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DEATH ROW ORGAN DONATIONS • CIVILITY AS AN ETHICS ISSUE

ABA JOURNAL

A P R I L 2 0 1 2 T H E L A W Y E R ' S M A G A Z I N E

AMERICA'S TECHIEST LAWYERS

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human examples. The following are lawyers chosen from the more than 200 show that our techie lawyers have many attributes, but certain skills stood out.

➔ Tree Hugger

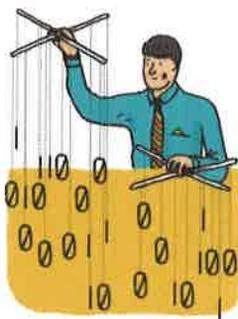


K. Ronald Bailey

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and Associates
Sandusky, Ohio
Nominated by Kenneth Bailey

Mr. Bailey's law firm has always been technologically advanced, from the first computer it purchased in 1984 to present-day internally built and maintained VOIP telephone system, servers with off-site data backup and replication to ensure disaster recovery, and even its own custom-programmed enterprise-management software that houses everything from its Rolodex to billing software. Further, **this law firm has been scanning every document that comes in the door for more than 10 years.**

➔ Code Master



Van Lindberg

Associate at Haynes
and Boone
Richardson, Texas
Nominated by Utah state
Judge Denise P. Lindberg

From the author bio for his book *Intellectual Property and Open Source*: "Van Lindberg is a software engineer and practicing attorney. What he does most, though, is translate—from 'lawyer' to 'engineer' and back. **He likes working with both computer code and legal code to get things done.** ... Van's work at Haynes and Boone touches both traditional intellectual property and the emerging field of open-source law, where he advises businesses and open-source groups on intellectual property issues."

➔ Virtualizer



Marc Lamber and James Goodnow

Directors at Fennemore Craig
Phoenix
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Lamber and Goodnow provide their clients with iPads pre-loaded with an array of apps tailored to the clients' cases. The two have pioneered the use of augmented reality—similar to a three-dimensional holograph-like image—for experts to bring concepts to life and for presentation viewing to help bring the scene to a virtual reality. **The pair provide in-house attorneys with mobile portal stations that store all of the legal filings and case documents for every firm with whom the in-house lawyers work.** Outside lawyers can upload documents to the portal. Captivated by the innovation that defines Silicon Valley, the two have made multiple visits to tech companies and have brought the innovative spirit promoted by the tech companies to their practice.

➔ Tetherless



Matthew Muller

Associate at Kerosky
Purves & Bogue
San Francisco
Nominated by Asel Aliyasova

Matt is a geek, but he's also doing some interesting things with technology. **An immigration attorney, he has a mobile practice suitcase with a computer, printer, scanner and projector, all battery-powered so he can give a presentation anywhere, screen clients, fill out and print forms, etc.** He brags about how once within five minutes of an immigration judge ordering his client deported, he'd scanned the judge's order, e-filed a petition for review with the 9th Circuit, and printed out the docket report with an automatic stay of deportation, right there in the courtroom. Matt is my husband. And this is revenge for nominating me for Worst Cooks in America.

Tracking Techies

Finding the footprints of America's switched-on lawyers

By Joe Dysart

WHILE THE MONIKER “AMERICA’S TECHIEST lawyer” may conjure an entity with a quad-core heart, onboard latte maker and a predilection to show up for court in holographic form, it turns out law’s real-life silicon wonders are a bit tamer than that.

But not by much.

During the past few weeks, the *ABA Journal* has been on cybersafari for the dukes and duchesses of the digital realm. And while we have no trophy lashed to the hood of our Jeep yet, we do have a much better idea of who we’re looking for—thanks to some expert hunting tips from gifted guides who, on another day, would be considered fair game.

Interviews with some well-known names in technology-enhanced law practice led us to a list—a sort of trait-based picture—of what would make an attorney one of the techiest lawyers around.

Next time you find yourself with silicon stardust on your sleeve and you spin around to grab a look at law’s next big thing, chances are you’ll find your wunderkind possesses all, or at least most, of certain telltale markings.

While America’s techiest are polite enough not to froth at the mouth, they’re nevertheless afflicted with an insatiable technolust. Like kids scrambling for the jingle of the ice cream truck, they just can’t help themselves. Some might even call them rabid.

