

Sober Living for Geeks

By William P. Carlucci



During my first term on the PBA Board of Governors in 1993-96, I discovered law office management computer software. I became an early disciple and designed a robust system of data wiring, hardware and software for our eight-member law firm. Shortly thereafter, then-PBA President Leslie Anne Miller offered me the honor of joining David Narkiewicz of Dauphin County and Jon LaFaver of Cumberland County as tri-chairs of the PBA Law Practice Management and Technology Task Force. David and Jon were already experts in that field. I was the “newbie.” Nevertheless, I proudly joined them in writing materials and addressing groups of attorneys, predicting a bright future of faster microchips, improved word processing and better tools for file management, billing, litigation support and online legal research.

All the tools that we predicted have been realized, together with many that we did not, including routine electronic court filings, smartphone data networks and rapid exchange of information and documents through electronic mail. Regrettably, we also failed to predict the extent to which these marvelous innovations would reduce the passionate human interaction that has historically marked the practice of law.

Every science fiction reading list should include Frank Herbert’s masterpiece, *Dune*. Fans of that work will recall human pilots called “Guild Navigators,” who became physically addicted to the substance known as “spice.” Ingestion of spice imparted to them superhuman cognitive ability, permitting them to navigate starships safely in interstellar space. That same addiction, and the resulting isolation from human interaction, caused them to atrophy into grotesque marine-like creatures. They spent their remaining lives sealed in glass enclosures, suspended in a cloud of “spice gas.”

Will it be so with us? Will we master technology to our service, becoming more zealous advocates for our clients, or will we permit e-mail, voice mail, texting and Twitter to master us? Will our humanity atrophy while we communicate through a spice gas cloud of electronic messaging? In the faint hope that the human spirit will endure, I humbly offer my proposed 12-step program for conquering this addiction.

Step 1: Self-assessment

When our dependence on technology slips from a joy to an addiction, each of us will be deep in denial. Consider asking co-workers, clients, other attorneys and family and friends whether they find you to be available and easily approachable or remote and hard to reach. A few days ago, my mother admitted that she really needed a favor from me, but said, “I did not want to bother you because you are always so busy.” I think I smell spice gas.

Step 2: Respect the Choices of Others

No two lawyers are alike. Some choose to integrate every new technology seamlessly into their practices. Others choose to go old school by dictating thoughtful letters, making and returning calls only from their office and counseling clients in person. There is no one correct model. Choose the one that fits you best and allow others to do the same. We geeks must take care never to give an impression of techno-superiority.

Step 3: Don’t Allow Your Messenger to Ruin Your Message

Beware the tendency to choose the quickest messaging tool rather than the best one. A brief question received by e-mail might be best met with a brief, polite e-mail answer. When a client or attorney requests a meeting or telephone conference, an e-mail response might be considered rude. Consider whether each communication is best delivered in a personal meeting or a phone conversation or an e-mail or voice mail. We should try to

choose the tool most desirable for the recipient rather than the one that is quickest for us.

Step 4: Play Tag Only with Children

I begin here with an admission. I hate voice mail, do not use it and never will. I rely on my friendly and helpful staff. That choice notwithstanding, I understand the tool. When an attorney is meeting with clients or out of the office, voice mail offers an opportunity for others to request a return call or pass along useful information.

Abuse results from the common practice of voice mail screening: using voice mail for all incoming calls, permitting the attorney to return calls when (and if) he or she chooses. The telltale sign of this abuse is the staff member who first agrees to put our call through, returns to the line to announce that the attorney is “currently unavailable” and then transfers the call into voice mail. Since the caller is likely to be out or busy when the call is returned, this abuse condemns us to waste hours of time playing phone tag.

We should consider that the time we spend talking to clients and one another is often the most productive part of our day. When we are in a meeting or out of the office, we can use voice mail as intended and return calls promptly. When we are in the office and not in a meeting, we should simply take the call and do our job.

Step 5: E-mail Is Not a Billboard

I am somewhat mystified by those who send me long-winded e-mails copied to many others and then complain indignantly when I respond using the reply-to-all function. They strangely believe that their question (hereinafter the “Wisdom of the Ages”) deserves the time and attention of all, while shared responses are simply a waste of everyone’s time. Take a hint: If you do not want a shared answer, do not ask a shared question. When send-



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ing a message to multiple recipients, consider the use of the copy and paste functions to send it to them individually. It may take more of your time but will likely save time for others.

A related problem is the practice of using large broadcast e-mails requesting diary information for proposed group meetings. The result is that everyone in the group spends the next 48 hours reading multiple e-mails detailing the lives and conflicts of everyone else on the list. There are better ways. Good: individual e-mails. Better: e-mails that attach a one-page response form to fill out and fax. Best: surveymonkey.com.

Finally, please keep in mind that many folks consider both their cell phone numbers and their e-mail addresses confidential. They may regard distribution of either of them without their consent (such as a broadcast e-mail) an invasion of privacy.

