

# Technology eReport

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General Practice,  
Solo and Small  
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## In-House eFiling

By David Masters\*

This article constitutes a general discussion of how and why you should consider moving toward an electronic filing system, or at least an office with less paper. The concepts expressed here are not all that unique and in some cases not original. Adobe Acrobat plays a large part in the proposed system, but the discussion of how to use it only scratches the surface. Should you decide to move towards a less paper-oriented environment, you will undoubtedly try many variations on the concepts expressed here. The process requires an open mind; flexibility and a willingness to experiment are essential. In the end, if you try it you will like it - this is the future and the future is now!

Consider for a moment, having the ability to find documents at your desk without rummaging through file cabinets or boxes. Think of all the paper you put in files, because someday you may need it, only to never see it again. Consider the unpleasant process of closing those files and moving them to storage; compare that to keeping the documents in electronic format, available if needed, and then closing files by dragging them from an active work directory to an archive directory.

### What You Need: HARDWARE

**Scanner.** An appropriate scanner for the law office has an automatic document feeder and can acquire images at the rate of not less than ten (10) pages per minute ("ppm"). Scanners in this category start at around \$800. Things to consider when choosing an appropriate scanner for your office are whether you will need to acquire color images and the frequency at which you receive and may need to image two-sided documents.

**Storage.** The available space for digital document storage continues to grow while prices continue to drop (definitely does not apply to paper documents). Documents collections should be stored on a network drive, whether on an internal hard disk drive or a storage appliance such as a Snap Drive. As a general rule, documents scanned at 300dpi require about 100KB per page – two to three file drawers or boxes of paper fit on one CD!. When planning or acquiring storage devices consider the speed at which documents can be retrieved. Fast hard disk drives (7200 RPM or 10,000 RPM) help. If you will access stored documents across a network, fast Ethernet (100MB/Second) provides good performance.

### SOFTWARE:

**Scanner driver.** This piece of the puzzle generally comes with the scanner. The software that controls the scanner should be considered



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because the time will come when you want to acquire an image of a map or graphic in a format other than Portable Document Format (PDF). How this software functions can speed or hamper the overall image acquisition process. Some software remembers the last settings used (i.e., 300 dpi, 8.5 x 11 pages, black and white output) while other software requires that you load settings at the beginning of each job; the former being preferable by a wide margin.

Imaging application. Here you have many choices, but with one clear winner. Programs like Pagis and PaperPort save files in proprietary formats that can present problems when you want to share information with others outside your office. Likewise, programs that save images to .tif or .bmp have those and other drawbacks. High dollar litigation programs, e.g., Summation, have built in (or add-on) imaging packages. Again, the ability to share the images easily with other users can be an issue.

Adobe Acrobat provides good image acquisition capabilities, the ability to perform optical character recognition on the images while retaining an exact image of the scanned pages, and easy sharing with other users. Colorado has activated a system for e-filing documents with the courts; documents filed electronically are converted to Adobe PDF files (if not already in that format). Current versions of Word and WordPerfect contain drivers to publish word processing files to PDF. The federal courts are moving to an electronic filing system, again using the PDF format. If the courts are using PDF then it should be a good standard for use in the office. Don't confuse Adobe Acrobat with Acrobat Reader. If you want Acrobat and its capabilities, you have to buy it. You can get Acrobat Reader free and distribute it with your PDF document collections. Reader cannot create PDF documents; it only allows you to read PDF documents.

In addition to using Adobe Acrobat for acquiring images, you can use it to make the PDF files truly useful. For example, you can add bookmarks and sticky notes to image only files. If the files have a text background, you can highlight (pick your color, any color), underline, and strike-through. You can search PDF files with background text; image only files cannot be searched but information contained in the "Document Summary" or in attached notes, will be included in indexes of document collections.

### Document Management

What system do you use right now, to find a given piece of paper? Does it sound something like this: every client matter has a file, and somewhere you have an index of all those files (so if you want to find a file and can't remember where in the filing system it resides, you go to the index, find the file identifier [i.e., a file number] and then locate the file). Now you knew the document you wanted was in the Smith file, great, but what if the Smith file contains 5,000 or 10,000 or more pages? At this point, the paper filing system starts to break down. How many sub-folders will you create, and how do you keep track of them? Unless you have an huge number of files, or a medium number of really huge files, you can easily replicate, refine and expand the paper file system in the digital world.

