

# Unexpected Uses of Tools and Unintended Consequences

By Jim Calloway

*“To the man who only has a hammer, everything he encounters begins to look like a nail.”*

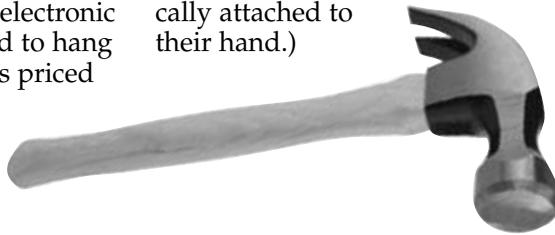
— Abraham H. Maslow

We have an array of tools at our disposal today. A walk down the aisles of a mega-home improvement store will introduce many of us to new tools or variations of tools that we have never used or maybe never seen before. One of my favorite tool purchases in the last few years was an electronic stud finder when I had to hang a lot of pictures. It was priced well over what I thought I should spend and was purchased a bit out of frustration. But it is now a tool I use with surprising frequency that will certainly be replaced at the end of its life span.

New or improved technology tools are announced at a dizzying pace. In just the last several weeks we have seen the launch of the iPad Mini, a “new, new” iPad, a redesigned Macbook Pro, Windows 8 and the Microsoft Surface tablet.

When I was younger and read a lot of science fiction, a common theme was that in the future many people would have surgically implanted devices that would wirelessly connect them to a vast computer network with huge amounts of information quick-

ly available. Few would have guessed how quickly that would come true for most of us even though the device is firmly clutched in our hands rather than surgically implanted. (Although with some people today the smartphone does seem to be surgically attached to their hand.)



The impact of so much information on demand is profound. Not only can you come up with the answer to many factual questions almost instantly with Internet searching, but you can also be instantly connected to anyone who will accept the connection via a phone call, email or social media. But the unintended consequences are equally profound, and we may not fully understand the ultimate changes in society we are creating now. Many are already so captivated by a stream of constant information that they cannot go long without checking their phone. We’ve all seen groups of people dining or together for some other reason who are all

enthralled with the small screens in their hands and ignoring the people sitting around them. Jurors see nothing wrong with live-tweeting or doing some quick additional research during their jury service while judges and lawyers see that as a danger to the right of trial by an impartial jury.

One thing is certainly clear at this point. Mobile technology changes most everything, our work life and our personal life. There is some new way of using technology tools that we have not considered yet which will become almost universal in the near future.

So this month, I have decided to discuss some examples of tools that can be used in ways you may not have considered or that have unintended consequences because of their use.

## CLOUD COMPUTING

Cloud computing is one of those ideas we have talked about for years now. Yet a surprising number of lawyers still dismiss it as something that must be too complicated for them to use or something that lacks proper security.

What is cloud computing?  
“Cloud computing is a fancy

way of saying stuff's not on your computer," according to Quinn Norton in her "Byte Rights" article in the September 2010 issue of *MaximumPC* magazine. My colleague, Nerino Petro, who works for the State Bar of Wisconsin and blogs at [Compujurist.com](http://Compujurist.com), brought that succinct definition to the attention of the legal community.

Keeping files in the cloud makes it much less likely that they will be lost or destroyed accidentally rather than keeping them only on your mobile device. Many reading this no doubt have photographs or something else significant that they would hate losing on their mobile devices. But the files may not be backed up anywhere else. It does not take long to set up a solution, particularly if you are an iPhone user and can use the iCloud. But it is also fairly simple to set up an account with Dropbox, Box.com, SpiderOak or one of the other cloud providers. Most offer a limited storage amount for free and five gigabytes (the typical amount) is actually quite a bit of space, especially for documents.

If you use the cloud for online storage, there is another benefit, too, as many of these services will allow you to access the file from your phone or tablet if you unexpectedly need it. I've written in this space several times about how much I appreciate that Dropbox lets me pull up information on my iPhone or iPad that I had not anticipated needing to access away from my workstation.

Even if you do not want to use the cloud for client matters, there are still other benefits. For example, on the home front, if one spouse or partner

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thinks that most household bills should be trashed after payment and another thinks that paid bills should be retained, a compromise of sorts can be achieved by scanning the paid bills to the cloud and then trashing them. If after several years, the allotment of free space is reached, then maybe throwing away five-year-old paid household bills will be less painful for “the filer” or they could be saved from the cloud back to a flash drive.