With every wave of new technology, they’ve seen their lives get better and their ability to engage with clients become quantum-enhanced, and they simply can’t wait to see how the next promising tool can be artfully mastered to bring about an even better world.

“I often feel that I’m working and moving at twice the speed of those around me,” says Barron K. Henley, a Columbus, Ohio, managing partner at Affinity Consulting Group. “It’s simultaneously gratifying and maddening. My children have called me ‘Mr. Computer-Head’ since they were old enough to talk—and they’re all teenagers now. I probably need a support group and medication.”

While none of America’s techiest has yet to send an Amisher on his way with a GPS-ready buggy and a better stable-cleaning app, he or she has come close. Their

enthusiasm is infectious. When you’re curious, you’ll find that they’re always the first to tell you how things work, why things work and why they’re important.

“They are always on,” says Stephanie Kimbro, the Wilmington, N.C., founder of the virtual law office Kimbro Legal Services.

Switched on and fearless: When America’s techiest come upon a grinning Bill Gates armed with a whiteboard filled with hieroglyphic code, they sneer, “Is that all you’ve got?”

Reeling off lines of custom programming for a new application is easier than buttering a morning muffin for this breed. And the techiest have no problem sharing the finished creation with peers.

PC? Mac? Both are putty in their hands, as is any other gadget that proves itself worthy.

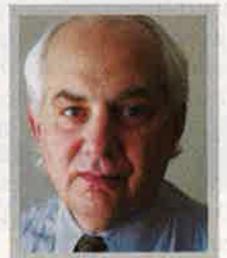
“I recently read about an attorney who utilized Skype or something similar to help Mexican citizens testify in a hearing involving their children here in Pennsylvania,” says **Jennifer Ellis**, vice president of Freedman Consulting in Lansdale,

Pa. “I thought that was an impressive use of technology and a great savings ... all around.”

Adds Henley, “Technology changes far faster than the law, and a true techie relishes this. They love to learn and can’t wait to try the next thing—and master it.” Still, living so close to the edge, America’s techiest are often perplexed by those who, by comparison, are so timid.

“I wouldn’t be too surprised to find a cave drawing somewhere that showed an attorney worrying about the ethics and security of a wheel,” Ellis says.

Agrees **Paul Mansfield**, president of Paul Mansfield Consulting in Corrales, N.M., “I am still amazed that firms do without [document management] or practice management systems. I thought that might be age-related and that older attorneys would be replaced by younger ones more tech-savvy. But that’s not



DEFINING THE BEAST

Common Characteristics of the Techiest Lawyers

While it's tough to get complete agreement on how you might spot the techiest lawyers, some common attributes kept surfacing in our interviews.

Platform Agnostics: Able to not only use both Microsoft and Apple products, but can find ways to make them work together better.

Perpetual Students: Continually reading, viewing, researching what's now and what's next in technology for law practice. Insatiable appetite for experimenting with all forms of tech—and mastering those that make sense.

Proselytes: Always advocating for improved technology and training in their firm and with attorney colleagues.

Mechanics: They are the ones who step in to provide tech solutions for practice problems and advice for those who are confused by the technology they must use.

Tree Huggers: Aim to have as close to paperless an office as possible.

Shinola Detectors: Don't go gaga for new tech simply because it's shiny and new.



Code Masters: May have technology degrees or worked at software/computer firms before studying law. Unafraid of doing their own programming when off-the-shelf simply won't cut it.

Virtualizers: Have fully automated, computerized and Web-enabled their practice's core mission. Offer secure client portals, including video interfaces like Skype or Google+ Hangouts, which are used to work with clients online.

Tetherless: Have no problem working from nearly anywhere on the planet, be it the Amazon rainforest or the local Starbucks.

Sky Workers: Have no qualms leveraging all the cloud has to offer.

Marketers: Are black belts in integrating all forms of Web marketing, including Facebook, Twitter, blogging and search engine optimization.

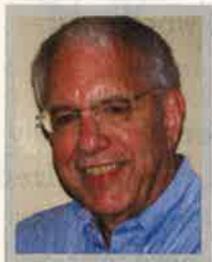
the case. I think law schools need to do a better job of teaching law students how to leverage technology in their practice.”

Possessed of the firm belief that anyone who even remembers the IBM Selectric should be put down, America’s techiest lawyers can never be caged.

Outfitted with any combination of smartphones, laptops, iPads, portable scanners and the like, they might be found humming *Born Free* under their breath like it’s the first time they’ve heard it. More often than not, they cruise through their day with a salt breeze rustling their hair and a pair of shades at the ready.

