

# Technology for Start-Ups

## How to Set Up a Computer System

Congratulations! You're starting a new practice specializing in plaintiffs' medical malpractice claims arising out of birth trauma and other OB/GYN cases. You have many years of litigation experience relating to OB/GYN malpractice. To keep expenses down, you intend to work without significant help from a secretary or legal assistant until you get the practice off the ground. Choosing the right computer system is critical now. Unfortunately, you have no idea where to begin.

**Where to Begin: Learning Computers from Scratch** The good news is that you know how to type. The bad news is that you have no experience using computers and will need to learn from scratch.

Given that, your goal should be to build a foundation of knowledge as you go along—not trying to do too many things at one time. In this way, you can go through the learning curve without bringing your practice to a standstill. Consider moving gradually through computer applications on an as-needed basis in something like the following order:

1. Learn Microsoft Windows 98 (the "operat-

## For Your New Practice

ing system" that runs the computer) and Microsoft Office, which includes Word (word processing), Excel (for damage calculations and other number crunching and charting) and PowerPoint (presentation software used for mediation in court, CLE and other presentations). 2. Become proficient with e-mail and the World Wide Web/Internet. 3. Learn to do scanning, use Adobe Acrobat and send faxes from your desktop. 4. Implement computerized litigation support (organizing evidence and "electronic trial notebooks"). 5. Begin performing legal research with CD ROM, Westlaw, etc. 6. Use the computer for case management (organizing the who, what, where and when and merging that information into word processing, along with document assembly features for automatic document drafting).

7. Do your timekeeping and billing, accounting (checkbook, income statement, balance sheet) and trust accounting with the computer. 8. Begin more sophisticated use of presentation software and animations. 9. Manage your own Web site. 10. Develop other applications such as videoconferencing and the use of Negotiator Pro.



*What basic hardware and software do you need?*

**Hardware Basics** First, a general comment on how to make decisions about power and state of the art vs. price. Every decision involves compromises. Here is how to make the trade-offs:

☞ **General rule.** Try to buy in the "sweet spot" of the market—the equipment that is in the mainstream. You generally don't need to buy brand-new technology being sold at a premium. Buying last year's model at a deep discount, on the other hand, is usually false economy. You want whatever is being sold in large enough volume that the bugs are out of it and there is plenty of competition in the market.

\* **Exceptions to the rule.** If you need to spend more to meet a specific need, then spend it. And if the next generation of software is about to be released and it will require more power, get the extra power.

**Desktop PC** You might decide to skip the desktop PC at first and go straight to a laptop. However, let's assume you will start with a desktop computer. When you add a secretary, you will give the desktop unit to your secretary and get a portable computer for yourself.

Today's mainstream computer has a Pentium II 400MHz processor from Intel, about 128 megabytes of random access memory, an 8-gigabyte hard disk, multimedia support and a 17-inch color monitor. You may want to buy a 19-inch monitor for a few hundred dollars more (it's worth it). Spend extra on a Microsoft Natural Keyboard.

If you need to cut corners, it is okay to get a system with a slightly slower processor or with an AMD or Cyrix processor instead of Intel. Just remember, if you plan to use Dragon or other speech recognition software, the

## You have the experience, contacts and a new business card. But when it comes to computers, you're starting from scratch. Here's a crash course.

faster the processor, the better.

You typically will be getting a CD-ROM drive with your computer. Some models have an optical disk on which you can record data, as well. Unless you need to plug into a network, you will not need a network card yet. But you will want a V.90 modem—the device that lets you call an Internet service provider for e-mail and access to the Web. The modem also can be used for sending and receiving faxes. Many vendors sell such a computer bundled with Microsoft Office and other software.

You will need a good way to back things up, such as a backup tape. You also may need some other removable storage such as a Zip drive, Jaz drive or CD-R. Many computers come with a Zip built in; I recommend you get one.

There are a number of ways to buy such a computer. You can save money by buying mail-order, getting an off-brand system or a system designed for home use rather than business use.

To get a business-quality system at a reasonable price, my general recommendation is to mail-order from Micron, Gateway or Dell, all of which are direct sellers marketing their own equipment. Most of the time, there is nothing wrong with any of these approaches. You get what you pay for, and you can get a lemon with any one of them. If you can get support from a friend or local consultant, mail-order

from a direct vendor is your best bet.

