

1 MS. HEFFERN: This is Jim Calloway. He's
2 the executive director of the Oklahoma State Bar.
3 He's going to be talking to us about triage and
4 technology, and Jim has agreed to be available also
5 on extremely short notice. I think I was talking to
6 him, what, as recently as yesterday about finalizing?

7 MR. CALLOWAY: That's right.

8 MS. HEFFERN: So we appreciate his being
9 willing to accommodate us and be with us here today.
10 So thank you, Jim.

11 MR. CALLOWAY: Well, I appreciate the
12 opportunity to be with all of you. I know it's under
13 difficult circumstances. One of the reasons I was
14 called on to visit with you today is that through an
15 unusual part of my career I ended up going to visit
16 with lawyers in Gulfport, Mississippi, right after
17 Katrina, and New Orleans, and we've had our share of
18 disasters in Oklahoma as well. I would say that I'm
19 the director of the management assistance program. I
20 wouldn't want to give my boss's title as mine because
21 that might get me in trouble later.

22 But I have two kind of boring bits of
23 information to give you real quick and then we will
24 talk a little bit about triage and getting our
25 technology back up and running. But because of the

1 late time frame, I have just uploaded the materials
2 to the internet today and so I want to give you the
3 web address to download those. There's really only
4 kind of two things that you'll have to take in notes.
5 And that is Tinyurl.com, no www, just Tinyurl.com,
6 slash 6bh4k2. That's Tinyurl.com slash 6, B as in
7 boy, H as in Harry, 4, K as in Kenny, 2. And that
8 will be a PDF of the remarks I'm making today plus
9 some more extended remarks on the paperless office.

10 And let me go ahead while you're taking
11 notes and give you the other web address I want you
12 to look at. I think it's on your website, but just
13 out of an overabundance of caution, this is at the
14 ABA website.

15 It's www.abanet.org/Katrina/technology.html.
16 Abanet.org/katrina/technology.html. And that is a
17 collection of papers. What I do for our bar
18 association is I'm a practice management advisor, and
19 while I don't know -- haven't met the individuals
20 from your local bar, I've met several of the Iowa bar
21 people, known them for years, I know you have a lot
22 of good people. But my job is to give our lawyers
23 technology consulting and things about running their
24 practice. I understand you've already spent several
25 hours today talking with lawyers who have witnessed

1 this personally. But there's two things I want to
2 say about triage first and then we'll talk generally
3 about restarting our office. The first one is I
4 don't know your condition right now, but if you have
5 things that are still wet, it's interesting how we
6 have kind of -- this is all in my paper, but have
7 three types of situations. Where mobile devices are
8 wet, iPods, phones, that type of thing, we want to
9 completely dry them out before we try turning them
10 on. A whole lot of people have mobile phones or
11 other small devices that survive a flood, they look
12 dry on the outside, and then they turn them on and
13 fry the device right then. So for mobile devices,
14 take them apart, blow the hair dryer on cool on them,
15 give them plenty of time before you try them. You
16 may be pleasantly surprised that they may have
17 survived this disaster.

18 The opposite is true with computers,
19 however. If you let a computer dry out with muddy
20 river water, flood water, more than likely before you
21 can obtain help the corrosive effect of the drying
22 river water will irrevocably damage the hard drive
23 and that's all we really care about on these
24 computers now, is your hard drive and data and
25 information. And so on those, J. R. Phelps of the

1 Florida Bar whose papers are included on the ABA
2 website says that your best bet, if you still got the
3 opportunity, is to dunk them in a tub of clean water
4 before they dry and to leave them wet until you get
5 them to the forensics outfit or to the recovery
6 outfit.

7 Now, to be honest, it's so expensive to do a
8 recovery of a device that unless you have
9 irreplaceable information, for instance, you weren't
10 doing backups and you don't have backups, it's
11 probably not going to make sense to do that. But
12 that's the message, when I asked J. R. Phelps from
13 the Florida Bar who has dealt with many hurricanes
14 over his 20-plus year career, that was the advice
15 that he gave me.

16 Then he also reminded me that if you have
17 important documents, frankly, if you have file
18 cabinets full of documents, and they've been
19 submerged this long, they're probably gone. But if
20 you have one set of very important documents, you
21 know, stocks, bonds, original documents, wills and
22 that kind of thing, that your best bet is to actually
23 freeze those rather than to let them mold until you
24 can get them to a document recovery specialist.

25 So those are kind of three triage things. I

1 know for some of you it's already too late and we
2 certainly understand how that works. But I know some
3 of you have business interruption issues and some of
4 you have lost computer network issues. I'm going to
5 try to have some general remarks.

6 There is one thing I didn't include in any
7 of the papers because I wanted to tell you this, and
8 I didn't necessarily want it to be preserved. But
9 there's one important tip to give you, and that is
10 there is a lady named Catherine Sanders Reach who has
11 contributed part of the paper that we're going to be
12 talking about a little bit later. And she is with
13 the ABA legal technology resource center. And what
14 they do is they run a hot line for ABA members for
15 lawyers to call in and ask their technology
16 questions. So if you're rebuilding a network, you're
17 buying something, you have a problem, they have a
18 staff during business hours to take calls.

19 And I'm certainly not authorized to say
20 this, but I want all of you to understand that they
21 take a lot of calls and if somebody calls them in the
22 next few months and says they're from your area and
23 they were a lawyer who lost everything in the flood,
24 they're not necessarily going to ask for your ABA
25 number. They're going to try to help you with your

1 technology questions and your information. So when
2 you get back up and running, when you have technology
3 questions, I want you to feel free to give the ABA
4 legal technology resource center a call with specific
5 questions about software, products, and that type of
6 thing.