“I can be online wherever I am with my iPad and iPhone,” says **Richard Granat**, president of DirectLaw, based in Palm Beach Gardens, Fla. “Sometimes, I practice law and serve clients in Maryland when I am on the beach in Florida.”

And the techiest strive to skillfully blend as many useful and complementary technologies as they can get their hands on. They don’t simply have a website; they have a secure portal where they can meet virtually with clients and work equally effectively via phone, video-chat or email.



Take the clients of Granat Legal Services, a virtual law practice.

They “have their own, secure client space where I can communicate with them securely wherever I am,” he says. “Communications can happen at any time of the day and night. All my records are online. All my law books and materials are in digital format.”

The upshot? “A client portal saves me enormous amounts of time and enables me to make a profit even though my prices are low.”

Just as every facet of the Web presence of America’s techiest is tricked-out technologically, so is every aspect of their core business. For this beast, feeble attempts and half-finished efforts are best left for chumps.

“I don’t think a lawyer qualifies as the techiest lawyer unless the core process that underpins that particular type of practice has been automated and, where appropriate, that core process has to be Web-enabled,” Granat says. “To go a step further, if you are a litigation lawyer and you don’t use automated litigation support methods, you may be guilty of malpractice.”

Something the techiest hate as much as malpractice is missed (not just mis-) communication. Facebook, Twitter, YouTube and other forms of social media long ago moved from country road curiosities for America’s techiest to their lifeblood lane. Facebook alone plays host to 800 million-plus people worldwide. And America’s techiest know that when fishing, you go where the fish are.

“Many of these tools can help lawyers and clients work together toward a mutual win-win that was rarely possible in the past,” says **Matt Kesner**, the Mountain View, Calif.-based chief information officer at the law firm of Fenwick & West.

MARKET MAVENS

MEANWHILE, THOSE GRUNTS YOU HEAR AS ONE OF AMERICA’S techiest swooshes by you are the black-belt moves he or she is making to interweave all these forms of social media into an all-encompassing marketing dynamo. The techiest are always ready to take the latest flavor-of-the-social-media-month for a spin.

But to be among the techiest also means never overlooking the basics. That means maintaining a blog that quotes and is quoted by one’s peers. And developing a search engine optimization discipline that ensures every new content morsel of the Web presence gets gobbled up by Google and others for optimum placement.

And optimum placement for all this work? America’s techiest are busy up in the cloud. They’re already zooming around the stratosphere, tapping into the countless supplies of state-of-the-art applications. The relentless, single-minded mantra “faster, cheaper” is never far from the techies’ consciousness.

Sure, like many, they were a bit bothered at first by cloud security issues. But they’re lawyers, after all, and they were sure to put their provider’s feet to the fire before signing on the dotted line. And they still stop by now and then to make sure everything’s still nice and toasty. Says Kimbro: The techiest lawyers “can easily pick up different cloud-based platforms.”

Young at heart enough to be committed to the greater good and mean it, America’s techiest are stalwart supporters of open-source code. They regularly contribute efforts to software that can be shared—and enhanced—by all. “They will be the first to be comfortable

experimenting with open source,” says Kimbro.

Yet despite their indisputable technological prowess, America’s techiest lawyers are the last to strut about with the latest technology like a peacock marooned on a hog farm. They know that technology is first and foremost a tool, and that it should always be used for good and not evil. Says Affinity’s Henley: “Lawyers who carry around a laptop, an iPad and two smartphones are just being ridiculous.”

Adds **Carolyn Elefant**, a Washington, D.C., solo specializing in federal energy practice and policy, “Lawyers who boast about the tech they use are just posers. Those who make it seamless or invisible, to me, are the techiest. They use tech as seamlessly as lawyers of my generation used legal pads and engraved stationery.”

America’s techiest don’t go gaga for new tech simply because it’s shiny and new or because someone told them it’s cool. They’ve graduated from high school, thank you, and they’re not in a hurry to go back there. They know Shinola from that other stuff.



OUR TECHIE TRACKERS SAY:

They ensure that any piece of tech to earn a place of honor in their arsenal endures a vetting that would make SEAL Team Six proud. And at any moment, they're more than happy to vet and vet again.

