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Getting the Highest Return From Legal Technology Tools

By Brad Cooper

Firms should spend their time wisely when evaluating technology tools and not be blinded by the sea of options, but focus on key applications that will enhance their operations.

At a recent solo lawyer conference, a respected local attorney was giving a talk outlining various low-cost, but essential, technology products. He provided a few strategies for evaluating them and gave out a great handout, which was five pages long and included hundreds of website links to various technology product sites across a half-dozen categories, including practice management software, scanners, dictation software, online document storage, and so forth. Similar "endless'" lists have been compiled from bar associations and consultants across the country.

Although these efforts are well-meaning, do they really help?

With technology tools for solos and small firms, there are four main problems: (1) with hundreds of solutions, it's time consuming and difficult to evaluate them all; (2) most of the tools don't talk to each other; (3) many solutions are not intuitive or easy to use; and (4) without good subject-matter training, even the best tools are not very useful.

Too Many Tools, Too Little Time
It takes many hours to scour countless product websites, additional effort and time commitment to install and learn how to use specific programs, and then,

when the firm determines a solution isn't a good fit, more hours and headaches to remove them. The time and opportunity costs are usually far more than the costs to purchase the products themselves. It's maybe one step better than searching Google, but still not great.

Why are these recommended practice tool lists so long, and how can firms make sense of all of their options? One answer that is gaining in popularity is for firms to take a more strategic, business-focused approach to evaluating and using technology. Instead of having 20 tools that may automate 20 low-level functions deemed important, why not spend more time looking for fewer tools that can do more, and most importantly positively impact firm business?

Consider an alternative approach. Where does technology have the most impact in the firm? How can this be categorized to help organize the process? Based on recent legal industry research and user feedback, practice technology solutions can be divided into four main areas: getting clients, managing clients, doing the work, and getting paid. There are certainly other categories, but these are the core areas where technology can become the biggest "game changer" for a practice.

Evaluating Impactful Technologies

As a general rule of thumb, solos and small firms should spend 80 percent of their time evaluating 20 percent of the tools that will deliver the most impact to their practice. A new practice should spend a lot of time looking for solutions and tools to help get more clients. If it's a new practice area for the firm, time could be spent looking for CLE resources and efficiency tools. New litigators ought to spend more time looking at litigation guides and calendaring tools. Practitioners overwhelmed with paper management might consider purchasing a high-powered scanner. What are the key goals to becoming more efficient? Firms should work with their practice management advisors, trusted colleagues, and consultants to identify these opportunities and pain points and, ideally, save time on this process and end up with a short list of strategic technology tools.

Why Don't My Tools Know Who My Clients Are?

Communication is critical to effective management, and this also holds true as it relates to your technology tools (although in technology lingo we call it *integration*). Even when law practices have a stable set of technology tools, more often than not the tools don't do a good job in sharing data with each other, streamlining daily workflow, or helping to provide information to make the practice better. Just within the "getting clients" category, it's nearly impossible today to truly evaluate the ROI of most attorney advertising and marketing investments as there are no standard ways to measure advertising performance data across media types (print vs. direct mail vs. Internet vs. referrals). Once a prospective client comes into the firm, there are also no real consistent methods or formats small firms can use to get and manage the client's information or link those marketing efforts to "good clients" vs. "not-so-good clients." Most customer relationship management (CRM) systems are expensive and not built for small firms (many are not even designed for law firms) and, thus, are overkill and a lot more trouble than they are worth. So without standardization and sharing of client data, firms resort to manual double (or triple or quadruple) entry into spreadsheets, email folders, billing

systems, bookkeeping systems, and so forth.

With this is mind, it is important for solos and small firm practitioners to ask their consultants, practice management advisors, and vendors what their tools can do to integrate or share information with the other solutions that might already be in use across the firm. A good litmus test includes a "dry run" walk-through of the selected software solutions to determine what it would take to use the tool with actual clients, from beginning to end.

The "All or Nothing" Approach to Practice Management Software
A popular answer to the integration question has traditionally meant installing a "robust, scalable, feature-rich" (add other buzz words here) software system. Although these solutions might have many of the bells and whistles, these predominantly client/server based systems are expensive and require extensive planning, installation, and training time (months or sometimes years). These practice "massive" software tools are not designed to help small firms run their practice like a business, and based on the complexity involved with installation and training, rarely live up to the associated hype or potential. By the time all is said and done, it's too late, and firms figure they need to squeeze a return out of the investment and are locked in to the vendor or consultant to make it all work. The switching costs become enormous. The firm usually can't unplug one component and plug in another from another vendor or provider.

Solos should consider practice management tools that are web-based and designed to integrate well with other solutions and that organically can grow with their practice. Firms don't have to use everything to get value, so they can choose tools that allow to mix and match with other tech tools.

Do the Tools Make It Easier to Get Things Done?
Some software applications and online tools for solos still look like they were designed in 1998. Although they may look familiar to many legal administrators and attorneys who use them, many of the technology vendors behind them haven't spent enough time on making the experience using their products positive. On the contrary, easy and newer web browser capabilities are making the experience better. And it's not about looking pretty: it's about being incredibly easy to learn, use, and get value from the products.

When trying or testing products, firms should make note of how easy they are for staff to use. Can staff find things easily? Does it take many clicks or steps to complete top tasks? Will the tools truly save the firm time and make things easier?

Google AdWords Alone Does Not Make Firms Rainmakers
Although tools can be extremely helpful in any practice, many of them are only as good as the people using them. Just as the law profession involves many years of training and experience, it takes knowledge and skills for solos and small firm staff to become good rainmakers/marketers (or good business people, good accountants, etc.). So before investing in tools in any of the four categories (getting clients, managing clients, doing the work, and getting paid), solos and firms should make sure they understand the basics. They may seek CLE and training from trusted sources. When doing so, firms should start broad. Before selecting someone to dive in and learn AdWords, the firm might

start with a good introductory online marketing seminar/webinar.

Innovation Is Coming

It is encouraging to see some energy and upstart companies working to solve these challenges with technology tools for solos and small firms. There many good tools, and more and more companies are making their solutions more effective in helping firms realize the potential of their practices.

Take-Aways

- Solos and small firms should allocate 80 percent of the time taken to evaluate technology tools to the 20 percent of key tools that will have the most impact based on the type of practice areas in the firm and the stage that the firm is in.

- Real-world "litmus test" dry runs help solos to evaluate how well new tools will work together with other tools, how they function in use with real clients and matters, and how easy they are to use.

- Firms should consult practice management advisors, colleagues, and trusted consultants to help them focus their technology strategy in order to get a better "short list" of tools to evaluate.

- Vendors appreciate feedback and often use suggestions to make their tools better. Firms should provide suggestions to vendors and ask questions about how they can better use technology tools and services.

Brad Cooper is a senior vice president and general manager at RealPractice, Inc. Based in Santa Ana, California, Brad is an Internet technology pioneer and business management veteran with nearly 20 years of experience at companies including Apple, Xerox, and Adobe/Macromedia. Brad and his teams have managed thousands of attorney marketing programs, and his company, RealPractice, has provided legal technology solutions and services for more than 10 years to thousands of solos as well as the largest law firms in the country. Brad can be reached at bcooper@realpractice.com or 1-877-357-2310, and you may visit RealPractice to learn about their solutions for solos and small firms at http://www.RealPractice.com.

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MacNotes
Apple's New Releases
By Jeffrey Allen

Many things are happening in the Apple world these days. Many of them just occurred, so we will let you know about them in case you have not heard and come back to them in more detail in later issues.