7 My first remarks are going to be
8 concentrated a little bit on assuming you've lost
9 everything and how do I get my technology up and
10 running very quickly when I've lost everything. It's
11 certainly a challenge. And so I've got a list of
12 some free services and some other things and I've
13 actually been contacted by several vendors when my
14 name became associated with you folks, and so we've
15 got some deals as well, some discounts and some free
16 services to talk to you about as well.

17 So I hope this will be very useful to you.
18 But one of the first things I want to tell you about
19 is a service called Jott.

20 Oh, let me back up for a second. The paper
21 that I have given you, the first url I gave you, is
22 only good for a hundred downloads over the next seven
23 days. So I'd encourage one of you initial
24 downloaders to contact the local bar and make sure
25 they get a copy of it so they can put it on your

1 website. You certainly got permission to do that.
2 The service I use is just good for a hundred
3 downloads.

4 So back to Jott.com. One of the problems
5 when we deal with a disaster is not just that the law
6 office is messed up, but that everything is messed
7 up. It's harder to get groceries, it's harder to
8 deal with your children's needs, it's harder to deal
9 with lots of things. And the distraction that this
10 causes makes it harder to remember things. And so I
11 would like for some of you, as soon as you have your
12 internet cell phone service up and running to sit
13 down at your computer with your cell phone and to log
14 into a website called Jott, J-o-t-t dot com, which is
15 a free service to allow you to write memos to
16 yourself and to other people.

17 So you can go to Jott and once you
18 authenticate, yes, the cell phones are on it, the
19 computers are on it, any time you want to, by having
20 Jott in your favorites, you can call Jott. When Jott
21 answers it will recognize who you are by caller I.D.
22 and say who do you want to Jott, and you can say me,
23 which is the most common for me. But you can also
24 program in the e-mail addresses of your secretary,
25 your friends, your partners, and when you say I want

1 to Jott Bob, it'll say do you want to Jott Bob Smith
2 and you say yes. Then you can dictate into Jott for
3 up to 30 seconds and within a few minutes, 15 to 20,
4 that person or yourself will receive an e-mail where
5 somebody has transcribed this 30-second dictation
6 into text.

7 So it's a great way to write little memos
8 for yourself or little calendar things that you can
9 then copy and paste out later into a calendar or even
10 into a document. We lawyers can talk quite a bit in
11 30 seconds. So to have that kind of service
12 available is very useful and it's totally free. It's
13 been free for quite some time now. I sometimes
14 wonder at the business models of some of these
15 companies. But I think Jott's something you'll find
16 really useful.

17 The next thing I want to talk to you about
18 is if you've been totally wiped out and you don't
19 have much of anything, but you do have staff who can
20 work from home and they have internet connections.
21 We're all familiar with the giant monolith Google,
22 and some of you have probably used services like
23 Gmail or Google documents before. Google Docs is a
24 great service that allows four or five people to
25 collaborate on a document. But it's a fully

1 functioning word processor for free.

2 So that's a great thing. Well, some of you
3 don't know that there's a more advanced service
4 called Google Apps. And by paying \$50 a year, you
5 can have pretty much a complete office suite in a
6 more secure format than the free services. So you
7 can have spreadsheets, word processors, your shared
8 calendar for your office, you can basically run
9 everything you'd find in the Microsoft office suite
10 on line for \$50 a year per person.

11 So if you're really in a hurry to get up and
12 running or it looks like it's going to be several
13 weeks, this kind of service to have everybody being
14 able to be at home with word processing and all the
15 documents saved wherever they can get to them, good
16 e-mail service with Postini Spam filtering, lots of
17 other things, is something you really should consider
18 if you're going to be a while rebuilding your
19 computer network.

20 Because one thing you're going to find is in
21 a case of really bad flooding like this, taking care
22 of computers isn't going to be the first thing.
23 Getting the mud out, getting the trash out, you've
24 got a lot of other priorities. But yet we've got a
25 lot of things that may need to be billed and get

1 done, and it may make sense to have half the staff
2 working at home on the Google Apps at home while the
3 rest of you are working on the office clean-up. As
4 long as you know your user name and password, any
5 internet access computer can be able to get you
6 access to your full office suite. So I think that's
7 something that I'd ask you to consider a little bit.

8 We're going to conclude our remarks today
9 with questions obviously, but before that I'm going
10 to talk real briefly about the idea of how to rebuild
11 a paperless office. If you've just finished losing
12 all of your paper in a flood or a large part of your
13 paper in a flood, the idea that you want to
14 develop -- spend tens of thousands of dollars of
15 rebuilding the old system is something I would ask
16 you to question.

17 Many of you are aware that the pressure was
18 on to convert to digital operations, digital
19 documents, and as you're no doubt aware now very
20 clearly, if everything is digital, if every document
21 is an image on the computer network, if every
22 calendar is digitally handled instead of paper
23 documents, then you can back it all up and get up and
24 running instantly.

25 One of the keys to having a paperless office

1 in my view is the Adobe Acrobat Professional. Adobe
2 Acrobat 9 is just coming out right now and it's an
3 expensive product, but the upgrades are nice. I want
4 you to buy the professional instead of the standard
5 because it has things like Bates stamping, redaction
6 of documents that can't be beat and other things
7 built into it.

