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Publisher: Dolores Finez  
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Reproduction Technology: Omnitext II, Inc.; MicroGraphics, Inc.  
Technical Consultants: Gene Plantz; Dennis Duffner.  
Administration: Cecilia Aguilera

Subscription Information: \$95.00 per year. LAW MUG c/o Paul Bernstein  
509A 600 N. Mc Clurg Ct. Chicago, Illinois 60611.

BBS: 312-280-8180  
Source:TCX488

CompuServe:72466,3137  
Law:Forum:GKLR

ABANet:ABAll25  
MCI:107-5685

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\* HOW ONE LAWYER USES A PERSONAL COMPUTER ON HIS DESK INSTEAD OF A \*  
\* LEGAL PAD AND DICTATING MACHINE By: Joshua Stein. \*  
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#### INTRODUCTION

I use a personal computer to avoid half the delays, hassles, and frustrations of the modern practice of law. My computer, a Kaypro II, sits on a table near my desk. I use it to write contracts, letters, memoranda, notes to myself, and most of my other written work. Anything that most

lawyers would write on a yellow legal pad or dictate I write on the screen of my computer. For nearly two years, the computer has helped me write, revise, and produce final documents faster and more easily. More important, it improves the work I do as a fourth-year real estate associate. It lets me revise more and spend my time writing and rewriting instead of harassing people working on my projects. This article describes how I use the computer, its benefits, its drawbacks, what works, what doesn't work, and how my computer affects the people with whom I work.

The Kaypro II is an inexpensive but solid computer that does everything I need. I use the Perfect Writer word processing software (see software description further on page). When I am satisfied, I print a document on a C. Itoh F-10 Star Writer letter-quality printer. In case the document is long, I have a "buffer." This holding tank between my printer and my computer lets me use the computer while a document prints. The computer system at my office occupies four times the space of an IBM Selectric typewriter and now retails for about \$2700.

#### LAWYER'S FIRST DRAFT OF A DOCUMENT DONE ON COMPUTER SCREEN

Most work that I prepare on my computer never exists on paper until it is virtually final. I write a first draft at the computer screen, then revise and edit freely until I am satisfied. I can always see a neatly typed current version of my work on the screen. Unlike a paper draft, I don't have to decipher squiggles and squeezes to see what I meant to say. I can make as many changes as I want and print a clean paper draft whenever I feel like looking at one. One document started at eleven pages. Twenty drafts later, it was seventy pages. I had written and typed it all myself, on the computer, revision by revision, as negotiations wore on. I almost never have to wonder why my secretary hasn't transcribed a tape or retyped a draft or why an overworked word processing department has taken a day to change a comma to a period. I rarely have to proofread, other than reading my work as I write it and revise it. I would never go back to practicing law without my computer.

#### A SENSE OF CONTROL AND NO DEPENDENCE ON OTHERS

Aside from helping me produce written work faster and better, the computer gives me a sense of independence and control. I am not at the mercy of secretaries and word processing supervisors. If I want to write something, I simply do so, whether or not a secretary is there. Thus, when I work late at the office or at home (on an identical Kaypro II), the computer can give me a one-day jump in completing my work.

In the interest of full disclosure, I should note that I type very fast, which helps me make the best use of my computer. One only need be able to type 30 words a minute, though. Most lawyers can't type ("Lawyers write and dictate; secretaries type."), but it isn't hard to learn. You can buy inexpensive software for the purpose.

The computer works best for work between half a page and ten pages long, especially when I start from scratch; or start from, but only loosely follow, a form; or revise heavily as I go. The computer does not work well for very brief letters ("Enclosed please find the contract of sale you signed yesterday."), because loading the software and formatting and printing the document take a nontrivial amount of time. It is more efficient to drop a piece of paper in a typewriter and type the letter. Also, my computer's central memory chokes on anything longer than about twenty-five pages. (I do have the option of breaking long work into pieces, which print out as one document, but it is clumsy.) The more up-to-date computers offer up to eight times the central memory of my Kaypro II and often run twice as fast. For now, I continue to send long work through word processing. Even then, my computer helps me, because I use it to write and edit many of the insertions that I give word processing. (I still write

very short insertions by hand.)

#### ORGANIZING THE WORK TO BE DONE

To organize my work, I store everything I am writing for each client on a single "floppy disk." A disk costs about two dollars and holds up to 64 items containing up to 100 double spaced pages. (At first, instead of assigning each client a disk, I had six "operating disks," which I used haphazardly for all pending work. I could never locate anything easily and I was always changing disks.) I also have software to index my chronological files.

#### FAVORABLE RESPONSE FROM CLIENTS AND OTHER LAWYERS

The response to my computer from clients, other lawyers, and the support staff at my firm has been favorable. There is, however, some consternation that I would permit any keyboard in my office, let alone both a typewriter and a computer. Occasionally people seem confused: they cannot understand how or why I would use a computer, and a few seem to think it's mildly cute. Many people stop and ask questions. In general, my colleagues appreciate my computer's speed and flexibility.