Microsoft has released Office 2011 for the Mac. I just received my copy, and I like it. The interface has improved. It takes a bit of adjustment to find things in the new interface, but it works well. You can order the new software directly from Microsoft's web store. You can also get it from the Apple store. The Home and Student version lists for $149, and the Home and Business version lists for $279. Microsoft has replaced Entourage with a Mac version of Outlook in this version. The Home and Business version includes Outlook; the Home and Student version does not. Both versions include Word, Excel, and PowerPoint. Expect a review in the near future.

Apple has announced a new and upgraded MacBook Air coming in two sizes, 11" and 13", with 4GB of RAM flash memory; drive options of 64GB, 128GB, and 256GB; a second USB port; and an SD card slot (13" size only). The MacBook Air uses the Core2 Duo processor. The MacBook Air introduces FaceTime to the laptop and allows you to use the software with other MacBook Air users as well as iPhone 4 and iPod Touch users. Pricing starts at $999. You can get the new MacBook Air at the Apple store now. Apple has information about it on its website. Expect more information and a review in a later issue.

Apple released iLife '11, with major improvements to its iPhoto, Garageband, and iMovie applications. Apple includes the new software with all new Mac computers. You can purchase it from the Apple store for $49 for an individual license and $79 for a family pack.
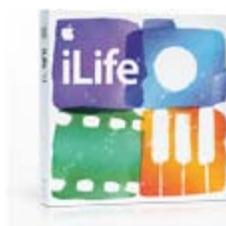

Apple upgraded its iPod line, creating yet another physical shape for the Nano (it's square now). It has taken away its camera and given it a clip to facilitate its pedometer functions. It comes with FM radio built in and a multitouch-style display with four icons (apps don't run on it yet). It comes in an 8GB ($149) and a 16GB ($179) version. Apple claims the battery will power 24 hours of uninterrupted music. You get your choice of seven colors: red, pink, orange, green, gray, silver, and blue.

Apple has clearly anointed the iPod Touch as its premier iPod, adding camera capabilities and FaceTime to the iPod Touch, while at the same time making it more svelte. The new iPod touch is just enough smaller and thinner that it swims in a case built for the last generation of the iPod Touch. The iPod Touch comes in 8GB, 32GB, and 64GB versions, costing $229, $299, and $399, respectively. The new iPod Touch uses Apple's iOS4 and its own A4 processor, which make it faster and give it longer battery life. Apple has put its retina display into the new version, giving it a noticeably improved screen by comparison to its predecessor. The iPod Touch now has a camera, allowing you to shoot HD video. FaceTime has also been introduced.

The Shuffle remains in the lineup with the return of the click wheel as a controller and an 18 percent size increase for easier handing. You get your choice of pink, orange, blue, green, or silver with your 2GB of memory and a built-in clip for $49.
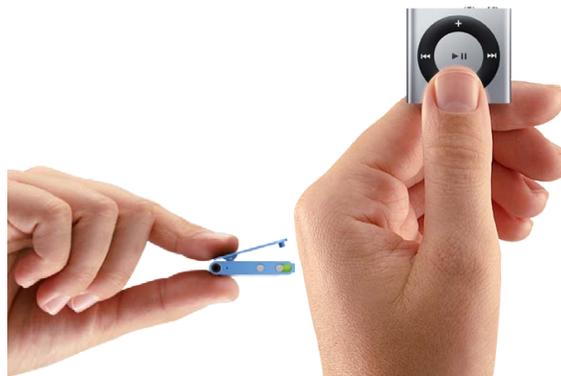
The iPod Classic remains a current model with no changes, available in black or white with 160GB and selling for $249.

Apple released a new version of Apple TV. It contains no hard disk, is about 80 percent smaller than its predecessor, and only costs $99. This version works by streaming video and lets you connect with the iTunes store as well as Netflix.

Along with the new iPods, Apple released iTunes 10 for the Mac and Windows. It remains a free download. The most significant changes in this version are the improvement of the sync operation and the replacement of the right side of the screen with a screen devoted to iTunes Ping, a social networking setup for music. You can also rent television shows through the iTunes store for $.99 an episode.

Apple also released Safari 5, a major upgrade to its browser program. Safari 5 includes Safari Reader, which lets you view online articles without ads that may have found their way into the picture. It adds improved HTML5 support for better performance as well. Enhancements to the Nitro engine make the browser work faster and better. Safari 5 also gives you built-in Bling search capabilities. The ability to accept and use extensions makes the program easily modifiable in terms of adding features and functions. Apple has created a special extensions gallery to let you download available extensions. You can explore all the new features on Apple's website at http://www.apple.com/safari/whats-new.html.

Apple, AT&T, and Verizon have announced that AT&T and Verizon will both sell the iPad at their stores. Verizon will package iPads with its MiFi cellular broadband wireless router that will give you a mobile hotspot to connect to using the iPad's WiFi capabilities. The rumor that Apple's iPhone will be available on Verizon's network early in 2011 continues to persist and grow in momentum. The sale of the iPad in the Verizon stores does seem to make the rumor more

credible.

Jeffrey Allen is the principal in the law firm of Graves & Allen with a general practice that, since 1973, has emphasized negotiation, structuring, and documentation of real estate acquisitions, loans and other business transactions, receiverships, related litigation, and bankruptcy. Graves & Allen is a small firm in Oakland, California. Mr. Allen also works extensively as an arbitrator and a mediator. He serves as the editor of the Technology eReport and the Technology & Practice Guide issues of GP Solo Magazine. He also serves on the Board of Editors of the ABA Journal. Mr. Allen regularly presents at substantive law and technology-oriented programs for attorneys and writes for several legal trade magazines. In addition to being licensed as an attorney in California, Jeffrey has been admitted as a Solicitor of the Supreme Court of England and Wales. He is an associate professor at California State University of the East Bay and the University of Phoenix. Mr. Allen blogs on technology at www.jallenlawtekblog.com. You can contact Jeffrey via email jallenlawtek@aol.com.

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Legal Project Management for the 21st Century

By Mike Moore

Lawyers tend to resist any type of comparison between law and any other type of service delivery. Some say practicing law is inherently different from other disciplines because of the unique facts and circumstances involved in each matter and the degree of professional skill necessary to solve highly complex, rapidly changing problems. Folks in this camp theorize that the practice of law is "unique," every client problem is different, and a resolution to each situation needs to be "cut from whole cloth."

When queried why matters are handled in a particular manner, it's not unusual to hear the response, "That's the way things have always been done!"

There are several understandable reasons why some lawyers rely on old approaches and have an aversion to analogies to other industries. Lawyers are trained to give great weight to precedent, are often cautious and conservative, can be generally slower to adopt new technology or business methods, and—more often than not—feel the daily pressure of getting things out door prevents them from taking a fresh look at how they approach client matters. Lastly, a lot of lawyers are playing aggressive defense against "commoditization." Adopting new business practices may be a subtle (yet erroneous) interpretation by some of heading down the slippery slope toward devalued legal services.

Think Differently for Higher Profit Margins
Ignoring the hard fought lessons of other industries in terms of efficiencies is a

fools' errand. Some of the techniques deployed by software development with respect to project management are certainly worth consideration by lawyers. These techniques are not complex or radical, and have nothing whatsoever to do with commoditizing the high degree of professional skill and care required to deliver great legal service. To the contrary, the techniques can enable lawyers to deliver their services better, in a manner clients appreciate, while simultaneously better measuring (and occasionally even increasing) their own firm's profitability.

Although it is completely true that the professional skill necessary to successfully resolve a client's problem is absolutely unique, the *process* involved in approaching most legal problems is often highly replicable. From a project management standpoint, a litigated matter may be seen as a highly structured, nonviolent dispute resolution process with a relatively clear definable process (e.g., complaint, responsive pleadings, discovery, motions, trial, judgment), operating within a set of codified rules (e.g., civil procedure, in a civil case). In fact, the litigation process is often defined even further—with definitive milestone completion dates—by a formal court-set scheduling order.

