

Family Law Technology Tips

by Olivier Denier Long

Increasing digital media and declining personal privacy define our times; and attorneys have never before had so many ways to collect, store and transmit data. This article reviews a few of the more useful tools for lawyers in our rapidly changing environment, with particular emphasis on the practice of family law in a smaller firm.

Productivity

I begin most cases with a Web-based, detailed questionnaire that includes an explanation of my privacy policy and a request for a robust password. From the questionnaire, my paralegal creates pleadings using HotDocs document automation software. All client-related paperwork is imaged with a Fujitsu ScanSnap sheet-fed scanner, and converted into readable text with Adobe Acrobat X Pro or ABBY FineReader optical character recognition software.¹

I sometimes collect my fees through PayPal or Square, reimbursing the transaction costs to the client. Square is particularly versatile; it consists of a free credit card-reader attachment the size of a postage stamp that plugs into the headphone jack on an Android phone or iPhone.

When I am creating electronic client files, the file names begin with the client's last name, followed by the name of the document and any revision date — as, for example, “rev 1.17.12.” I index file folders by client last name; with subfolders for Wife Pleadings, Husband Pleadings, Client Correspondence, Correspondence with Opposition, Exhibits, Legal Research, and Orders. Creating a pleading file is simply a matter of copying and pasting orders and pleadings into a new “Index” folder sorted by date created; the entries line up chronologically.

At the courthouse, I work on my laptop while waiting for my case to be

called. (Not all courthouses allow this. If you are unfamiliar with local practice, call ahead.) I prefer an Apple Mac Book or Macintosh Pro over a comparable Windows product. Data synchronization and backup are more streamlined, Apple-approved software is astonishingly problem-free, and Macs are less vulnerable to malicious code. Windows laptops certainly have their adherents, and iPads and Android-based tablets are showing promise as laptop substitutes. It is largely a matter of personal preference, but whatever portable computer you choose, you will be surprised at the increased flexibility in where and when you can work.²

Virginia Lawyers Weekly has praised the Apple iPad2 E-reader tablet for attorneys. Exhibits are handled more quickly and persuasively with the iPad2 than with paper. Basically consisting of a fast, touch-screen computer for sorting, annotating and displaying documents, the iPad2 requires software add-on's like Dropbox, Apple KeyNote, and TrialPad.³ Cellular service and extra storage are optional for attorneys, but Wi-Fi capability is essential for sharing documents with your desktop computer and staff.⁴ With its instant-on solid state memory, speed and convenience, nothing outcompetes a tablet when you are checking a calendar in open court or marking up or introducing an exhibit.

Wireless transmission, cloud storage and mobile devices do raise ethical concerns.⁵ I recommend password-protecting tablets and smart-phones, and securing electronic folders with PGP.⁶

Remaining Current with Recent Developments.

On regular visits to the Virginia Court of Appeals published and unpublished opinion websites, I clip and save what I call “advocacy module” paragraphs of black letter law that the court frequently

employs to introduce its decisions. It is useful in juvenile and circuit court to have supportive cases for key concepts readily accessible. My “modular” topics include subject matter jurisdiction, alimony, child support, and voluntary impoverishment.

An alternative means of keeping up to date with new case law is to read *Virginia Lawyers Weekly*. Subscribers have the advantage of being able to access certain circuit court opinions.

You might decide to create your own Google Web pages that aggregate RSS feeds on topics of interest.⁷ RSS provides summary sentences from articles, grouped by publication. For example, you might collect law review articles concerning family law. My news pages include such topics as legal trends, privacy, and information technology. Skimming the titles of articles only requires a few minutes a day. You might encounter secondary authority relating to one of your current cases. For example, if you were handling a matter involving allegations of child abuse, you would want to know about this article: “Is Child Sexual Abuse on the Rise?,” by Benjamin Radford. *Scientific American*, December 2, 2011.

You should read blogs or write one yourself.⁸ If you prefer to read, Richard Crouch maintains an informative blog on Virginia family law. If you choose to publish, authoring a blog will improve your skill at concise, persuasive writing, and challenge you to consider recent judicial opinions in the context of your own practice. A blog can also be a valuable marketing tool.⁹ Make sure that you screen reader comments before they are published, and exercise caution in what you say about yourself, your professional experience and pending cases.

Technology continued on page 62

Endnotes:

- 1 ScanSnap scanners pull sheets of paper in a single direction and seem to have fewer jams.
- 2 In Fairfax County Circuit Court, custody and equitable distribution scheduling hearings may be avoided with the Online Scheduling System, a Web interface for selecting trial dates.
- 3 If you do not need TrialPad's real-time features like the white board and the "call-out" enlargement of text under a simulated magnifying glass, you might consider GoodReader or iAnnotate. Each program has its advantages.
- 4 File-sharing, synchronization and backup are different ways to handle data with software programs. It is critically important to regularly back up electronic files. However, beyond the mention of DropBox as a file-sharing tool, data management is outside the scope of this article.
- 5 Rule 1.6 of Virginia's Professional Guidelines deals with protecting client confidences. For a discussion of this obligation in the context of digital media, see *California Formal Op.* 2010-179 (2010): "An attorney's duties of confidentiality and competence require the attorney to take appropriate steps to ensure that his or her use of technology in conjunction with a client's representation does not subject confidential client information to an undue risk of unauthorized disclosure."
- 6 iPhone and iPad data encryption is possible with software such as iPG Mail.
- 7 Google's content aggregator is "iGoogle." "RSS" is Real Simple Syndication, a form of Web publishing.
- 8 A blog is a personalized website for news and commentary.
- 9 My blog and Twitter addresses appear beneath my signature on emails and pleadings.



Olivier Denier Long practices law in McLean and is a member of the Technology Committee of the Virginia State Bar. He is licensed in Maryland, Virginia and the District of Columbia, and has been a matrimonial lawyer for more than thirty years.