

Childhood Television Fantasy Becomes a Face-to-Face Cost-Saving Reality

By Paul Kiesel

Flashback to the year 1968. In a suburban New Jersey home, an 8-year-old waits for his favorite television show, "The Jetsons." I'm sitting expectantly in front of the console, which stands four feet high, stretches six feet long, and weighs as much as a Volkswagen beetle. How many of us older than 40 can remember the jingle? "Meet George Jetson, His boy Elroy, Daughter Judy, Jane his wife." (A confession: I can't claim credit. A Google search for the term "theme song from the Jetsons" produced the words I now recall so fondly.)

The show was a creative marvel, promising a future in which cars fly and people communicate over television screens as easily as they then spoke on the telephone. In my 8-year-old mind, this truly did seem like science fiction.

While the flying cars have yet to make their commercial debut, I am pleased to report that "video teleconferencing" is finally ready for prime time.

It's an exciting and revolutionary technology that has only begun to emerge over the last 10 years. New compression techniques can squeeze both audio and video signals well enough to provide a usable means of communication. For our practice, this has proved much more than the realization of another technological marvel. At Kiesel Boucher Larson, we have saved money, and more importantly, we have improved the quality of life of our attorneys.

On a more personal note, without videoconferencing, my son and daughter would have missed the very special opportunity to benefit from their grandfather's personal



ROBERT LEVINS / Daily Journal

Paul Kiesel's Beverly Hills firm, Kiesel Boucher Larson, recently spent \$25,000 on top-of-the-line videoconferencing equipment, and reaped the benefits in a single use. The firm's current record is a meeting with counsel and experts sitting in conference rooms in four different states.

tutoring as they prepared for their Bar and Bat Mitzvahs.

That was four years ago. We used a very simple Web-based camera and an inexpensive Web site — Sight-Speed — to establish a rudimentary video link between Short

Hills, N.J., and Beverly Hills. But back then, the audio synchronization still lagged three or four words behind the images. We solved that problem by combining the old with the new: My son watched his grandfather speak courtesy of the World

Wide Web, but heard his words on a standard telephone receiver he held to his ear. It was a reasonable facsimile of a "Jetsons" experience. It's hard to overstate the importance of the time they spent together, generations linked by the new technology

as, together, they approached this traditional cultural and religious milestone.

So, of course, you are wondering what this personal story has to do with this technology feature in the Daily Journal? And here's the answer. Kiesel Boucher Larson incorporated this new technology as we remodeled and expanded our Wilshire Boulevard offices. The upfront cost was certainly not what you could describe as inexpensive, but within six months, the system has returned dividends that have already reached many thousands of dollars.

For those interested in achieving such results, there are three options: PC based point-to-point communications using office desktop monitors, or laptops; proprietary videoconferencing systems such as those manufactured by Plycom, Sony, Tandberg and Radvision Ltd; or commercial video teleconferencing centers such as FedEx Kinko's.

My very first video teleconferencing experience, in the commercial context, was eight years ago. (As with most things "technological," I tend to be a fairly early adopter. Ten years ago, I had jumped at the chance to acquire Sharper Image's telephone-based videoconferencing system, but the images were worse than Neil Armstrong's first steps on the moon, and the audio sequencing made a Godzilla movie look synchronized.) An expert witness in a products liability case suggested that he could submit to a deposition in Chicago as I posed questions from Los Angeles, using Kinko's videoconferencing capability. I readily agreed and felt far more comfortable than I had imagined speaking to the man who appeared on the television screen in front of me as though we were in the same room.

The session worked well at a cost of about \$300 an hour, but it required a technician with an advanced engineering degree to coordinate satel-

lites and video uplinks. Knowing the ease with which teleconferencing takes place today, just four years later, it's like comparing the archaic rotary dial telephones with modern cell phones.

