

Technology

Frequently Asked Questions Answered

Laptop or desktop and much more

BY DANIEL J. SIEGEL

Since I began writing the “Technology” column for *The Philadelphia Lawyer* in 2003, I have received numerous questions, including a few frequent ones. In this column, I will answer some of the most commonly asked questions.

SHOULD I BUY A LAPTOP OR DESKTOP COMPUTER?

Nowadays, this question has been expanded to include not only laptops, but also netbooks, iPads and other portable devices. Regardless, the answer really depends upon whether you plan to use the laptop outside of your office frequently.

Laptops have great appeal. In some offices, it’s even a status issue, i.e., only “important” people have laptops, while the peons must survive without. In addition, laptops are portable, so you can use them anywhere (although it still helps to have an outlet available because many batteries still drain quickly). But most lawyers don’t use them anywhere other than their offices. As a result, their laptop computers are merely portable computers that never (or virtually never) leave their offices.

If you generally do not take your laptop with you (whether to court, to clients’ offices, to meetings, etc.), then you are better served purchasing a desktop computer, because desktop PCs are less expensive than laptops, they are easier to repair (the cost of repairing or replacing a laptop screen can be more

than the cost of the computer), and – most importantly – they generally process information more quickly. Thus, for most users, a desktop computer offers numerous practical advantages over a portable one.

There is a practical alternative, however, to owning one office laptop. If your office only has the need for portable computing on a relatively infrequent basis, or only plans to use it in court/at trial, then purchase one powerful laptop, and configure it with all of the software you anticipate using (you will need fewer licenses than if you install it on many computers). This way, you will have one computer that everyone can use that is courtroom-ready, without the additional cost of outfitting everyone.

WHY DO I HAVE TO KNOW ABOUT LAW-RELATED TECHNOLOGY?

The real question is: “By failing to use the latest technology, does a lawyer violate his or her obligation to act competently on behalf of a client?” In my view, the answer is “yes.” After all, would you want to receive treatment from a physician who didn’t use MRIs and other tests because “those newfangled tests weren’t around when I graduated from medical school?”

Pennsylvania Rule of Professional Conduct 1.1 states “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary

for the representation.” (emphasis in original). Further, Comment 6 of the Rule (“Maintaining Competence”) states that “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”

According to the American Bar Association, “Competence in using a technology can be a requirement of practicing law. Requirements for technological competence may appear as part of rules of Professional Conduct, Continuing Legal Education (CLE) programs, and malpractice insurance premium credits.”

By using technology – but not necessarily becoming a “legal geek” – a lawyer can locate, create, modify and review documents more quickly, annotate transcripts more efficiently, stay abreast of changes in the law with the click of a mouse, and re-create and present evidence in ways that offer juries and judges greater insight into how events transpired. It can also help them avoid situations that may lead to legal malpractice.

For litigators (and every lawyer who has a client that may ever be involved in litigation), the law has changed dramatically in recent years, with no issue more at the forefront than electronic discovery. To the naïve, electronic discovery (commonly





Tablet Computers Set to Overtake Netbooks



By 2015, nearly one in four personal computers sold to American consumers will be tablet devices, according to Forrester Research.

Forester already expects iPads and other tablets to outsell netbook computers by 2012, even though netbooks helped steer the computer industry through the recession.

Apple Computer has sold more than 1 million iPads per month since its April debut. Other computer makers have been frantically trying to make up ground. Dell, Research in Motion, Hewlett-Packard, Acer, LG and Samsung have all announced plans for tablet or slate computers. ■

Half of Law Firms to Spend More on IT, Study Finds

Nearly half of U.S. law firms plan to increase spending on information technology (IT), according to a new study from CompTIA, the nonprofit trade association for the IT industry.

Many law firms will focus their IT spending on core investments, such as notebook PCs (24 percent of firms surveyed intend to buy), desktop PCs (22 percent) and smart phones (22 percent).

But the survey also reveals that a growing number of law firms will explore a range of emerging technologies as a means to address areas of dissatisfaction with IT, which include reliability, mismatch of features and needs, insufficient support and total cost of ownership. Additionally, lawyers cite mobility and better remote functionality as their greatest unmet technology needs.

Over the next year, 14 percent of law firms plan to invest in some type of cloud computing or software-as-a-service solution. ■

known as “e-discovery”) deals with the preservation, production and review of materials electronically. But it is more.

E-discovery encompasses a major part of the changes in the Federal Rules of Civil Procedure, and requires attorneys to understand the implications of how their clients create, revise and store everything from e-mail to Word (and WordPerfect) documents, among other things. By failing to understand how these and other laws and regulations impact their clients, lawyers not only do not provide the best representation possible, they may also expose themselves to liability for professional negligence.

In sum, lawyers who choose to fall well behind the technology curve do so at their own risk. Thus, while failing to utilize cutting-edge or even mainstream technology – or failing to understand changes in laws, rules and regulations impact their clients – may not be unethical, it is certainly far from the best practice – either for your office or for your clients.

WHAT ARE THE BASIC PRECAUTIONS MY OFFICE NEEDS TO TAKE?

While this question is very general, it demonstrates how far many firms need to go. First, regardless how much technology you use (e.g., your “only” use of technology is Microsoft Word and Microsoft Outlook), you must back up your data. It is frequently said that it is not a question of if, but when, a computer or server will fail, and all of the data on it can never be recovered.

