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### Going Paperless and Beyond: Attorney's Guide to a Mobile Law Practice

Eliza Boles

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December 12, 2016

# Going Paperless and Beyond: Attorney's Guide to a Mobile Law Practice

Eliza Boles



Available at: <https://works.bepress.com/eliza-boles/8/>

The following CLE materials were prepared by Eliza Boles for presentation on December 12, 2016. As part of a larger CLE covering "Going Paperless and Beyond: Attorney's Guide to a Mobile Law Practice," Professor Boles presented on "'Supporting Your Mobile Law Office: What You Need to Practice Law on the Go" and "The Best Apps, Tools and Tricks for the Mobile Attorney." Materials were approved by the Tennessee Commission on Continuing Legal Education for 2 credit hours.

## **Section VI. Supporting Your Mobile Law Office: What You Need to Practice Law on the Go**

### **A. Integrating Smartphones and Tablets into Your Paperless Workflow**

- a. How are lawyers using mobile technology?
  - i. According to the 2015 ABA TechReport, most lawyers use some form of mobile technology in their offices. Most often, lawyers use these devices to communicate with clients and colleagues, but they are also using mobile technology to create and present information that is relevant to their practice. Of these users, 96% are using their smartphone for e-mail, 87% are managing their calendars on their smartphone and 17% percent are using their device for time and billing management.
  - ii. While the overall use of mobile technology among lawyers has increased in the last five years, use of a “virtual law office” has not. Only 7% of survey participants are using virtual offices and only 4% are using virtual assistants.

### **B. Hardware Challenges**

- a. Printers, scanners and copiers
  - i. Public services- Access to printers, scanners and copiers is available at both the Knox County Public Libraries and the University of Tennessee College of Law. Many court clerk’s offices are also willing to copy files for local attorneys.
  - ii. Private and/or paid services- There are a number of businesses that allow for printing, copying and scanning. Notably, FedEx, UPS and Staples all provide services through e-mail, meaning you can send a print job to them at any time and pick it up whenever you are able. Attorneys concerned about the confidentiality of using a business’ scanners should try Tiny Desk Scanner, a mobile app available for both iOS and Android.
  - iii. Portable hardware- Attorneys wishing to keep all scanning in house also have options due to the recent introduction of portable, full-service scanners. One example of this type of scanner is the Brother DS-620.



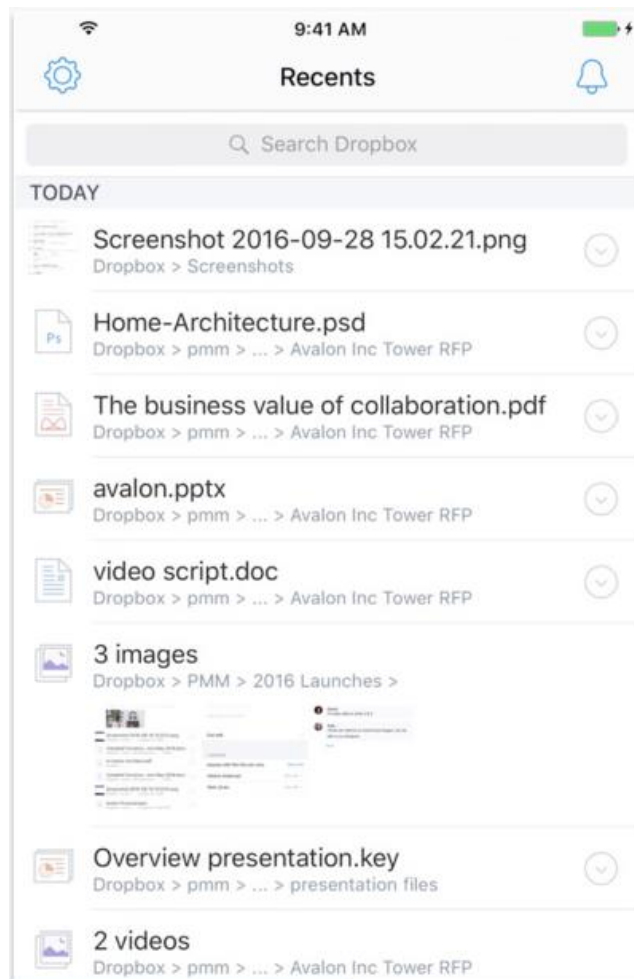
Coming it at around \$100, the Brother DS-620 is less than a foot long and weighs less than 1lb. It scans up to 8ppm (pixels per minute) and is powered by a USB connection.

## C. Access to Case Files

### a. Storing and Sharing Files

- i. Confidentiality in the virtual office- there has been much debate in the last five years over whether the “cloud” is a safe place to store client files. However, with the increasing availability of encryption software for documents, the tools listed below should give attorneys peace-of-mind to store and use their documents remotely.