8 But here's the triage advice to you. You
9 can go to the Adobe website and download a trial
10 version of Adobe Acrobat 9 Professional for free and
11 you can use it for 30 days. As you are recovering
12 from a disaster, even if you don't make the decision
13 to buy it permanently, the ability to create PDFs, to
14 combine multiple PDF files together, you'll notice
15 the materials I've sent you that you'll download, the
16 first half is a Word document that I've converted to
17 PDF. And the second is a set of slides that we've
18 converted to PDF. And then we've just married the
19 two together. If, for example, you had an opposing
20 counsel who was willing to give you a copy of the
21 whole file absent confidential information obviously,
22 when your file has been destroyed, the ability of
23 opposing counsel to scan all of this file into one
24 big PDF and send it to you and bear little expense is
25 very motivating for them. It's a lot easier for them

1 to do that if they have scanners.

2 Well, if you don't have something like Adobe
3 Acrobat, you're just going to be stuck from now on
4 with this giant file of hundreds of pages that you
5 have to go through and look at each page, where with
6 Adobe, you can then go in and pull apart the pages,
7 you know, this seven pages is this brief, this one
8 page is this letter. You can individually name those
9 and pull those all apart.

10 So the point being is that all of you
11 sitting there and all of your staff are entitled to a
12 free trial of Adobe Acrobat for 30 days. We don't
13 all want to do it in the office at once perhaps.
14 Perhaps some of you want to do it now and let others
15 wait for 20 days. Eventually I think you may want to
16 buy the product, but that's after we've had insurance
17 settlements and those other things.

18 But I would encourage you when you start
19 restructuring your files to do them in a digital
20 manner. And I think you'll be surprised if opposing
21 counsel don't have to incur 10 cents a page or
22 whatever their out-of-pocket costs are to do that
23 kind of thing.

24 I was contacted by a vendor who I have been
25 interested in his product, but haven't got a chance

1 to review it yet. So my next offer that I'm passing
2 along to you comes with a little disclaimer of
3 warranty. But there is a new software package, a
4 relatively new software package, called
5 Rocket Matter. Rocket Matter is case management
6 software. It is to keep track of your billing, your
7 calendar, your client entries, all of these different
8 things on line. There's a techy concept called
9 Software as a Service, SaaS if you ever see it on the
10 internet. But basically it means that people have
11 software that instead of your computer being updated,
12 they just update it at the central location and they
13 then, you know, run the software and whatever, and
14 you just log in to what looks like a website to do
15 all your work.

16 Obviously, if you don't have an internet
17 connection, that's down, that's a little scary. And
18 many of you, particularly some of you who are not
19 used to these technology things, will have concerns
20 about client confidences.

21 But it seems to me that Rocket Matter is
22 purporting to build a platform. Larry Port is the
23 CEO or person with RocketMatter. And anybody who's
24 an affected lawyer who's registered on the
25 Linn County site as a displaced lawyer can get a free

1 subscription to Rocket Matter until the end of the
2 year. So that's another option for a legal-specific
3 software package to run your office on a temporary
4 basis.

5 I think it's very important for you to look
6 at some kind of case management software. If you've
7 been running by the old systems, surely the events of
8 the last week or so have shown you how vulnerable it
9 is to have your main calendar in a notebook or in
10 somebody's pocket rather than on a digital system
11 that is properly backed up. So I hope you'll all
12 look at the other software products.

13 I'm not trying to tout Rocket Matter, but I
14 felt like the idea that he would give you this
15 product for free until the end of the year or longer
16 if you're not back in your office by the end of the
17 year, but we don't anticipate that, I think was
18 something I wanted to pass along to you.

19 I also have been contacted from our friends
20 at LexisNexis. LexisNexis has a service called
21 NetDocuments. NetDocuments is a secure on-line
22 document repository. I recognize that some of these
23 things I'm telling you appear to overlap, but I want
24 you to have as much information as possible. So
25 NetDocuments is a place where lawyers can upload all

1 sorts of documents and authorize certain people to
2 have access to some or all of them. It's properly
3 backed up.

4 As you start reassembling your office
5 information, and I hope all of you will try to get a
6 scanner soon, even if you attach it to your home
7 computer, so you can start scanning in information
8 when you get it and saving it, well, Nancy Smith at
9 LexisNexis -- I'll give you her e-mail address, it's
10 Nancy.Smith@LexisNexis.com -- tells me that if any of
11 you will contact her, that they will give you a free
12 one year's subscription, and so you can have this
13 free on-line document repository.

14 Maybe you want to use it as a backup. Maybe
15 you want to use it as a document sharing platform.
16 Maybe you're just a little gun-shy on how things work
17 and so you'd like to keep everything at two places
18 for a while. But that's a very generous offer from a
19 premium service as LexisNexis. And I think that even
20 though they've had short notice, Nancy says they're
21 going to try to work out other incentives and other
22 benefits for the Linn County Bar members. So you may
23 be hearing more from LexisNexis in the near future.