"It's less about the particular tools ... and more about the philosophy of looking to technology to solve problems that have traditionally been solved by other means—or not solved at all," says Erik Mazzone, director of the Center for Practice Management at the North Carolina Bar Association. "I have too many lawyer clients who have an iPad because it's the 'right thing to have' and makes them look hip. But they are clueless on how to use it."

"Every time you add a new technology it takes time to learn how to use it and how to incorporate it into your practice," chimes in Nicole Black, a Rochester, N.Y., lawyer and legal technology author who blogs at lawtechtalk.com. "If you're constantly doing that, it can interfere with your workflow."

STILL HUMAN

CURSED WITH THESE SUPERHUMAN ABILITIES, AMERICA'S techiest nevertheless understand that there are other lawyers on the planet whose hearts don't skip a beat when an overnight delivery shows up with Apple's latest iPhone. And that—to paraphrase Stuart Smalley, that great icon of serenity from *Saturday Night Live*—is OK.

"A good techie lawyer is one who understands that not everybody is, wants to be or needs to be at her level," Ellis says. "She encourages and supports people to move forward, understanding that not everyone loves and is comfortable with technology."

All in all, no matter how many paradigm shifts or quantum leaps, America's techiest never lose that childlike wonder that comes from living in an age when all things truly seem possible, an age when a lawyer can carry more computing power in her pocket than was needed to land a man on the moon. An age when a person on one continent, by using Skype, can see and share experiences with a person on another continent in real time.

An age when a teenager in Egypt, who is sick and tired of being sick and tired, grabs a smartphone, runs out into the street and overthrows a government.

"We are at the cusp of great change," says Ellis.

Agrees Black: "We're in the midst of a seismic shift. This conclusion is, I think, indisputable."

And, says **Dennis Kennedy**, a St. Louis-based legal-technology author, "Ten years ago, you might have been able to dabble with the Internet. Today, you must live and breathe the Internet. The computing power in your hands, literally, today is staggering compared to what we had 10 years ago. Our imaginations, more so than the technologies, have become the limitations." ■



Joe Dysart is a freelance writer based in Manhattan.

BARRON K. HENLEY: "The techiest lawyer in America must be perfectly willing to move to the next greatest technology no matter how comfortable they are with what they have. When the cheese moves, a true techie moves with the cheese."

DENNIS KENNEDY: "What I find to be distinguishing ... would be the best techie lawyers' understanding and use of the Internet, including cloud computing, social media and collaboration tools, as well as traditional search and use of other Internet resources."

STEPHANIE KIMBRO: "There is no such thing as being too techie."

PAUL MANSFIELD: "When my wife passed the bar exam and started working in the early 1980s, I was shocked by the low-tech nature of law firms. Using her firm as a lab, I started pushing for higher standards and broader adoption—that is, PCs for attorneys, not just secretaries."

RICHARD GRANAT: "Over time, new methods of practicing law based upon information and Internet technology will permanently change the practice of law—not only in America but worldwide."

ERIK MAZZONE: America's techiest lawyers make use of tech in law practice "not because some gadget is shiny or cool, but because it helps that lawyer become a better lawyer."

CAROLYN ELEFANT: "A lawyer is too techie when he or she allows technology to dictate decisions rather than the other way around."

MATT KESNER: "My personal mission is to bring the best of technology to the practice of law to improve the outcomes for clients."

**ARCHETYPAL
TECHIES**

Establishing the attributes that make up techiness in lawyers also calls for nominations received for this article. Excerpts from the nomination forms

Platform Agnostic



Garland Brown
Partner at Weiss Brown
Scottsdale, Ariz.
Nominated by Laura Carpenter

When I decided to launch my own Internet-based legal research/regulatory intelligence company, I hired Garland—he provided exceptional advice on how to set up the business and what to look for in regard to technology. Garland is the IT guru for his firm, and all of us who see their office are immensely jealous. **He has merged Microsoft and Apple applications so seamlessly, and they have the coolest AV capabilities.** Garland has wide-ranging and exceptionally unique experience in the technology field that includes 12 years of senior-level experience in Redmond, Wash., with Microsoft as both a lead software development engineer and as a director in antitrust law compliance.