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In our office, we set up a main folder for each new litigation matter. We have established a set structure for the main folder. We call the master structure “NewMatterLit”, meaning that this folder contains the file structure for new litigation matters. The folders in the NewMatter folder are empty; when opening a new litigation file simply highlight the NewMatterLit folder, then select all (Control-A), copy, then paste this file structure onto the folder created for the new matter. Now, every litigation file has the same structure at the beginning, and of course you can add all the sub-folders you want and then simply drag-and-drop the contents from one folder to another (file reorganization can't be much easier).

Okay, so you want some high-powered system that indexes all of your files so that you can run a computer search to find the Smith lease, or that motion to compel a psychiatric examination. To begin with, you already have this system, Windows Explorer. You can use Windows Explorer to find files containing specific words (Explorer searches Acrobat document summaries and notes). [Note: Mac OS Users can accomplish the same thing with Sherlock.]. Want more? Consider Worldox. It provides industrial strength file management (at a price of course, not just in dollars but in training and following a regimented system of coding files). There are many other heavy-duty products for document management. In the middle, between Windows Explorer and industrial strength, are case management programs (or groupware) like Amicus Attorney, TimeMatters and GroupWise. These programs have document management capabilities, some more than others. Try implementing a good logical in-house electronic file system like that illustrated above; if you can't find your documents with that system, then look at Worldox. And remember, when you create a large collection of PDF files, you can "index" the collection, which then allows you to search the entire collection.

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\*David Masters (dlmasters@masterslaw.com) is a sole practitioner in Montrose, Colorado. He is a frequent speaker on legal technology and the law and a member of the Editorial Board of GP Solo's Technology & Practice Guide.

## TO MOVE TO OS X OR NOT TO MOVE TO OS X: THAT IS THE QUESTION

**By Victoria Herring\***

I am a solo with a part-time paralegal staff person. I have a G4 Cube and a Titanium Powerbook. My staff uses the G3 desktop, running Mac OS 8.6; I recently replaced my trusty G3 with the new iMac. I use the G3 as a server to back up files, running Mac OS 9.1. So far, all works seamlessly. There was a time last fall when I truly thought, “I have to be nuts to be moving to OS X.” But, I saw the handwriting on the wall and I did it anyway. As I worked with and gained familiarity with Apple's new operating system, OS X, I found myself impressed by its power and enjoying myself with it.



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I have to confess that I am not an early adopter of new software, especially new operating systems. I required convincing that moving from the older operating systems (I was using Macintosh OS 8.6 and 9.1) was an idea whose time had come. In fact, I made the switch and then became gun-shy and pulled back. After asking a lot of questions and playing with it a bit I became comfortable enough to upgrade my various office machines to OS X. Now, I won't go back.

My thought process last fall in deciding whether and how to switch, involved checking out Apple's web site and reading various magazines trumpeting OS X. I remained skittish. My main concern was whether I could continue to use my older applications in the brave new world of OS X. I worried about my ability to continue to use Timeslips 6+, Ready for Trial, Filemaker Pro 3, Appleworks, Quicken, Eudora and Internet Explorer, all of which I use frequently in a day. Yet, once I made the plunge, I found that all of these programs work well with the new OS X. I continue to use all of these programs today.

Initially, I tried using several partitions for various categories of files, but, I have now settled on a simple, one partition per computer setup. I did add plenty of RAM while it was cheap and that has been helpful in running OS X. I have been running OS X+ on my Cube, and now my iMac and Titanium, without any problem linking to my G3 running at 8.6 and now 9.1.

I have now done the full OS X install now on four computers (mine plus my son's iBook). I very carefully step through the process: backup data, use Disk Utility to initialize the disk, start with the 9.2 CD and boot from that and install 9.2, then continue on through the process by installing OS X.1 and then updating with Apple's Update Installers. New computers now come with OS X.2 and require only the downloading and installation of the newly released OS X.3 updater. I am operating my Cube, Titanium and iMac (and my son's iBook with OS X.1.3).

One wonderful dividend of moving to OS X is its stability. I can now regularly run my computers for days on end without rebooting for maintenance (other than an occasional software update or new application installation). None of the crashes or freezes or lockups of pre-OS X computers plague the new OS. The fact that I no longer have to deal with these problems makes a significant difference in my day.

My fear of the unknown Unix system proved a straw man. I really knew nothing about UNIX, and still don't. Once you get OS X up and running, Unix is virtually transparent. I did have a 'kernal panic' at one point, which scared me until I called Apple Support and they walked me through the process to see what had happened and why. We fixed the problem and all has been fine ever since. I still don't fully understand what a Console or Terminal is (you'll find them in the Utilities folder); but, at least so far, not knowing has made no difference to my ability to use the system.