24 Finally I want to mention the Iowa State Bar
25 Association. I've told you I've known your people

1 for a very long time through conferences and such. I
2 think they're pretty good folks. They wanted me to
3 remind you that they have a free e-mail service that
4 you can use and so if your present e-mail is down or
5 inaccessible and you need emergency e-mail, I like
6 Gmail, too, Google mail, but they'll be happy to help
7 you with that. But they also wanted me to remind you
8 that they have a member benefit with an electronic
9 faxing provider, and in an emergency situation when
10 you're trying to recover your business, the idea of
11 an e-fax vendor rather than buying a fax machine is
12 really something to think about, because when people
13 e-fax things to you, they come as e-mail attachments,
14 so you can easily forward them to somebody who needs
15 to review them and manage them without having to take
16 them out of the fax machine, particularly those
17 old-style fax machines with weak paper, and then scan
18 it again to send it to somebody or physically carry
19 it or mail it to somebody.

20 So I didn't get the name of the Iowa Bar's
21 endorsed electronic faxing vendor, but the price I
22 remember was pretty reasonable.

23 Finally, I want to encourage you in an early
24 stage to talk to any other software vendors. If
25 you've lost your system and you had several products

1 from Nuance or Adobe Acrobat or whatever, don't wait,
2 talk to them about that now. Especially if you know
3 you didn't have a backup of the operating system or
4 you know the original disks have been lost by the
5 flood. I don't know that Microsoft will be too
6 helpful in this regard, but many of the other vendors
7 will be willing, when they hear your situation and
8 verify your address is in Cedar Rapids, to give you
9 your information and to send you a replacement disk
10 at little or no charge.

11 So before you rush out and buy all new
12 software to replace that that you already owned, it's
13 very important that you go ahead and contact the
14 vendor or have somebody on your staff do that. And
15 at least make a few runs, as we say here in Oklahoma,
16 at getting that to you at no charge.

17 I know when I lost a -- I'm a big voice
18 recognition person, I use Dragon Dictate,
19 NaturallySpeaking, from Nuance, and when I both had a
20 hard drive crash and the backup disks were lost too,
21 I called them up ready to give them a song and dance
22 about how, you know, I'd been a long customer or
23 whatever, and no disaster, no anything, just backup
24 disk lost in a move, they said, it's \$30 to get a
25 replacement of the disk and we'll give you your key

1 to get into them. So, you know, for a \$200 product,
2 I was happy to pay them \$30 to get the disk and get
3 the key for my original license. So think of that a
4 lot and how that works.

5 We said we would pause at the end for
6 questions, but I've kind of divided this into two
7 parts, this vendor part, how to do this triage part,
8 and then we're going to talk a little bit about the
9 paperless office and how I give you pointers on
10 redesigning your office. But perhaps now would be a
11 good time if anybody wants to approach the
12 microphone, to take a few minutes to entertain any
13 questions.

14 MS. HEFFERN: Anyone have any questions?

15 MR. CALLOWAY: No questions?

16 MS. HEFFERN: Jim, we don't have any
17 questions at this time. So you can keep on rolling.

18 MR. CALLOWAY: That's great. I'll just
19 assume I've covered everything. Let's talk a little
20 bit about the concept of a paperless office or a
21 digital office as I prefer to call it. I don't
22 expect to convince any of you, nor am I convinced,
23 that law offices will ever be totally free of paper.
24 There are many documents that we use that we will
25 have to print out from time to time.

1 The thing I would like to convince you of is
2 that by operating from digital files rather than
3 paper files as your primary source, that you can save
4 time, save money, and in particular not spend time
5 looking for the lost file, because they're all there
6 on the computer network.

7 You will note that the materials on this
8 topic that we have provided to you say the Oklahoma
9 Bar Association Solo and Small Firm Conference on
10 them, and that's because we just presented this on
11 Saturday to the OBA, and so, again, Catherine Sanders
12 Reach was kind enough just to give us the materials.
13 It's all about your work flow. It's all about how
14 you operate.

15 And I have a lot of lawyers' staff come to
16 me and say, why does Bob print out all his e-mails?
17 It's already there digitally, it's such a waste of
18 time. And I say that's very simple. Because Bob
19 views the file as this thing in the file drawer. And
20 he wants to have a complete file. And Bob has had
21 experience or seen other lawyers have experience
22 going to court without a complete file because we as
23 lawyers have this certain paranoid mind-set that if
24 there's one piece of paper missing from the file when
25 we go to court, that will be the one the judge or

1 opposing counsel will want to talk about.

2 I would like to suggest that at some point
3 we're all going to have digital files and that
4 probably lawyers my age, maybe a little younger,
5 certainly older, will always still feel like we need
6 the security blanket of the paper file. And I don't
7 have any problem with that. But a digital file will
8 allow three people to look at a file at the same time
9 in three different rooms in your office or three
10 different branch offices without any part of the file
11 being inaccessible to anyone. A digital file will
12 allow you to totally back up your system. So if you
13 lose everything in a future disaster, the digital
14 file is restorable and everything is just the way it
15 was.

16 And about this time, because this was a live
17 presentation, some lawyer would be holding up their
18 hand in the back going, but, Jim, I've got to have
19 the original documents, I've got to have -- what if I
20 have to show one of these to the judge in court. And
21 let's just remember, we can always push print.
22 That's one of the most important things to learn, is
23 that we can push print, we can have a paper copy any
24 time we need a paper copy. There are rare
25 circumstances, such as a will, where an original

1 document, a wet signature document, we call it, is
2 still going to be required. But for most purposes,
3 even contract law or whatever, you're going to find
4 that your legislature has probably been making moves
5 like all the others where it's okay to destroy the
6 paper files and just keep digital files.

