



Efficiencies in the practice of law through technology

KEY TOOLS FOR WORKING SMARTLY AND EFFICIENTLY IN THIS NEW WORLD SUDDENLY THRUST UPON US

When I began my law practice my daughter was three years old – a beautiful age of fun, happiness, exploration and growth. There are only so many hours in a day. How can I grow and build a law practice and not sacrifice time with my family? I spent a lot of time thinking about how I could succeed and ways in which I could do things smartly and efficiently. I decided that my life would not be run by my work, but that my work would allow me the freedom I wanted in my life.

At the time I opened my own shop, I had been a lawyer for almost five years and worked at two different firms. One, a medium-sized defense firm for a little less than two years, and the other, a small plaintiff's firm that did personal injury, employment, and some criminal defense for three years. I observed by watching the systems they had in place – learned both by observing what to do and also, more importantly, what not to do.

What I have discovered over the past 11 years is the key to success is what guided my practice from the get-go – work smartly and efficiently. This has been accomplished with the extensive use of technology. Now in the pandemic world these technologies have enabled our practice to continue on in this work-from-home world. More, we have added a few more tools to increase our efficiencies during these turbulent times.

Here are the key technology tools that are essential for working smartly and efficiently in our employment practice.

Transcript/deposition management tools

Employment law is document, email, and deposition intense. The ability to synthesize all the information and keep it organized is key to being able to prepare for depositions, defeat summary judgment, and conquer at trial.

In most employment cases there are usually six or more depositions before expert discovery even starts.

The plaintiff's deposition, PMKs, the supervisor, co-workers, medical treaters, are all deposed just to ensure that all the evidence and story is locked down for opposing summary judgment and winning at trial. However, with thousands of pages of testimony, and multiple issues, it is imperative to have an easy and efficient way to synthesize all the information. This is where these transcript/deposition management tools are invaluable. The firms I worked at before would simply have stacks of transcripts, with pen notes, highlights, tabs, that would be hard to decipher and even harder to organize when the time came. When I started my practice, I vowed to find a better way to handle deposition review.

There are several programs that harness deposition testimony for reviewing, searching, organization of issues, and summarizing. The two I like are TextMap by LexisNexis and TranscriptPad by Lit Software. Both are good and have similar setup and features.

When reviewing a hard copy with highlights, notes, etc., there is no way to combine quickly searching and finding those quotes. Some of the key nuggets could span over multiple transcripts or be located hundreds of pages apart. To locate and bring together all these quotes, you may have to re-read large sections of the deposition, or even read it a second or third time, or fumble through various depositions. Countless time can be wasted sifting through the depositions. These software tools make it so much faster: After one review all the information is coded, highlighted, and searchable. Reports can be created to focus on certain issues or events for ease of use and reference.

Each program allows the reader to highlight quotes, annotate them, and code them to the issues you've created in the case. Once read through, and all the quotes are appropriately categorized and coded, reports can be created based on

issues so that they can easily and quickly be incorporated to your cross-examination outlines or factual arguments for motions. All annotations can be organized and quotes can be grouped into more than one issue, if applicable. This saves countless hours.

These programs also allow you to have all your deposition transcripts available without having to lug around huge notebooks. This is because both utilize iPads for reviewing and annotating. TextMap is set up on a desktop (or a Windows tablet), but it also has an iPad app that you can email back and forth, whereas TranscriptPad is entirely on the iPad. This makes traveling with deposition and trial transcripts super easy. You can load dozens of cases into each program, load all the depositions into that case, and thus "carry" with you dozens upon dozens of deposition transcripts for work on the road, in a coffee shop, an airport, wherever, all while carrying with you nothing more than your iPad.

It also makes trial work easier. I've used them for quickly and easily designating sections to play at trial so that proper notice is given to the other side. In trial, I have used the programs to search for witness testimony on the fly and used it to re-cross or cross them after saying things inconsistently on direct. I have also used them for when I get daily transcripts to find those key quotes to cut and paste or copy them right into slides for my closing argument.

Adobe Pro and OCR

Just as efficiently reviewing deposition transcripts is essential, so too, is document management and organization. We all know and use Adobe to read PDF documents. However, there are so many other things Adobe Pro provides that can save time and create numerous efficiencies. The annual fee of a few hundred dollars for this robust

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software is worth the investment and pays off in dividends of the time saved and efficiencies gained.

First, I observed any time I want to send a letter, discovery, pleading to be filed, that my old bosses would print things out, send it to an assistant, run copies, postage, etc. All this takes up a minute here, five minutes there, that add up to hours over the course of a week, and weeks of wasted time over the course of a year. Use Adobe to send letters and file motions/pleadings without ever hitting print or using a stamp.

With Adobe Pro, Word documents can be converted to PDF with a click of the mouse. Then, create a signature in Adobe and attach your signature to the letter, pleading, etc. using the signature tool. Now your letter or pleading is ready to send out. Finally, send it all by email or the internet. Attach the letter to an email to send it off to opposing counsel. As all documents now are e-filed through L.A. Superior Court (and most all other courts in California) upload the document and e-file and e-serve the pleading/motion with the Court. By using the Adobe document conversion and signature tool you have saved time and money.