OS X presumes the existence of multiple users and insists on security redundancies. Initially that created some inconvenience, but I have figured out a way around it. If you share a network or want more security protection, OS X will certainly provide you with all you might need.

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I did experience some initial confusion regarding what files went where and how to file things. Once I got into the habit of focusing on OS X as my main system and ignoring OS 9 unless needed, that became less and less of an issue. As you use OS X, you will find more and more applications upgrading to it, you will want those and need fewer and fewer OS9 applications. Yes, you can keep classic OS 9 running, but it truly stays in the background. I rarely see the (now boring) black header and when I do, am eager to return to my blue OS X.

As for applications, Timeslips 6 and Laptrack 6 are both Mac Classic applications but work just fine in OS X. I have experienced no problems at all over many months. I am still using Retrospect 4.3 (version 5 for OS X is out, but I have not yet upgraded). As far as I can tell, it's backing up everything fine, although I do plan to move to Retrospect 5 soon. I run Quickeys OS X and that works fine. Appleworks 6.2+ is designed for OS X and works fine, Adobe's Acrobat and Photoshop Elements both work as well. Power On Software has released an OS X version of NOW Up-to-Date & -Contact and, again, works just fine; before I upgraded, the prior version (a classic application) worked just fine. Filemaker Pro 3+ continues to work fine for me, and until a need presents itself, I'll not move to version 5.

I am having problems with my Palm 4.0 and synching, but that may well be because I haven't taken the time to carefully set it up; the prior version worked fine, so this may be more a function of my lack of time to set it up properly.

There are numerous resources available for assistance with the modern Macs and OS X. Besides the many on-line sites (many of which can be found via Apple's website), check out <http://www.macattorney.org> a group and listserve of Mac-using attorneys, and <http://www.macattorney.com>. You might also want to look at the now somewhat dated ABA's 'Macintosh Software Guide for the Law Office, <<http://www.abanet.org/lpm/catalog/511-0431.html>> by Randy Singer. The Association of Trial Lawyers of America also hosts a Macintosh Forum on-line. There are also a number of works available to serve as a guide to the modern Macintosh and to OS X, easily found by a search on Amazon, Barnes & Noble, or such sites (if you get bored one afternoon, you can still find real bookstores that carry those guides).

Suffice it to say that my initial fears and trepidations of moving to OS X proved unfounded. The move, when I finally made it seriously, went easy and with little stress. Every discovery has proven a delight (I am fairly involved in creative efforts these days learning the ins and outs of iTunes and iPhoto). As a solo, I handle my own "IT" issues, with the help of the generous assistance of MacLaw and various website resources. My computers, using OS X, are powerful machines, worthy of any law office and particularly well suited to that of a solo or small firm practitioner. Any lawyer with a limited budget or limited time (and/or patience) for dealing with Tech support will enjoy the benefits of using a Mac and OS X.

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\*Victoria Herring (Victoria@herringlaw.com), is a sole practitioner in Des Moines, Iowa. She concentrates on civil rights, employment and discrimination, appellate advocacy and administrative law. She regularly presents at CLE programs and has authored numerous articles for a variety of publications.

## Legal Math-Pac

By Jim Calloway\*

Many legal matters involve a bit of math. If you are a spreadsheet maven, you may not need this product. If you are willing to invest the time, you can configure spreadsheets and other financial calculators to produce the same results as Legal Math-Pac. For the rest of us, however, being able to invest \$129 for a program that is so easy to set up and use is a true bargain.

Legal Math-Pac is a financial calculator for lawyers. It does a few simple things quickly and easily. You can use the program to calculate interest on past due child support or judgments or create a loan amortization schedule. You can also compute present and future value, such as the effect of monthly contributions to a college fund.

A typical scenario for its use would involve a client who has retained a lawyer to collect past due child support over the last five years. She has maintained meticulous records of partial payments and missed payments over the years. When the lawyer examines these records to compute the arrearage and interest on the past due amount, the calculation of interest is not simple. While the monthly obligation for child support is always the same, the payment history is erratic. Some months the child support was paid in full, but very late. Other months were skipped entirely. Many months reflect two or more partial payments. The client is entitled to recover interest, but manually calculating the interest might cost more in attorney's fees than the interest itself.