1. Dropbox- Dropbox is a file-sharing system allowing users to share photos, documents and videos from one device to another. Files placed in a Dropbox folder are automatically shared with the people authorized to receive the file, who can then annotate or make changes to the document. devices).



2. **Google Drive-** Google Drive is another Google product useful in a mobile law office. Like DropBox, Drive allows users to store, share and collaborate on documents, but Drive is also fully integrated with all of the other Google Products including Google Cloud, Google Slides and Google Images.

#### D. Communication

- a. Google Voice- For attorneys without a traditional office, communication can be one of the most difficult decisions. Often, attorneys are uncomfortable giving their personal cell phone numbers to clients who may choose to call them at inconvenient times or even use the number for nefarious purposes, such as harassment. Google Voice is one of many possible solutions to this problem. Voice is a free service that gives users a phone number with the area code of their choosing. Users can make and receive calls, send and receive texts and listen to or read voicemail messages with their Google Voice account. Google Voice can be accessed through a computer or on mobile apps for iOS and Android.



##### Welcome to Google Voice!

Get ready to see phones and voicemails in a new light. Take a quick look at the screen shots and links below for help getting started.

[Check your inbox »](#)



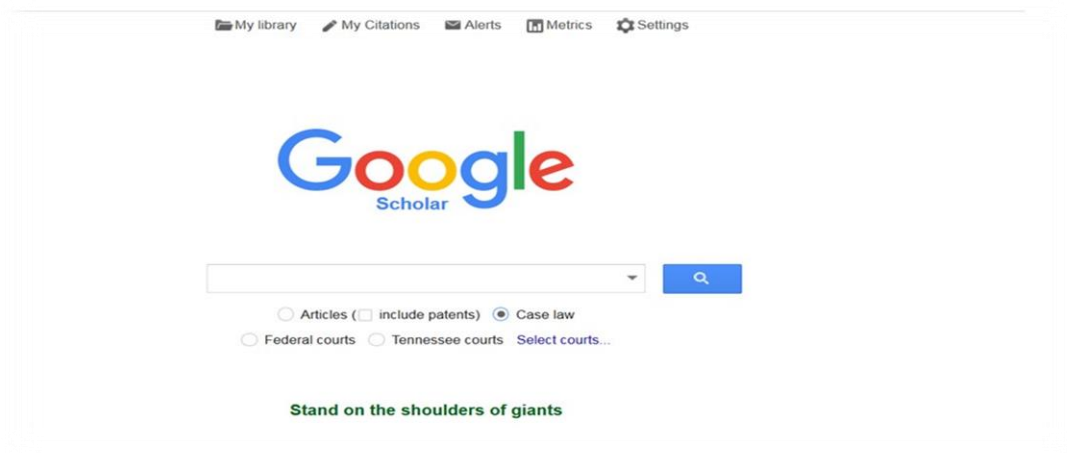
##### Tips for Getting Started

- Call basics – You can [place calls](#) and [check voicemail](#) from your phone or online.
- Contacts – [Import your contacts](#) into Google Voice.
- Phones – Add or change phones that ring when your Google number is called.
- Voicemail greetings – Add or change your voicemail greeting.

- b. E-mail- According to the 2015 ABA Tech Report, 93% of attorneys use some sort of mobile device (smartphone, laptop, tablet) to access e-mail. However, this is only useful for communicating with clients if they also have e-mail. While there are numerous free e-mail services (with more popping up every day) g-mail is widely regarded as the most reliable free service, should you need to make a recommendation to a client.
- c. Text Messages- As text messaging becomes a more prevalent way of communication, attorneys and clients are speaking to each other via text more and more often. As with file-sharing, texting with clients is often debated in terms of attorney-client privilege. As of now, the general advice given to attorneys is to only text clients appointments reminders, office directions, and other quick case updates. However, a growing number of messaging tools seek to make text messaging safer for attorneys, including Get Confide, OneOne and Cirius (which is specifically designed for attorneys).

## E. Mobile Research Tools

- a. Google Tools (or, more Google Tools)
  - i. Google Scholar- Google Scholar is a free Google-tool that gives users access to US State Appellate and Supreme Court cases since 1950, US Federal district cases since 1923 and US Supreme Court cases since 1791. Scholar also includes citations for influential cases in journal articles and other free resources. Users can limit their research by jurisdiction and see how many times a case and/or article has been cited by other resources.



- ii. Google News- Google news allows users to search multiple news outlets at once and filter results by location. Google news can be useful if you are trying to gain comprehensive insight on an issue.

Google

News

U.S. edition Modern

Top Stories

Knoxville, Tennessee

Suggested for you

World

U.S.

Elections

Business

Technology

Entertainment

Sports

Science

Health

Spotlight

Knoxville, Tennessee

**Waterfall for South Knoxville waterfront?**  
Knoxville News Sentinel - 5 hours ago  
Bagwell Entertainment LLC's renderings of the "Niagara Falls of the South" idea for South Knoxville. The rendering includes the now demolished Baptist Hospital complex.

