



CAALA President
Jeffrey Rudman
THE RUDMAN LAW FIRM

Learning to adapt and embrace technology

THE LIFE OF A LAWYER CHANGES WITH THE TIMES

At 46 years of age, and in my 22nd year of practicing law, I fall somewhere in between the old and new guard of lawyers. I remember beginning my practice when the legal world was slowly moving from IBM Selectric typewriters into word processors and ultimately word-processing software such as WordPerfect. Email and the internet were new technology, and smartphones had not yet been invented.

I remember taking carbon paper with me to sign up clients out of the office, so that I could contemporaneously give them a copy of the fully executed retainer agreement. I am sure many of my *older* colleagues remember shifting from quill and ink sets to fountain and then ballpoint pens, and from taking horses and buggies to court before the invention of the automobile. Okay, just having a little fun at their expense, as I am sure the younger generation of lawyers are similarly taking stabs at me for my “when I was younger” type tales.

The point being is that as lawyers, we have all adapted in some way to technology. Whether it was a shift from literal “cut and paste” from Xerox copies of old forms to legal pads handed to our secretaries to Ctrl X and Ctrl P on computer keyboards, or from leather-bound law books to online research (and for those younger lawyers from USB Type A to Type C computer cables?), we have adapted with the times. However, this is different. The embrace of technology in the practice of law is now born of necessity, and the legal community has been forced to adapt at a breakneck pace.

Look at all that has changed in the less than one-half year since COVID-19 became one of our paramount

concerns! A paperless office that was once a luxury or convenience-driven endeavor, has now become absolutely required as many of us and our staff now regularly work from home. Service has been mandated to be electronic and may become the norm even after fears of COVID-19 become a thing of the past.

For many, it used to be that a remote deposition was a rare occurrence, needed only when the cost or inconvenience of travel to a witness’s location was more burdensome than the expense of using a court reporter’s office with the necessary equipment to conduct a deposition by video. Now, in an effort to protect ourselves from the spread of this coronavirus, many have fully shifted to regularly taking remote depositions from their desktop and laptop computers, even if the witness is located all but a half-hour away (an option which has thankfully been sanctioned by the Chief Justice based on the recommendations of the Judicial Council, not to mention the urging of CAOC and CAALA). Court reporting companies offer new or enhanced technological solutions in response to the market’s need, offering instruction, and at times necessary equipment, to enable attorneys to conduct depositions remotely with relative ease.

Zoom becomes a verb

Zoom, the name of the purveyor of the most prevalent video conferencing software online, has now become a verb, as in “Yesterday we zoomed with our client to prepare her for her deposition.” Zoom and other video conferencing solutions also have made mediation possible for many during times where being in the same room with others is a serious potential risk to our health and wellbeing.

CAALA has completely adapted to this technology in its operations, holding all meetings of its Executive Committee and Board of Governors, as well as its education and member events, via video conferencing.

Legal education primarily offered at live events, with occasional online “webinars,” has fully pivoted to a plethora of virtual education events offered daily through a wide variety of entities from bar associations, to law firms, jury consultants, expert witness firms, and trial skill and method instructors. Yet it is crystal clear that CAALA’s online educational events are still the best out there, although I could be biased. Wink.

The civil courts have also been forced to adapt in short order. For instance, the Los Angeles Superior Court, that had plans of moving from CourtCall telephonic appearances to its own proprietary, but similar, service a couple of years down the road, found itself meeting that goal in only a few short months in response to the coronavirus and the closures the court has faced, rolling out “LACourtConnect,” its own platform providing for remote courtroom appearances both telephonic and by video.

To protect the health of litigants, attorneys and court personnel, the court has strongly encouraged litigators to utilize its service in an effort to minimize traffic in the courthouse, and therefore the spread of COVID-19. In addition to lawyers appearing by video, many judicial officers, particularly those with higher health risks in being exposed to the virus, will themselves be conducting their law and motion calendars remotely. As such, although

See Rudman, Next Page

while the courts are open and attorneys may still appear in person in the departments to which their cases are assigned, they may be standing in the courtroom arguing before a computer monitor or screen depicting their judge who is not physically in the courtroom.

The transition to LACourtConnect in such a short amount of time was truly an incredible feat, credited to the court's leadership including LASC's Presiding Judge, Hon. Kevin C. Brazile, Assistant Presiding Judge, Hon. Eric C. Taylor, Supervising Judge of Civil Division, Hon. Samantha P. Jessner, and CEO and Clerk of the Court, Sherri R. Carter. This *especially* in light of the

fact that until about five years ago, the civil division was still using antiquated Microsoft DOS (short for "Disc Operating System") computer systems, obsolete in most other industries as of the early 2000s.

The courts are also exploring how technology may provide for virtual jury selection and even jury trials, though this is being met with strong opposition by attorneys who see a downside to transitioning away from methods that allow for the truly face-to-face interaction between trial attorneys and witnesses with jurors that provides for a seemingly deeper connection and ability to persuade.

Like it or not, be you a new dog or old dog, our life and times as lawyers is rapidly changing. We need to learn to adapt, embrace technology and use our ingenuity and imaginations to best utilize it in representing our clients in achieving justice on their behalf. Resist the tendency to resist. As the Taoist philosopher, Lao Tzu, stated, "Life is a series of natural and spontaneous changes. Don't resist them; that only creates sorrow. Let reality be reality. Let things flow naturally forward in whatever way they like." It is our responsibility to adapt, and we will together.