Similarly, a merger or acquisition transaction has definable stages (e.g., term sheet, due diligence, agreements, closing, and so forth), and the legal documents that are triggered during the stages also tend to follow generally accepted patterns. An acquisition agreement will typically recite the consideration, the respective representations and warranties, covenants, and so forth. Each situation has plenty of potential uncertainty involved, but the process itself can be reasonably well defined.

This is far from saying that the professional skill required to successfully complete these projects is subject to commoditization. However, it is a recognition that much of what lawyers do is indeed subject to viewing from a traditional project management standpoint, and doing so can result in overall efficiency gains to all stakeholders (in other words, higher profit margins).

A Glimpse of Project Management
The software industry has helped lead the way in developing some of the techniques and iterative processes that can facilitate the successful completion of complex projects. After all, software development itself can be—at its core—highly uncertain. Software development is complex, requires a high degree of professional acumen and logical thinking, and can be simultaneously affected by numerous conflicting forces—from user requirements changes to changing laws and regulations to unforeseen consequences of code modifications.

And before you say to yourself, "Come on! This could never work in legal," realize that the very techniques employed by software professionals originated from manufacturing. There is precedent to business techniques leaping industries.

One way to apply software development practices to the practice of law is to draw analogies to their individual components. For instance, legal problems are often referred to as *matters*. A matter can be seen as its own individual *project*. A project, in turn, has identifiable start points, milestone events, and then a conclusion. Each stage of the project presents an opportunity to

evaluate progress and *measure key metrics*. (In the case of a legal matter, the key metrics may be professional hours invested, fees or costs expended, changes in potential settlement positions (in the case of litigation), client time or client's employees time invested, and so forth.)

Oftentimes, it is helpful to set objective target metrics up front so that valuable perspective can be gained while measuring performance at each stage. In the case of litigation, a simple example may be for the attorney and the client's general counsel to set an explicit budget (in terms of attorney time, client time, cost, etc.) for stages in the project. Treating matters as projects, with explicitly defined checkpoints, not only yields valuable metrics, but also tends to improve communication and ensure that entire litigation team is all working toward the same goals. And by team, we're talking not just about attorneys, but clients and other resources as well.

From the law firm perspective, at the tactical level, treating matters as projects can also be greatly assisted by adopting Agile Project Management techniques. Agile is essentially the notion of working projects in a highly flexible, interactive manner. This is opposed to a strict "waterfall" or rigid, top-down approach, where things are "set in stone" and not regularly reviewed or questioned.

Attorneys frequently work closely in teams that consist of other attorneys (e.g., associates), paraprofessionals, administrative staff, and—in complex transactions—accountants, expert witnesses, and other professionals. Ensuring that everyone stays on task, consistent with the breakdown of the project, is critical to achieving success. A few simple tactical processes can be useful in this regard; namely, a Daily Standup and a periodic Retrospective.

A Couple of Techniques to Put You on the Path to Project Management

A Daily Standup is a short meeting, usually held first thing in the morning, where the key members of the team assemble and each give a simple oral report consisting of: (a) what they worked on the prior day; (b) what they're working on today; and (c) what, if anything, is in their way or inhibiting their progress. This is typically done with all team members *physically* standing to ensure a quick and efficient session (after all, who likes to stand?). Conducting these short sessions, particularly while in the midst of a complex project, can have an enormously beneficial impact. First, the team leader (e.g., the lead partner) can quickly identify progress from a 10,000 foot view and, if necessary, make quick course changes or resource reallocations to ensure that the overall project goals can efficiently proceed. Second, the team members get a regular opportunity to hear what is happening from different angles, yielding perspective and sometimes getting an early "heads up" on something that could inadvertently negatively impact the project as a whole. Similarly, duplication of effort is minimized with regular communication among teammates.

The Daily Standups are supplemented by less frequent Retrospective meetings. A Retrospective, which may occur once every few weeks or upon completion of a milestone (depending upon the time between milestones), is a meeting among team members that reviews progress on a particular project and results in a list of suggestions for processes to "stop," "start," and "continue." The

meeting is led by the team leader, but each team member is encouraged to participate equally. It's critical, particularly at a law firm, that org chart formalities are truly put aside for this process.

At these meetings, the team takes a broader view of the prior period's events and evaluates actions at the process level. For example, suggestions may be "start tracking time spent by administrative staff by matter" or "stop doing business with XYZ Process Servers." Task-level issues—"order a lien search on the Jones matter"—are reserved for Daily Standups. The Retrospectives are intended as a way to ensure that team is sharing high-level goals and objectives.

Benefits of Legal Project Management

Viewing matters as projects and embracing techniques like Daily Standups and Retrospectives can yield immediate benefits in several areas. Clearly, communication is improved. In addition, taking a "project" view of a legal matter also helps to put order and organization around a complex problem with many moving parts. By doing so the lawyer, and often the client as well, gain a better perspective of the overall goals being pursued.

Taking a project view and setting a definitive structure and process to execute on also helps ward off the psychological feeling of being overwhelmed that can often accompany a complex problem with rapidly changing facts. Moreover, it's not uncommon at all to find that once a matter is organized into a project view, it becomes much easier to focus on pro-active rather than reactive tactics. For example, breaking down a matter and then applying Agile tactics often has the effect of being able to better see the "big picture" which, in turn, often results in the emergence of new ideas.

By providing a sweeping vista of the high-level overview of a matter, project management can enable the decision makers to avoid getting caught up in simply responding to what's happening or the emergency-du-jour and, instead, find new ways to drive the matter to better achieve the objective at hand. "Why are we doing it like this?" is a question much better answered in the context of a closely managed project than in the midst of an environment where triage seems to rule the day.

Finally, using project management techniques can also benefit the law firm itself, from the standpoint of its own business operations. By collecting more data, and measuring it more frequently, several opportunities to increase efficiency and productivity emerge. For instance, a better understanding of the internal resources applied to a particular aspect of a particular matter can even —in theory—present opportunities for alternative fee arrangements. If the firm better understands exactly what it takes to successfully complete something, the opportunity for more definitive pricing emerges. The uncertainties of hourly billing, in addition to the perceived inherent inefficiencies, can be a major disincentive for clients to seek out more legal assistance.

Moreover, when this type of project-level data becomes more available (which enables a deeper understanding of the resource metrics involved in particular matters), what often happens is that firms will start looking more seriously at evaluating the new technologies that boost legal productivity. Document

assembly, legal practice management software, contract lawyer services, and many other tools become much more valuable when project management techniques are utilized—all of which are ultimately geared not to displace lawyers; rather, to better enable lawyers to focus on giving clients what they need: the very best, insightful legal advice delivered in a deliberate, organized, cost-effective manner.

So, take a look at some of these techniques with an open mind and see if you experience the same benefits that some of our law firms have told us they've gained from trying out some of these project management techniques.

Mike Moore is the CFO and VP of Business Affairs of Rocket Matter, a purveyor of online legal practice management software. More information on project management is available in their free e-book Legal Productivity.

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Law on the Run: Is Anyone Cleaning Up After Me?

By Donna Seyle

Make no mistake about it: if you are a lawyer, technology is your next best friend. Comes right after that first, human best friend: the one you can have a conversation with. But when you're working on the fly, nothing and no one can replace that special little device that never leaves your hand and hardly ever rings anymore, but sure dings a lot to tell you have email or text. And when you're sitting in the doctor's office waiting until s/he actually has time for you, that ding just might save your case.

So while you are waiting impatiently, you decide to check your email. It's from your office, and has a copy of a settlement agreement in a case you're aching to keep out of a courtroom. You pull up the agreement and read through it. The few changes opposing counsel made seem acceptable, except one little phrase you really don't like. You delete the phrase and send the copy straight back to opposing counsel for signature. You are so elated you can hardly control yourself. Until you hear that tiny little voice of your staff: "Don't ever email anything straight back to opposing counsel from your phone because it doesn't have metadata removal software." And you just pray that the document was cleaned before it was sent to your phone.