7 So I would encourage you who really lost
8 everything, when you think about rebuilding, to think
9 about buying a good high-speed duplex scanner to
10 serve as a central scanning point in the office, and
11 think about an office system where when the mail
12 comes in, the mail clerk scans it all and then sends
13 the scanned images off to the attorney, the attorney
14 reviews them and files them in the digital file, and
15 we have a situation where every document we want to
16 look at ever is on our computer system.

17 And I'm not pushing that we would do that
18 instantly if we don't have to. But for those of you
19 whose file drawers stayed under water for a while, it
20 is going to be too expensive and too cumbersome and
21 too troublesome to try to rebuild the old style file
22 system when the digital file system has so much more
23 going for it.

24 Your main scanner does need to be a duplex
25 scanner so you can scan both sides of the page at the

1 same time and speed is certainly an option. Now, you
2 also want to have somewhere in the office either a
3 scanner that is both a sheet feeder and you can open
4 it up and still do flatbed, or maybe you just want to
5 buy a hundred dollar flatbed scanner. There will be
6 documents some time that are too fragile or too
7 cumbersome or too thick or they're not really
8 documents, they're something else, that they can't be
9 scanned through a feed scanner. So you want to have
10 at least one flatbed scanner. And many of you will
11 decide to have numerous scanners at everybody's desk.
12 Some of the control oriented lawyers will say, you're
13 going to have to put a scanner at my desk, because
14 I'm not trusting anybody else to open my mail, so
15 I'll open my own mail and scan it.

16 Some of the other things we want to think
17 about in our digital office of the future are dual
18 monitors. You can talk about this at the break, but
19 there are some of you who are now operating with two
20 monitors, where I'm doing my legal research on one
21 monitor, I'm doing the document on another monitor.
22 I'm copying and pasting between the monitors. I've
23 got my e-mail on one monitor, the document I'm
24 working on on another monitor. I've got the file,
25 the digital file for the client, all these documents

1 open on one monitor.

2 Sounds kind of geeky, but just so you
3 understand, every computer with Windows XP is
4 preconfigured to accept two monitors, and if you buy
5 a new computer now, it will more than likely have two
6 monitor plugs. But that's -- when you deal with
7 your -- if you get an insurance claim and you're
8 looking at buying a new monitor, whether you're going
9 to do it now or not, you want to make sure that all
10 of your video cards have two monitors -- or can use
11 two monitors. Because in the future we're all going
12 to be doing that.

13 If any of you do a lot of real estate title
14 work and deal with ancient documents, another thing
15 I've seen a lot of lawyers in my state doing is they
16 buy a 22-inch or 20-inch monitor that can rotate.
17 And so they turn this monitor 90 degrees and that way
18 an entire legal-sized document can be displayed on
19 the monitor without having to scroll up and down to
20 deal with the legal-sized document. In our state we
21 have a lot of oil and gas work and so a lot of these
22 old documents affecting oil and gas and oil and gas
23 title opinion work is on 8-1/2 by 14, and so to have
24 a monitor that will display 14 inches. But not all
25 monitors will rotate. So that's something to think

1 about.

2 You small firm lawyers out there, and maybe
3 the larger firm lawyers, but certainly those of you
4 who are in solo or small firm setting, I want you to
5 look real strongly at buying a laptop instead of a
6 desktop to replace your computer. Once you get the
7 ability to have digital files, the ability to pull
8 five or six files onto your laptop and take them home
9 with you, and soon it will be more common to remote
10 in and access your office files, the flexibility to
11 be able to work at home any time you want to. A
12 laptop now probably costs 125 percent of what the
13 comparable desktop will cost, and then if you buy
14 something called a docking station or a port
15 replicator, you can just come in the morning, drop
16 the laptop into this device, the laptop will hook up
17 automatically to your network, your printer, your
18 dual monitors if you have them, your full size
19 keyboard, so you're not getting carpal tunnel by
20 trying to type on a laptop, all these different
21 things.

22 So look strongly at replacing desktop
23 systems for laptops, for any lawyer, but particularly
24 the solo and small firm lawyer. And absolutely for
25 these small firm lawyers with no staff. If you're a

1 small firm lawyer with no staff, there's no reason
2 not for you to have your entire office with you any
3 time, anywhere you go. Obviously want to think about
4 backing that up.

5 Again, there's also digital dictation
6 devices. When you go to replace your old tape
7 system, you may be surprised to find you can't get
8 new cassette recorders any more. That's a good
9 thing. The digital recorders are much more powerful.
10 You can have eight or ten jobs on one machine now,
11 you can be dictating things, pause it, dictate
12 something to your secretary, go back to your original
13 job. Your staff doesn't see it. There's about ten
14 jobs. I need you to type that letter in the middle
15 to Ms. Smith. With tapes, that's a big hassle. With
16 a digital recorder, each of the jobs is separately
17 marked, real easy to find which is which. So that's
18 kind of the hardware end of what we want in the
19 office.

20 I'll talk a little bit more about software
21 real quick and then, again, we'll pause for a second,
22 see if we have any questions. But in software,
23 there's several things you need to have a paperless
24 office. Primarily need an office suite, Microsoft
25 Word, Microsoft Office is the dominant office suite.

1 In our state we still have a lot of WordPerfect users
2 from Corel, and that's fine too.

3 I would encourage you if you're having to
4 replace software, if you can't get it reinstalled, if
5 you can't get your key numbers to convince Microsoft
6 you own it, that Office 2007 is a great product. So
7 Office 2003 is probably what most of you were
8 running, Word 2003, Word 2007. Office 2007 is a
9 great product. There is a little bit of retraining
10 and there's about a 30-minute kind of video training
11 thing on the web that I would suggest you all have to
12 do to make it easy in transition. But it's got more
13 power, it's got a lot of other things.