With Legal Math-Pac, calculating the interest and generating a report to attach to a court filing is simple and easy. You enter the monthly obligation as a positive number and the date of the first child support payment. You then repeat all of the obligations by mouse clicks or keystrokes. For example, in a five-year arrearage for a monthly obligation you would hit the key sixty times. The program gives you the options entering debts due by the month, the week, two weeks or even the 1<sup>st</sup> and the 15<sup>th</sup>. You enter the amount and date of each payment made as a negative number. There are a few other options relating to interest rate, compounding and application of payments. Click on the Calculate/Print button and you have a nice little nine-column chart, suitable for filing with the court, reflecting the total obligation, every payment, the amount due after each payment, and the accrued interest. You can print this and also use File-Save to save the data file under your client's name in case some revisions are needed later.

The program has a short learning curve and it will not take much time to learn how it works. The drop-down menu of Key Equivalents gives a list of keystrokes that can replace repeated mouse clicks. Simple and handy are the two words that come to mind when evaluating this product. You can get more information and a product download from Custom Legal Software website at <http://www.legalmath.com>

\*Jim Calloway is the Director, Oklahoma Bar Association Management Assistance Program, a frequent technology speaker and author. You can contact Jim at [jimc@okbar.org](mailto:jimc@okbar.org)

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## Trends in Technology

By J. Anthony Vittal\*

Two areas of technology will soon reflect major changes: (1) information storage and retrieval; and (2) the ever-shrinking size of functional computers.

**Optical Data Storage**: Optical technology offers another direction for data storage. Unthinkable to most of us even a few years ago, the evolution of this technology will enable us to load ever-increasing amounts of data into the ubiquitous CD-sized disc format. Unfortunately, in the blue-spectrum laser genre, the players have not agreed on a recording scheme, which may leave us the victims of another VHS/Beta battle until a winner emerges. The “Blu-Ray Disc” will be a blue-laser-based **rewritable** optical disc system storing up to 27 GB of data on a CD-sized disc (40 times the amount stored on a CD). Matsushita Electric Industrial, a member of the Blu-Ray consortium, has developed a two-sided rewritable optical disc that can store up to 100 GB using violet lasers, but the cost likely will be beyond the consumer’s reach in the near term.

**Holographic storage** also holds great promise. Tapestry (InPhase Technologies), writes a succession of 1.3 MB holograms to a CD-sized disc that can hold up to 100 GB of data. Since data is distributed throughout the disc, rather than in just one layer or on the surface, the data should be more secure. InPhase projects a 30-year life span for the medium, which is insensitive to normal light and heat variations. Look for a 2 GB postage-stamp sized format and a 20 GB credit-card sized format.

**Flourescent Multi-Layer Disc (FMD)** technology: First generation FMD discs will store 100 GB of data. Second generation FMD technology, using blue-spectrum lasers, should enable storage of a terabyte (1,000 GB) on a single CD-sized disc.

**Portable Computing**. IBM has developed a research prototype for a new approach to portable computing – the MetaPad. Running an 800 MHz CPU and holding 10 MB of data storage for R&D purposes, the device is about the size of a 3x5 index card, less than an inch thick, and weighs about 9 ounces. The device plugs into docking stations (with displays and I/O devices such as keyboards and mice). The slots would be virtually everywhere – on your desk at home, in the office, and in your hotel room; in your car, in meeting rooms, in transportation waiting areas, at your airplane and train seat, at the library, and everywhere else you may go – even the courtroom. Another version of the device adds a GUI touch screen, which would turn the MetaPad into a handheld computer. It will not be an extension of your PC or workstation (like the Palm and its competitors), but will be your workstation itself. Think of the MetaPad as a pocket-sized notebook computer. These devices are likely to catch on with lawyers whose duties to preserve and maintain the confidentiality of client information make them unlikely users of the Internet data storage solution.

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J. Anthony Vittal ([tony.vittal@abanet.org](mailto:tony.vittal@abanet.org)) is Managing Partner of Vittal and Sternberg, a dispute resolution boutique in Los Angeles, California. A member of the ABA Standing Committee on Technology and Information Systems, he frequently speaks and writes on legal technology topics.

## The Computer For The Rest Of US

By Jeffrey Allen\*

Recently, a debate has run through many listserves relating to the legal profession. That debate centers on the percentage of attorneys that use Macintosh computers. The numbers thrown around currently populate the range of 8% to 25%. Without regard to what number actually represents the true percentage of Mac attorneys, nobody seems to argue two points: (1) the percentage of attorneys using Macintosh computers continues to increase; and (2) the largest Macintosh adoption has occurred and continues to occur in the context of small firm and solo practices.

