

Technology in practice

By Nicolas Kirby



Technology is inescapable. It permeates our lives. Barristers' practices are not exempt from this rule.

Everyone uses technology in different ways. In this article, I will share some of the ways I use technology in the hope that you, the reader, may discover something which will assist in your practice.

I should say up front, lest it be thought that I am some kind of technological zealot, that I love paper. I yearn for its tactility. I do not strive for paperlessness. I find that I only really absorb information as my highlighter glides over it. I like to scribble my thoughts over the documents that provoked them.

It is questionable if all the mechanical inventions yet made have lightened the day's toil of any human being.

John Stuart Mill

It is difficult to say whether technology has made my life any easier: late nights in chambers argue against that proposition. I have, however, found ways to make my bag lighter, my desk cleaner and my work more efficient.

My devices

I am an Apple user. I have an iMac in chambers, an iPad, an iPhone and a MacBook Pro at home. This does not, however, make my experience irrelevant for those using other platforms. Most programs are designed for multiple operating systems and devices.

Cast off the heavy burden of books

It is no exaggeration to say that the iPad has revolutionised my practice. I no longer take *Ritchies* to court because I have an eBook containing Thomson Reuters' *NSW Civil Procedure Handbook* which has 2000 pages of annotated legislation and rules. And it's searchable. I purchased the hardcopy and eBook bundle. The bundle costs about 30% more than buying the hardcopy alone.

Thomson Reuters have their own iPad app called 'ProView'. It acts as a library for all the eBooks they publish. In addition to the Civil Procedure Handbook, I also have Odgers' *Uniform Evidence Law*, various annotated acts including Corporations Legislation, and Miller's 35th edition of *Competition and Consumer Law*. The practical effect of having so much information on my iPad is that I seldom take any textbooks to court.

LexisNexis has its own app called Red, on which you can subscribe to many of its loose leaf services – with no manual updating required. LexisNexis also sells its textbooks with eBook bundles, but they do not have a proprietary app for their textbooks. Rather, you can download a generally-available app (I have Bluefire Reader) upon which to read them. I have often found it very convenient to have a searchable *Cheshire & Fifoot's Law of Contract* available to me in the luncheon adjournment.

Cloud computing

Another giant leap forward has been the relatively recent advent of cloud storage. Apps (short for 'applications', meaning 'programs') like Dropbox have meant that you can store large amounts of data 'in the cloud' and access it from anywhere you have an internet connection (including on your phone or tablet). In Dropbox's case, 'the cloud' is a series of physical servers run by Amazon in various locations in the United States.

Dropbox stores your documents simultaneously on your computer and in the cloud. That means that you can work on documents even when you don't have an internet connection. It also means that once you do come back online, amended documents will be 'synced' (short for 'synchronised') with the old versions in the cloud and can be accessed from any of your devices.

I don't know about you, but I get many - if not most - documents these days via email. I print small documents myself and add them to my brief. I ask for large documents to be sent in hard (as well as soft) copy. Document organisation is paramount. Folders are the key. Within my Dropbox folder, I have separate folders for each brief. Each brief has sub-folders for pleadings, correspondence, interlocutory matters, research, advices, etc. Information is only useful if it can be readily accessed. It can only be readily accessed if it is organised.

Having all my documents accessible means that I can be more discriminating about what to take home to work on. I no longer bother taking documents on the off chance I might need to refer to them: they're all already there waiting for me on my computer at home. When I work on documents at home, I do not need to email the amended version to myself. My computer in chambers updates the document instantly so it's waiting for me upon my return.

About a month ago, I was appearing before Justice Lindsay of the Supreme Court. The Court file did not have an appearance from my client. His Honour asked me if I had one. I did not have a hard copy in my brief. I did have one, however, in my Dropbox. I accessed it from my iPad and said: 'I hand up my iPad.' His Honour rejoined: 'You're altogether too modern, Mr Kirby.' I, of course, did not dare disagree.

My Dropbox contains over 13,000 documents. I can pull up any one of them as I sit on the train on the way to Parramatta District Court. I pay \$100 per year for 100Gb of storage (plenty more than I need).

Lawyers, being a cautious (I didn't say paranoid) bunch, are, well... cautious of the risk cloud storage may pose. We are holders of our clients' secrets. Whilst Dropbox encrypts all the data they hold, it is conceivable that it could be the victim of successful cyber-attacks. It is also conceivable that being the subject of legislation such as the *Patriot Act* may increase the likelihood of another person being able to access clients' documents. I try to console myself with the belief that this is a little far-fetched. If I, like some members on my floor, was involved in high-stakes technology warfare (i.e. *Apple v Samsung*), I might choose not to store confidential intellectual property on Dropbox. But the fact is, I am not involved in that litigation, nor any against the US Government generally or the CIA in particular. Still, I have introduced a disclosure on my costs agreement in which I say that I will store documents on Dropbox unless the client objects.

Creating documents on the iPad

While the iPad (or other tablet) is a valuable tool in court and for working remotely, it does have its limitations. It is great as a repository of large texts and finding cases and legislation, but is more limited when it comes to creating documents.

For starters, there is no separate keyboard. The touchscreen keyboard on the iPad is fairly good - particularly in landscape mode (i.e. when the iPad screen is orientated on its side) - but it is slower to type on and less accurate than a physical keyboard. Many people have cases for their iPad with built-in keyboards. I have one made by Belkin. These are useful as the cases can be folded in such a way as to prop up the iPad as if it were a laptop screen. Apple's own wireless keyboards also connect to your iPad via Bluetooth.