Best Buy sells home consumer-grade computers that you can purchase with a special deal; you do not have to pay for the computer for the first year. They often have specials and rebates. A good way to get started may be to buy an IBM or other brand-name computer this way.

A fast way to comparison shop is to visit the Web sites of the leading vendors ([www.dell.com](http://www.dell.com), [www.micron.com](http://www.micron.com), [www.gateway.com](http://www.gateway.com), [www.cdw.com](http://www.cdw.com), [www.necx.com](http://www.necx.com)) and to look at the reviews posted at [www.zdnet.com](http://www.zdnet.com) and [www.pcworld.com](http://www.pcworld.com).

**Laser Printers** With few exceptions, I recommend a Hewlett-Packard LaserJet 4000 black-and-white printer for most of your printing needs. There are other brands (Lexmark, QMS) worth considering if you see a great special, but HP printers generally work for years and are completely compatible with your software. Options worth considering to save money (or spend more money for additional features) include:

Ⓞ Postscript, required for fast printing of Adobe Acrobat documents (see below under "litigation support").

☞ Duplex printing (saves paper and file space).

☞ Multiple paper trays to handle envelopes and/or special letterhead or high-quality paper.

You may want to get an inkjet printer supporting color. You can use it for printing trial exhibits, color pictures, color Web pages, etc. If you get a laptop computer, you might want a portable inkjet printer or a desktop model. HPs are the standard. Epson also makes very good units.

**Scanner** Start with a Visioneer PaperPort Strobe scanner, a small device about the size of a carton of cigarettes. Its software is robust and easy to use, and it costs about \$150 after the rebate offered by most vendors. You will use it for:

- \* Imaging: for scanning in evidence, correspondence, pleadings and other documents you want to store on your computer in an image format.

- Ⓞ OCR: to convert paper into word processing documents (optical character recognition). Your first application for this will be scanning interrogatories; you can simply type the answers without having to retype the questions when you file answers to interrogatories. A second application is searching the text of evidentiary documents such as letters from doctors.

- \* Faxing: scanning in "hard copy" you want to fax through a modem or e-mail fax service.

**Internet Connection Hardware** The "plain vanilla" way to link to the Internet is via a modem. You will want a V.90 modem that uses today's top speed of 56kbps receiving and 33.6 kbps sending. External modems have advantages but cost a bit more. Depending on price, I generally recommend an external modem.

It is worth looking into a high-speed connection to the Internet. Two cost-effective options are now available, including cable TV modems and ADSL. If either of these is available, I recommend you use the faster method for connecting to the Internet. If neither is available, consider an ISDN

connection (64 or 128 kilobytes), which will require an ISDN terminal adapter (the digital equivalent of a modem) and a special connection through your Internet service provider.

**Portable Computer** Portable computers are less powerful than state-of-the-art desktop computers, less convenient in keyboard and screen functionality and much more expensive. They become obsolete and lose their value much faster. But the portability is worth it. You can work (and practice) at home during "nonbillable hours," and you can take the computer with you to depositions and the courthouse.

A portable computer will become essential as you begin to use it as an electronic trial notebook and courtroom presentation system. Most of the best trial lawyers I know carry portable computers containing all of the pleadings, evidence, research and notes for every case they are handling. You may want to consider starting out with a portable, or you might want to wait until you have acquired basic computer skills and then figure out exactly how you are going to use the computer before investing in a notebook.

The top brand names are IBM, Dell, Micron, Gateway and Hewlett-Packard. If you plan to use speech recognition software, I would recommend a Micron. I would not get less than a Pentium II 233MHz machine with a 4-gigabyte hard disk.

The biggest cost factor is the screen. An active-matrix screen is brighter and can be viewed from the side. (If you are sitting with a judge and opposing counsel reviewing financial information or evidence on an active-matrix screen, all of you will be able to see the screen clearly.) If you plan to use a regular monitor at your desk, you can get by with a smaller, passive-matrix screen.

You should use a full-size keyboard and mouse at your desk.

**Software Applications** Computer programs generally fall into two categories: "application software" that helps you practice law and "system software" that operates, maintains and backs up the computer; the latter include utility programs that make some of the maintenance jobs easier. Most of your attention will be focused on application software.

