



The Federal Lawyer in Cyberia

by Mike Tonsing

Is Windows 8™ a Good Choice for Lawyers? I Think Not.

With Windows 8, Microsoft took a huge risk. Though

it might seem so, the risk was not irrational. Microsoft saw that—other than in Apple land—the technology world was, up through Windows 7™, a world divided. Handheld devices ran on various operating systems. Computers, for the most part, ran on variants of another system. With Windows 8, Microsoft sought to bring about world peace by boldly introducing us all to a new paradigm: one operating system for all devices, whether handhelds or whatever.

Microsoft is about to celebrate the first anniversary of the release of Windows 8. (It was released to retail vendors in October 2012.) So far, it is safe to say that this new operating system has failed to put the legal technology world on its ear.

Lawyers, as a breed, are often suspicious of change. I suspect that the same is true of other professionals, especially those who bill for their time. Why spend time wrestling with a new operating system unless it is obvious that it will boost efficiency or that it is so cool as to be irresistible for its “cool factor” alone.

I am reminded of a rather famous *Fortune Magazine* article written in 1996 by Andy Grove regarding his successful bout with prostate cancer. Grove, then the legendary head of Intel, believed—quite rightly I think—that he was the one who should make the final decision as to which form of cancer treatment he would elect. In the *Fortune* piece, he recounted his journey to the decision that radioisotopes would be his best choice. He described the decisional process in detail, then wrote about the treatment itself. Toward the end of the piece, Grove wrote these words:

I was wheeled into a CAT scanner, where they checked the placement of the needles one more time. I later saw the film of my body with the parallel needles in it; it reminded me of a porcupine. They proceeded to do the radiation analysis. Given the shape and size of my prostate, the tumor, and the placement of the needles, they needed to figure out how long the radioactive seed should take traversing in and out of each of the hollow needles. The special MRI came in handy here. The radiation planners were able to use the shape of my tumor as shown by the MRI as the basis for their calculations.

Two youngish guys did the calculations. They didn't look like doctors. They looked as if they could be designing chips at Intel. The calculations went on forever. Tongue in cheek, I asked, “What kind of computer are you using?” I was told, seriously, that they were using a 286, a product that we introduced 13 years earlier and stopped producing four years ago.

YIKES! Though he didn't explicitly say so in the article, Grove's heart must have sunk when he realized his high tech treatment was being driven by what was, at that time, a very low tech computer!

The last two large cases I worked on, where I was dependent on the technology of other lawyers, were driven by computers that were “powered” by antiquated operating systems. (Both firms were still using Windows Vista™.) Though the personal stakes plainly were much lower, I'm sure I experienced a feeling somewhat akin to what Andy Grove felt when he spotted the 286's. Namely, yikes!

I am writing this month's column on my own desktop computer, a unit that has the current version of Dragon Naturally Speaking for Lawyers™ installed on it (as avid Cyberians know) and is driven by Windows 7. Though I have embraced cutting edge voice recognition technology, I have resisted any temptation to move to Windows 8. It seems to me that there are several reasons one might come up with to justify a move up to Windows 8. But none of them resonate for me.

First of all, I'm what technology vendors gleefully describe as an “early adopter.” As a tech junkie, you might think I'd have bought a copy of Windows 8 very close to its initial release date. Early adopters tend to buy new technology because it is, well, new technology. Though it is admittedly tough to resist the urge, I tend to avoid purchasing new software until Version 1.1 is rolled out. Experience has taught me that the early adopter “cool factor” is generally outweighed by the high degree of likelihood that Version 1.0 will have been brought to market too soon, before the last round of bugs has been cured.

The second reason for my resistance is a bit more complicated. Back in the day (which was only a few years ago), if one was buying a computer as a lawyer or buying a bunch of computers for a

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 the Law Practice Management and Technology Section of the State Bar of California. See www.TonsingLawfirm.com. He also mentors less experienced litigators by serving as a “second chair” to their trials (www.YourSecondChair.com). He can be reached at Mike@TonsingLawfirm.com.

bunch of lawyers and maybe a bunch of secretaries, one bought what was commonly called an IBM-PC type of machine. PCs were for business. Virtually all of the applications that were of interest to lawyers were compatible only with PCs. Apple products were for kids and graphic designers. There were no smartphones. (Unless a handheld Palm Pilot™ that couldn't make phone calls somehow counted.) There were no tablets. There were only desktops and laptops. Windows was the dominant operating system for business, and Microsoft knew it.

Windows 8 is not business-oriented. Its target market is tablet users, which means it's more oriented towards individuals, reports ZDNet. (Maybe Microsoft has been spooked by the success that Apple has had with lawyers who spurned BlackBerry™ and fell in love with iPhones,™ and lawyers who have just as rapidly migrated to iPads™.) It may be that Microsoft will win its wagers long term. We all may be attracted long term to smaller devices like tablets, and desktops may inhabit the tops of fewer and fewer law firm desks. So far, I'm not buying it. We also may be attracted long term to the notion that all our devices should have the same look and feel and should have maximum compatibility. So far, I'm not buying that either.

If it has wagered correctly, that all may be good for Microsoft long term, but it is not good *for me* right now, certainly not in terms of satisfying my urge to have the latest operating system. I am going against my nature and sticking with Windows 7.

The third reason for my resistance to this particular change is a bit more shallow, but it is nonetheless important to me. My current desktop is touch-compatible. Every now and then, I will use my

finger to move a cursor on my 22-inch desktop monitor screen. But, not often. In my test drives of Windows 8, I get the impression that, in making it touch-compatible, mouse and keyboard functionality sort of became an afterthought. If true, that would be consistent with the notion that Microsoft is betting on us all eventually junking our desktops and shifting to tablets—but for now it means almost everything you and I do as lawyers working at computers, and everything our legal secretaries do at terminals, will be at least a little more difficult if it is done the new Windows 8 way. That is not at all attractive to me.

Conclusion

Like the hospital that successfully treated Andy Grove's cancer, I'm staying with what I know will work. Even though that's a departure from past practice, I think that my decision to be at least a "late adopter" this go-round is OK for me—at least until I am probably forced into a Windows 8 environment when I buy my next computer. I know my late adopter strategy is bad news for Microsoft (if it will be shared by legions of lawyers and law firms, and I think it will be, and perhaps already is).

And, you, my Cyberian brothers and sisters? Make your own decisions, of course. In any event, I'll see you all again next time in Cyberia. ☺



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