

It's Time to Fully Embrace Technology

BY KIM R. JESSUM

This is my last column as editor-in-chief, so before discussing my final topic, I would like to thank all of the editors and authors for contributing to the success of this magazine during my term. I would also like to thank the readers for all of the comments received on my columns. Knowing that many were reading the columns made it that much more worthwhile to write them.

Over the past year, I have written about my first triathlon, the controversial Michael Vick and the availability of wine in the state of Pennsylvania. These columns have been based on my passions for participating in and watching sports and enjoying fine wine with good food. Another passion of mine is based on my career as a patent attorney and that is technology.

Because I enjoy technology, I am a member of the American Bar Association's Standing Committee on Technology and Information Systems. As a member, I recently had the privilege of visiting Apple headquarters in Cupertino, Calif., with my ABA colleagues in May. I was so excited to make the trip, especially since I have become such a fan of Apple with my ownership of the iPhone and a Mac Book Pro. As you probably know, over the past few years, Apple has been a significant leader in technology and continues to develop new and exciting products. In fact, in the middle of writing this column, I learned that iCloud will be launched in the fall.

As one would expect, I was not disappointed with the meeting at Apple. First, each ABA member in attendance had his or her own iPad to use during the meeting. The iPad was loaded with applications (apps) to explore if one was bored and a feedback form for comments for each speaker. Unfortunately, we were not permitted to take the iPad home, but we did get to spend some money in the company store.

Although Apple is a technology company and its use of technology in a meeting at Apple was certainly expected, we were all still impressed with how the technology was incorporated so simply into the meeting. If attorneys use technology in their practices, they too can impress clients and juries. It still baffles me to hear of attorneys who have their assistants print emails for them to read and respond or of firms without a website.

All attorneys should know how to use and access LinkedIn,

Facebook, Twitter and other social media websites. There is a lot of useful information on these sites in addition to information that can be recovered from emails, instant messages and texts. Not only can you get information about opposing counsel and clients, but also jurors, witnesses and anyone else who may be important to a matter.

You certainly do not have to believe me as to how important these tools have become because all you have to do is read or watch the news to hear about how technology is influencing us day to day. For example, Twitter and Facebook were used to coordinate and spread the word about the demonstrations in Egypt earlier this year.

Obviously, or maybe not so obviously, it is not only important to learn how to use these tools, but to use them properly. I am sure you know about the recent fiasco with U.S. Rep. Anthony Weiner sending "lewd" pictures of himself via Twitter and the supposed sexting by former NFL star Brett Favre. There are also numerous examples of how attorneys have been caught misusing technology.

For instance, an attorney in Florida, who was quite disturbed with a judge, wrote about her on a courthouse blog indicating that she was an "evil, unfair witch" with an "ugly, condescending attitude" and was "seemingly mentally ill." This lawyer was reprimanded and ordered to pay a \$1,200 fine. *Florida State Bar v. Conway*, No. SC08-326 (Fla.).

In New York, an attorney posted an article that contained criticisms of a judge's handling of a divorce and custody proceeding. It was determined that the attorney committed several ethical violations, so he was suspended for five years. *In the Matter of Barry L. Goldstein*, No. 2006-10353 (N.Y. App. Div.).

A lawyer serving as a juror in San Diego posted details of a criminal case on a blog. The criminal conviction was set aside and sent back to lower court and the lawyer received a 45-day suspension, paid \$14,000 in legal fees and lost his job. *In the Matter of Frank R. Wilson*, No. 06-O-13019 (Cal.).

While the chief judge of the 9th U.S. Circuit Court of Appeals was presiding over a high-profile obscenity trial, it was discovered that the judge participated in a restricted-access website that was owned and operated by his family and contained off-color humor and pornographic photos. The judge





was cleared of any wrongdoing, but a three-judge panel admonished him for not safeguarding the site, which they deemed “judicially imprudent.”

A young lawyer in Texas requested a trial delay due to a death in the family. The judge, who granted the delay, was savvy enough to check the lawyer’s Facebook page and discovered that, although there was a funeral, the attorney spent the rest of the week drinking and motorbiking. At the end of the delay, when the attorney requested another delay, the judge declined and disclosed what she had discovered on Facebook to a senior partner at the lawyer’s firm.

Although there are many more examples of improper use of social media, there are also countless examples of how social media and technology have helped attorneys in their practices and lives in general. At least from personal experience, my network of contacts has increased tremendously through the use of LinkedIn, Facebook and Twitter, and my expertise is known to all of my connections, friends and followers.

I have also found referral sources through these sites and been able to learn more information about my local counsel before even speaking with him over the phone or in person.

If you have not yet used these social media sites, I encourage you to start exploring them on your own or attend one of the many CLE programs on them. I also encourage you to embrace technology and use it to your advantage. Although it can be overwhelming at times and you cannot possibly know all there is to know about technology, choose what new technology is best for you and your practice. Start by reading the technology columns in this magazine and expand from there.

With that, I leave you in the hands of Dan Siegel, who I am certain will be an excellent editor-in-chief. ■

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