

**TECHNOLOGY FOR THE SOLO PRACTITIONER
OR
HOW CAN YOU BE TWO PLACES AT ONCE,
WHEN YOU'RE NOT ANYWHERE AT ALL
STUART LEVINE
JUNE 24, 2006**

STUART LEVINE

STUART LEVINE is of counsel to the Baltimore, Maryland law firm of Fisher & Winner, LLP. He is the Chair of ALI-ABA's Course of Study of Partnerships, LLCs, and LLPs.

Mr. Levine received a B.A. from the University of Maryland (College Park) in 1972; a J.D. from the University of Baltimore in 1975; and an LL.M. (Taxation) from the Georgetown University Law Center in 1979. He was the Chairman of the Special Committee on Limited Liability Companies established by the Sections of Taxation and Business Law of the Maryland State Bar Association, which drafted the Maryland Limited Liability Company Act and subsequent amendments thereto, and was the co-chair of the Prototype Drafting Project of the Limited Liability Subcommittee of the Committee on Partnerships and Unincorporated Businesses of the A.B.A. Section of Business Law which drafted the initial Prototype Limited Liability Company Act. He was a member of the Task Force on Limited Liability Companies established by the A.B.A. Section of Taxation and is the past chair of the Subcommittee on Limited Liability Companies and Entity Classification of the Committee on Partnership Taxation of the ABA Section of Taxation. He had principal drafting responsibility for the comments submitted by the ABA Section of Taxation to the Internal Revenue Service on the entity classification ("Check-the-Box") regulations. Mr. Levine is an adjunct professor at the University of Baltimore School of Law and in the Graduate Tax Program at the University of Baltimore and is a past chair of the Section of Taxation of the Maryland State Bar Association.

Mr. Levine is one of the co-authors of the *Maryland Limited Liability Company Forms and Practice Manual*, published in 1993 by Data Trace Legal Publishers, Inc. and is one of the co-reporters for Maryland in *State Limited Liability Company Laws* (Prentice Hall Law & Business).

Mr. Levine comments on developments in the area of tax and business law issues on his weblog, *Tax and Business Law Commentary*, www.taxbiz.blogspot.com.

**TECHNOLOGY FOR THE SOLO PRACTITIONER
OR
HOW CAN YOU BE TWO PLACES AT ONCE,
WHEN YOU'RE NOT ANYWHERE AT ALL
STUART LEVINE
JUNE 24, 2006**

1. ***Introduction.***

- 1.1. I've been giving this presentation, or variations thereof, for about 15 years now. In that time technology has changed dramatically for the better for solo practitioners.
- 1.2. In a sense, the title of this presentation is a misnomer. I am not attempting to be encyclopedic with respect to technology. Rather, I am attempting to illustrate a consistent philosophy and methodology of adapting technology to the law office. The components of the philosophy are:
 - 1.2.1. Make it cheap. Use technology in ways that reduces all costs. That does not merely mean buy the cheapest technology. It means buy the best value when all factors are considered, including the cost and efficiency savings with respect to non-technology assets.
 - 1.2.2. Make it mobile. You should be able to practice law wherever you are.
 - 1.2.3. Make it redundant. Keep an eye on safety and security at all times.
 - 1.2.4. Make it efficient. The reason that you implement any particular type of technology is to provide for efficiency in the law office setting.
- 1.3. I have assumed that my basic audience is a sole practitioner who will have no staff. That assumption will, of course, not be true for all of you or, even when it is true now, it will likely not be true later. However, the basic tenets of this philosophy are scalable. That is, they work for any law practice, small, medium, or large.

2. *The Computer.*

- 2.1. At the heart of the technologic law office is, of course, the computer. It doesn't have to have all the bells and whistles that you teenage son needs to play computer games, but there are several basic essentials.
- 2.2. Desktop v. Notebook?—There was a time when I recommended against a notebook computer as your basic computer. That is no longer the case. The price/value ratio relative to desktop computers has narrowed to such a degree that I no longer take this position.
- 2.3. Aim for two computers. This is a basic aspect of my philosophy of redundancy philosophy. Remember: You're in business. That \$1000 machine shuts down and you're out of business. It's cheap insurance.
- 2.4. Combining points 2.2. and 2.4.—Buy one desktop and one notebook.
- 2.5. Get at least a 17 inch flat monitor. If one of your computers is a notebook, get a 17 inch extra monitor for that computer.
- 2.6. If you can afford it, get a 19 inch monitor.
- 2.7. Finally, get more than one monitor for each computer to allow you to view two documents at the same time.
- 2.8. You should have at least one CD burner.
- 2.9. Unless you're using an Apple, use Windows XP Professional. In fact, you might check when purchasing a computer that it will have sufficient power to use the next Microsoft OS which is coming in February, 2007.
- 2.10. Total Approximate Cost: \$2600.00.