With the potential apparent, we researched "state of the art" video teleconferencing for Kiesel Boucher Larson's remodeling project. The concept was simple. If we could link up with others using similar technology, we could have virtual meetings, any time, any place. We elected to install a Polycom system, comprised of a fixed camera, positioned on top of a television screen (in our case a 52-inch plasma monitor) along with the proprietary Polycom hardware and software. The office needed a fast access point to the Internet, and we installed a T-1 telephone line to accomplish that (though either DSL or cable can certainly work). Our system is Internet protocol (IP) based which is how the majority of new video teleconferencing systems are configured today. The upshot of all this technology: The only "expertise" required to run our system is knowing the IP address of the party you are "calling".

The total cost of installation for our videoconference center, and we really did not compromise (in other words we put in a top-of-the-line system), was around \$25,000. We now have complete and total videoconferencing capability in all of our conference rooms, full audio microphone systems, and a completely adjustable camera that allows focus on an individual, or on the entire room.

Since we have been operational, the results have been astounding.

Consider this: three of our attorneys were faced with a trip to Chicago in January, for a one-day meeting with counsel from three states. It was 10 degrees above zero in the Windy City. To make the 9 a.m. meeting, we had an impossible choice: lose one entire day to travel, or take a red eye flight and lose, at least for me, an entire night's sleep, then brave the bone-chilling temperatures traveling to and from the Chicago airport. Conservatively the cost of this trip would easily have run between \$5,000 and \$7,000. Instead we were able to link the 20 or so attorneys participating via video teleconference centers in Chicago, Atlanta and San Antonio. We "met" for three hours, said our goodbyes, and then turned the television off!

Forget the actual dollar cost. Consider the physical savings in not having to schlep more than halfway across the country, missing a night home with the family, and losing the productive time I could be spending for the rest of the day in Los Angeles, rather than in travel time. I actually believe the system paid for itself through that single teleconference.

And there have been many more. Our current record is a meeting with counsel and experts sitting in conference rooms in four different states. Even counsel for the defendant, a major technology company, joined in that teleconference.

As the technology becomes more accessible, as compression of audio and video data becomes more commonplace, the fantasy of George Jetson, pictured 40 years ago, is on the verge of realization.

"See" you soon!

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Navigating the Tricky Waters of Social Networking

By Paul Lippe

One of the most significant developments on the Internet in recent years has been the rise of online communities. Whether so-called social networks like Facebook or LinkedIn, or sites for the development and sharing of knowledge like Wikipedia, these communities allow individuals to organize and coordinate various activities online.

But while there are great opportunities in social networks, there are also concerns. In recently roaming around Facebook, I noticed that there is a "group" for Kirkland & Ellis summer associates in Los Angeles. Was this set up by the summers themselves, or the firm? If the summers decide to exclude someone from the group, could the firm compel them to add that person? Would a statement made within the group be attributed to the firm? Could the firm decline to extend an offer to someone based on conduct in the group? "Firm-branded" but unsupervised participation on Facebook invites these types of questions; firm-supervised participation on Facebook would be like the raincoat salesman at a nudist colony.

So here are 10 tips for lawyers thinking about Safe Social:

1. Don't Put Your Head in the Sand. Some lawyers tend to dismiss new developments like Facebook as shallow and trivial; in this case, that would be a mistake. The growth of online communities promises to be an extremely important development for law, because in many ways the online collaboration model (which is somewhat bigger than just social networking) reflects the traditional collaboration model of law. Lawyers have always connected and collaborated via professional networks; databases, blogs, wikis, profiles, recommendations, social graphs and other modern tools will give that more reach and power. More than just online socializing, legal networks promise to enable true collaboration, allowing lawyers to spend less time re-inventing the wheel and more focused on their clients' needs.

In June 2007, Allen & Overy, generally considered the most technologically sophisticated and innovative law firm in the world, told its people to get off Facebook; within a few months, A&O had not only rescinded that order, they had invested in Legal OnRamp, the lawyers-only network we founded in concert with Cisco and other leading corporations. Social platforms soon will be very important for law — far more important than e-mail. Lawyers often describe themselves as risk-averse, but inertia is not a risk management strategy, it is an avoidance of personal responsibility strategy — "Just say No" is not a winner here.

