TECHNOLOGY:
THE GOOD, THE BAD AND THE UGLY

JASON SCOTT COOMER, *Austin*
Law Office of Jason Coomer

State Bar of Texas
CROSSROADS: MAPPING OUT THE REST OF YOUR CAREER
March 3, 2006
Dallas

CHAPTER 3
The Law Offices of Jason S Coomer is an Austin, Texas law firm that handles complex litigation including Residential Fire, Toxic Exposure, Automobile Collision, Wrongful Death, Dangerous Condition, Construction Accident, Apartment Fire, Construction Defect, Domain & Intellectual Property Dispute, Breach of Contract, Fraud, and Misrepresentation Claims. Austin Lawyer, Jason Coomer, has been practicing law since 1995 and helps Texans that have been wrongfully injured or killed; people that have lost their home and possessions through fire, toxic mold, or other toxins; and businesses that have suffered damages as a result of others’ wrongful acts. Jason Coomer often works with other attorneys in litigation groups on large cases across Texas.

AbogadosdeTejas.com, LLC, is a technology consulting firm for attorneys and law firms. We provide litigation support by developing demonstrative evidence including video, graphics, photos, recordings, medical records, business documents, and other forms of multimedia into presentations for mediations, hearings, trial, or appeal. Assisting law firms with organizing large amounts of data, preparing and responding to E-discovery, and providing technology at trial or ADR. AbogadosdeTejas.com, LLC owns the TexasLawyers.com Legal Directory and works with attorneys to set up informational web listings that are tailored to the specific practice of a lawyer or law firm.
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Professional Experience:
Law Offices of Jason S. Coomer, PLLC 1996 to the Present
Handles Toxic Mold, Residential Fire, Wrongful Death & Automobile Accident Claims

TexasLawyers.com (AbogadosdeTejas.com, LLC) 1997 to the Present
Legal Directory & Technology Consulting

Technology Service to the Bar:
State Bar of Texas
Chair Computer & Technology Section 2003-2004
Chair Council of Chairs 2003-2004

Texas Young Lawyers Association
Webmaster of the TYLA Website 1997-2000
Chair of the Technology Committee 1997-2000

Austin Young Lawyers Association
Chair of the Technology Committee 2001-2003

The San Antonio Bar Association
Webmaster of SABA Website 1999-2000
Chair of Tech Committee 1999-2000

The San Antonio Young Lawyers Association
Webmaster of the SAYLA Website 1997-2000
Chair of the Technology Committee 1997-2000

Education:
South Texas College of Law Affiliate with Texas A&M University
Doctor of Jurisprudence

Southwest Texas State University
Master of Public Administration

University of Texas at Austin
Bachelor of Arts

Papers & Publications:
The Attorney as Knowledge Worker, Texas Bar Journal, October 2005
Internet Medical Research, Texas Bar Journal, December 2000
Internet Basics and Research Strategies, Institute for Paralegal Education, June 2000
Setting up a Web Site for a Bar Association, National Association of Bar Executives, September 1999.
Y2K Liability & Compliance, Texas Bar Journal, March 1999
Y2K Liability, Texas Real Estate Magazine, June 1999
Spoliation of Evidence: A Survey of Texas Law, TTLA Medical Malpractice Seminar, September 1998
Crossroads: Mapping Out the Rest of Your Career
March 3, 2006
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Tips on How to Effectively Use E-mail & Avoid Information Overload

1. E-mail yourself to see how you come across to those receiving your e-mail.
2. Make sure you identify yourself.
3. Stay focused and do not get sidetracked by spam.
4. Organize e-mail into useful categories.
5. Sort out and get rid of the junk.
6. Keep a back up of all valuable e-mail communications.
7. Contact recipients prior to sending large attachments.
8. Use proper virus protection.
9. E-mail is an electronic record, do not put anything in a message that could come back to haunt you.

Technology Tips

Tip 1: Upgrade Internet connections
Tip 2: Go Wireless
Tip 3: Use the Web for research
Tip 4: Use video/images/charts in presentations
Tip 5: Back up your data
Tip 6: Join an Internet Community
Tip 7: Use multiple computers
Tip 8: Learn to integrate software
Tip 9: Practice, practice, practice

The materials for this presentation may be found at:
www.texaslawyers.com/coomer/resources.htm
Mega-Trends in the Law

1. Lawyers will face more and more information as technology advances.
2. Demonstrative Evidence will become more common and useful.
3. Traditional barriers will be broken down.
4. New markets will become available.
5. Competition among attorneys will continue to increase.
6. Non attorney competition will continue to increase.
7. Niche practice areas or specialization will increase.
8. Referrals will become more common due to the collapse of geographic barriers.
9. Large litigation groups and law firms will form to edge out the competition.

