparent desire to move toward a paperless office, they scan the hard copy of the document and dutifully convert it to, yes, a PDF file so that the document can be electronically stored. Of course, the document they downloaded was already in PDF format, but that didn't deter these well-intentioned and hardworking individuals.

Another very minor though chronic problem that occurs with maddening frequency is the call from colleagues who insist that an e-mail that they had been waiting for was never sent to them. Rather than calling for a time-out and attempting to teach them how to conduct a search of the e-mails in their queue on Outlook™, it is more efficient, in the short term, simply to resend the e-mail that had been sent earlier.

Perhaps the whole issue—both large and small—can be reduced to an individual's willingness to consider change. Perhaps our profession has a reputation for being less open to change than some others are. One can certainly point out the rapidity with which technology has entered the legal field. It was not that many years ago that I found myself on a cruise around San Francisco Bay celebrating the 100th anniversary of a certain legal publishing company. Hoisting a cocktail next to me was a fellow who told me that he had been the third person hired at the company that eventually became LexisNexis.™ He told me how he had visited big Wall Street law firms back in those days pushing a rather large cart that contained a dedicated terminal to be used for demonstrating the advantages of online legal research. "Ladies and gentlemen," he would begin, "in this box is everything that is in your cavernous law library in the next room, and more." Laughter would ripple through the boardroom, and the firm's lawyers would look at him as if he were P.T. Barnum. That was the reaction only 40 years ago!

I intend this column to be a look back, not a rant. There are far fewer quill pens in our law offices today than there used to be. The firms have far more lawyers and staff who are technology-oriented. Far fewer technophobes stalk the halls. More of us are open to change than ever before. And those developments are all good. However, there is still a tendency that we must guard against to assume that technology can be assimilated without any training or that only staff members need training and true proficiency; lawyers do not need to develop these skills. There are far too many offices that buy hardware and software because that is what law firms do these days. There are too few firms that make the commitment to the training that is necessary to help the technologically impaired among us to find the "any" keys when we need them. That works to the detriment of all in the firm. It works the detriment of our clients as well.

Conclusion

It is clear that the age of technophobic dinosaurs is passing. However, it is less clear that all of us in the profession share a commitment to the most efficient use of the technology that is available to us. Perhaps that is the next frontier. See you next month in Cyberia. **TFL**

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| *Chapter* **Exchange** |

Chicago Chapter: At the Annual State of the Court Luncheon featuring Hon. James F. Holderman, chief judge, U.S. District Court for the Northern District of Illinois, on June 20—(l to r) Maria Z. Vathis, chapter president; Hon. James F. Holderman; Fern C. Bomchill, national president-elect; and James D. Wascher, chapter 1st vice president.