**37 cats die in Northwest Knoxville house fire - Knoxville News Sentinel**  
GoVolsXtra - 12 hours ago  
Thirty-seven cats died in a house fire early Tuesday morning in Northwest Knoxville, authorities said.

**Body found behind Knoxville church**  
Bristol Herald Courier (press release) (blog) - 10 hours ago  
KNOXVILLE, Tenn. (AP) - Authorities are working to identify that was found behind a Knoxville church. Knoxville Police Department spokesman Darrell DeBusk tells news outlets that a male body was found Monday morning in the woods behind the parking ...

**Knoxville luncheon to benefit Random Acts of Flowers**  
WATE 6 On Your Side - 2 hours ago  
KNOXVILLE (WATE) - Former "The Bachelorette" contestant and HGTV host Chris Lambton will be the guest speaker at a luncheon later this month to support Random Acts of Flowers.

**Knoxville hosts EDGE2016 Security Conference**  
Local 8 Now - 5 hours ago  
KNOXVILLE, Tenn. (WVLT)- Sword & Shield Enterprise Security is hosting the EDGE2016 Security Conference Oct. 18-19 at the Crowne Plaza in Knoxville.

**sigman v. manano**  
Cal. Court of Appeal, 1st Appellate Dist., 5th Div. 2007  
all 101 citing documents »

**Related documents**

**Mehdizadeh v. Mincer**  
46 Cal. App. 4th 1296 - Cal. Court of Appeal, 2nd Appellate Dist., 3rd Div. 1996

**Sorensen v. Costa**  
32 Cal. 2d 453 - Cal. Supreme Court 1948

**Silacci v. Abramson**  
45 Cal. App. 4th 558 - Cal. Court of Appeal, 6th Appellate Dist. 1996

**Warsaw v. Chicago Metallic Ceilings, Inc.**  
676 P.2d 584 - Cal. Supreme Court 1984

<sup>144</sup> —where the claimant... by the building of fences has visibly shown occupation of a disputed strip of land adjoining the boundary, several cases have reasoned that the "natural inference" is that the assessor did not base the assessment on the record boundary but valued the land and improvements visibly possessed by the parties <sup>145</sup>  
- in EIMON v. Severson, 2014 and 11 similar citations

<sup>145</sup> —the California Supreme Court discussed the elements of (1) a claim of right and (2) use or possession hostile to the true owner. <sup>146</sup>  
- in Brewer v. Murphy, 2008 and 8 similar citations

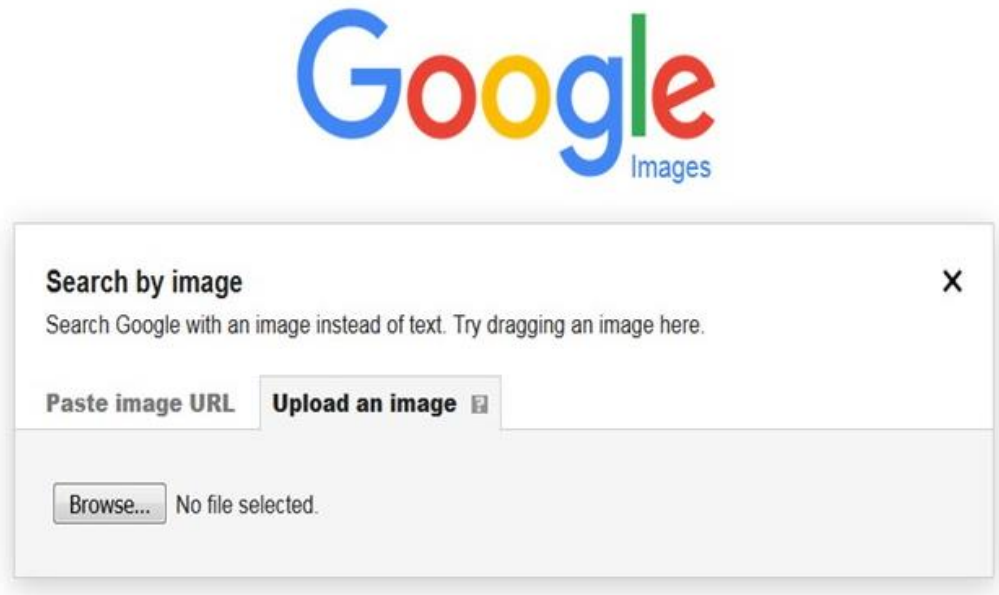
<sup>146</sup> "The burden is on the adverse claimant of the fee to establish that no taxes were assessed against the land or that if assessed he paid them." <sup>147</sup>  
- in IN RE SILVA, 2015 and 9 similar citations

<sup>147</sup> —inference that assessor based assessment on improvements visibly possessed by parties inapplicable where parties assessed by lot number and no evidence that improvements were considered in assessment of lots <sup>148</sup>  
- in Greif v. Colombo, 2009 and 7 similar citations

<sup>148</sup> The Supreme Court's reference to easements, however, again tends to contradict Cartwright & Main's argument here: "A prescriptive easement requires establishment of the same elements [as adverse possession] except that



- iii. Google Images- Google Images allows you to search for images in several ways. You can search for an image by typing in a word and you can search for images by color. Google Images also provides reverse image searching, which allows you to search by image. You can upload or drag an image into the Google Images search bar, or you can provide the URL of an image.