14 One of my little tips to the Office 2007
15 users right now is it sends out documents in default
16 in a format called dot x, and now they're dot docx,
17 and that means, as Microsoft has been guilty of in
18 the past, that you won't be able to open that in 2003
19 unless you go add a free plug-in.

20 My advice to you is that everybody will
21 figure out about this plug-in over the next year or
22 so, but I don't want to waste your time figuring it
23 out. So I would go into Microsoft Office 2007, is
24 one of my first things, and change it where the
25 default file format is the doc, not the docx. You

1 can still send, if you have a -- if you need the
2 x-mail capabilities, you can still save one in that
3 format. But I don't want you getting fifty or a
4 hundred calls during the next year, I couldn't open
5 that document I sent you.

6 My true theory, I'd rather you sent them out
7 as PDFs, because they're safer that way. They don't
8 have all the history and the metadata and that sort
9 of thing. Office suite is required. Rocket Matter,
10 and there's a new software, as a service that's just
11 come out, Bob Ambrosia on his blog was talking about
12 it yesterday, I hadn't heard of.

13 The big three for solo and small firms are
14 Practice Master, Amicus Attorney and Time Matters.
15 You're probably aware of that. Pro Laws is probably
16 in fourth place. These all are made with time and
17 billing programs, so Practice Master goes with Tabs3
18 from the same company. Time Matters goes with
19 Billing Matters. Amicus Attorney has Amicus
20 Accounting. Pay attention to that choice, but you
21 can't stall on it for a long time.

22 PDF Recruiter is going to be required. The
23 new version of Word will create PDFs. Acrobat dot
24 com has just announced a new service where you can
25 create up to five PDFs on line, where you create the

1 Word document and they get it back to you. Document
2 management software for the larger firms is something
3 that allows all of your documents to be indexed.
4 It's different from practice management. Practice
5 management handles the various bits of information,
6 things I used to keep on Rolodex card, calendar
7 cards, legal files, to do lists, practice management
8 software puts that all under one roof and organizes
9 it by file. Document management software, products
10 like Word docs and iManage, which are very expensive,
11 but certainly make your documents findable, require
12 people to save a file by specifying several things
13 about it before you can save it, what kind of file it
14 is, whose file it is associated with, a brief summary
15 of what it is, the author, all these different
16 things.

17 But then when you go to find a lost
18 document, it's incredibly easy to find them because
19 of the search capabilities. Or you can just go in
20 with proper permissions and say I've got a brief in a
21 railroad case, and I want to search our firm's entire
22 documents from every brief we've ever done in a
23 railroad case. So those type of things are powerful.

24 One more thing I want to talk about is I
25 hear a lot of myths about PDF files, a lot of

1 confusion. And to make it simple, even though this
2 is not exactly true from an expert level, but to make
3 it simple, let me just make sure that you all
4 understand that there are two types of PDF files. We
5 think there are just one. And some of you have
6 probably already found this out by driving you crazy
7 trying to copy and paste out of a document when it's
8 impossible. There are PDF files that are images
9 only. PDF files that all it is, it's like I took a
10 photocopy of it and printed it out. Even though I've
11 got it open on a computer screen, there's nothing
12 behind the picture, it's just a picture.

13 The majority of PDF files are PDF files with
14 what we call hidden text. So in addition to the
15 picture of the document, you have the text, so I can
16 copy the text out. In fact, I can even use a product
17 like Nuance's PDF Creator to pull all the text out
18 and put it in a Word document, so I can actually
19 change a PDF back to a Word document, or a
20 WordPerfect document or a TF document.

21 But understand that of those documents, the
22 rich PDFs that have the hidden texts, there are two
23 kinds of those. There's those that were created by
24 converting a word processing document. I'm in Word,
25 I print it -- I've got a 50-page brief, I have Adobe,

1 and I make that 50-page brief in a PDF. It will be
2 absolutely perfect. If, on the other hand, I took
3 that -- I printed that 50-page brief out, mailed it
4 to somebody, they scanned it in to a scanner and then
5 used the process called OCR, optical character
6 recognition, you don't need to remember that, to
7 convert the picture into text, it will not be a
8 hundred percent.

9 One of the most interesting and frustrating
10 calls I get from lawyers is I can see this paragraph
11 here. When I copy it out and paste it into this
12 document, I've got all these squiggles in it. I
13 don't have all these letters. And that's because the
14 OCR process is not a hundred percent. And even
15 though you see a picture that is a hundred percent
16 accurate, the hidden text is not accurate.

17 Then the office processes as I alluded to
18 earlier, we scan the originals, we OCR them if we
19 think we want to be able to search through them, or
20 maybe use them as forms, interrogatories being the
21 best example, and if you tried to scan
22 interrogatories five or six years ago and your
23 secretary came to you and said, well, this is
24 worthless, I can retype them quicker than I can fix
25 the scanning thing, just know two things. Number

1 one, the products are a whole lot better now, and,
2 number two, the free product that you got with your
3 scanner isn't worth using. So go ahead and buy a
4 third party OCR product or use Adobe Acrobat which
5 has a great OCR built in.