2. Establish Clear Responsibility. Law firms should designate someone, almost certainly someone in marketing, as the owner of their social networking activities. For a law firm, social networking combines aspects of its Web site, lawyers presenting at conferences or authoring articles, traditional networks with professional societies such as the American Bar Association, traditional marketing outreach, and directories like Martindale-Hubbell. While social networks are largely a combination of known activities, the combination is new — and so it requires an integrated thought process from one individual who has both familiarity with social networks and the ability to garner support within the firm. Law firms should resist the temptation to either establish a social networking committee, an oxymoron that surely will fail, or to give primary responsibility to the technology support department.

3. Understand What Each Network Is About. Each social network is very different. Facebook, for example, is a great place for true social behavior — talking about yourself, connecting with friends, organizing informal or group activities. LinkedIn, while commonly referred to as a "professional network," is primarily a recruiting network, where only a small percentage of the participants are lawyers. Networks that primarily comprise non-lawyers create concerns about ethical rules around formation of attorney-client relationships, solicitation of clients and unauthorized practice of law.

4. Set One Clear Objective. For a law firm, the objective could be creating 10 new business opportunities in the first year; for a client, it might be reducing costs and accessing best practices from other legal departments. Precisely because social networks are heterogeneous and lend themselves to many objectives, firms and companies should clearly establish and track one objective to ensure success in that area. Think through your business goals and look for ways to pursue them — every social network has mechanisms that will enable you to achieve your goals, if you know what they are.

5. Establish a Clear Policy for Social Networks. Firms and companies should establish a clear policy for social networks for their lawyers:

- Lawyers should not share any confidential or privileged information on an open social network (see below discussion around closed social networks);
- Lawyers should participate in a truly social network like Facebook as an individual,

and not as a representative of the firm, so that they can keep their personal and professional lives reasonably separate, and maintain appropriate standards in both; and

- Remind individuals that activities on social networking sites have more scale and persistence than in other spheres, so use good judgment.

6. Don't Be Overly Fearful.

Law firms and companies should be thoughtful, not fearful, about what their people would do on a social network; there is no evidence that lawyers behave any more recklessly in a social network than they do in a conference room or in a bar or at a wedding. (I'm not aware of any firm that has a policy prohibiting its associates from participating in a chugging or wet T-shirt contest, but I am pretty sure every firm would assume that their associates would have enough judgment not to dive in wearing a firm T-shirt.)

7. Consider Lawyer Specific Social Networks. Law firms should consider lawyer-only social networks. A few comparisons between lawyer-only networks and general social networks:

- Lawyer-only networks are more likely to generate clients, because there are more clients on them, and much less likely to generate time-consuming non-clients;
- Lawyer-only networks have fewer ethical issues because they can establish clear terms of use that are lawyer-specific, and because communications received by other lawyers generally receive far less scrutiny than communications to non-lawyers;
- Lawyer-only networks have more peer-to-peer interaction for lawyers;
- Some lawyer-only networks allow both individual and firm-level participation, as opposed to only individual-level participation; and
- Lawyer-only networks have lawyer appropriate "rules of the road" with respect to copyright, legal advice, formation of attorney-client relationships, etc.

8. Be Open to Learning. For the first time in the recent history of law, the nature of social networks will favor the skills and experience of younger lawyers, and the intuitive reactions of senior lawyers in firms may often be unsophisticated. Firms especially must be open to learning from younger folks and non-lawyers about how to use these platforms successfully.

9. Where Appropriate, Participate in Collaborative Private Networks. Many sophisticated legal departments like Cisco Sys-

tems and Novellus are creating "Collaborative Private Networks," using some of the tools and approaches of social networks, but limiting participation to their legal department, or occasionally, select law firms. Cisco CEO John Chambers has said, "Collaboration will be the key productivity driver of the next decade," and much of legal work lends itself to these types of collaborative platforms, using tools such as wikis.

10. It's Not About Technology. Online communities are about people, not computers; clients want to connect to trusted experts, not just documents. Using technology to strengthen the role of people will improve everyone's professional satisfaction. Technology is not a silver bullet, but judicious use of technology can better align firms and clients, reducing costs, improving value and enhancing everyone's satisfaction.

Lawyers have always understood the need to adopt new tools to serve their clients. Social networks won't be any different.

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