#### ON THE SPOT DRAFTING AND REVISING DURING NEGOTIATIONS

The computer has made possible cooperative writing efforts that have bypassed the process of circulating, commenting upon, and revising drafts. In more than one all-night negotiating session, several of us talked through our ideas and I wrote a draft of our new language on my computer screen as others watched. When people in the group made suggestions, I made the changes instantly so that everyone could read the new language and polish it further immediately. At first, the lawyers in the group refused to take the computer seriously, but they quickly changed their minds when they saw what it could do.

#### SAVING A CLOSING

My computer once saved a closing, or at least much time and aggravation. At the last minute, an improper notice of pendency was filed against a shopping center my clients were selling. I brought my computer and printer and some model forms to the closing. It took an hour to reach a settlement with the plaintiff, who was at the closing too. I needed fifteen minutes on my computer to write a general release and a release of the notice of pendency, reflecting the settlement. Other lawyers reviewed the documents on the screen as I worked. When I printed the final documents fifteen minutes after I began writing, there was no need for further review by the parties or their counsel, nor did I need to find someone to type the documents or retype them or correct mistakes. I gave the documents to the title company for approval, made any changes they requested, and we closed on schedule.

#### A FEW PROBLEMS AND DRAWBACKS

In any cooperative writing effort based on the computer, you must be comfortable with your software and with having someone watch you work potentially correcting every word you write. You must be ready for occasional computer problems. Once I took my computer to the other side's office to negotiate and redraft a sale contract. The revised contract, which I had never printed, became too large for the space left on the one disk where I could store it. There is a ready solution to this problem, but unless you have installed the "PluPerfectWriter" accessory software package, the solution often involves wiping out your word processing software. I

gulped and implemented the solution. Fortunately, I make a practice of always having a backup copy of the software, so I was able to replace it immediately. No one else knew of the problem, and we continued our work.

The main drawback of the computer can be its sheer speed. There is the potential, exacerbated by your clients' general urgency about every deal, to work too fast and without enough care. The client may appreciate your speed, but that will not spare you a malpractice action if you do a lousy job. In the rush to push out paper, you might also fail to consider whether you should be creating a piece of paper at all. The solution is not to reject the computer but to use it as a tool, not as a state of mind. You should take advantage of the opportunity the computer gives you to think things through and to revise written work, quickly, as much as you want. You must, however, insist upon working at least as carefully with a computer as you would without. Otherwise you should not use a computer for legal writing.

#### NO PAPER TRAILS

Another problem: The computer leaves no paper trail of changes made on the computer screen. There are no marked drafts, no history. My computer does not do redlining. When necessary, I will mark changes myself as I work, setting off new material in [[double brackets]] and noting deletions with \*\* double asterisks. For further clarity, after I print the document I ask my secretary to add traditional redlining marks, easily done based on my double-brackets and double-asterisks. After the changes are reviewed, I tell the computer to find and remove all those marks. This system works, but it takes time and distracts me.

#### NO OTHER PROBLEMS FOR THIS ATTORNEY

Eyestrain has not been a major problem, although I understand it can be. I sometimes hear dire reports about radiation from computers, but based on limited inquiry I have discounted them. The major environmental problems are the noise of the printer and a certain bunker-like appearance of my office. I expect to solve the noise problem with a laser printer, which retails for \$3495, makes no noise, and prints ten times as fast as the printer I now use. I expect to live with the problem of a bunker-like office indefinitely. It easily beats having an uncluttered office without a computer.

There is also the argument that the computer on balance costs me time, after allowing for time spent waiting for software to load; waiting for the computer to complete other ruminations; making changes initially written by others; changing paper; hand-feeding letterhead for final versions of letters; and so on. On balance, though, I am convinced the computer saves me time and helps me do better work. When I tried to do without my computer for a few weeks, I felt I was less productive.

#### INTEGRATING OR NOT INTEGRATING WORK WITH STAFF

Ideally, I should delegate to my secretary many of the chores in using my computer, and she should have her own computer. That would also let me use my computer for more work, and allow me to dictate a draft, ask her to transcribe it on her computer, and then revise it myself on my computer. One secretary and I tried some of this, with the Kaypro II that I now use at home. It didn't work, though, for several reasons, none of which mean it wouldn't work in other circumstances. My secretary's office was too small for a computer, so it was hard to use. We had trouble keeping track of work. I preferred to use my computer the way I always had: alone. My secretary, though enthusiastic about the computer, was too busy to learn it thoroughly.

## TAKING ADVANTAGE OF THE FIRM'S COMPUTER CAPABILITIES

I can still transfer a document to my firm's central word processing department when the work left is mostly editing and nitpicking by several of us, or because other lawyers at the firm need easy access to it, perhaps in conjunction with my absence as brief as a day or two. To transfer work to word processing, I print it; I ask word processing to run the printout through a machine that reads typed text; and the document is soon on the system. I may try to connect my computer directly to the system. I may also use an outside electronic mail service, such as MCI Mail, for that purpose, if I am sure it will preserve confidentiality.