Yes, technology is a blessing. It enables you to run your office much more efficiently and reduces your overhead. But it also requires attention and care. You had never even heard of metadata until the insurance carrier asked if you had a metadata removal tool in place. And when you looked at the increase in insurance costs if you didn't, you immediately contracted with a metadata

removal service provider to install the necessary software. That way, it would cover everyone's desktops and laptops that served as some executive's desktops, but who traveled a lot. The executives were trained to immediately send to their secretaries any documents they drafted, altered, or which were altered by opposing counsel while on the road.

But no one, not even the insurance carrier, had given thought to needing the same protection on your mobile device. Maybe because your next best friend used to be a phone. It's a conceptual leap—documents and phones—that is hard to make.

What Is Metadata?

Metadata is invisible data embedded in the content of any work document containing information about the information in the document. Frequently, the information metadata contains could be confidential.

Now, we all love one of the great conveniences of computing called redlining. We create a template of a specific document that can be used multiple times for different clients by changing some key elements and all the facts that differ from client to client and case to case. But the basic format is there.

Typically, when the changes are made by emailing the document back and forth between you and your client(s), we all use the redlining function, that indispensable "track changes" feature that enables us to see what changes were made and who made them in the drafting process. Once everyone agrees to the contents of the document, it is finalized by accepting all changes to produce a clean copy. It's emailed and/or e-filed, and we're all good. Maybe.

Remember those little red or blue or green lines showing the changes, identifying the person who made them and the date and time of the change? That's metadata. And guess what— it *never* goes away by itself. This allows anyone with very rudimentary forensics skills to "mine" the document for confidential information. And if the document has been used by a previous client who had commented on the contents of the template in another case, well, that's there too.

Legal opinions vary from state to state regarding the nature of a lawyer's duty to ensure their edocuments are clean. But opinions are beginning to emerge by the ABA (see Legal Technology Resource Center—Metadata Ethics Opinions Around the World), Colorado, Vermont, Maryland, West Virginia, and Massachusetts. Most of them lean toward allowing the discovered metadata to remain with opposing counsel. Sometimes this can be simply embarrassing; other times, it can damage your case.

The Growth of the Use of Mobile Devices

Now let's take a look, for a moment, at the growth in use of mobile devices. In "Going Mobile: The Rise of the Mobile Platform," Tom Mighell and Dennis Kennedy state: "2009 has been the year of the smartphone. Lawyers are moving from traditional email access with a BlackBerry to apps and mobile browsing on iPhones and other smartphones." They are not alone in their observations. The rise in importance of the mobile device for business purposes and the requirement for security solutions to be put in place to cover usage of these devices is also reflected by the number of analyst reports and

other surveys that were published in the latter part of 2009. The ABA Tech Survey 2009 reported that 82 percent of its respondents use PDAs/Smartphones/Blackberry when away from the office, rising to 95 percent when looking just at large law firms.

The ABA survey also showed that email is the most likely to be used feature on PDAs/Smartphones/Blackberrys. And business enabling applications specifically for mobile devices, such as document editing, have been consistently introduced since the advent of the first RIM Blackberry. Businesses are now able to provide their mobile workforce with access to many of the same business tools they have on their office-based or laptop computers. With the increase in the storage space and the display on smartphones, the likelihood that documents are stored on these devices has also increased. In other words, in 5 years, your smartphone, in whatever new and app-capable version that will be available by then, will *be* your laptop.

The Metadata/Mobile Security Gap
The metadata/mobile security gap: oh, we didn't think of that. Fortunately, someone else did. The company is 3BView.

A survey conducted by 3BView in October 2009 made it clear that only 58 percent of law firms with fewer than 50 attorneys even recognized the risk of data leakage via document metadata in general. Of the group that did recognize the risk, the majority of tools in place are on desktops and/or laptops, with only 3 percent having a metadata removal tool that automatically covers all of their firm's mobile devices. To understand the level of risk of document metadata leakage from mobile devices, consider the following findings from the 3BView survey:

- 84 percent of respondents forward emails with documents attached via their mobile devices, with 69 percent doing so on a daily or weekly basis;

- 43 percent of the legal professionals surveyed reported attaching a document to an email that is being sent out through their mobile device at least once per month. This represents the majority of the respondents who have access to centralized document storage;

- 26 percent of the respondents claim to attach a document to an email on a daily or weekly basis.

The risk commences from the simple step of forwarding a document via a mobile device, as the originating metadata is generally retained during internal review and iteration, and then inadvertently passed on to the opposing counsel via the Blackberry, iPhone, or Netbook et al.

With the increase in features available to aid editing of documents, particularly on smartphones, it is becoming ever easier to make changes to a document when out of the office. As the availability of document review and editing features increases, so will the risk of inadvertent leakage of information via document metadata.

Attorneys must consider the potential problems created by metadata in connection with their use of mobile technology. Just as they employ software solutions for metadata on their computers, they should use it on their mobile

devices. 3BView developed one solution for this problem, 3BClean, a server-based software system that automatically removes metadata from documents as they are emailed.

3BView also created a cloud-based solution that may be more practical for the solo or small firm and has launched 3BCleanDocs. This service enables you to benefit from enterprise-grade metadata removal solution without the need to install and manage the software.

Donna Seyle is founder/coach of Law Practice Strategy, a resource center and training/consulting service for solos and small firms using emerging law practice systems. She blogs and speaks extensively on topics related to the significant changes in the legal profession and the resulting opportunities in this economic and technological environment. Her legal background includes 22 years as a real estate and business lawyer as a law firm associate, in-house counsel, and sole practitioner.

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SurvivingEmail
Email Marketing: Best Practices From One of the Experts
By Aviva Cuyler

Email can be one of the most powerful and least expensive ways to reinforce your expertise with clients, colleagues, and other contacts—and remain top of mind—so they think of you first when an opportunity to refer new business arises. Large law firms have been doing this for at least a decade now—through regular "client alerts" and email newsletters. Increasingly, solo and small firm lawyers are doing the same.

But how do you measure the success of an email campaign? What metrics should you focus on, and how do you optimize results?

To find out the answers to these questions, I interviewed Joshua Fruchter, Esq., principal of eLawMarketing, an online marketing agency that provides email marketing services to more than 100 law firms. His agency recently published a benchmarking report based on an analysis of nearly 7 million law firm emails distributed over a two-year period:

Q: How do law firms know whether people are interested in their

email newsletters?

A: The best measure of interest in your emails is the "conversion rate" for the campaign—that is, the number of people who clicked one or more links in your email divided by the number of people who opened your email.

When someone clicks a link in your email, it signals interest. More specifically, a click means the content caught the reader's attention, and he or she was intrigued enough by the content to take action—be it to read more about the subject discussed, or to register for an event promoted in the email.

Q. But what about attorneys who don't insert any links in their email alerts to "read more" and instead put the entire article in an email—how can they measure reader interest?

A. Unfortunately, putting an entire article in an email is an absolute "worst" practice, since then one cannot generate a meaningful conversion rate and is limited to tracking open rates—i.e., how many recipients open the email. Alas, there is no way to distinguish between, on the one hand, someone who opened the email for a second and then deleted it (or perhaps even just passed their cursor over the email in the preview pane and thereby triggered an open), and on the other hand, folks who opened the email, were genuinely interested in your content, and read the whole thing.

In short, open rates do not signal anything about reader interest—they simply tell you how effective your subject line was—and may also help identify filtering issues at particular domains if you experience an abnormally low (or zero) open rate for certain email addresses.

Q. OK, so it's important to include "read more" links in your emails to generate a conversion rate. But what is a good conversion rate?