The Good
- Attorneys through technology will be able to handle and process more information than ever before.
- Technology that was once very expensive is now free or low cost. Being able to effectively use technology will provide an economic advantage over those who do not.

The Bad
- Technology has broken down traditional geographic barriers creating domestic and foreign competition for attorneys and businesses.
- Technology can be difficult, frustrating and time consuming to learn. Many firms outsource their technology needs to be more efficient.

The Ugly
- Young new attorneys armed with efficient technology skills will create increased competition for certain areas of law.
- Even when you take the time to learn technology it does not always work and once you really learn it well, it will probably change.

Texas Lawyer’s Top 9 Web Sites

1. Dogpile (www.dogpile.com)
2. MyTexasBar.com - State Bar Portal
3. Google (www.google.com)
4. Howard Nation's Information Library (www.howardnations.com/nlli.html)
5. The Texas Statutes (http://capitol.tlc.state.tx.us/)
6. Texas Legislature On-line (www.capitol.state.tx.us/)
7. WebMD (www.webmd.com)
8. Tech Web (www.techweb.com)
"Man's mind, once stretched by a new idea, never regains its original dimension."
-- Oliver Wendell Holmes

The practice of law, once stretched by new technology, will never be the same. Like it or not, advances in Information Technology (IT) have changed the way lawyers and other knowledge workers collect, process, and produce information. Lawyers unable or unwilling to use new technology tools to collect and manage the vast amounts of information available and needed to practice law in the 21st Century will be at a competitive disadvantage that may put them out of business.

The Rise of the Knowledge Worker
The term "knowledge worker" was coined by Peter Drucker to describe someone who adds value by processing existing information to create new information that could be used to define and solve problems. Knowledge workers include lawyers, doctors, diplomats, lawmakers, software developers, managers, and bankers. Lawyers have specialized knowledge through their training in the law that they apply to their practice; and few, if any, create a physical product other than paper or documents.

As humankind developed from bands, to tribes, to chiefdoms, to states, specialization of labor created economic benefits that allowed workers who were not needed for survival to gather specialized knowledge for the betterment of society and their own advancement. These early knowledge workers were leaders, rule-makers, and healers.

From early man until the middle of 20th Century, there were relatively few knowledge workers in most economies, because most of the workforce was needed for survival. Before 1900, about 90 percent of the U.S. population worked in agriculture. Around the beginning of the 20th Century in the United States and other developing nations, the Industrial Revolution began to pull people off the farm and into factories. In many of these developing countries, including the United States, the economic benefits of the Industrial Revolution created what Marx termed industrial surplus. This industrial surplus, instead of being used to keep the working class down as Marx had predicted, was invested in research and development, education, and organization leading to an explosion in information and technology which in turn created a demand for a large number of specialized knowledge workers.

These knowledge workers have created advances in technology allowing greater productivity and efficiency, but with a side effect of fewer and fewer workers being needed to perform the essentials that make society run. These advances have caused
major shifts in the work force that have in turn caused a profound impact in the way we practice.

With the explosion of knowledge workers has come an explosion of specialized information. The large variety and vast amounts of specialized knowledge in our society has forced lawyers to become more specialized. Further, advances in mass production, communication, transportation, and distribution have expanded trade and communications between businesses all over the world.

This new global economy has created multinational corporations and increased international trade, creating a demand for large law firms and litigation groups that can handle larger and more complex litigation disputes and business relations. In fact, the general solo practitioner who handles all types of law is being supplanted by teams of lawyers who handle specialized areas of law.

Lawyers and Resistance to Change

Though many lawyers use new technology in their practices, many more are resistant to change until absolutely necessary. One reason for this is that the practice of law in the United States and England is based on tradition and *stare decisis*. Another reason is the large initial investment it takes to practice law. This barrier to entry limits the supply of attorneys, allowing over the short run less efficient methods of practicing law. This problem may be exacerbated by the increasingly specialized knowledge needed to practice in many areas of law and the investment of time in learning a new area of specialized knowledge. This further limits competition and decreases the pressure on attorneys to change in order to adapt to their environment.