## **F. Meetings**

- a. Meeting with clients on neutral ground- Many attorneys and mediators already make a point to meet clients on neutral ground, particularly in highly contested cases where the location could seem to give an advantage to one party or another. Often, the court building itself is a good place to have these meetings, if space is offered there. Another option is in the form of the crowd-sourcing app Workfrom, which allows users with unused office space to post availability and rental prices, similar to Airbnb. Attorneys can then rent office space for the time that they need to use a neutral location.

## **G. Office Sharing, Home Office and Other Alternative Arrangements**

- a. Office Sharing and other alternative agreements come with very unique sets of problems and issues, hopefully aided by the discussions above. Some other tips to help these arrangements work are: avoid the appearance of a partnership, perform due diligence research on your potential suitemates, consider the effects of conflicts and referrals, and enter into a written office-sharing agreement.

- i. Written agreements- Written office sharing agreements should include the following details: 1) the terms of the intended occupation, 2) the definition of the space to be occupied and the common areas to be shared, 3) a strict prohibition against any attorney representing that the attorneys in the shared space practice as a single law firm, 4) a requirement that the attorneys maintain a certain level of professional liability insurance and business office coverage, (5) an agreement as to the mandatory use of engagement letters specifying the nature of the shared space arrangement and indicating that the retention is just with the individual attorney or law firm, (6) any agreement on the use and cost sharing of office supplies and equipment, (7) the extent to which office staff will be shared, (8) a delineation of how client confidences will be protected, (9) the extent to which any sublets will be permitted, and (10) the policy on mutual conflict-checking procedures or representation of adverse parties by law firms within the same suite.

## References

Christopher T. Anderson and Dan Barahona: *When "Secure Enough" Isn't Enough: A Law Firm Guide to Protecting the Confidentiality of Shared Client Files*

[http://www.americanbar.org/content/dam/aba/events/professional\\_responsibility/2015/May/Conference/Materials/4\\_byod\\_lexisnexis\\_document\\_security\\_whitepaper.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/professional_responsibility/2015/May/Conference/Materials/4_byod_lexisnexis_document_security_whitepaper.authcheckdam.pdf)

Nicole Black: *Today's Tech: A Silicon Valley Solo's Mobile Law Office*

<http://abovethelaw.com/2015/04/todays-tech-a-silicon-valley-solos-mobile-law-office/>

American Bar Association 2015 TechReport

<http://www.americanbar.org/publications/techreport/2015/Mobile.html>

Marian C. Rice: *Sharing Space* Law Practice Magazine Volume 39 Number 4

[http://www.americanbar.org/publications/law\\_practice\\_magazine/2013/july-august/ethics.html](http://www.americanbar.org/publications/law_practice_magazine/2013/july-august/ethics.html)

## **VII. The Best Apps, Tools and Tricks for the Mobile Attorney**

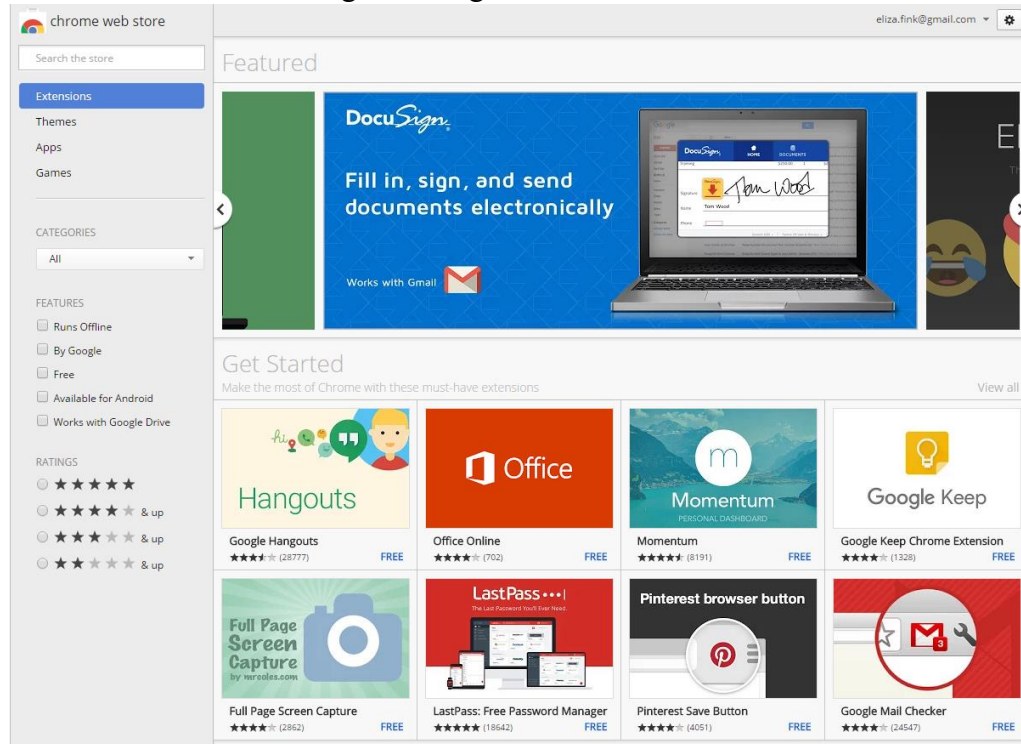
### **A. Mobile Device Comparison: Which is Best for Attorneys?**