6 Now, I know I've probably gotten some of you
7 about up to your ultimate level of geek and computer
8 talk here. We've talked about things like OCR and
9 PDF and all this alphabet soup. So, again, I want to
10 make sure if anybody wants to hold up their hand and
11 come up to the front, I'll sure give you an
12 opportunity to ask any questions. We started about
13 ten minutes late, so I'm going to go about ten
14 minutes long if that's okay.

15 But the basics I want you to understand is
16 that if you want to rebuild your office, you want to
17 rebuild it with a lot of scanners and the office
18 procedures that allow you to keep this office
19 digital, because if you've lost all your paper files
20 to water, it's a traumatic and terrible experience.
21 Some guy sitting in Oklahoma isn't qualified to talk
22 to you about how bad it is. But it's also the old
23 "fool me once, shame on you, fool me twice, shame on
24 me." You don't want to spend tens of thousands of
25 dollars recreating a paper system because, guess

1 what, that can't be backed up either. And for you,
2 the best reason to recreate a digital system or to go
3 to a digital system is to know that you'll have it
4 all backed up if a disaster occurs. Maybe it's not a
5 city-wide or a county-wide disaster, maybe it's just
6 a disaster to your office, maybe a pipe breaks or a
7 building burns.

8 But having a digital system, having an
9 offsite system, there's a couple of good books you
10 can look at. I'm only one-third through the
11 paperless office. But a really good book is the
12 Lawyer's Guide to Adobe Acrobat. A new edition just
13 came out. You can buy that from the American Bar
14 Association law practice management association.
15 Rick Borstein has a great Adobe blog. You can find
16 my address on my website if you got more questions.

17 But there's a lot of work involved, I
18 understand, putting your lives back together and your
19 practice back together. But don't hesitate -- I'm
20 sure the New Orleans lawyers told you, don't hesitate
21 to notify your malpractice carrier if you lost all
22 your files. I know we hesitate to notify our
23 malpractice carriers, but now's the time to say I've
24 lost all my files. Or my computer system wasn't
25 backed up and everything's gone. And let them -- let

1 the malpractice carrier, the professional liability
2 carrier, who has some financial obligation, come in
3 and help you now. Don't wait, because they may be in
4 a position to help you.

5 You know, we're going to talk about -- the
6 reason why I mentioned David's book is because he
7 talks a lot about file naming conventions and how
8 they work and how we retrieve things. There's a
9 product I really like called X1, www.X1.com. It's
10 not in the materials. There's another one called
11 Copernic. Both of these are full engine search
12 engines for your computer. So once you go to the
13 digital office, if something gets misfiled, if the
14 pleading in the Smith case that was intended to be in
15 John Smith's case gets in Beverly Smith's case and
16 you can't find it, you can use these desktop search
17 tools to search every file for a word or phrase and
18 go, oh, look, there's that document in one case,
19 let's move it.

20 I've got a blog called Jim Calloway Law
21 Practice Tips, and I stand on the shoulders of a lot
22 of people who helped me, Catherine Sanders Reach from
23 the ABA, a gentleman named Tom O'Connor, who's now
24 living in New Orleans again, who did a tremendous
25 amount of work for the Katrina-affected lawyers.

1 It's your law practice and it's kind of
2 intimidating to sit here in 50 minutes from hundreds
3 of miles away and say you've got to change every way
4 you operate. I appreciate that. And you don't. You
5 can continue to operate the way you have. And you've
6 got a lot of challenges right now. You know, you may
7 have to get a court rule from the judges to get
8 lawyers to turn over their copies of the file to the
9 lawyers who lost their files. You may have
10 challenges about statute of limitations and dockets
11 and a lot of other things that you're going to have
12 to get the court to help you with.

13 So the idea that I'm going to say that the
14 most important thing is for you to buy all these new
15 tools and learn all these new office procedures and
16 whatever, but I'm going to tell you right now,
17 recreating the -- the physical costs of recreating
18 drawers, file drawer after file drawer of physical
19 files, is nothing short of stunning, and I honestly
20 think that those of you who are optimists have to
21 look at this as an opportunity, and those of you who
22 are pessimists just have to understand that it's
23 going to be a lot cheaper to do it this way and I'm
24 going to have a more efficient product at the end.

25 Again, I haven't yet covered a lot of this

1 material, but I also know that it's great for you to
2 get back on track and I hope all of you will download
3 the material and one of you make sure the Linn County
4 Bar gets it on its website so it can be there.
5 Pretty close to on schedule now, so I think I'll
6 pause one more time to see if we have any questions
7 or anybody has any comments or anybody wants to tell
8 me I'm full of beans about the paperless office, I've
9 heard that before too.

10 MR. McLEOD: Mr. Calloway, I have a
11 question. You're a proponent of the Dragon software.
12 Can you tell us what the good points and also the bad
13 points are with that system?

14 MR. CALLOWAY: Yes, I certainly can talk
15 about that for a minute. Speech recognition software
16 is where the lawyer essentially wears a headset,
17 dictates into a microphone, and the word -- the words
18 appear in your document, so by definition speech
19 recognition software is for nontypists. A person
20 that can type ninety or a hundred words a minute who
21 hasn't yet fallen victim to carpal tunnel is not a
22 good candidate for speech recognition software.

23 Dragon Preferred NaturallySpeaking from
24 nuance.com has a list price of \$199. I do not
25 recommend that you use the microphone that comes with

1 it. I'd throw the cheap microphone away, spend
2 another 50 to \$300, depending on your budget, buying
3 a good USB microphone.