A: The current legal industry norm for conversion rates is slightly north of 17 percent based on our analysis of nearly 7 million law firm emails distributed over a two-year period.

But the conversion rate for a particular email could vary for many reasons, so it's best to look at general trends across multiple emails over several months. Over that timeframe, your rates should match the industry norms. If not, an email marketing audit may be in order.

Q: What is the purpose of an email marketing audit?

A: The purpose of an email marketing audit is to investigate possible causes for poor performance by checking for compliance with email marketing "best practices." It's usually a failure to comply with "best practices" that leads conversion rates, as well as other metrics like open rates, and unsubscribe rates, to fall below industry norms.

Additionally, an audit can help a firm generate higher returns on its email marketing through learning how to use the data surrounding your emails for business development.

Q. What are some email marketing best practices you can share?

A. It depends on the metric. To maximize open rates, a firm needs to use short, but compelling and descriptive, subject lines (to learn more about email subject line "best practices," visit http://bit.ly/dpDp6t). Additionally, a firm needs to target its email more precisely. For example, an email alert about a

recent IRS tax ruling should be distributed only to clients with an interest in tax issues rather than to the firm's entire client list. Sounds obvious, but many firms don't exercise enough discretion when assembling distribution lists.

To maximize conversion rates, make sure your "calls to action" like "read more" or "register" are rendered as text, instead of images, which can be blocked from displaying. Also, make sure your banners are not too tall (so they don't hog all the space in the preview pane in certain email applications), and that you make good use of the upper left-hand corner of your email template—which is the most valuable "real estate" in your template.

From the standpoint of list hygiene, distribute email only to individuals with whom your firm has an existing business relationship (e.g., clients, referral sources, etc.), or who have signed up specifically to receive email from your firm.

Q. What do you see as the impact of social media on email marketing?
A. Funny you should ask. So-called pundits have been predicting the demise of email marketing for years. Culprits have included, at various times, spam, RSS feeds, blogs, texting, and now, social media.

But to paraphrase Mark Twain, reports of email's demise have been greatly exaggerated. Consider recent research from MarketingSherpa finding that (1) an increasing number of marketers plan to leverage social media to grow their email lists, (2) email is still the most popular method for sharing a link on the Internet with friends or family, and (3) the overwhelming majority of marketers believe that social media will complement (rather than supplant) email as a marketing tool.

Such research shows that email and social media are *not* mutually exclusive options. So the better question to ask is: how can I integrate my social media efforts with my email marketing program to achieve optimal results in both channels?

The answer: consider strategies like including social sharing buttons in email campaigns. Or distributing periodic emails highlighting top blog posts as a method for building awareness of, and traffic to, firm blogs.

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TechNotes
BlackBerry 101: The Hidden Essentials
By Dan Pinnington

You can do much more with your BlackBerry by learning a few extra keystroke combinations and digging a little deeper into the device's range of functions. Here is a plethora of shortcuts and other pointers to help you get the most bang from your favorite device.

There is an awful lot of stuff crammed onto the average BlackBerry, and with only 45 keys to access all of it, loads of keys do double duty and even triple duty. But while much of the basic functionality of a BlackBerry is reasonably clear, various keyboard shortcuts and functions just aren't so obvious.

That is a real shame because some of them are downright useful—if not absolutely essential—for making maximum use of this device. In this article I will cover what I think are the "hidden" basics for being a power BlackBerry user. (Note: I have a BlackBerry Curve (aka, the 8300 Series), so some of what I describe here will not apply, or be slightly different, on other BlackBerry models.)

The Critical Keys
First off, let's all get on the same page as to the four critical keys that are mentioned many times in the following tips. To the immediate right of the trackball is the Escape key (the curved arrow). You use it to close menus or go back one or more screens. Next to the right is the End/Power key. It ends a call or turns the device off.

To the immediate left of the trackball is the Menu key (the clump of blackberries), which opens the menus that are within all the BlackBerry applications. Next to the left is the Send key (the green phone handset), which starts or dials a phone call.

Typing Tricks
You want to make the most out of that microscopic keyboard, right? It works reasonably well once you get used to it, but here are some cool typing tricks you might not know about that will save you some time and effort in formatting and the like:

• To type a capital letter, press and hold the appropriate letter key.

• To type an accented letter, hold the letter key down, roll the trackball to view the available accented letters, and release to insert the one you want.

• To turn on Number Lock, hold the Alt key and press the left Shift key.

• To turn on Caps Lock, hold the Alt key and press the right Shift key.

• Pressing either Shift key will turn Number or Caps Lock off.

• To insert a period, press the Space key twice, and you'll find that the next letter will automatically be capitalized, too.

• To insert a period or at sign (@) into an email address, just press Space.

• To type a symbol, press the Symbol key and type the letter that appears below the symbol on your screen.

Cut, Copy, and Paste Tips
Anything that helps you avoid unnecessary typing on that tiny BlackBerry keyboard is a lifesaver. You should never retype text that is already on your device. Use the following steps to cut, copy and paste text in the same way you do on a computer.

To highlight a line of text, press Shift and roll the trackball up or down. To highlight text character by character, press Shift and roll the trackball left or right. Note: If you want to cancel a text selection, press the Escape key.

Now, to cut the highlighted text when typing, press Shift + Backspace/Delete. To copy highlighted text when typing, press Alt and click the trackball. And to paste highlighted text when typing, press Shift and click the trackball.

How to Massacre Email and Manage Messages
Most of us spend the majority of our BlackBerry time reading e-mail—lots and lots of it. So here are some tips to help you more quickly deal with all those messages.

When you are within a message, try the following:

- To reply, press R. To reply to all, press L.

- To forward the message, press F.

- To view a contact's email address, highlight the contact and press Q.

- To view the display name again, press Q.

When you want to move around a message list, use these tips:

- To move down one screen at a time, press Space. To move up one screen at a time, press Shift + Space.

- To move to the top of a message list, press T. To move to the bottom of the list, Press B.

- To move to the next date, press N. To move to the previous date, press P.

- To move to the next related message, press J. To move to the previous one, press K.

And here are more tips for when you are in a message list:

- To open a highlighted message, press the Enter key.

- To compose a new message, press C.

- To mark a message as opened or unopened, press Alt + U.

- To view only received messages, press Alt + I.

- To view only sent messages, press Alt + O.

- To view only voice-mail messages, press Alt + V.

- To view only call logs, press Alt + P.

- To view all your messages again, press Escape.

There's a Spell Checker!
Bad spellers, rejoice: You can check spelling in a message, memo, task or appointment by pressing the Menu key and selecting Check Spelling. You can accept or ignore suggested spellings, and you can even add words to a custom dictionary (and you should do this whenever you're prompted to, so you aren't asked again next time). To stop Spell Check, press the Menu key and click Cancel Spell Check.

Mastering the Mute Key
The Mute key's name says it all—it kills the ring. Good to know that when your BlackBerry rings in a location it shouldn't, there's no need to fuss about pressing keys on the keyboard. But the Mute key also has a hidden function. Pressing and holding it puts the device in Standby mode.

In Standby mode, key presses and trackball clicks won't wake up the device or turn on the screen. This is a great way to ensure that you don't accidentally make a phone call or waste battery power when you put the device in your pocket.

To turn Standby off click the Mute key again. Note that in Standby mode incoming calls will wake up the device, and it will ring or vibrate as it is configured to do.

Also, some BlackBerry cases and belt clips have a tiny magnet in them. (Look for a circle about the size of a dime near where the bottom back of the device will sit when in the case or clip.) This magnet trips a switch that turns off the screen and disables the keys—so there is no need to manually put the device into Standby mode.

Right-Clicking With Your Trackball
The clever BlackBerry programmers have set up abilities similar to a right mouse click on the trackball. For example, one quick click on the device's trackball will let you do the following:

• Send a message that you have finished typing.