I have paid for my computer myself. I have not suggested that because it helps me work. The firm should pay for part of it, even if just operating costs. The firm does, after all, pay for fine secretarial and word processing support. I also prefer there be no question about who owns my computer. Then there is the story of one associate I knew in another firm who, when he asked his firm to provide him with a word processing terminal, provoked a controversy that divided the partnership and may have contributed to his departure from the firm soon after he got his terminal.

## POSSIBLE SOLUTION TO COSTS PROBLEM

With my firm's approval, a proper way to handle the computer might be to charge any clients whose work I do on the computer for some out-of-pocket costs, just as we charge for word processing. It is not a major concern. I choose to use a computer because I appreciate its benefits for my work and for the quality of my life at the office, and because I want to be a jump ahead on the future, not because I am concerned about economics.

## PERFECT WRITER WORD PROCESSING SOFTWARE

Perfect Writer, the word processing package I use on my Kaypro II computers, is more complicated than most but also more powerful. It has dozens of commands to delete or move text, commands to do things like change the word "Borrower" to "Mortgagor" wherever it appears, and even arcane commands like capitalizing or decapitalizing a word. The commands are all second nature to me.

Perfect Writer lets me edit two documents at once on the same screen, so I can write a contract and at the same time write a cover letter explaining it. I can print on continuous paper or on separate sheets. Perfect Writer can automatically number sections, subsections, paragraphs and subparagraphs, and produce a table of contents and index of defined terms, all updated automatically as I change the document. It cannot, however, update cross-references in any practical way, so I try to use defined terms instead of cross-references. Perfect Writer cannot hyphenate. Some other shortcomings of Perfect Writer I have corrected with an accessory software package called "PluPerfectWriter," published by a different company.

## WHAT YOU SEE IS NOT WHAT YOU GET

Like many word processors, Perfect Writer does not print a document exactly as it appears on the screen. Instead, I include in each document instructions on how to "format" it. Because I produce certain types of work repeatedly, I use standardized "formatting" instructions. For example, my standard "letter" format tells Perfect Writer where to print the date, how far down to print the recipient's address, what to put on top of each page after the first, where to put the subject matter line, and so on. To write a letter, I tell the computer to copy my standard "letter" format, which is on every disk. Next I fill in a few blanks, like the date and the recipient. I provide that information only once; the computer repeats it where needed. To simplify filling in those blanks, my standard formats have two asterisks in each blank. To find a blank, I tell Perfect Writer to find

two asterisks. I repeat this until I have found and filled in every blank and deleted all the asterisks.

#### OTHER IMPERFECTIONS OF PERFECT WRITER

In "formatting" a document, Perfect Writer breaks pages simply by counting lines. You can override inappropriate page breaks, but it takes time. Also, for some esoteric reason, you must usually give the computer a "format" instruction first and then a separate "print" command a minute or two later, which becomes tiresome. You can, however, combine "formatting" and "printing" into one process if your document has no underlining. It is a strange rule, though no more strange than parts of the Internal Revenue Code. I often solve the problem by using a line of hyphens a line below the material to be underlined, instead of normal underlining. The solution works for a subject matter line in a letter but not for the name of a case. In the text of most letters, I just don't underline, which is what the stylists recommend anyway.

#### KEEPING TRACK OF THE "CHRON" FILE BY COMPUTER

In addition to using my computer as a word processor, I use it to index my chronological file. My "chron" file is in three sets of binders, for "Documents"; "Correspondence, Memoranda, and Miscellaneous"; and "Legal Research." Each binder is assigned a book number, each item within it a page number. Using my indexing software ("database" software in the computer business), I give the computer a summary of each item in the "chron" file. I then tell the computer to produce lists of everything in the "chron" binders, sorted by client, by name of item, or by date. Using those printouts, I can locate in about five seconds any written work I have ever produced.

My indexing software is not sophisticated. You can easily buy cheap software to do the same thing better. I wrote the indexing software ("CHRONDEX") myself in an ungainly programming language called "Microsoft BASIC." I was able to incorporate a few unique features in my software. I can revise my software nearly at will, so I usually can't say, "Sorry, the computer won't do that." My secretary once entered an entire book of my "chron" file under the wrong volume number. Instead of asking her to reenter it, I wrote a routine to renumber any volume of my "chron" file. That routine alone took at least ten hours to write and debug. The software as a whole took many hours more.

#### SHOULD YOU WRITE YOUR OWN SOFTWARE?

Unless you get satisfaction from writing a successful computer program, as I guess I do, or you like staying up until dawn weekends figuring out why some tedious thing that obviously should work doesn't work, it makes no sense to write your own software. Moreover, just as lawyers usually write better contracts than laymen, so do professional programmers usually write better programs than most nonprogrammers.

#### ABOUT OUR AUTHOR

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