The iPad is one of those technology innovations that is so versatile it is now used in thousands of different ways. Many litigators use TrialPad ([www.trialpad.com](http://www.trialpad.com)) for courtroom presentations, but TranscriptPad ([www.transcriptpad.com](http://www.transcriptpad.com)) for reviewing and coding depositions is receiving a lot of attention as a huge timesaver.

I recall Tom Mighell (author of *The iPad for Lawyers in One Hour* and other books for lawyers about the iPad available through the ABA) holding the iPad 2 in front of his face and saying, “Do you really think people will want to take pictures like this very often?”

But then I met Karl Folkens, principal of the Folkens law firm in Florence, S.C. Karl regularly uses his iPad to create videos for client matters. He demonstrated several videos he made for insurance adjusters to view in personal injury cases. Friends of the injured are recorded, and they make simple recorded statements like, “Bob used to enjoy hunting with me, but since the accident he cannot because...” A few years ago, it would have required professional help and a lot of time to achieve the professional result that Karl now obtains with a few minutes working on his iPad. He uses the iMount systems tripod mount to hold the iPad firmly with anti-shock mounting. This allows one to attach the iPad and iMount to any camera tripod stand.

Attorney Folkens then uses an Audio-Technica ATR-3350 lavalier omnidirectional condenser microphone to get high quality sound. A final purchase to connect the microphone is the 1/8 inch microphone and headphone adapter — 3.5mm 4 conductor TRRS male to 3.5mm TRS jacks available at [www.kvconnection.com](http://www.kvconnection.com). (Karl says to get the dual jack version so you can plug in earphones to monitor the sound.) The total cost on all of these items, excluding tax, shipping and the tripod, was around \$125 when we last checked.

But what makes this set up “magic” is the iMovie app, a \$4.99 purchase. This allows one to edit and assemble the video clips into a movie right on the iPad without having to transfer the video file to another computer for editing. That is where the huge benefit happens. Record the video on the

iPad, edit it on the iPad, and you are done.

Noteshelf for iPad by Ramki (\$5.99) is one of the apps I talk to lawyers about when we discuss how to use iPads. This lets you make handwritten notes on various topics that you can save for later reference. The nice thing about this program is you store your note collections in virtual notebooks on a shelf in the app, like an ebook reader stores ebooks. You can export your notebooks to iCloud, Dropbox and Evernote, export as a PDF document or send them to someone via email.

I was pleasantly surprised to hear OBA President-Elect Jim Stuart say to a small group of lawyers recently, "Hey, let me show you what Jim Calloway taught me." He is using the Noteshelf app to keep all of his notes organized about OBA projects and plans. He has created several notebooks about various projects. These notes were written on the iPad using the included virtual keyboard. But you could also use a stylus to handwrite the notes. This is such a simple way to maintain

this information and yet have it instantly available for reference.

It is ironic that so many now use a stylus for note taking on the iPad because the late Steve Jobs was very opposed to the idea of using a stylus with his devices.

Long before there were tablets, smart phones or personal digital assistants, many people carried small Moleskin® notebooks ([www.moleskineus.com](http://www.moleskineus.com)) with them to jot down ideas, notes and reminders. Now many people use the utility Evernote (<http://evernote.com>) to keep track of notes, along with web clips and many other information items. One would think the physical Moleskin notebooks might become an endangered species in this digital age. But people still like to quickly take short notes with pen and paper. The problem is they are easy to lose.

So those smart folks at Moleskin and Evernote recognized that they could join forces and have the best of both worlds for their customers. The Evernote Smart Notebook by Moleskine was created. One can take handwritten notes in the

notebook, but then with the help of the specially designed paper, take photos of the notes with a phone, and the notes will be automatically stored in Evernote. Small stickers are included that can be affixed to the page before the photo is taken so they will automatically be filed in the appropriate Evernote subfile. So now you can have a little notepad in your pocket with an easy process that lets you file the notes in the cloud where they can be kept forever and can be quickly accessed by all of your devices, including the computer at the office.

One thing is certain. We are in a time of continuing change. If Moleskin can update its legendary paper products to seemly sync with the cloud, we legal professionals can learn to update our methods of operations as well.

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