Why have we seen this increase? Historically, most of the legal practice software was available only for Windows. Recently, more and more software useful in legal practices has shown up on the Macintosh platform. The evolution of the use of the Internet and the availability of broadband access has also contributed to this development. Publishers have made more resources available on the Internet and, in most cases, the Internet-based programs lack platform limitations. A Mac can access and use it just as easily as a Windows-based computer. As Publishers make resources available in platform independent form, attorneys will find that it makes less and less difference whether they use the Macintosh or Windows operating system.

The Mac's ability to successfully emulate a Windows computer also contributes to the increase of Mac acceptance. Several years ago, Connectix Corporation (<http://www.connectix.com>) introduced Virtual PC ("VPC") to the Mac world. VPC allows the Mac to operate within a window as a Windows OS computer while it continues to run as a Mac in all other respects. The evolution of hardware and software dramatically increased VPC's functionality. Today, a Mac G4 computer with a reasonable amount of RAM using VPC can run most Windows-based legal-practice oriented programs at speeds that equal or exceed what many law offices can do on their Windows computers. While a Mac running VPC may not beat a Pentium IV running at 2 GHz with 1 GB of RAM, most law offices do not run configurations anywhere near that powerful. In actual practice, many of the current legal programs cannot effectively use that speed in their operations.

In recognition of the growing number of attorneys that use Macintosh computers, the editors of the Technology eReport proudly announce that, commencing with this issue of the report, each issue will contain material dedicated to the Mac oriented among us. The Mac Notes page will be a regular feature of the Report. In addition we will, on occasion have lead articles and/or product reviews oriented towards the Macintosh platform. The editorial Board of the GP SOLO Technology & Practice Guide has made a similar determination and will include at least one Macintosh oriented piece in each of its issues as well.

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\*Jeffrey Allen ([jallenlawtek@aol.com](mailto:jallenlawtek@aol.com)) has a general practice in Oakland, California. His firm, Graves & Allen, emphasizes real estate and business transactions and litigation. He is a frequent speaker and author on technology topics and the Editor-In-Chief of the GPSolo Technology & Practice Guide and the Technology eReport.



# section notes

## Mark Your Calendar For Section Meetings in 2002

**ABA Annual Meeting:** Washington D.C., August 8-11.

**GPSSF Fall Meeting:** Westin Horton Plaza, San Diego, California, October 2-6.

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### Also At the Annual Meeting:

**Solo & Small Firm Day 2002**

**Thursday, August 8, 2002- 8:45 AM – 5:00 PM**

**St. Regis Hotel - Washington, DC**

Sessions will include:

**-High Tech Tools and Top Tech Tips** (Jim Calloway and Alan Pearlman)

**-Show Me the Money!** (Wallace E. Shipp, Jr.)

**-Using Case Management Software for Profit** (Kerry Adams and Natalie Thornwell)

***Luncheon and Awards Ceremony (ticketed, \$35 per person)***

**Keynote Speakers: Monica Bay and James Durant**

**Awards to be presented at Awards Ceremony:**

Donald C. Rikli Solo Lifetime Achievement Award

Solo Practitioner of the Year Award

Annual Sole Practitioner Merit Award

Annual Small Firm Practitioner Award

GP Link Bar Leader Award

GP Link Project Award.

**-Marketing Your Practice** (Mindy Farber and Linda Ravdin)

**-Profitability & Practice Management Tips for the Solos and Small Firms**

(Richard Block and Steve Manekin)

**-99 Tips to Profitability**

For information, visit our web site <http://www.abanet.org/genpractice> or call 312-988-5640.

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## Membership

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When asked which online legal research service they prefer to use, by overwhelming margins legal professionals consistently choose Westlaw<sup>®</sup>. In fact, more than 55 percent of American Bar Association (ABA) members selected Westlaw in the recently completed 2001 ABA Legal Technology Survey.

Its ease-of-use, advanced personalization capabilities and ability to integrate easily with nearly any law firm technology are driving Westlaw's popularity. "Legal professionals" can literally take Westlaw anywhere and customize it their specific needs," said West Group President Mike Wilens. "Only West delivers assured accuracy, integrity and confidence. These are the differences that matter, improving the way our customers work and helping them to provide better counsel to their clients."

Westlaw is the only legal research service that lets legal professionals personalize their user interface to meet their specific research needs. My Westlaw, available exclusively at westlaw.com, allows users to select from more than 130 practice area and jurisdiction tabbed pages. Legal professionals can further personalize these pages by selecting and arranging the placement of the databases, search functionality and shortcuts they use most on those pages – helping legal professionals quickly navigate and find the information they need. Since My Westlaw was introduced in 2001, more than thousands of legal professionals have customized their version of Westlaw.

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