- a. iPhone or Android?
  - i. Overall Usage- Even though Android users comprise a majority of the overall smart phone user market share (52%), iPhone usage is disproportionately high among lawyers (67%).
  - ii. Storage- iPhone storage size is determined at the time of purchase and cannot be supplemented. With an Android additional storage can be added with the use of a micro-SD card, however, many apps require storage on the phone itself.
  - iii. Security- Apple's operating system (iOS) protects your messages, email attachments, call history and personal data using an encryption method that requires physical access to your phone to decrypt. This makes harvesting e-discovery very difficult, but should give attorney's peace-of-mind when it comes to confidentiality. Apps purchased from the Apple App Store have been carefully reviewed to make sure their software is not malicious. Android apps are not nearly as closely monitored, which means the occurrence of malicious software is much higher with Android.
- b. iPad Pro or Surface Pro 4
  - i. Price- A 128GB iPad Pro starts at \$949. Adding in the Apple pencil and a Smart Keyboard will take the price to around \$1200. The Surface Pro 4 with comparable features is slightly cheaper, coming in at around \$1000.
  - ii. Hardware and Accessories- The Surface Pro 4 is a fully-functional computer that is the size of a tablet. This means that it has USB support, can connect to a docking station, and will offer full functionality for programs such as OneNote. The Microsoft Pen is equipped with an eraser, whereas the Apple pencil is not.

### **B. Apps: Who has the greatest selection for lawyers?**

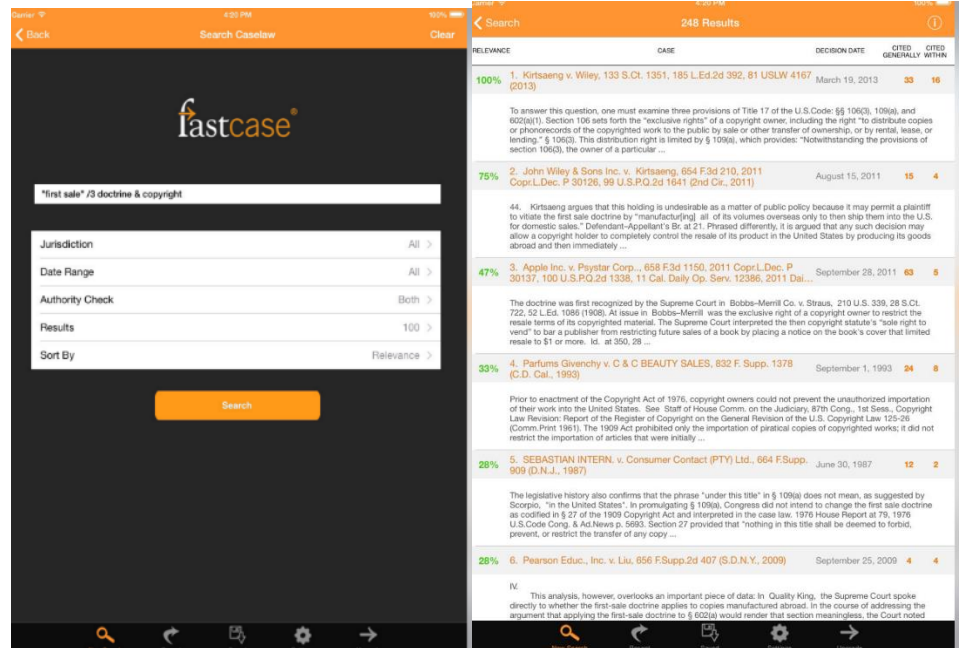
- a. Phone and Tablet: Apple offers greater selection of applications (apps) and, because iOS market share is disproportionately large in the legal community, you can expect new apps to be developed for Apple first.

- b. Browser Extensions- Browser Extensions are an underutilized tool available in Chrome, Firefox and Internet Explorer. There are Browser extensions designed to help users with everything from productivity to file-sharing to social media. Between the three main browsers, Chrome has the largest number of extensions available. Below is an image of Google Chrome's Extension Store.