Thus, it is critical that your office implement regular, automated backups of all computers and servers on which client-related files are stored. There are numerous ways to do so. There are online services that will automatically backup data and store the information offsite. Alternatively, many firms use onsite backup systems that allow them to quickly restore data should there be a crash.

In addition to performing regular backups, you should perform routine maintenance on all computers and

servers, including:

- Installing all software updates, including “service packs” and “maintenance released,” such as those available from Microsoft and other vendors;
- Using antivirus software, which is automatically updated to protect users from viruses, malware and spyware;
- Cleaning your keyboards so that they do not stop working because they are filled with dust and dirt;
- Utilizing firewalls to assure that you prevent unauthorized access to your computers and servers; and,
- Performing a variety of routine maintenance operations, as outlined in my Fall 2006 column, “Time for a Tune Up” (send me an e-mail and I’ll forward a copy to you).

Your office should also establish written e-mail, computer and Internet-use policies, outlining permissible and prohibited use of computers, and require that all employees receive and sign acknowledgements confirming that they understand and will comply with these policies. You should also conduct random inspections of employee computers to assure that all employees are complying with the policies, and take appropriate disciplinary actions in the event an employee violates a rule.

Finally, you should require all users to enter a unique login and password when accessing their computers and the firm’s network. While common in larger firms and businesses, these policies can be invaluable. By failing to institute this type of security measure, your firm may be vulnerable to a disgruntled employee, who could steal or destroy critical data.

Most law firms face similar technology issues. In future columns, I will continue to try to address those matters. Feel free to send me an e-mail at the address below. ■

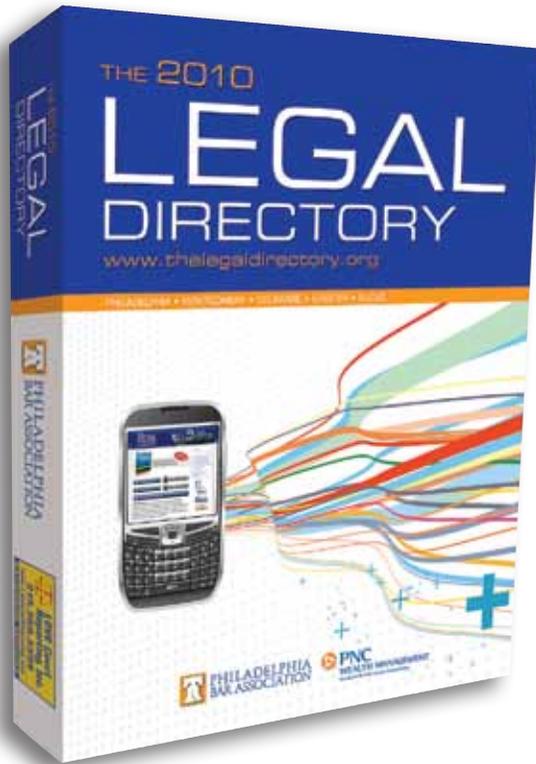
Daniel J. Siegel (dan@danieljsiegel.com), a member of the Editorial Board of The Philadelphia Lawyer, is a local attorney who operates the Law Offices of Daniel J. Siegel, LLC and is the president of Integrated Technology Services, LLC.



BlackBerry's new Torch 9800 is Research in Motion's first smartphone to combine a keyboard and a touchscreen as well as the new BlackBerry 6 operating system. Apple's wildly popular iPhone 4 also boasts a new operating system. Both phones let you send e-mail, check the web, use social media and yes, make phone calls.

FEATURES	APPLE IPHONE 4	BLACKBERRY TORCH 9800
DISPLAY	3.5" DISPLAY; 960 X 640 PIXEL RESOLUTION	3.2" 360 X 480 CAPACITIVE TOUCH SCREEN DISPLAY
KEYBOARD	TOUCH SCREEN	35 KEY FULL QWERTY BACKLIT SLIDE-OUT KEYBOARD
PROCESSOR	APPLE A4 CHIP (SPEED UNKNOWN)	624 MHZ PROCESSOR WITH 512 MB FLASH MEMORY
SIZE	4.5" X 2.3" X 0.37"	4.4" (5.8" OPEN) X 2.4" X 0.57"
WEIGHT	4.8 OUNCES	5.68 OUNCES
OPERATING SYSTEM	IOS4	BLACKBERRY 6 OS
STORAGE CAPACITY	16 OR 32 GB FLASH DRIVE	4 GB BUILT IN MEMORY PLUS A MICRO SD/SDHD MEMORY CARD SLOT THAT SUPPORTS UP TO 32 GB CARDS
CAMERA	DUAL CAMERA WITH 8-MEGAPIXEL PRIMARY CAMERA AND 1.3 MEGAPIXEL FRONT-FACING SECONDARY CAMERA	5 MP CAMERA WITH FLASH, CONTINUOUS AUTO FOCUS, IMAGE STABILIZATION, SCENE MODES, GEO-TAGGING AND ZOOM
VIDEO RECORDING	720P, UP TO 30 FRAMES PER SECOND, BUILT-IN VIDEO EDITING	5 MP CAMERA WITH FLASH, CONTINUOUS AUTO FOCUS, IMAGE STABILIZATION, SCENE MODES, GEO-TAGGING AND ZOOM
VIDEO CONFERENCING	YES, VIA WI-FI ONLY	NOT AVAILABLE
BATTERY LIFE	7 HOURS OF TALK TIME	5.8 HOURS OF TALK TIME
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