3. *A Portable Hard Drive and A Back-Up Program.*

- 3.1. \$120.00 or less for about 200 GIGs.
- 3.2. I back-up and carry all of my client files with me wherever I go.

3.3. As a back-up program, I use Backup Magic available from Moonsoftware (www.moonsoftware.com) for \$20.00.

3.4. Total Approximate Cost: \$140.00.

4. ***Shoot Your Fax Machine.***

4.1. I do not use a fax machine. I combine several technologies to achieve greater efficiency at a lower cost.

4.2. All of the technologies are based around Maxemail.--Maxemail is a web based service (maxemail.com) that has the following attributes:

4.2.1. The cost is only \$84.00 (with a \$10.00 one time signup fee) for “incoming” faxes up to 250 pages a month. Each page thereafter is \$0.05 and there is a \$0.05 charge for every 30 seconds of fax going out.

4.2.2. Incoming faxes come to a dedicated local telephone number and are then sent out as either a pdf or a tiff attachment to an email. The faxes can be sent to up to five different email addresses at the same time.

4.2.3. You can also retrieve faxes at a secure website address. The faxes remain on the address for approximately 30 days. There’s a premium service that allows the ability to retrieve faxes for up to 12 months.

4.2.4. Faxes are sent out as attachments via e-mail. Maxemail will accept attachments in a variety of formats–Word, WordPerfect, pdf, and various spreadsheet formats.

4.2.5. Each outgoing fax is evidence by a receipt. Of course, your email should also act as a receipt.

4.2.6. By using Maxemail, I avoid: monthly line charges, long distance charges, the upfront cost for a fax machine, and the cost of keeping the fax machine feed.

4.2.7. By using Maxemail, I gain the following:

- 4.2.7.1. The ability to save every fax that comes into my office, both in my email program and in the client file.
- 4.2.7.2. The ability to send and receive faxes anywhere.
- 4.2.7.3. The ability to fax from my computer and to send both faxes and emails in the same operation.
- 4.2.7.4. The ability to take my fax number wherever I go.

4.2.8. I should mention that Maxemail has a competitor—efax. Efax is somewhat more expensive, however, and uses a slightly proprietary version of tiff that requires a separate reader.

4.3. Total Approximate Cost: \$94.00

5. *Shoot Your Copier.*

- 5.1. One of the more expensive pieces of equipment, both to acquire, either by purchase or by lease, and to operate, is a copier. You probably either (a) don't need one, or (b) only need one with limited capabilities.
- 5.2. First, get a good printer. You don't need a woop-de-doo high speed printer, a good mid-line laser printer will do. I currently have an HP LaserJet 2100 at my desk. It cost about \$600.00 or \$700.00 when I initially purchased it several years ago. Its current successors, the printers in the LaserJet 2400 series arecheaper!! The low end model lists at \$549.00, although you may want to go a little higher. With a good scanner (see below), it will replace a copier for most small jobs. (Note: I would also investigate the 4250 series which begins at a list price of \$899.00.)
- 5.3. For larger jobs, do what the big guys do—outsource. Many Kinko's stores are open 24 hours a day and you can email the job to any store in town and have them produce the job. For an small additional charge, they will deliver it back to you. Remember, the actual per page charge may be somewhat higher than you might achieve in-house, but (i) you don't have to deal with maintenance, (ii) you don't have any capital outlay, (iii) billing back to the client is easy, (iv)

you know that the technology will always be cutting edge, and (v) the copy quality will always be high.

- 5.4. Do not use a multipurpose printer/copier/scanner. If you do, you will be scrimping and overpaying for each component.
- 5.5. Total Approximate Cost: \$950.00 (for one). A lower volume printer will add approximately \$450.00.

6. ***A Label Maker.***

6.1. Buy a label maker. Why?

6.1.1. Because it will allow you to get rid of printed stationery completely.

6.1.2. Because it will save time—You generally only have to type a label once. Thereafter, the address remains in a database and you only have to click and type.

6.2. There are a number of brands in the market—Dymo, Brother, P-Touch. You should be able to get the brand you need for no more than \$120.00.