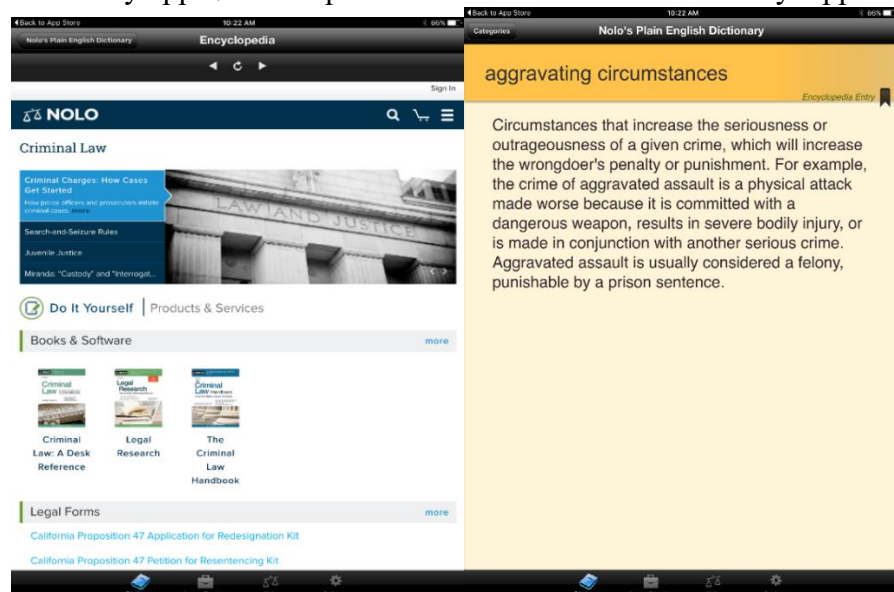


## C. Top Legal Software for Tablets, Smartphones

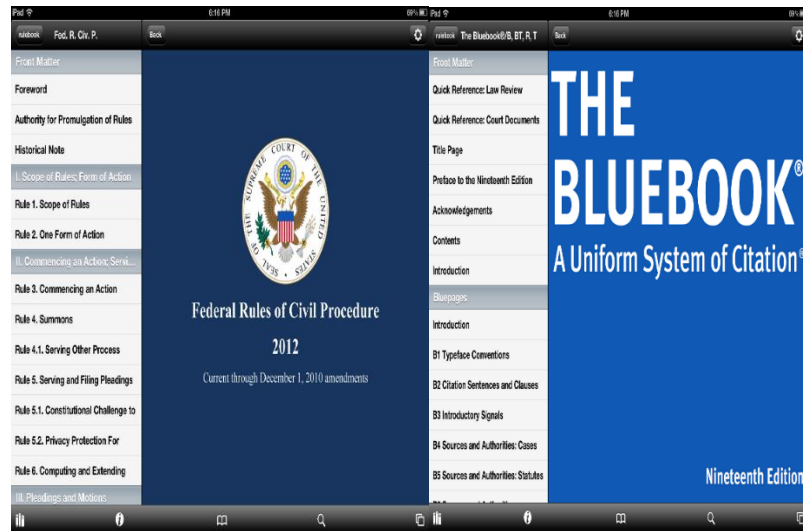
- a. Legal Research (A lot more resources for Federal Court)
- i. Fastcase- App that provides portable access to the entire Fastcase law library for free. No subscription necessary, though a premium version is available, allowing access to more content for a small fee. You can log in with your Tennessee Bar Membership information, if you are a TBA member. According to the ABA Legal Tech Report from 2015, FastCase was the most used Legal App, with 41% of attorneys having downloaded it to their mobile device.



- ii. Nolo's Plain English Law Dictionary- Comprehensive, up-to-date legal dictionary app. \$40 cheaper than the Black's Law Dictionary App.



- iii. LexisNexis Legal News- Top Legal news headlines delivered to your mobile device. If you have a subscription to Lexis.com, results will feature those publications you pay to access.
- iv. Rulebook- Rulebook is an app that contains full-text of numerous court rule collections including the *Federal Rules of Evidence* and the U.S. Constitution. In-App purchases allow users to gain access to the *Manual on Usage & Style*, the *Manual for Complex Litigation*, and *The Bluebook*.



## b. Presentation Tools

- i. TrialPad for the iPad- Helps Organize case presentations for the courtroom. TrialPad was specifically designed by/for attorneys to use in the courtroom. Pdf documents and photos can be redlined and redacted.
- ii. iJuror- iJuror is the top-selling Jury Selection app. It makes voir dire easier by allowing attorneys to track facts about potential jurors and score their desirability based on the attorney's flexible scale. Users can also import trial data into the spreadsheet software of their choice.