The second great feature of Adobe is the ability to search. In employment cases, we get document productions with thousands of pages of emails. There is no substitute for reading them all, but many times we need to see all the emails written by one person or we are looking for key words or phrases. This can be done so long as the text in the PDF document is searchable.

Any document that comes to the office, whether by mail, overnight service, or by email, must be searchable. If you are a solo or small firm and can't afford a large copier/scanner, then for a few hundred dollars you can purchase a high-speed desktop scanner. Most of the scanners now have a setting that scans the document as searchable text. If a PDF is given to you on a flash drive, or sent attached to an email, Adobe has an optical character recognition (OCR) tool that will read each page and convert the

text to a searchable document. Once OCR'd, your PDF can be searched using single terms, phrases, names, etc. and will make your document review, deposition preparation, or trial preparation, that much quicker and more efficient.

The Word document conversion tool, signature tool, and the OCR/search tool are the most used functions in our office for Adobe. There are some other great functions as well that will save your office time and money. There is a Bates numbering tool for when producing your documents. There is the ability to merge many documents into a single PDF, insert or delete pages from a PDF, as well as a redaction tool to delete or cover up parts of documents to preserve privacy or privileges. If you are reviewing a PDF with a team, you can make notes or comments for others to see. You can also convert a PDF back to a Word document if you need to copy and paste large sections as well as the ability to edit text right in a PDF document.

Using these tools has saved our firm time and money and made us more efficient.

Trial technology

We use TrialPad by Lit Software for all our trials. Like TranscriptPad, TrialPad is 100% on your iPad and is super easy to use. In the past I used other programs, but have found TrialPad to be so easy to use and user friendly that I can't envision using any other program. Here is how we maximize its potential.

First, when taking depositions, once a document is numbered that is its number for the whole case. Federal Courts require this, but it is best practice for all your cases. Exhibit 017 is Exhibit 017 in every deposition you take and at trial. Then, once a deposition is complete, we have the exhibit scanned, OCR'd, and Bates numbered in Adobe and loaded into TrialPad. Use three-digit numbering so that they stay in order.

Using TrialPad, when an exhibit is pulled up onto your iPad it is then projected onto a screen so the whole courtroom can see it. Once projected, the

document can be highlighted, sections can be called out for emphasis, redactions can be made, laser pointer can be used to point out lines, and other annotations on the document. While using one document, the user can freeze the screen and pull up another document. The two documents can be shown side by side for comparison, consistency, or contradiction.

Videos and deposition clips can be imported into TrialPad and played, paused, re-wound, and edited right in the program.

Setting it up is simple. All we need is the iPad, an Apple TV box, HDMI cables, a projector and screen. Many courtrooms now have projectors and screens and so these are not needed. The freedom holding the iPad gives you in having control of the documents is immense and gives you great credibility with the judge and jury.

New tools we've started using during the pandemic

We have had Ring Central VOIP for more than six years, but never maximized its potential. The phone system was set up at the office and when it rang, it would be answered because we were all there. At nights and on weekends, the phone system was set up to ring to my cell phone so we didn't miss any potential clients. This was a good tie-over for a short period of time when call volume was low. It was not set up for the close to 100% virtual office we are living in now.

For the first few months of the pandemic, all phone calls were being forwarded to my cell phone. Thankfully, at first, the number of calls was way down due to the uncertainty of the times. However, as we all grew more accustomed to life during this pandemic, work picked up, and so did the calls about people being laid off with potential cases. I could not keep up with this and do all the legal work.

What I learned was that Ring Central has an app for cell phones that would have all phone calls to the office ring through to our cell phones. We had the whole office download the app using their

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direct number and set up the system so that all calls would ring through. This way we can transfer calls from cell phone to cell phone, just as we would as though we were at the office. There are other features that can be used on the app as well such as teams, texting, and calling out. Whatever office phone system you are using, find out what types of efficiencies they can offer.

Case Management software

During this pandemic we used the time to investigate and implement case-management software to keep track of our cases, store all our case documents for remote access, calendaring, and general case information. This is all new to us, but it has enabled everyone to have quick and easy access to our case files remotely. Just like any system, it is only as good as the information you put into it and how robustly it is used by your office. As we are

new to this, I can't give an endorsement of what we use, just to say that using one has been an eye-opening experience. Whether you use Clio, CASEpeer, FileVine, MyCase, Practice Panther, Amicus, Abacus, or any of the other providers, they all have great features to maximize remote working.

Similarly, there are other services that will allow you to access your files through the cloud. Services such as Google Drive, Dropbox, Box, etc. all offer cloud-based storage at a reasonable price. Other programs such as Carbonite (which we use) or Acronis allow online backups of your hard drive/server to the cloud. With brick-and-mortar offices in a state of flux and working from home/remotely becoming the norm, it is imperative to have remote access to your files.

The video conference

Zoom! Who doesn't Zoom? We have not had an in-person client meeting

or potential client meeting since the pandemic started. We had previously used Zoom for some remote depositions over the years when the timing for an in-person depo didn't work out. Now we regularly use Zoom for mediations, depositions, client meetings, potential client meetings, continuing education, and office meetings. Zoom, like all tools, is far from perfect. (I'm pretty sure a witness was getting texts on a separate screen in real time during one of our depositions.) But for the foreseeable future, this tool will be part of the arsenal.

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