- \* Word processing and word processing add-ons: While WordPerfect has been the standard in the legal profession and is an excellent program, I believe the future belongs to Microsoft Word. I recommend you buy Microsoft Office, which includes Word. Get help in the beginning with styles and templates to format documents the way you want and to set up macros and autotext to automate the keystrokes you frequently use. You should learn the printing, formatting, spelling correction and other ease-of-use and convenience features of the program. I would plan to upgrade to Office 2000.

- \* Redlining software: Microsoft Word and WordPerfect have built-in document comparison programs to make it easy to see the differences in different drafts of documents. For the most part, this will meet your needs. CompareRite, from Lexis/Nexis, is a program that has greater accuracy and provides additional features for lawyers who need to file documents with the SEC and other agencies. You can get along without it for now—but it may come free with some other program you buy, such as FullAuthority.

- Ⓞ FullAuthority: If you prepare many briefs, this program is essential. It will create a table of authorities in proper format at the push of a button (untouched by human hands). The use of the program in one or two briefs will

pay for it. It is a part of the Lexis Office package, with CompareRite.

✱ **Speech recognition:** (See "Talk to Your Computer" in the November/December 1998 *Law Practice Management*.) At this point, Dragon NaturallySpeaking is the best, with the best interface and highest level of accuracy. However, IBM ViaVoice 98 offers the most bang for the buck. And if you like to use a dictating machine, Dictaphone offers an excellent combination. Look at the dictionaries for handling medical terms and base your decision on which has the best medical dictionary for your needs. You will find this software to be of greater value when you have a secretary who can correct your dictation. As a fast typist, you will be more efficient doing your own typing. Several service bureaus, however, now invite you to send them your speech files and let them transcribe and correct the documents.

✱ **Legal forms and automated document drafting:** Approaches to working with legal forms range from form books in which you can get the forms on disk (such as those offered by ICLE) to sophisticated systems that ask you all the relevant questions and insert only the relevant paragraphs in the document. You can build your own forms, using software tools like HotDocs, SmartWords or WinDraft. For some purposes, you can get off-the-shelf forms that work with these software packages. But for you, since you handle a small volume of unique cases, a good forms library probably will meet your needs.

Examples of books you may find helpful include Bishop and Shelton's *Handling the Medical Malpractice Case: A Systems Approach* and *Michigan Standard Jury Instructions*. ICLE has a private form bank at its Web site. I have not reviewed it for medical malpractice content.

✱ **Electronic spreadsheet:** Microsoft Office comes with Microsoft Excel, an excellent electronic spreadsheet program. A spreadsheet is traditionally thought of as a program for accountants, business planners and tax people. However, I believe the spreadsheet is the most underutilized piece of software in the law office. It can perform any kind of financial calculation, such as your law office budget, adding up special damages, computing the present value of future wages, handling contingent fees and settlement statements, and supplementing any other document that includes calculations.

The spreadsheet is an excellent tool for a laptop computer in the courtroom, particularly in divorce cases when dividing assets and working with child support, and in other situations when advocacy involves numbers. Excel can generate good-looking charts that can be used as an advocacy tool to demonstrate business losses, wage losses, trends and other points.

Ⓞ **PowerPoint:** This is the third program in Microsoft Office. It is used to give live presentations or create handouts that contain bullet points, graphics, pictures and, in some cases, animations. PowerPoint is used frequently at CLE programs and sales presentations.

Lawyers are beginning to make extremely effective use of PowerPoint in mediation hearings and in court. An outstanding use is in bullet-point format during an opening statement to present the points that will be proven. In your closing argument, you can take the same PowerPoint outline and intersperse it with the most persuasive evidence. Every lawyer I know who has tried this has reported a dramatic impact and successful results.

✱ **E-mail:** Depending on your Internet service provider, I recommend Microsoft Outlook for e-mail. This is

## DIVORCE LAWYER'S Toolkit

Looking for a better way to handle your divorce practice? Try these tools:

✱ **Divorce Planner, FinPlan.** Work the numbers with this versatile tax and child support planning worksheet and show the real consequences in spendable dollars of various alternatives.

✱ **Kidmate, Lapin Agile.** This timesharing planner takes the drudgery out of visualizing and calculating timesharing schemes for children. Put in a basic plan, configure holidays and you have a calendar for the next year or decade.