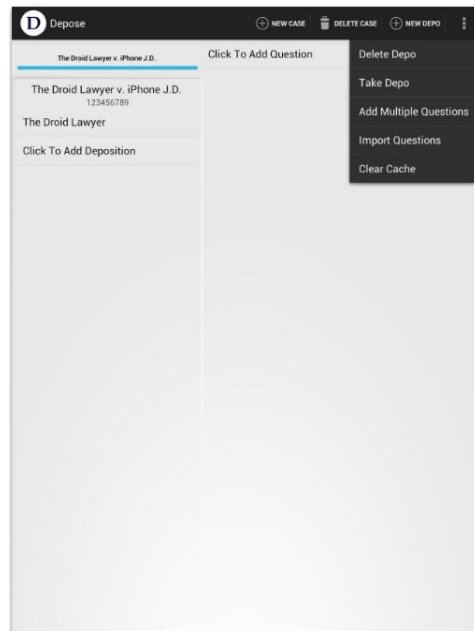


## c. Time and Business Management

- i. Legal Edge- Case management software. Server side application, meaning it can be accessed from any device without running the risk of breaching confidentiality. Full set of features available on mobile version. You can check on cases, appearance, tasks and investigations from your device.

## d. Communicating with Clients

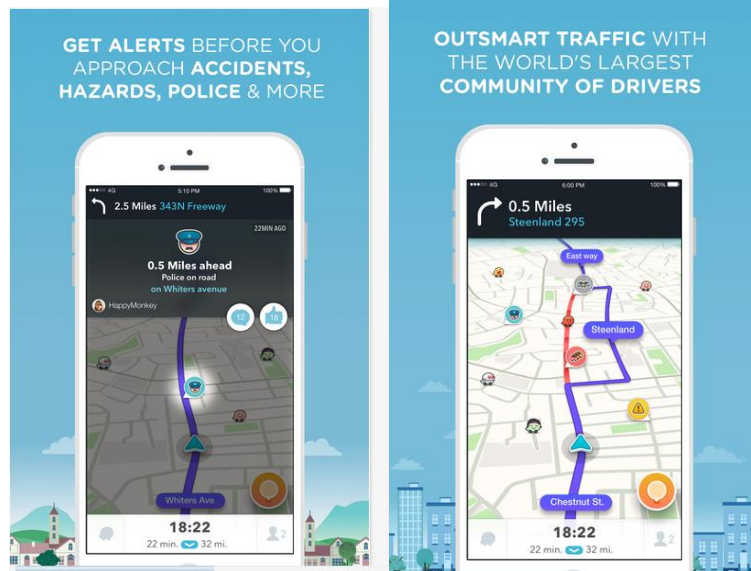
- i. Depose- Attorneys can prepare for and take depositions on their *Android* device. Users can directly enter the questions or upload them in plain text. You can also attach exhibits to specific questions. (\$7.99 in Google Play)



- e. Time- and Task-Tracking
  - i. Teamweek/Toggl- Time track with clean, easy to use design. Seamlessly integrates with other apps like Trello, Wunderlist and the Google Suite. Tag time entries by group and track program and website activity. (Basic version free, \$10/month Pro).
  - ii. Paydirt- Time tracker with built-in quote builder and invoicing. Also works as a Chrome Extension for when you're in the office. (Free 30-day trial, \$8-\$16/month for single users, from \$29/month for teams).
- f. Navigation and Travel Assistance
  - i. Google Maps- Google maps is one of the best applications ever produced. It's frequent updating make for a reliable program, and the easy-to-use interface makes the most complicated trips seem like a walk in the park. Maps comes standard on Android phones, and can be downloaded for iOS for free.



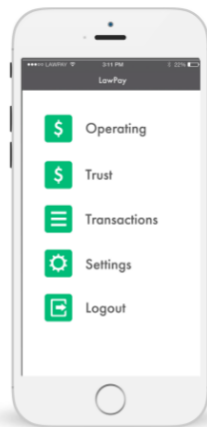
- ii. Waze- Waze is a community-based traffic and navigation app that lets drivers share real-time traffic and road information with one another.



- iii. Concur- Concur helps users manage travels expenses by capturing receipts with a smartphone camera and then converting them into an expense report. Concur also allows you to create and manage itineraries and tracks mileage.

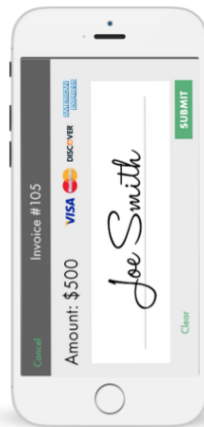
g. Money Matters on the Go

- i. LawPay- LawPay is a service that allows lawyers to accept credit cards and guarantees 100% compliance with ABA Rules, including the separation of earned and unearned fees. Fees for service are per month, per transaction or percentage of total charges.



