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## Trapped By Technology

*New gadgets are bringing the office to the courthouse, to restaurants and to home — and even on vacation. What can lawyers do to avoid being ‘on-call’ 24/7?*

*By Steven A. Meyerowitz*

*Steven A. Meyerowitz, a lawyer, is the president of Meyerowitz Communications Inc., a law firm marketing communications consulting company that works with some of the largest and most successful law firms in the country. Mr. Meyerowitz specializes in helping lawyers write, produce and place their bylined articles, newsletters, brochures, and other marketing materials, and in integrating publications into a firm's overall marketing program. Based in Northport, N.Y., he may be reached at [SMeyerow@optonline.net](mailto:SMeyerow@optonline.net).*

**S**teven F. Baicker-McKee, a shareholder in the Pittsburgh office of Babst, Calland, Clements and Zomnir P.C., is a litigator who concentrates on toxic torts and environmental disputes. When he's not practicing law, he likes to spend time with his wife and children. One week every year, however, in an effort to get away from it all, Baicker-McKee goes out west to ski with a small group of his friends.

Nowadays, though, even a trip into the mountains will not necessarily free Baicker-McKee from having to deal with work-related matters. Once, while he was on the chairlift, Baicker-McKee's cell phone rang; it was a client. "I took the call," he says, and "we talked about the substance of the issue. The client knew that I was on vacation and had the courtesy to keep the conversation short."

After the call, Baicker-McKee skied down the slope.

### **From Typewriters To Computers**

Certainly, Baicker-McKee is not alone. Many lawyers who just spent some of the summer away have seen their travel interrupted by office work. This is certainly not a new problem — even before computers, lawyers would have to use hotel or home telephones to call their offices, check their messages and help put out any fires that were developing while they were away.

But the newest technology has exacerbated the situation. Cell phones the size of small wallets have virtually eliminated the need for lawyers to carry phone credit cards or coins; in fact, some service providers make it easy for customers to use their cell phones to call

the United States from overseas. Baicker-McKee's cell phone goes one step farther: It is a combination phone and BlackBerry-type device that allows him to access his e-mail, calendar and contact list, as well as to make calls.

Donna Fryer of SearchitRight.com, a Greensboro, N.C.-based research and training company serving the legal industry, points out that there now are tools that allow lawyers to access their desktops from afar. For instance, she says, Citrix Online, a division of Citrix Systems Inc., offers a product called GoToMyPC. Fryer says that a lawyer can connect to the Internet and then use GoToMyPC to have his or her desktop appear on the screen of the computer the lawyer is using, no matter where in the world the lawyer is sitting. The lawyer then can "manipulate the desktop and files" and sign on to the firm's intranet, just as if the lawyer were sitting in his or her own office.

These gadgets are more than just toys; they can be crucial aids to assist lawyers in providing top quality services to clients while minimizing costs. They can also help lawyers deal with what Rose Fauster, a marketing manager at Chicago's Jenkens & Gilchrist, says is the No. 1 complaint clients have about lawyers: that they are not accessible or responsive.

Yet the drawbacks to these benefits are phone calls such as the one Baicker-McKee took from his client on the chairlift and similar situations that other lawyers continue to live through. In essence, it's the call from the babysitter about a child with colic while the parent is having dinner at a fine restaurant or enjoying the symphony — only more stressful. A member of the marketing department of a large law firm headquartered in Philadelphia admits, "I

miss the pre-BlackBerry era — and I refuse to take it along when I'm on vacation." Fortunately, though, there are many steps that lawyers can take to avoid being tied to the office on weekends and while they are on vacation.

### **Delegate!**

For Rose Fauster of Jenkens, the No. 1 solution to this problem for lawyers is straightforward: "Delegate, delegate, delegate!" She says lawyers can have their secretaries sift through their e-mail when they are away, forwarding e-mail that requires attention to other lawyers who are on the same case or who are handling the same transaction. Admittedly, this can be difficult for some lawyers to allow, especially those who feel a need always to be in control or who fear giving other lawyers contact with their clients. Baicker-McKee says he used to be concerned about being away and missing calls, but that after more than 15 years of practice he has gotten comfortable relying on other lawyers in his firm. Lawyers "have to get over" the thought that they are indispensable, he says, adding that "things usually work out fine when I'm gone."

Another and somewhat related step to take is to rely on an automated "out-of-office" message for voice and e-mail. The message should indicate that the lawyer is away from the office, provide the lawyer's return date and state that the lawyer will return the call or e-mail as soon as possible. It also should say that the client may contact the lawyer's secretary or another lawyer at the firm for more immediate assistance. One side benefit to this step, according to Fauster, is that people who

otherwise might send multiple e-mails to a lawyer over time likely will stop once they get an “out-of-office” response, at least until the lawyer is back in the office; this can help cut the e-mail flow to the vacationing lawyer and ease the burden of responding to e-mail upon returning to work.

By the same token, it is also important for lawyers to let clients know ahead of time that they will be away. Just as clients typically are respectful of lawyers’ privacy and do not call them at home on weekends or on their cell phones at all hours of the night, so, too, they generally appreciate that lawyers need time to get away and recharge their batteries. In any event, communicating with clients ahead of time will ease the clients’ angst when they cannot immediately reach their lawyer or when they hear the “out-of-office” message for the first time.

### **Checking In**

Whether lawyers like to admit it or not, as a practical matter they have no choice but to check their voice mail and e-mail on a regular basis, even while they are on vacation and even if they have colleagues who are watching their desk. As Baicker-McKee acknowledges, law “is a service business and we have to be responsive.” But lawyers can limit this burden in a variety of ways.

First, lawyers do not have to check their messages every minute or every hour of every day. Doing so on a daily basis, in the morning or evening or at the same time during the middle of the day, probably should be sufficient. Baicker-McKee says that when he is vacationing with his family, he will “jump on the laptop once a day” and respond to the 50 to 100 e-mails he has

received since the last time he checked. Fauster believes that “spending 15 minutes at the end of the day to clean out e-mail” is time well spent.

It is also important to check on work at a time that will not interfere with vacation activities. A family of early risers that wants to be hiking down Grand Canyon before the sun gets too hot will not be happy with a lawyer/parent/spouse who insists on checking e-mail at that time of the day. As Baicker-McKee succinctly puts it, “Pick your moments.”

Another way to limit the intrusiveness of the requisite “call in” to check voice messages is to make it as easy as possible. For example, Babst, Calland has a toll-free number lawyers at the firm can use to check their voice mail, an especially nice touch when a lawyer is traveling in an area where there is no cell phone service.

### **Use Tech to the Fullest!**

When all is said and done, it very well may be that the best thing that lawyers can do to limit the burdens that technology imposes on their lives is to embrace technology to the fullest, learn its complete capabilities and apply as many of the various tools to which they have access to their work lives and to their vacation time. Rose Fauster helps lawyers in her firm reach this state of bliss by conducting educational programs for them at which they learn how best to use the firm’s technology. For instance, she’ll show lawyers how to get the most out of Microsoft Outlook, from scheduling a meeting to adding ticklers about clients’ birthdays. She believes that this not only helps lawyers work more effectively and cost-efficiently (a plus for clients) when they

are in the office, but it also helps them cut back on the time they have to spend when they are away. A solution to the

technology trap that keeps both clients and their counsel happy seems to be a sound one, indeed!