Most of us use Microsoft Word to draft our documents. There is no app for Word on the iPad. There is, however, a decent workaround. CloudOn is an app which links to your documents in the cloud (e.g. Dropbox, Google Drive, Skydrive, etc) and from which you can create new Word documents. Now, I

like to format my documents in a particular way by applying particular styles. Word in CloudOn is more limited than the full version on my iMac. So, if I am drafting a document whilst having a coffee, I use CloudOn to create my document but then I wait till I am back at my desk to format it.

Manipulating PDFs

Many of the documents we receive are in pdf format. You can view pdf's on the operating systems of most smartphones and tablets. But, as I mentioned before, I like to mark documents up as I read them. There are apps which allow you to do this digitally. GoodReader is the one I use.

Let's say that I have been sent an email with an affidavit attached as a pdf. You can open and view that document simply by tapping the attachment. If, however, you hold your finger down on the attachment, a dialogue box will appear asking whether you want to open the document in various other apps (e.g. iBooks, GoodReader, CloudOn, Dropbox, Bluefire, etc). Once you open the document in GoodReader, you can annotate the document by, for example, typing on it, underlining it or highlighting. You can save these mark-ups onto the original file or make a new, annotated version which you can then save in one of your Dropbox folders.

For example, last week, I downloaded or emailed various cases (in pdf format) from Jade, LexisNexis and Westlaw. I opened them in GoodReader. I highlighted them as I read them and saved the judgments in their annotated form. This way, when I print them out, I can print out an annotated copy for me and unannotated copies to hand up.

Other useful applications

Occasionally, I still dictate documents. I don't have a dictaphone, though. Rather, I use an app called Dictamus which turns my iPhone into a dictaphone. It has plenty of functionality: you can record over mistakes or insert lines at any point in the dictation. It also has a built-in workflow. In this way, once I have finished a dictation, it automatically sends the file (in mp3) via email to a person who provides a (very reasonably priced) remote typing service. After



sending such a file, I usually have a document in my inbox within an hour or two.

For legal research, Austlii has an app which is good for finding a case or finding the judicial treatment of a particular section of an Act (you can do this by finding the Act, clicking on the section and then clicking 'Noteup' at the top of the page).

Of course, you can use your internet browser to access any online subscriptions you have, including LexisNexis, Thomson Reuters Westlaw and Jade.

Jade is particularly useful because you can mark-up cases as you read them by adding 'Jademarks'. You can also add cases to your reading list and arrange cases by topics. The search functionality is Google-like in its intuitiveness and the cross-referencing between cases is very useful. References within cases are hyperlinked and, when you click on them, a small box opens on the page allowing you to read the cited paragraph of the judgment or the relevant section of the legislation. I subscribe to Jade Professional which offers certain enhanced features.

Don't forget about your phone camera. Use it like a scanner/ photocopier. Rather than write out your consent orders thrice, just take a photo of the copy you're about to hand up.

Syncing

One of the easiest and most useful ways of digitalising your practice is keeping your diary in order. Because I operate in the Apple environment, I work with my

iMac's native diary application, iCal. I subscribe to iCloud (Apple's cloud service) which means that my iPhone, iPad and computers are all kept in sync. As soon as I add an appointment in one of my devices, it immediately appears in all of them. My wonderful clerk, Trish Hoff, subscribes to my calendar from her computer too. This allows Trish to see my diary, and, because she has 'write' permission, she can also add new appointments directly into my calendar from her computer from which they'll be immediately transmitted to all my devices.

iCloud keeps my other apps such as Email, Reminders and Address Book in sync on all my devices.

Virtual private networks

Virtual private networks (known by their acronym, VPNs) are something I have begun using relatively recently. They essentially turn your iPad into a portal to your computer. I use one called 'Parallels Access'. It allows me to access anything on either of my computers. Once I launch the app, I am asked to choose which computer I want to access (my iMac or my MacBook Pro). Once I have chosen the computer, I can work on any program within my computer. I find this particularly useful if I want to find a document which is not in my Dropbox, or an email which I have stored in an archive folder. It also allows me to use the full version of Word so that I am able to format documents the way I like them. The one drawback with this application is that computer needs to be on (and not in sleep mode) in order to access it.

Only use it if it helps

Men have become the tools of their tools.

Henry David Thoreau

It is important not to adopt technology for technology's sake. For me, having a physical folder of key documents at the bar table is much more useful than having to find them on my laptop or iPad. I still prefer to make hard-copy affidavits my own by scrawling all over them and plying them with colourful stickies. But there are benefits to be found in readily available technology. There are new and



efficient ways of doing things. Some of them are even fun.

I want to make two last points. First, don't be daunted. To some readers everything I said will be old hat; to others, it will seem so beyond them that it seems far less trouble to just ignore it and keep doing things the old way. The point I wish to make is that it is not necessary to take an 'all or nothing' approach to the technology I have discussed in this article. This technology represents a snap-shot of what I am currently using in an incremental process of technological evolution. Just try one - perhaps purchase an eBook bundle the next time you're in co-op bookshop - and see how you like it.

The second point is that this is not expensive. Dropbox is \$100 per year. iCloud is about \$30 per year. Most of the apps are free. Dictamus cost me \$12 four years ago. Parallels Access is about \$80 per year.

People often remark that it is almost impossible to imagine practice without email. The fact, however, is that email has only been with us for a relatively short time and many of us *do* remember practice without it. I don't know which, if any, of the technologies discussed above will - like email - become part of our daily furniture. Technology moves rapidly. Its course is impossible to predict. Luckily, you don't need to predict it. Rather, you should simply ask yourself: 'What might be useful to me?'