6.3. Total Approximate Cost: \$200.00 (for two).

7. ***Scanners.***

7.1. Buy a scanner. This is not a suggestion. This is a directive.

7.2. My office has a fairly high speed scanner that is financially beyond the reach of a solo practitioner. However, there are any number of alternatives available.

7.3. Attached are spec sheets for a couple of scanners and a discussion on scanners found on the MSBA website (Hat Tip: Pat Yevics). Here's what you want to look for:

7.3.1. At least 600 X 600 DPI resolution;

7.3.2. Duplex scanning; and

- 7.3.3. Auto document feed—Let you're kids have the flatbed scanner.
- 7.4. Total Approximate Cost: \$750.00 for high end, plus \$550.00 for a lower end.

8. **PDF.**

- 8.1. PDF means “portable document format.” It is most closely associated with Adobe Acrobat, but is, in fact, available through a number of different varieties of software.
- 8.2. The ubiquity of Adobe Acrobat Reader has made pdf the *lingua franca* of document distribution. Many people erroneously believe that they have the ability to create pdf documents because they have the free reader.
- 8.3. In order to create a pdf document you have to have the following:
 - 8.4. One of the “full” versions of either Adobe Acrobat or its imitators. In fact, AA itself comes in a number of flavors: a standard version, a professional version, and a super version.
 - 8.4.1. The standard version does not allow you the full range of ability to add comments to documents. Buying this is pennywise and pound foolish.
 - 8.4.2. The super version is much, much more than you want.
 - 8.4.3. Be like Goldilocks and get the professional version.
 - 8.4.3.1. The list cost for version 7, standard, is \$300.00. The list cost for version 7 professional is \$450.00. However, the list cost for an upgrade from version 6 to version 7 is about \$150.00, respectively. You can still get version 6, online at various discounters, for less than \$100.00. This means that if you really want version 7, buy version 6, install it, and then promptly install the version 7 upgrade. (If you can't do the math, please leave the audience.)
 - 8.4.3.2. Many of the scanners come with some cutdown version of Adobe Acrobat. This will allow you to upgrade cheaply.

8.5. Total Approximate Cost: \$250.00.

9. **SUMMARY OF ITEMS 2 THROUGH 8.** What have we done? We have created a situation where:

9.1. All activities are centralized from your computer (filing, faxing, emailing, printing, copying).

9.2. You have reduced your capital costs. The entire shooting match outlined above can be had for less than \$6,000.00, soup to nuts—But remember, the price given is for two offices (a main office and a fully outfitted home office) built from the ground up. The costs fall dramatically to the extent that you have any of these items already available.

9.3. You have reduced operating expenses dramatically:

9.3.1. No additional telephone line or long distance charges for the fax machine;

9.3.2. No operating costs for the copier;

9.3.3. Reduction in costs for such things as stationery and filing cabinets.

9.3.4. Everything can be done from your desk, dramatically reducing labor costs;

9.3.5. There is triple redundancy in the system with the portable hard drive and two synchronized computers to preserve records, all of which are in electronic form. Thus:

9.3.5.1. Searching for records is easy—no paper to shuffle through;

9.3.5.2. There is practically no cost for record retention.

9.3.5.4. With the purchase of a good notebook computer, you can take your show on the road and practice anywhere that you can get a high speed Internet connection. (Thus

answering the musical question “How can you be two places at once, when you’re not anywhere at all?”)

10. *A Few More Points*

10.1. Telephones—Give some thought to a Voip system—But only if you have a very high speed internet connection—at least cable and probably fiber optic digital.

10.2. Get your own Internet domain--Have a web site even if you don’t use it as an advertising medium. I have used it to upload documents and then allow clients to download them. I also use it to keep my own web directory of useful links.

10.3. Use cheap software wherever possible. I use the following:

10.3.1. WordPerfect and Star Office—I don’t use Microsoft Word and its cousins.

10.3.2. I use Pegasus for my mail, not Outlook. Pegasus is free and is far more rugged. Another good program is Thunderbird, the email companion to Firefox.

10.3.3. I use Firefox for my browser. It’s free and far better than anything else available.

10.4. Experiment—Learn

10.4.1. Much of what I have said above has a limited half-life. There’s always something better around the corner.

10.4.2. My practice is different than your practice is and your practice is different from each of the two lawyers on either side of you. Those differences will dictate differences in the ways that you use technology and the technology that you use.

10.5. **HAVE FUN.**