Perpetual Student



Jennifer Hamilton
Global e-discovery counsel
at Deere & Co.
Moline, Ill.
Nominated by Amor Esteban

Hamilton has incorporated technology into all facets of her insanely busy life. “To call her a techie doesn’t do Jenny justice,” husband Jay Hamilton tells me. “Part machine may be a better fit.” In fact, he jokes that his now-five-months-pregnant wife could easily give birth to a child who’s up to speed on all the latest apps. Jennifer’s obsession with technology is a mystery to some, but you don’t have to look far to find the source of her fascination—the former Gateway employee grew up around her family’s dinner table chatting with her software programming brother and their fellow techie father, who spent years at IBM in the ‘60s and is now spending free time in retirement building iPhone apps. And even in Daddy’s eyes, his daughter brings new definition to the term *plugged-in*.

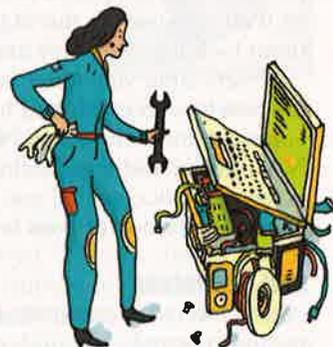
Proselyte



Michael Smith
Managing member of Smith
Barid
Savannah, Ga.
Nominated by Richard S. Barid

Due to his depth of knowledge in IT matters, **Michael serves as the firm’s chief technology officer and IT department.** His ideas (and implementation of those ideas) has made Smith Barid one of the only paperless law firms in the Savannah area. Michael also pioneered a cloud-based case management system for the firm, utilizing and repurposing existing cloud-based tools, including 37signals’ Highrise, Google Apps and Amazon S3/Jungledisk. Michael constantly keeps the firm not just up to date but ahead of the curve on technological advancements that help improve law firm management as well as business development.

Mechanic



Linsey Sims-Bohnenstiehl
Trial court law clerk at the
12th Judicial Circuit
Sarasota, Fla.
Nominated by Katherine Drury

Linsey held a career in technology before becoming an attorney. As such, she is the team’s best resource in everything related to technology. **I often rely on her, instead of the IT department, because she is better able to troubleshoot, knowing the end goal of the project with the attorney’s perspective.** Linsey is a forward thinker and makes suggestions that better our work and team based upon the benefits given to us by the power of technology.

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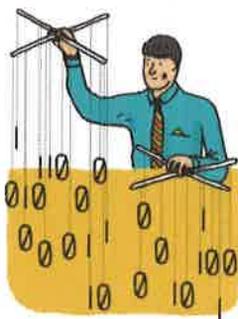


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➔ **Sky Worker**



Anthony Johnson
 Managing partner
 at Butler, Horn, Nye & Johnson
 Little Rock, Ark.
 Nominated by Brian Butler

Anthony knows more about tech than most people in the tech industry. He has been a tech entrepreneur for years, having experience in starting or working with Internet startups from bootstrap level to venture-capital-funded companies. **Since becoming a partner with our small firm, he has been pivotal in transitioning the firm to the cloud, including a completely cloud-based client management system, cloud file servers, cloud backups, and a cloud-hosted VOIP telephone system that works seamlessly across multiple offices and at home.** Anthony developed, designed and continues to manage our website, including the newest feature allowing clients to meet on the site and video-chat as an option for consultations (still in beta testing).

➔ **Marketer**



Paul Kiesel
 Name partner
 at Kiesel Boucher Larson
 Beverly Hills, Calif.
 Nominated by Rex Heinke

Paul has always been a very early adopter of technology. He was one of the first attorneys, if not the first, to bring a computer into court during trial. Attorneys would come into court just to see his computer in action in a trial. He also holds an annual seminar attended by several hundred attorneys where attorney Robert Fink and Paul would share the years of information they have acquired. **His firm also has a fully computerized editing department for the preparation/editing and downloading of day-in-the-life and other productions on his cases.** (His is the image seen pacing across the screen upon accessing the firm's website.)

➔ **Shinola Detector**



W. Todd Carlisle
 Shareholder at
 Sirote & Permutt
 South Birmingham, Ala.
 Nominated by John H. Cooper

Todd works tirelessly to help our law firm stay on the leading edge in technology. He uses his technological tools and expertise to communicate effectively with his clients, efficiently coordinate efforts with his co-workers, and help lead our firm strategically into the future. **He is constantly examining the new technology available and exploring the possibility of how that technology can help the firm serve our clients better.** However, Todd also balances the need for new with the necessity of security and the consideration of cost. He steered the firm toward a secure, cloud-based product that also provided a convenient platform for sharing information. Because of Todd's leadership, our law firm will produce many other tech-savvy team members.