Working against this resistance is the second law of thermodynamics that tells us that over time all things tend to break down, becoming less ordered, and tending toward disorder and chaos or entropy. This law has been applied to all systems including biological, chemical, and social systems. As systems evolve, order is created not in spite of the chaos and entropy, but because of it. Evolution and growth are a result of a system slipping into chaos, and then reorganizing itself at a higher level of complexity and functioning. This reorganization allows the system to survive and continue functioning and in our society is one of the main functions of lawyers.

As the amount of information needed to practice law increases, the practice inevitably becomes more disordered and chaotic. Because lawyers are limited in the amount of information they can process, computers and technology are necessary to survive and continue functioning. Hence, technology has allowed the knowledge worker to evolve and process a greater amount of information than ever before, helping us avoid information overload, disorder, and chaos.

Knowledge Management: Conquering Information Overload

As information becomes readily available and abundant it will be imperative to an attorney’s survival to adapt to the techniques used to grasp and transform specialized knowledge as it relates to the law. The process of managing information through
technology is commonly known as “knowledge management.” (For an excellent weblog of knowledge management concepts and resources, see http://excitedutterances.blogspot.com). Attorneys who effectively use knowledge management tools will have a significant edge over others who do not. This will become increasingly important as technology continues to improve, knocking down traditional geographic barriers and creating competition.

From a global perspective, China, India, and other developing nations are pushing to become more information-based, creating a large demand and supply of international knowledge workers. This will create a market for attorneys who can process vast amounts of information, especially in protecting copyrights, patents, and other information from theft. However, with it will come competition. From a regional perspective, attorneys can now handle distant matters through the use of technology, including online collaboration, e-filing, and videoconferencing. This technology encourages firms to become larger in order to process vast amounts of information and handle multiple claims across large regions, which in turn creates increased local competition from information hubs such as Austin, Houston, and Dallas. With thousands of new attorneys being produced each year, it is important to stay competitive.

This new legal world replaces the traditional briefcase of papers with electronic devices and moves at the speed of light through fiber optics. Applying Albert Einstein’s theories on space and time to the future of information technology, knowledge workers might someday send information through space at speeds fast enough to slow time, allowing them to steal back time while collecting, managing, and processing information. Though we may not be able to physically travel at light speed, the information we need to practice law will, freeing us from the potential chaos and dense black holes of information overload.

**Jason Coomer** is an Austin lawyer who handles complex fire, toxic tort, and technology litigation.

**Bob Binder** is an Austin lawyer who handles automobile collision and catastrophic injury claims.

**Willie Buehler** is an information technology & media specialist.

A special thanks to **Michele McKeever**, **Dan Stokes**, and **Bill Belsom** for their editing assistance.

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1 Oliver Wendell Holmes, A Father's Book of Wisdom, compiled by H. Jackson Brown, Jr., P.65 (1988)

Referral To Law Office of Jason S. Coomer, PLLC, Texas (Fax 512-474-1802)

Client:

Full Name: _____________________________________________________________
Address: ___________________________ Telephone Number: ____________________
City/State/Zip: __________________________ Alternative Number: _______________
E-mail Address: _____________________ Best Time to Call: ___________________

Referring Attorney

Full Name: _____________________________________________________________
Address: ___________________________ Telephone Number: ____________________
City/State/Zip: __________________________ Alternative Number: _______________
E-mail Address: _____________________ Texas Bar #: _______________________

Cause of Action:

Type of Case: ______________ Approximate Damages: ______________________
Date of Incident: ______________ Defendant: _______________________________
Description of the Wrongful Act: ____________________________________________

Referring Attorneys have recommended that the Client’s matter be referred to The Law
Offices of Jason S. Coomer, PLLC (“Associated Counsel”) to represent Client and to prosecute
his/her cause(s) of action. Client agrees that Referring Attorneys may refer his/her matter to
Associated Counsel to prosecute Client’s cause of action. It is further agreed and understood that:

a. the referral fee to be paid will not increase the total attorneys fee owed by Client;

b. Referring Attorneys will assume joint responsibility for the representation of Client with
Associated Counsel; and

c. if a recovery is made on behalf of the Client, of the total attorney’s fee of (___ %), (___ %)
will be paid to Referring Attorneys and (___ %) will be paid to Associated Counsel.

Signed this ___ day of ___________,2006

_________________________________ Referring Attorney

_________________________________ Jason S. Coomer