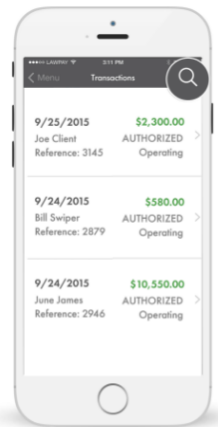
CHOOSE

Run a charge to your operating or trust account, manage past transactions, and view your firm's LawPay account information.



CHARGE

To accept payments, enter the dollar amount and card number or use your LawPay swiper to quickly capture client information.



CONFIRM

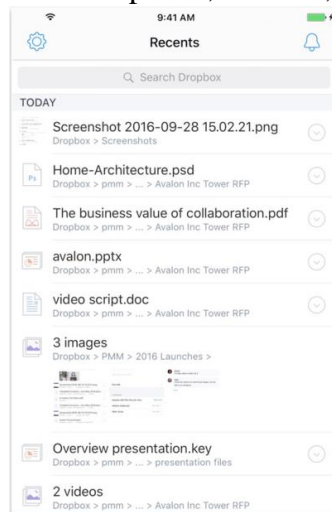
View your transaction history in the LawPay mobile app. You also have the ability to void, refund, and email receipts to clients.



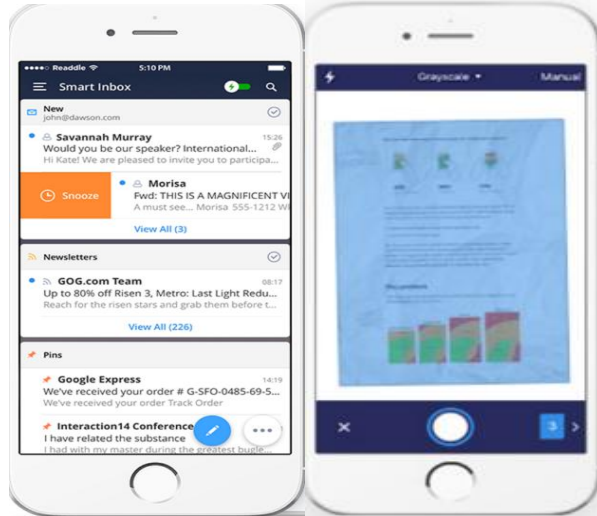
- ii. Square Register- Credit Card Processor for iPad and iPhone.  
SquareRegister will send you a free card reader that plugs directly into your device to accept payments by debit and/or credit card. There is no monthly fee for this service, but you are charged a fee based on each transaction from a credit card.

#### h. Word Processing File Sharing

- i. Dropbox- File-sharing system allowing users to share photos, documents and videos from one device to another. Files placed in a Dropbox folder are automatically shared with the people authorized to receive the file, who can then annotate or make changes to the document. (Compatible with computers, iPhones, iPads, Android and Blackberry devices).



- ii. GoodReader- Document Viewer for iPad. GoodReader provides the ability to annotate documents, conduct a text search and leap from point to point in a document. GoodReader also allows the user to zoom up to 50x the document's normal size.
- iii. ReaddleDocs- Document manager for iPad. Can access any document that's been converted to PDF format. Works with Dropbox to make documents more useful to users. Documents can be highlighted in multiple colors and annotated. Important pages can be tabbed and reference notes can be added from your iPad. Those notes will transfer to your document automatically.



- iv. Penultimate- Turns your iPad into a legal notepad. Use stylus or fingertip to take notes by hand. Notes can be downloaded into a pdf or sent as an e-mail. Notes can also be erased.

#### **D. Mobile Legal Marketing: Your Firm's Mobile Website**

- a. Tools to help you create a website-
  - i. WordPress- WordPress is probably the most popular website creator. WordPress is intuitive and easy to use and websites created with WordPress are fully responsive to mobile browsers. You can also update your website on the go with the use of the WordPress app.
  - ii. goMobi- Create websites to fit any screen size with no html coding experience required. GoMobi allows users to focus on creating responsive websites quickly. GoMobi also offers marketing tools like QR codes and online reservations systems.
- b. Marketing your Website
  - i. Search Engine Marketing/Optimization- The difference between search engine optimization (SEO) and search engine marketing (SEM) is that optimization is free. SEO entails literally optimizing your website to show up in search engines more often than that of your competitors. This can be done through keyword tailoring. SEM requires payment to a search engine so that your website will appear higher in the list of relevant results.

#### **References**

Jeff Bennon, abovethelaw.com: What is the Best Phone for Lawyers: iPhone 6 Plus or Note 4?  
<http://abovethelaw.com/2014/09/what-is-the-best-phone-for-lawyers-iphone-6-plus-or-note-4/>

William Pfeifer, the balance: Best iPad Legal Apps for Lawyers and Law Firms  
<https://www.thebalance.com/best-ipad-legal-apps-for-lawyers-and-law-firms-2151334>

Searchengineland.com: What is Search Marketing?  
<http://searchengineland.com/guide/what-is-sem>