Step 6: Patience Is a Virtue

The essence of technology should be freedom. We can research the law when the brick-and-mortar library is closed, electronically file documents without a courthouse, send e-mails when the postman is in bed and leave voice mails at midnight. Do not allow your freedom to become someone else's prison. The recipients of your faxed letters or electronically filed documents or flurry of voice mails or e-mails may choose to spend nights and weekends with their families. They are entitled to limit their workday to the business day and to respond to you in the normal course of business. They are also entitled to give your e-mail or fax or voice mail the same priority (and no more) than the other 25 letters and 50 phone calls they received that day. Send your message whenever and however you choose. Do not assume that your sense of urgency will always be shared by the recipient.

Step 7: Doing It Fast vs. Doing It Right

When I began to practice 31 years ago, I quickly learned the value of proofreading. An effort to correct mistakes in documents before they leave the office demonstrates both personal attention to detail and respect for the intended recipient. Tragically, that care and respect is often sacrificed on the altar of speed. E-mails are poorly prepared, the wrong documents are attached and in some cases messages are sent where they do not belong. For short e-mails or texts, a missed keystroke may be meaningless. For longer documents rich in content, more care is required.

This problem is magnified by the tendency toward e-mail dialogue. In the Dark Ages before e-mail, lawyers took the time to review documents before signing. Today we e-mail snippets of incomplete thought and expect to explain ourselves in the second or third round of the exchange. This wastes time for everyone.

Step 8: Get a Room

Many private activities belong in the bathroom or the bedroom or a phone booth. I cannot fathom why lawyers who otherwise protect client confidences stand around in public loudly discussing cases on a cell phone. Those of us who are near them are either slightly annoyed (a good reason not to do it) or slightly curious (a really good reason not to do it).

A somewhat related problem exists when folks use cell phones while driving. Safety issues aside, most moving cars are noisy places. For your own sake and the sake of others on the call, pull over to a safe and quiet place.

Step 9: Do One Thing at a Time

Everyone who has been on a blind date knows that some conversations are simply dull. Nevertheless, the other party expects and deserves our undivided attention. While most of us would cringe if our child played with a video game at the din-

ner table, we shamelessly read and reply to e-mails and texts on cell phones and PDAs while attending public dinners, participating in public meetings or conducting conversations. There is certainly nothing wrong with accepting a phone call or message on a cell phone in public, since that is why we carry them in the first place. Common courtesy, however, requires that we politely take a break from the meeting or conversation and move to a more private place.

Step 10: Beware the 'Forward' Function

Hopefully, each of us carefully composes our e-mails to fit the recipient. Lawyers may choose to provide sensitive informa-

tion to clients or to discuss settlement strategies with opposing counsel before final client approval. Unless obviously sent in error, it is reasonable to assume that any e-mail we receive was intended for our review. It is ridiculous to assume that any e-mail we receive was intended for review by others without the author's consent. We know only what we know, and we rarely know all the other facts that the author of an e-mail has chosen not to tell us. For that reason and many others, forwarding an e-mail without permission can lead to embarrassment or disaster. We often are required to share information with our client promptly, perhaps in the form in which we receive it. At other times consider seeking permission from the author. If that is impractical, compose a message of your own. When appropriate, material can be moved from the old message into the new through the skillful use of the cut and paste functions. This small extra effort allows the author to pass information on to you without the fear that it will be broadcast beyond control.

Step 11: Avoid Conference Call Ambush

Back when phones had dials, conference calls were arranged by mutual consent. Everyone had notice of the topic, notice of likely participants and some opportunity to prepare. Enter the age of speaker and multifunction phones. Now we commonly pick up an incoming call from one identified caller only to find ourselves subjected to cross-examination by multiple (sometimes unintelligible) voices. Worse yet, we may begin talking to the caller only to discover later that others are

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in attendance on the call. All this is just wrong. Before setting up any multi-party telephone conversation, provide some notice. This allows participants to adjust their schedules, to give the discussion some thought and to avoid making statements without knowing who else is on the call.

Step 12: Follow-up Is Key

Face it, most of us receive dozens of phone messages, letters and e-mails each day. The fact that we are *surrounded* by machines does not mean that we *become* machines. Faxes get misplaced. E-mails and voice mails get deleted. Letters get misfiled. Barring a true emergency, common courtesy requires that we wait a reasonable period of time for a response. Common courtesy also requires that we

politely follow up thereafter to make sure that our message got through. A fax can be followed up with a polite call asking if it was received in a legible form. An e-mail in the sent box can easily be forwarded back to the recipient with the polite additional inquiry, "Did you get a chance to read this yet?" A voice mail can be followed up two days later with another polite message such as, "I am sure that you are busy, but I would appreciate a response to my call last week asking about. ..."

The point of all this is not to pester one another. The point is simply to demonstrate concern and respect for other human beings who, like us, are trying to stay afloat in a vast digital sea of communications. May we all demonstrate that

concern and respect, and may Guild Navigators exist only in the universe of our imagination. ♦



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