4 I would recommend that you make sure you
5 have a lot of memory in your computer. When I bought
6 my new computer, I got 4 gigabytes of ram just
7 because I use dragon. I'd say a minimum is
8 2 gigabytes. They probably say 1. But all of us
9 know how software manufacturers lie about how much
10 horsepower is needed to run their products.

11 The question you really want answered, of
12 course, is how well does it do. I've got an accent,
13 I don't speak very well, I speak too slowly, I speak
14 real fast. The great thing about the new version of
15 Dragon is the training time is virtually nonexistent.
16 You can train it for about 30 to 40 minutes by
17 reading a few things to it and you're off to the
18 races.

19 For about a week or two, you will find that
20 you have to correct it a little bit, a good little
21 bit. So when it says -- I mean, the most amazing
22 thing about the software, folks, is when you say
23 their, it looks at the context of the sentence and
24 figures out if you're saying t-h-e-r-e, t-h-e-i-r, or
25 t-h-e-y-'-r-e. That's pretty amazing. And it gets

1 it right all the time. But you have to correct it
2 within the software. You can't just go on your
3 keyboards and say switch there. And it will have the
4 four or five runners-up of what you thought the word
5 was. You say choose number 1. And then the software
6 learns a little bit more about your voice.

7 When I lost my computer, I'd been backing up
8 my speech recognition file, but I'd been on the bar
9 network file, I didn't know how big it was. My
10 speech recognition file is now 326 megabytes in size,
11 because I use this a lot. The big danger -- I
12 wouldn't start out with contracts if you're a
13 contract lawyer. I think it's great for my memos.
14 The big danger with Dragon is it's blindingly good
15 and it's worth the risk for \$199, don't buy the \$99
16 software. The legal edition is over a thousand and
17 the only person I've seen who convinced me that that
18 was a good deal for him was a person who did nothing
19 but draft briefs all day, and so the ability to
20 dictate legal citations in and have those done
21 correctly was a big benefit for him and was worth
22 paying five times the price.

23 But if you're the typical nontyping lawyer
24 you can achieve really good results, but be careful
25 when you proof because there won't be any of the

1 typos and things we're used to proofing for. There
2 will be wrong words in there. And so it's real easy
3 when you proof quickly to find a wrong word.

4 But I would say right now after a couple of
5 years of use, now on my second machine, so we had a
6 little readjustment when we transferred everything to
7 the new machine, that I average -- there will be --
8 I'd probably say I average one correction a
9 paragraph. Where it's really great is to dictate
10 file notes where if it has the wrong "there" in
11 there, you don't care, because they're just your file
12 notes. Contracts make me nervous because one wrong
13 word in a contract could be scary.

14 And then my other little tip is when you're
15 doing e-mails, make sure if you reply -- if you're
16 replying or dictating an e-mail, because you can
17 dictate into Word, WordPerfect, everything else,
18 everything but Gmail, I don't know why Gmail doesn't
19 work, but when you're dictating into an e-mail,
20 especially a reply, go ahead and cut out the to line,
21 who it's going to, because as you dictate and pause,
22 there are sometimes words that sounds like send, and
23 so if you're dictating and say, wait, then, and it
24 thinks that's send, your e-mail's been sent. So you
25 want to make sure the to line is blank until you get

1 the e-mail finished. Any other questions?

2 MS. HEFFERN: Thanks, Jim, that was amazing.
3 I think they're still absorbing. They may have
4 questions later.

5 MR. CALLOWAY: Well, I appreciate the
6 opportunity to visit with you. I want you to know,
7 my big advice to you is to take care of yourselves.
8 You're all under a lot of stress. The misery is not
9 behind you. There's a lot of it ahead of you. All
10 this legal stuff will work out, folks. People in
11 Oklahoma and all across the country are thinking of
12 you. So good luck to all of you.

13 MS. HEFFERN: Wait. I guess we do have one
14 more question before you go.

15 MR. DAY: We've been digitized for about
16 four years, but on any e-mails coming in, it takes
17 about five steps to get it over into the electronic
18 file. Is there any software that will allow me to
19 take an e-mail and just with two clicks get it into
20 the electronic -- into the digitized file?

21 MR. CALLOWAY: Well, there's kind of two
22 aspects to that. If you're talking about how do I
23 get into my case management system, that is what it
24 is. But generally if you'll buy a copy of Adobe
25 Acrobat every e-mail will have a PDF simple where you

1 can print that to a PDF file.

2 MR. DAY: That's what we have to do now. I
3 was just trying to get --

4 MR. CALLOWAY: The problem is you're first
5 converting it to a PDF and then you're having to
6 attach it to your case management system. That's
7 about five clicks. One other thing I should tell you
8 about Adobe is a lot of people just leave their
9 e-mail in their e-mail until they're finished with
10 the case. And then Adobe has the ability to print an
11 entire e-mail folder into one PDF. So you could have
12 a hundred e-mails in one folder and get this -- now,
13 you're going to get this giant 300-page file, which
14 is more good for an archival file than a useful file.
15 But that's probably -- you know, four or five clicks
16 maybe where it is.

17 MR. DAY: Thanks.

18 MR. CALLOWAY: What I'd ask your vendor is
19 if your case management system has the ability to
20 pull it in and convert it to PDF at the same time and
21 you may be missing that ability.

22 MS. HEFFERN: Thanks again, Jim.

23 MR. CALLOWAY: All right.

24 (APPLAUSE)

25