



Law practice tools for productivity and mobility

IT'S ALL ABOUT SPEED – THE FAST FISH EATS THE SLOW FISH!

For nearly three decades I have tried to remain a step ahead of our adversaries in leveraging technology to improve what we do. I have always said we are just like David and Goliath – we take on big business, big insurance and big law firms and can be easily overwhelmed if we do not think smarter.

In the old days, sort of like when I began practicing law, the motto was “the big fish eats the little fish.” Today the expression goes “the fast fish eats the slow fish.” Technology allows us all to be faster, more adaptable and more efficient than we have ever been before.

The goal of this article is to provide you some thoughts about different technology we have used at Kiesel Law and how we have been able to take on some of the world’s largest corporations and law firms successfully. No doubt the pandemic has reframed the paradigm for practicing law such that remote appearances, remote working and even remote trials will be options that heretofore had just been science fiction.

Zoom

In 2013, I was fortunate to discover a “new” virtual video-conferencing service known as Zoom Technologies. Zoom was created by a handful of engineers who had been working with Cisco/Webex and were unhappy with the pace of their product development. Zoom began with a model of ease of connection and simplicity of use. We began using Zoom in early 2013 and I was fortunate enough to even have one of the very first Zoom depositions ever done on the platform.

We had a premises-liability case where our client, a resident of Australia, suffered a significant injury in Los Angeles and was not able to return back to the states for his deposition. Therefore, I boarded a flight to Sydney, Australia, where I set up a remote laptop and Zoomed in my client to our conference room in Los Angeles. At our office were defense counsel, the court reporter and even the attorney, from our office, defending the deposition.

Even though we were dealing with much slower internet speeds than we have today, the deposition went off without a

hitch. Three hours later the record was completed and several months later the case resolved.

Fast forward nearly ten years later, I participated in a five-month jury trial, in San Bernardino, where four months, during the height of the pandemic, were done via Zoom. So, needless to say, on a productivity scale Zoom is a 9 out of 10. If you have not already, and I suspect most of you have, created your own Zoom account, you should and must.

You can't have too much bandwidth

What dovetails perfectly from a discussion about remote, virtual connectivity is bandwidth. Few things are more important for your practice than making sure you have really, really, fast internet speeds. Bandwidth, of course, is the catchall phrase, describing this feature.

When I first began to use the internet this could only be accessed using a modem through telephone lines (the physical box or software connecting you to the web) and the original speeds were a blistering 1200 baud. Today, the options are many and varied. Our firm has transitioned to a fiber optic connection which is, for the most part, the fastest internet speed you can obtain. Even with fiber optic, you have options on what speed you are prepared to pay for and what speeds you actually need for best performance.

We are fortunate that our office sits just four blocks from La Cienega Boulevard where the fiber optic lines travel from. Much of Beverly Hills is installing fiber optic throughout the city so both businesses and residences can benefit from this high-speed technology. There are, of course, lots of other options including cable, satellite and WiFi hotspots.

Let me share with you how things have changed, speed wise, in the last 30 years. In 1992, when I would access America Online, my first internet portal using my 1200 baud modem downloading 5 MB would take, one hour and ten minutes! Today with my fiber optic line, 5 MB downloads in 1/3 of a second. Geez, talk about advancements. Who knows

what the next few decades will bring us. So, the takeaway point here is it's all about speed. I would encourage you to have the fastest internet connection speed.

The next “speed” consideration involves your hard drive(s). In the “old day” (that would be last month) you would have a hard drive in your desktop computer that consisted of a “spinning” disk...think of a CD disc where the contents were written on the disk and then retrieved. This was quick, but not speed-of-light quick. The speed of accessing the information was dependent on the RPMs of the disc itself. Speeds would vary between 5400 RPM up to 7200 RPM. Now, though these have been around for the last several years, the “state of the art” is “solid state” hard drives (e.g., no moving parts). Think of it as a flash drive on steroids. When considering a new device you would always want to opt for a solid state hard drive.

The paperless document repository

Another critical piece for your office software solution is a robust central document repository. My firm has been paperless for nearly ten years. In January 2013, we shredded the paper at the firm, removed the file cabinets and have been 100% paper free. However, to be “paperless” requires an effective document repository to make finding the materials that you have scanned or saved to be readily accessible.

The software can be resident at your office, or in the cloud, at your option. We have used “Worldox,” which has proven to be very simple and very cost effective. The advantage to having the document repository on site is the speed with which you can access the documents; the downside is the lack of remote access, unless you plug your own office servers into the cloud (that's what we've done). The other option, of course, it to have your document repository accessible through a cloud-based provider. Our firm has opted not to use a cloud-based solution, but that will have to be another article since we don't have the 5,000 words I would need to discuss the pros and cons of that option.

Digital security for email and documents

The next and final topic to address with regard to productivity and remote work is the absolute need to have a security system in place. To begin with, all of our emails, every single one of them, must pass through a cloud-based software known as Mimecast. The way this operates is every email sent to my firm address is first captured by the Mimecast system and scanned for viruses, malware and other threats to the firm. Each email is sent directly to the firm, once it is deemed “safe” and the others are placed in a folder appropriately named the “Personal On Hold” folder.

Each morning I scour through about 200 emails that Mimecast has captured until either released or freed. I typically rescue about one email a day and the other 199 remain. Just think about that. I receive about 200 emails a day and almost half, if not a bit more, are captured by Mimecast. Some of those captured are simply spam that Mimecast realizes I do not need to read and several, I have no doubt, contain viruses.

One of the biggest threats your “remote” practice faces is the threat of a virus. The virus can take many forms, not

the least of which is a ransomware attack on your firm. If you are not using a program to scan your emails before they arrive, you should. Another great feature of Mimecast is it allows you to retrieve your emails, should you need to do so, through their cloud-based website. This way, if for some reason you lose access to your office emails through the office, you can still access the emails through this remote site.

In addition to virus-scanning software, you must also, if you are not already doing this, require two-factor authentication before anyone can access your office computer system. If you are not familiar with two-factor verification, you must be. I would not be surprised if the lawyers reading this article who are under 40 know exactly what I’m referencing and those over 40 perhaps not so much.

You have likely encountered two-factor verification when trying to access your bank, credit card statement or web service provider, but this requires that you not only correctly put your password into the online browser, but allows the online provider to send you a text message, phone call, or email to confirm you are who you say you are. If you take nothing

away from this article, take away the need to make sure that you implement a two-factor verification for your office computer or your cloud-based computer needs. To be fair, it is a bit of a pain, on the other hand, that’s exactly what it is intended to be.

To be clear, the pandemic has made us all too aware of the need to work remotely, work efficiently, and work safely. These tips mentioned here are just the tip of the iceberg, but in the end, spending some time to understand these issues is critical to a functioning practice whether it be in person, in the cloud, or somewhere yet to be discovered.

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