• Dial a number when you highlight it in Call Log.

• Use the Send Using field to pick the address you want to send a message from (if your BlackBerry is set up to use more than one email address).

Disabling Your Wireless Transmit
Okay, let's be honest here, how many of you can actually obey the airplane pilot at takeoff when you're asked to disable your wireless transmit? For those of us who don't know how to do this (and I will admit, it wasn't obvious to me), click on Manage Connections on your home screen, and then click on Turn All Connections Off.

To turn things back on, do the same thing, but select Restore Connections.

Tricks for Outgoing and Incoming Phone Calls
Digging around through your contacts list to make a phone call takes too many keystrokes. To initiate calls faster, simply type any part of a contact name or phone number on your BlackBerry's home screen. The software will scan your address book and present you with the names that match the letters or number you have entered. Highlight the contact you want to call and press Send.

On the incoming side, there are certain calls you don't want to miss—like ones from your spouse, partner, or kids. Why not create a specific ring tone for each of them so you never miss their calls again? To do this, open the contact in your Address Book, click the trackball and select Edit, then click the trackball again and select Add Custom Phone Tone. Next, click the trackball to open a list of all available ring tones. Select one and save the change to the contact.

In addition, since you can easily take any picture with your BlackBerry camera, how about this? Take a picture of a contact and associate it with that contact to make that picture pop up when that person calls. To do this, just take the picture and then click on the Set As icon. It's 3D caller ID!

Voice Dialing
Voice dialing might seem like a gimmick, but it's indispensable for safety and ease of dialing while driving. Here's how to use it. Press the Voice Dial button —it's on the left side of your BlackBerry—and you'll hear the prompt "Say a command." Wait for the beep and then say "Call" and the name or number you want to call (e.g., "Call 416-598-5863"). And this is cool: If you have more than one number stored for a person—such as a work number as well as a mobile

number—simply indicate which one you want by saying "work" or "mobile" after the person's name (e.g., "Call Jim Calloway Work.")

You can also dial extensions using voice commands. Enable this in Phone Options, Smart Dialing. Then, in your contacts, you can put "x5864," which will let the Voice Dial function understand you when you say "Call extension 5863."

You can also check several things via the Voice Dial function, including the battery charge (say "Check battery"), signal strength, status, coverage, and (last but not least) your BlackBerry phone number. Can you say "Check my phone number?"

And finally, these miscellaneous pointers for voice dialing: you can tweak several voice dialing options and settings to better fit your personal preferences (go to Device Options, Voice Dialing). And if you're the international type, you can configure it to support other languages. Also to note: voice dialing doesn't work with all Bluetooth headsets.

Try a Few at a Time
There are tons of tips in this column. Don't try to learn them all at once. Go back through and identify the two or three that will initially be most helpful for you. Learn those first, then pick a few more. In no time at all, you will be flying around your BlackBerry keyboard and crunching email messages faster than you ever have before.

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SitesForSoreEyes
Do You Have an Appetite for Apps?
By Courtney Kennaday and Jim Calloway

A recent article in *Wired* Magazine was headlined The Web Is Dead. Long Live the Internet. Well, we're not willing to pronounce the Web dead or even seriously ill just yet, but the point of the article was that many more people are using the Internet through alternative means, like smartphone apps. So we thought this month we would turn our eyes to a few apps.

Let's just make one thing perfectly clear: Jim loves his iPhone 3GS and Courtney loves her Droid (the HTC Droid Incredible, to be specific). Neither would trade with the other. As you probably know, the iPhone is an Apple product, and Android is a mobile operating system developed by Google. The iPhone is a smartphone that uses its own operating system, iOS. The Android operating system comes on a number of hardware platforms (geek speak for *phones*), including Motorola, LG, and HTC. The word *Droid* is a trademark of Lucasfilm Ltd., which licenses the mark to Verizon.

The best things about our smart phones are the apps—those little software applications that make our phones so useful and so fun. Without apps, you just have a phone with email and Internet access (which is still pretty cool, but...).

In the spirit of sharing that has been the theme of this column since the beginning, we have assembled some of our favorite apps. We hope you will love them too.

Courtney is still a newbie, having adopted (*purchased* sounds cold and unloving) her Droid Incredible just a few months ago. Here are a few of her preferred apps, which are available in the Droid Market on your Droid.

Lookout (Free)

There's a lot of casual smartphoning happening out there, and not a lot of smart adults using protection, if you catch my drift. Yeah, I mean you, Ms. "I-just-downloaded-a-virus-from- Facebook!" Smartphone users are finding out the hard way that not all apps are safe—some are malicious. That's why it's important to have a security app like Lookout. Whenever a new app is downloaded, Lookout scans it first. But that's not all you get with your free download of beta Lookout. If your phone is lost or stolen, you can go to the Lookout website and locate your device, sound an alarm, or wipe your personal information remotely. With Lookout you can also backup and store 1.5GB of data securely to the cloud. (It will not yet backup external storage cards, such as MicroSD.) Although there isn't a cost to use Lookout now, this could change once it's no longer beta.

TouchDown ($19.99)

Though the current version of Android supports Microsoft Exchange, many users find it isn't robust enough. If you use Exchange at work for email, calendaring, and tasks, you may want to try TouchDown. There are several different versions available for download; determine which is the right one for your Android phone by reading the FAQ and Troubleshooting Guide. Once you've installed the right version, you have a trial period to make sure everything works properly. The purchase price is about $20. With TouchDown you will receive new email alerts, appointment reminders, and even task reminders from Outlook. I like that you can specify which folders in Outlook email you want to see in TouchDown. It does sync to your Outlook calendar, but I find the interface a bit clunky. The calendar is easier to see if you switch to the agenda view. Overall, it's not perfect, but it seems to be the best choice available for Droid users.

The Weather Channel (Free)

It's boring to talk about the weather—unless we're talking about the Weather Channel app. Being able to see up-to-date weather radar is one of my favorite things. Download the Weather Channel app from your Droid Marketplace and see how large that monstrous thunderstorm is. Very handy if you want to decide whether or not to cancel your kid's soccer game (or your golf game). It automatically gives you the weather for your location, and you can add more locations. To see the radar images, click on "Map It!" in the right hand corner.

Babelfish Voice (Free)

This app translates your spoken English words into another language. Choose from Spanish, Italian, German, French, and several more. The app works both as a tutorial for learning a language and as an emergency translator. Imagine you're lost in Paris and need directions. You pull out your Droid and speak as slowly and clearly as possible. Babelfish recognizes your words and types them out. You can then edit the sentence manually if it isn't 100 percent correct

(and it usually isn't). Then click "translate," and Babelfish will say your sentence in French. I'm not sure if anyone in Paris would stop and listen to it or understand the translation or answer your question, but it's a nice idea.

Two short reviews of fave apps:

Amazon App for Android (Free)

I just have to mention something very "gee whiz" for a bargain shopper like me. I can open this app, take a photo of a product bar code or the product itself in a store, save it (it goes to the "Amazon Remembers" list), and purchase it later if I want.

IMDb (Free)

Movie buffs rejoice: there is now an IMDb app for Android. You know what this means: now when you are in a theater and can't remember where you've seen an actor before, you can go to IMDb and settle the debate before it begins. Just be prepared to have popcorn hurled at you for your rudeness.

Jim delayed upgrading to an iPhone for quite a while and now wonders what took him so long. There will not be as many links in this section. iPhone users know that these apps will all be available in the iPhone App store, and so a link will be included only if the app is available for other types of smartphones.

Dragon Dictation (Free)

Nuance Communications is the leader in speech recognition technology. Their free Dragon Dictation iPhone app is really very slick. It is free to download and free to use. Tap a button to dictate into the phone and tap another button when you are finished. In a few seconds, your dictation is there on the screen. You can correct it by tapping on a word and being presented with a few alternative word choices or by using the keypad. You can then email the text or copy it into the clipboard to paste it into a text message or other function that accepts text. It is very slick and very easy, and did I mention free?