✱ **Microsoft Excel.** Go with the best general purpose spreadsheet. What can you do? Anything: List assets with allocations to each spouse and keep running totals—with a graph. Compare alimony and property alternative deals by reducing the stream of payments to present value. List all the stocks in the portfolio, then update the prices instantly from the Internet.

✱ **MindManager, MindJet.** Get your mind wrapped around complex cases by creating a "mindmap." This is a wonderful graphical organizing tool that lets you create and modify mind maps with ease. A must for the visual learner in all of us.

✱ **Lotus Notes, Lotus.** If you have a great appetite for organization, dive into Notes. Still the best tool for organizing group efforts, this knowledge manager will handle any information organization and retrieval task you can imagine. Caution: This is not a turnkey solution. It will probably take a consultant's help to get up to speed. Once you have it running, nothing else compares.

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## YOUR NEW FIRM: CREATING CAMELOT

### Toolkit

And this is not all. There are many other software packages available that can help you manage your practice. If you are worried about the rule in Shelley's case, or the effect of a will on the intestate, the member of the legal profession to see the value of automating the substance of their practice—and not just procedures (such as calendaring, etc.). In fact, as a result, there is a wealth of software tools available for estate and trust lawyers in their practices.

Estate planning software to project client cases and illustrate estate plan results, including tax consequences and asset protection.

Will and trust drafting software to create documents for clients.

Fiduciary accounting software to manage the receipts, disbursements and capital transactions of trusts and estates, and prepare necessary court accountings.

Tax return software to prepare federal estate tax returns and fiduciary income tax returns.

And many, many others.

A more complete guide to these types of software, as well as CD-ROMs, Internet Websites, and other practice automation information, can be found in *Wills, Trusts, and Technology: An Estate Lawyer's Guide to Automation*, which can be ordered from the ABA by calling (800) 285-2221, or visiting [www.abanet.org/tpm/catalog/3430377.htm](http://www.abanet.org/tpm/catalog/3430377.htm). (An update to the book's software directory can be found at [www.nettax.com/~evansdb/wtt-new.html](http://www.nettax.com/~evansdb/wtt-new.html).)

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another component of Microsoft Office. It has all the features you would want in an e-mail package and is built right into the Microsoft Office environment. You can organize your e-mail in Outlook folders and use it with local e-mail, if you have any, and on the Internet. A convenient feature is that you can work offline, saving mail locally and typing replies when you are not connected to the Internet, then dialing up to send and receive mail. Outlook also has a phone book, calendar and to-do list. These, in many ways, are not as good as other solutions available through case management software, but they can be good starting points.

☛ **Web surfing:** From the beginning, you should have a Web browser and Internet connection. Both Microsoft and Netscape give away their Web browsers. In our model, since you are using Microsoft, you probably will want to use Microsoft Explorer—but you should try them both.

Once you get the hang of it, you will use the Internet all day long. Your primary application will be medical and legal articles and research. You also can access a number of court dockets. You will find the Internet to be the best way to make travel arrangements, look up addresses and phone numbers, research products and perform many other day-to-day tasks.

☛ **Scanning and imaging:** As mentioned, I recommend the PaperPort scanner to feed in mail, pleadings, etc. You feed the paper in a page at a time, but it works very quickly. The PaperPort has its own software for managing the documents in folders and for sending the scanned documents to other applications.

If you are doing extensive scanning into word processing, you will want to use a better OCR package, such as Caere OmniPage.

You also will want to own a copy of

Adobe Acrobat Exchange, which facilitates creating Adobe Acrobat PDF (portable document format) files. You can scan documentary evidence as well as pleadings you receive from opposing counsel, or any other kind of document, into PDF files. The benefit of PDF files is that you can view them just as you would view a fax, seeing the entire image (including handwritten notes), with the ability to store the document on your computer and print it when you want. A built-in "capture" program will OCR any text and save the text with the image. There is also a built-in search program. Many courts and government agencies are beginning to use PDF format, and it is becoming a universal format on the Internet.

☛ **Litigation support and transcript searching:** Various software packages and approaches help you set up databases of documentary evidence. In commercial litigation, hundreds of thousands—even millions—of documents may need to be indexed. In your case, handling a thousand documents per case should not be a major problem using any of these software approaches.

