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subscribed through
May 8, 2013

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TechnoDebate: Equipping Lawyers with Wireless Telephones: An Essential Service

DATE: 1/3/2001
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TYPE: Post
TOPIC(S): Email/Messaging/Telephony

> Steve Jobs once said that behind every overnight success
> lies 10 years of hard work. Nowhere is this aphorism more
> evident than in the wireless telephone industry. Ten years
> ago, the only wireless telephones used with any regularity
> were car phones. Portable cell phones existed back then in
> theory but not in practice -- they weighed a ton and would
> fill up a briefcase. The introduction of the Motorola Micro
> -Tac wireless phone changed everything and ushered in the
> tiny wireless phones we use today. We now stand on the
> threshold of another wireless revolution -- the convergence
> of telephony and handheld computers. What will the future
> hold? That is for you to decide in this TechnoDebate.

> b. Should law firms cover the cost of wireless phones used
> by its lawyers? Have wireless phones become indispensable
> in all areas of legal practice or only in some?

Wireless telephony goes to the heart of the role of "Attorney as Advisor." As more and more of the functions of attorneys become automated and commoditized, the key reason to hire an attorney is for "advice and counsel." Counsel is at the heart of the attorney-client relationship. Advice is what bonds clients to their attorneys and brings in the continuing revenue.

I can build an expert drafting system that produces the ultimate contract, addressing everyone of a client's requirements, and assembling such contract in the blink of an eye. But, unless I add the personal touch, who will buy it? Unless I supply a person for the client to talk to, I have failed in my role to ascertain fully the client's needs, to identify those issues and concerns that might not be evident from an expert practice system. Clients want to talk to someone, whether in person or ... over the phone. And most often, they want to talk to that person, their trusted advisor, NOW!

Aye! There's the rub.

You see where I'm going? Do I think law firms should cover the cost of wireless phones for use by their partners and associates? Let me ask you a question: "Do you think lawyers are in the business of providing professional services?"

PROFESSIONAL SERVICES

Attorney-client communication is an essential part of that service. In an increasingly

competitive legal market, instantaneous client communication is a requirement. Cell phones are the minimum. Far better is an integrated cell phone, pager, and wireless e-mail device. And don't forget, every attorney should have a laptop and remote access to the firm's computer network.

Cell phones really work. Responsiveness impresses and retains clients. It shows concern for the "emotional needs" of clients. With the demise of receptionists and secretaries, thanks to the wonders of voice-mail, clients are increasingly frustrated by their inability to reach an actual person when they call. And this, of course, goes both ways. Cell phones allow you to call back, reassure the client that you are there for them when they need it ... when they want it when they request it.

A WORD ON COST

Let me add something about cost. Cell phones are no longer expensive. There are calling plans that average 10 cents a minute, nationwide long distance, no roaming charges. Check out Sprint's Free & Clear plan. Similar plans, with some restrictions, are available from Verizon, AT&T, OmniPoint and others. You might discover that these calling plans are actually cheaper than your office's PCS phone system.

The equipment is cheap ... often included if you commit to a long-term contract. But you might splurge on the more impressive and lightweight phones, like the Motorola StarTac. From the money you save on long distance calls that used to be made from your office, you can make your partners and associates happy with the great perk.

Don't forget to factor in the cost of angry clients ... who have to wait hours or days to get a response. One client who takes his business elsewhere ... or doesn't bring in repeat business ... or doesn't refer your firm to other potential clients ... is worth the cost of outfitting the entire firm with cell phones. A final factor on cost is the "me too" phenomenon. All your colleagues at other firms and all your clients have cell phones. Why shouldn't you? Even more significantly, everyone else has cell phones.

WHY STAY CONNECTED?

I often encounter that argument from lawyers that the work day should end when you walk out of your office. They urge that they should be able to go where and when they like without interruption from clients or partners. It is the latter that is more of an issue for younger associates. They wish to have a zone of privacy ... a cell phone free zone. I can understand the wish, "A wish devoutly to be had." But not a realistic one. Far better to communicate to partners and clients that there are certain times when calls are not appropriate, than to simply "disconnect" yourself from the discourse. Remember, law is a service profession.

A NOTE ON PERSONAL CALLS

Cell phones WILL be used for personal calls. There, I said it. Office phones are used for personal calls ... even expensive long distance calls. But that's not a bad thing. Partners and associates should not be billed for personal calls. People have a life to lead. Cell phones can be used to call a spouse to let them know you will be late ... or that you are en route. Maybe, that means you can spend more billable time now that the spouse knows you will be late. Cell phones allow you to do lots of things in time slots that previously were unproductive. What this means is that you can use the train and cab rides for those personal calls, freeing up your office time for billable work. Fifteen extra minutes of billable work easily pays for even hours of personal cell phone calls a day.

A WORD TO THE LUDDITES

I am a recovering attorney and technology consultant. In my legal career, I clerked for a court of appeals judge, worked at Cravath, Swaine & Moore, and then at Kramer-Levin. I have met attorneys who viewed computers as expensive paper weights. I have met others who refused to even give out their home phone number or own an answering machine, let alone carry a cell phone or pager. Many of these people were brilliant attorneys with clients beating down their doors to hire them. If a client couldn't reach them and took his business elsewhere, that was the client's problem.

There will always be brilliant attorneys in great demand. However, for the rest of us

(brilliant as we are), there will be cell phones. We will be able to reach clients and clients will be able to reach us, rapidly and efficiently. And the profession of law will thrive.

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Community Manager's Notes

[CM's Note: Three observations. First, David Boies, who is perhaps the most sought after litigator in the country these days, made himself available to Al Gore 24/7 thanks to a wireless phone. He even spoke to Gore just as he was about to enter the Florida Supreme Court for oral arguments. Second, Seth writes that "responsiveness impresses and retains clients." This statement is one of the guiding principles of superlative customer service. It may seem like common sense, but if that's the case, why do so many lawyers ignore this rule? Third, Seth writes that "you might splurge on the more impressive and lightweight phones, like the Motorola StarTac." There is nothing impressive about the StarTac -- it's a dinosaur that belongs in a museum. I keep hoping that I'll leave my StarTac in a taxi or drop it into a puddle of slush so that I can justify getting a new telephone. ;-) The Motorola to get nowadays is the TimePort (especially the GSM models), though if you're going to buy a phone for every lawyer in your firm, I suppose costs might dictate going with the StarTac instead. For what it's worth, one of last year's hottest telephones -- the NeoPoint 1000 -- now sells for about \$60, which is about \$360 less than it cost a year ago! -- Neil J. Squillante]

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