The one concern I have about this app is based on reports that it downloads all of your saved contacts in return for the free service. I knew I should spend more time reading those EULA's (end user license agreements) more carefully! I am waiting for a response from Nuance as to whether it is really trading my contacts for free dictation service. And if any of my contacts have been getting email solicitations from Nuance the last few months, well, sorry about that!

Google Mobile (Free)

We're all aware of the power of Google. But the Google iPhone app is one of my Most Valuable Players. It saves times and lets me show off. What else could you want from an app? At the ABA Annual Meeting in San Francisco, the hotel doorman convinced a group of us going to dinner that it would cheaper to take the stretch limo than several taxis. As the limo pulled out from the curb, we realized our group did not have the exact street address. I pulled out my iPhone, tapped Google search, tapped Voice Search, and said the name of the restaurant and "San Francisco." The first result included the address and a map. I gave the driver the address. My companions were suitably impressed. Get the Google Mobile search app and impress someone soon.

Fastcase

This is an online legal research service provided by several bar associations as

a member benefit. There are also lawyers who subscribe directly from the company. But anyone can download and install the Fastcase iPhone app to do free legal research from the iPhone. If one has a bar-sponsored plan, it cannot be accessed from the iPhone app. But just imagine being able to locate and read almost any court opinion or statute from your iPhone. Even if you use a different service for your primary research, you may want to install this for quick legal research on the fly.

Jotnot **(Free or $4.95 Pro Version)**
Jotnot turns your iPhone into a document scanner. Take a picture with your iPhone camera, and this app transforms the picture into a PDF file—great for making a quick copy of receipts before you lose them. Google Docs will even OCR the PDF for you to make it searchable and editable.

AroundMe
This app allows you to quickly find out information about places—around you. It identifies your position and allows you to locate the nearest banks, gas stations, hospitals, hotels, movie theatres, restaurant, supermarkets, and more. If you are walking, it tracks your progress as you move toward your destination. (If you are driving, then watch your driving, not your iPhone.) Best of all, it is free.

There are so many more apps. Space does not allow me to cover them all: *The New York Times* app . . . Evernote to get organized . . . Documents to Go for word processing . . .

We hope you find these apps as fun and useful as we do. Most apps are free or inexpensive. Just remember: without apps, it's just a phone.

For more iPhone apps of interest to lawyers, check out the list in 60 Apps in 60 Minutes from ABA TECHSHOW 2010.

Jim Calloway is the director of the Oklahoma Bar Association Management Assistance Program. He served as chair of the ABA TECHSHOW 2005. Calloway publishes the weblog, Jim Calloway's Law Practice Tips, at http://jimcalloway.typepad.com, and was coauthor of the book, Winning Alternatives to the Billable Hour. He serves on the **GPSolo Division Technology Board**. *Courtney Kennaday is the director of the Practice Management Assistance Program of the South Carolina Bar, where she advises bar members on practice management and law office technology. She also publishes the weblog, SC Small Firm.com, at http://www.scsmallfirm.com.*

General Practice, Solo & Small Firm Division
AMERICAN BAR ASSOCIATION

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Technology eReport

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ProductNotes

» HTC Evo 4G

» Android 2.2 Operating System

HTC Evo 4G

Reviewed by Jeffrey Allen

The folks at Sprint were kind enough to send one of their HTC Evo phones to me for a review. I must say that I found the phone impressive. I still prefer the iPhone, but if someone did not want to get an iPhone for some reason and asked me for a recommendation, the HTC Evo would immediately come to mind.

A 1 GHz Snapdragon processer provides the engine that powers the Evo. The processor enabled the phone to work well and with speed. The Evo has the ability to run on the 4G network that Sprint is cobbling together. The phone works noticeably faster in terms of Internet browsing and connectivity in areas that have 4G, but the areas of 4G coverage are still few and far between. It also works quite well as a 3G device, albeit somewhat slower, particularly in Internet-related activities.

The Evo comes with a very large 4.3" touchscreen display that provides one of the best images I have seen on a smartphone device. It has dual cameras and is GPS enabled. It provides all the other features you would expect from a smartphone including the ability to access the Internet, handle email, play music, display photos, work with Bluetooth wireless devices, engage in flash photography, etc. It also works with Sprint TV. The phone lists for $449.99, but you can get it for $199.99 with a two-year plan from Sprint if you open a new account or have upgrade eligibility.

The Evo works runs on the Android 2.2 system (see review of Android 2.2 in this issue for more information about the operating system). It runs the system well and matches nicely with its features. It also provides access to the Android Market, allowing you to download free apps as well as to purchase and download apps sold in the Market.

The Evo sports an 8-megapixel camera, which I found somewhat disappointing. I expect better image quality from an 8-megapixel camera. It also does 720p HD video, but again, with lower quality than I expected. I have seen better results from telephone cameras with lower resolution. By comparison, the image quality pales in comparison to that from the 5-megapixel iPhone camera.

The fact that the Evo operates on a 4G system (when and where available) is one of its best features. When you can connect with 4G, you get much better and much faster performance. Sprint claims that it is up to 10 times faster, but I did not experience that much of an increase. I suspect that when Sprint develops its 4G network more, the performance will improve because you will have better ability to handle the traffic, as well as greater and more reliable access. At the present time only a few cities have 4G capability, and it is not always easy to get the 4G network connection and keep it, even in those cities. If you lose the 4G connection, the 3G kicks in and the phone continues to operate, albeit more slowly.

The Evo comes with the ability to function as a WiFi hotspot using Sprint's 3G or 4G (where available) networks. It works quite well as a hotspot, although I recommend that you plug it into a power source when you use it as a hotspot because it drains the battery more than regular usage. Speaking of the battery, the phone comes with a 1500 mAh battery that lasts reasonably well, despite the very large display it powers. I found that charging the phone once a day worked adequately for me in normal usage patterns (moderate Internet browsing), email, occasional app use, taking a few pictures, and telephone usage.

Oh yes, it also operates as a telephone, and quite a good one at that. The voice quality was quite good. The phone does not work as well in noisy environments as some others that I have used, but you can improve on that performance by using a Bluetooth headset with noise cancellation features built into its microphone system. I have had good results with such devices from Jawbone, Motorola, Plantronics, and Jabra.

The Evo is one of the largest smartphones on the market (2.6" x 4.8" x .5"), but also one of the thinnest. It just fit into my shirt pocket. The phone weighs in at a very reasonable 6 ounces.

Despite the limitations with the camera, the Evo is an excellent smartphone, easily my first choice of those sold by Sprint and my second choice among the current generation of smartphones (the iPhone remains my first choice).

Android 2.2 Operating System

Reviewed by Jeffrey Allen

A few years ago, Google got into the smartphone game by releasing its Android operating system for smartphones. Initially, the system aroused some interest, but did not seriously compete with the established systems. As the OS matured and evolved, the system became more popular and now has reached the point where I consider it the second-best smartphone operating system on the market (I consider Apple's iOS 4 the best). I have looked at the newest Blackberry OS (OS6) and consider it third best, behind the Android 2.2 system.

Unlike either the Apple OS or the Blackberry OS, the Android 2.2 system does not limit itself to the hardware offered by a single manufacturer. As a result, several manufacturers make smartphones that employ the Android 2.2 OS, and you can find an Android phone available for use on most, if not all, provider networks. I have tried phones using the Android OS on both the Sprint and the Verizon networks and found that the system works well with the equipment available on both networks.