Many packages integrate with imaging as described above. Many firms get by without dedicated litigation support software by using database software such as Microsoft Access or Excel to sort, search and filter summary information about each document. There are also special programs for working with deposition transcripts.

Of course, you will want to get copies of depositions from court reporters on disk. Special programs such as Discovery ZX, LiveNote, Cybernetics and Summation (which does much more) allow you to index keywords in the depositions, search across a range of depositions, make annotations onscreen and get reports that refer to page and line number. These features can be very helpful.

Summation, which sells for about \$900, does it all. It integrates transcripts, a database of document abstracts and chronology, imaging and the full text of OCR documents. If you want to do it all without having to learn a number of different packages, Summation is probably your best bet.

A case management system called TrialWorks also has enough litigation support features to track pieces of evidence at a basic level and integrate with images of documents. For now, begin scanning documents and getting copies of depositions on disk. As you prepare for your first computerized trial, the pieces will begin to fall together.

✳ **Case management:** As your work volume increases, you will want to use a case management system—integrated package that manages the “who, what, where and when” of each case. It merges with word processing to draft documents. Each package has a different style and focus, and you should review the features. Start by looking at Time Matters, Amicus Attorney, Case Master III and TrialWorks. These are inexpensive systems with which you can get started. Higher-end systems, for use when volume increases, include LawBase from Synaptec, ProLaw and Mitra-tech’s PI Expert.

✳ **Billing and accounting:** Obviously, as a PI lawyer, you will not send many bills. However, you will need to handle accounting and trust accounting, and may need to justify your contingent fee claims. The only inexpensive package that does everything is PCLaw Jr. from Alumni Group in Buffalo, New York. It handles general ledger, billing and trust accounting in a “one-write system.” Understanding all of the accounting can be complicated and distracting, if you have to learn it and set it up yourself. You might choose to wait until later to automate your accounting, or have a bookkeeper

or consultant who knows the software help you get things going. While it is a bigger investment of time in the beginning to use a full-featured package, it will be worth it in the long run.

If you want to integrate separate modules and packages, take a look at Timeslips with QuickBooks, or the different modules of TABS Jr. from Software Technology, Inc.

✳ **Faxing:** Faxing from your desktop is fairly straightforward. You can use a third-party package like WinFax Pro or, with a little more aggravation, fax from Microsoft Outlook. Better yet, try a service called jFax. With jFax, you can send faxes from your e-mail at about 5 cents a page and receive faxes in your e-mail for as low as 6.5 cents per page. The best part is that you can receive your faxes at home, on the road or wherever you happen to be. Visit [www.jfax.com](http://www.jfax.com) for more information.

© **Medical animations:** Several medical animation packages are designed for use by medical students, including A.D.A.M. Review them and select the best ones that show birth and delivery in a way that would help you explain your case to a jury or mediation panel.

**Projection Equipment** There is a wide variety of projection equipment you can use to project the computer image onto a screen. In general, I suggest you avoid this for now. In a court situation, you would be better off with a number of monitors sharing the same computer image, which is beyond the scope of this recommendation. When involved in a mediation or presentation to a small number of people, you are better off to bring one or more 17- or 19-inch monitors. With a laptop and one monitor, you can have up to five people viewing the image with a good picture. A video splitter/amplifier will allow you to split the image among up to eight monitors.

In most places you will want to plug in your laptop for a presentation, several extra monitors will be available to you. I have found these at law firms, hospitals and courts. Just be sure to call ahead, and bring your own video splitter/amplifier.

**Your Own Web Site** Eventually, you will want to set up a Web page for private communication with expert witnesses and cocounsel and for public communication for marketing purposes. For now, I recommend setting up a Web page using an Internet service provider to host the public part. Have the ISP or someone else set up your page, including your picture, résumé, background and the types of cases you handle. Then add newsletter-type information. At that point, you will want to use FrontPage to begin editing the Web pages yourself. In the future, you can expand to include a private part of your Web site for communication with clients (called an “extranet”).

**Your Network** When you add a secretary or other staff, you should add a network right away. Initially, you will probably use peer-to-peer networking, with the two computers connected. Get 100-megabyte network cards for extra speed. You can do this without a hub, if you use a “cross-over cable.”

As you grow and want to have a dedicated server that is linked to the Internet, go with the Microsoft NT Small Business Server. The software is very inexpensive and gives you all the power the big firms have. ■

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