The Android OS 2.2 provides a significantly enhanced operating speed in comparison to the earlier versions of Android. It works quickly and smoothly, handling the tasks assigned to it by the hardware manufacturer, your use, and the apps it runs from the Android Market. The OS also includes Adobe Flash, which allows it to run many graphics on a variety of websites. As you may know, the iOS does not run Flash. You can turn the ability to run Flash off, an excellent feature because leaving it on gets you a lot of ads while you browse and also slows down the operating speed of the system.

I like the interface provided by Android 2.2. It is fairly intuitive and works well. It is one of the easiest to use that I have encountered with smartphones.

Phones using the Android 2.2 OS can access the Android Market. The Android Market offers free and for sale apps to enhance the features of your smartphone. The Android Market continues to evolve and now has a pretty decent collection of apps available for you. The last number I saw for the available apps was 35,000. While 35,000 gives you a pretty decent selection, it pales in comparison to the iTunes App store and its support for Apple's OS. The fact that the Android OS supports hardware from numerous manufacturers as well as all major service providers, however, creates the potential for the total number of apps to grow rapidly as developers try to cash in on the rapidly growing acceptance of the Android OS by manufacturers and users.

I am less pleased with the way Android 2.2 handles email by comparison with the Blackberry OS. Blackberry still excels at the handling of email. Nevertheless, the handling of email was satisfactory.

The Android OS has evolved to a very smooth and very powerful contender in the smartphone marketplace. I would not hesitate to acquire a phone using Android 2.2. Android 2.2 represents enough of an improvement over Android 2.1 that you will want to opt for it in your selection process. Unless handling email was my priority and my primary use of the device, I would choose an Android device if, for whatever reason, I did not want or could not get an iPhone 4 and its iOS 4.

Jeffrey Allen is the principal in the law firm of Graves & Allen with a general practice that, since 1973, has emphasized negotiation, structuring, and documentation of real estate acquisitions, loans and other business transactions, receiverships, related litigation, and bankruptcy. Graves & Allen is a small firm in Oakland, California. Mr. Allen also works extensively as an arbitrator and a mediator. He serves as the editor of the Technology eReport and the Technology & Practice Guide issues of GP Solo Magazine. He also serves on the Board of Editors of the ABA Journal. Mr. Allen regularly presents at substantive law and technology-oriented programs for attorneys and writes for several legal trade magazines. In addition to being licensed as an attorney in California, Jeffrey has been admitted as a Solicitor of the Supreme Court of England and Wales. He is an associate professor at California State University of the East Bay and the University of Phoenix. Mr. Allen blogs on technology at www.jallenlawtekblog.com. You can contact Jeffrey via email jallenlawtek@aol.com.

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DivisionNotes

Difference Makers Awards Program

Congratulations to the 2010 Difference Makers Awards Winners! The ABA General Practice, Solo and Small Firm Division honored the following award winners during the Division's 2010 Fall Meeting and National Solo & Small Firm Conference, October 21–23, at the Difference Makers Awards Luncheon on Friday, October 22, at the Sheraton Austin in Austin, TX.

View photos of the event on Facebook.

Making a Difference through Service to the Profession Award was presented to **Richard Pena** of the Law Offices of Richard Pena P.C. in Austin, Texas. He is the immediate past president of the American Bar Foundation and has recently served on the Board of Governors for the ABA. This award honors an attorney living or deceased who made a significant contribution to the legal profession through service to the profession *(i.e., frequent activities in bar associations, committees, and services).*

Making a Difference through Community Service Award was presented to **Roger N. Braden,** a partner with Sutton Rankin Law, PLC, in Edgewood, KY. This award honors an attorney living or deceased who made a significant lifetime contribution to the local community through community service. *Recognizes a lawyer who does a lot of community work, which does not*

necessarily mean specifically bar work or pro bono work per se.

Making a Difference by Breaking Barriers Award was presented to **Hon. Matthew J. Perry, Jr**., U.S. District Court of Columbia, SC. This award honors an attorney living or deceased who broke barriers for gender, color, disabilities, or sexual orientation.

Making a Difference through Pro Bono Work Award was presented to the **Dallas Volunteer Attorney Program of Dallas, TX (a joint pro bono program of the Dallas Bar Association and Legal Aid of Northwest Texas)**. This award honors an attorney, law firm, corporate legal department, government attorney office, or institution in the legal profession that has made an outstanding commitment to volunteer legal services for the poor and disadvantaged. *Recognizes an outstanding local attorney or group that does pro bono work.*

The Difference Makers Awards recognize extraordinary lawyers who "made a difference" by breaking down barriers for women, people of color, people with disabilities, and people of diverse sexual orientations, and is held at the Fall Meeting. These awards have since been expanded to honor local attorneys whose dedication has made a difference to the profession or the community where the Division's Fall Meeting is held. However, the winners are not limited to only those in the local community. Rather than only recognizing solo/small firm lawyers or those working in the solo/small firm sections of local and state bars, these awards are intended for any size firm lawyers, educators, judges, etc., who fulfill one of the award categories. At the Fall Meeting is Austin, recognition was given for *Making a Difference through Service to the Profession, Community Service, Breaking Barriers and Pro Bono Work.*

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The ABA General Practice, Solo and Small Firm Division's awards program is underwritten by the generous support of West, a Thomson Reuters business.

Nominating Committee Meetings

The ABA GPSolo Nominating Committee of the General Practice, Solo and Small Firm Division met during the 2010 Fall Meeting in Austin, TX, on October 22, 2010, at the Sheraton Austin Hotel to nominate individuals for the positions of Division Vice Chair, Secretary, and Members-at-Large of the Council. In accordance with section 4.4 of the Bylaws, the committee will nominate five Council Members-at-Large to serve four-year terms. The following members are being considered for the position of Council Member-at-Large: Elizabeth A. Bleakley (Chicago, IL), Noah C. Davis (Seattle, WA), Herman 'Sparky' Gierky (Orlando, FL), Rick Lambert (Dallas, TX), Jeffrey C. Robinson (Selma, AL), and Sarah Sharp Theophilus (Sioux Falls, SD). For the position of Division Secretary: Brian T. Hermanson (Ponca City, OK) and Amy Lin Meyerson (Weston, CT). For the position of Division Vice Chair: Jennifer A. Rymell (Fort Worth, TX).

Council Vacancy Filled

The FY 2011 Division Council filled the vacant Council-Member-at-Large position by electing Stephen J. Curley of Stamford, CT, at the 2010 Fall meeting on Thursday, October 21, 2010, in Austin, TX. The term of the position on Council will be through the Annual Meeting in 2012.

Save the Date

2011 ABA Midyear Meeting
February 10–13, 2011
Hyatt Regency
Atlanta, GA

2011 Spring Meeting
May 12–15, 2011
Four Seasons Hotel St. Louis
St. Louis, MO

2011 ABA Annual Meeting
August 4–7, 2011
Fairmont Royal York
Toronto, Canada

Teleconference

A Primer on U.S. Immigration Law: Issue Spotting, Hypotheticals, and Deciding to Become an Immigration Attorney
Tuesday, November 16, 2010
12:00 p.m.–1:30 p.m. Central

Immigration law has become the most dynamic and complex area of U.S. law today. From statute to local office policies, to the effect of competing political interests, substance and procedure change often. Understanding the field can take many years.

In one CLE, learn the major concepts in immigration law with a view toward issue spotting to better refer prospective clients or to help you decide whether you may wish to practice immigration law yourself.

Topics covered include:

- family and business immigration
- visas, green cards, admissions
- removal proceedings
- waivers and other relief

Alice Yardum-Hunter, **(Moderator)**, *Alice M. Yardum-Hunter, a Law Corporation*, Encino, CA
Russell Abrutyn, Associate, *Marshal E. Hyman & Associates,* Troy, MI
Amy Novick, *Of Counsel, Haynes Immigration Law Firm,* Washington, DC

For more information and to register:
http://www.abanet.org/cle/programs/t10usl1.html.