The Colorado Lawyer
April 1998
Vol. 27, No. 4 [Page 53]

Specialty Law Columns
Automation Annotations
Communication Tools for the Twenty-first Century
by Phil Cherner

As technology marches on, lawyers have the opportunity to use new tools to facilitate communication. Two underutilized tools in the arsenal are fax software and electronic mailing lists, or listservs.

Fax Software

Attorneys who use Windows® know that when a document is printed, it can be routed to any number of printers installed on the user's computer. For example, a computer might have a local printer and network printer. Laptop users might have a printer at the office and a printer at home. Each time something is printed, the software asks which printer to use.

Fax software, as far as the computer is concerned, is just another printer. When a document is printed, the user is presented with the usual "which printer?" dialog box. When fax software is installed, there is an additional choice: print to the fax software. If this option is chosen, the fax software then receives the document as if it were a printer. The word processor does not know the difference. Once the fax software has the document, it takes over. The document can then be faxed to one person or a thousand based on the user's instructions.

Where the document is sent depends on how the user instructs the software. It is quite easy to maintain an address book for the software that allows the user to send to one individual, groups of individuals, or the whole phone book. Almost all fax software, including Microsoft Fax®,

which is included in Windows95®, allows the user to maintain an extensive address book. Other packages, such as Symantec's WinFax®, allow sorting by a number of criteria, including zip code, alphabetical, area code, and cities. For example, if the user wants to fax a document to all the lawyers whose addresses are in Denver, that can easily be accomplished.

Most fax software allows the use of a number of different files for mailing lists. Most users, in fact, already have mailing lists--for example, for sending holiday cards or an organization's mailing list. If the list is maintained in an ACT!®, Lotus Organizer®, or dBase file, products such as WinFax can link to it directly. Other common file formats can be imported. Once in the computer, it is easy to use.

The software keeps track of faxes that do not go through, so users can re-send or, if that does not work, can double-check the phone number and update the list accordingly. Updating the list does require some work, but is not insurmountable. Fax software also can keep a copy of transmitted documents up to the limit of storage space on the hard drive, which, these days, is considerable. If space is a problem, the faxes also can be archived. To prove service via fax, the user can then print out the fax, along with a header that shows such information as when it was sent, how long it took, to whom it was sent, and the phone number.

Faxing a document from the computer is functionally like faxing a document from a fax machine, but easier. There is no paper involved on the user's end, and the computer can send the document to an almost unlimited number of individuals. One problem, however, is that the original does not contain an original signature. This can be solved in a couple of ways. One is to scan the document rather than printing it directly from the word processing program. The scanned document will, of course, have the sender's original signature and can then be printed.

A simpler method, however, is to scan a signature and turn it into a graphic for the word processor. For example, most word-processing packages, including WordPerfect and Word, permit the user to embed graphics in the text of documents. The user can create a graphic of his or her signature, then embed it in the text of the document. The graphic can be saved in a file for future documents. Then, when composing other material, the user can append the signature by just placing the graphic where it belongs.

Faxing via computer is a powerful tool, and it can be used in a number of ways. In cases with multiple parties, for example, the pleadings can be faxed to various lawyers rather than mailed. The cost differential is significant because the fax is often a local call, with no stamp, no envelope, no copying, and no addressing. An address book can be set up for each case so that the user simply sends the document to every lawyer who has entered an appearance. Again, there is the question of a signature, but, in this author's experience, the lawyers who are receiving the document are

more interested in getting the document than whether it is signed. Obviously, the recipients also get the copy quicker than if they received it by mail. This is of some use when time is of the essence.

If the document has attachments, they can be scanned and appended to the fax. A final tip: send the document in "fine" mode. It takes slightly longer, but produces a much better copy at the receiving end.

Another use is communication for an organization. The Colorado Criminal Defense Bar ("CCDB"), for example, has 500 members and often brings its members up-to-date via faxes. These faxes are generally sent out at night because a number of the calls are long distance. The beauty of using a fax modem is that it can be scheduled to dial at a particular time. For instance, a one-page letter may take several hours when sent to 500 members. However, because the computer has its own line, there is no problem tying up the phone. The CCDB computer is programmed to begin dialing at 11 p.m. (when phone rates are cheap), and it dials all night. In the morning, the faxes that did not go through are listed, and the CCDB can take appropriate action.

Listservs

The term "listserv" is a recent creation that likely stems from the process of a computer *server* on a network sending mail to a designated *list* of addresses. A listserv can be described as shared e-mail that is subscribed to, usually by an e-mail addressed to the list owner containing the word "subscribe" and the name of the list. The server maintains a list of subscribers to whom it forwards e-mail that is sent to the server. It could be two or 200,000. Because it is e-mail, it is entirely electronic.

Subscribing to a listserv also entitles the user to post messages to it. Depending on whether or not the list is "moderated," mail sent to the list is either automatically sent to anyone who subscribes to the list, or checked for appropriate content before forwarding. There are numerous listservs covering a multitude of interests, many of which can be located using a list-specific search engine such as CataList[1] or Liszt.[2]

Effectively using a list is as simple as using e-mail. As an example, there is a list for those interested in discussing evidence issues. If a subscriber sends a message to the list, it echoes to everyone else who subscribes--that is, others who have the same interest. When the others check their mail, they find that message. If they choose to respond, they address their response to the same list and the list again echoes their message to all the other subscribers. In this way, an ongoing dialog takes place on the topic. Since it is done through e-mail, the users do not need to do any more than open the mailbox. There is no need to go to a specific web site or Internet location to see what has been posted.

As mentioned, listservs are commonly used as discussion forums. However, another use is emerging: as a tool to promote group coherence and a sense of community. The CCDB maintains a listserv for its 500 members. At least 160 of those members have Internet addresses and are subscribers. Any member can post a note to the list asking for advice, exploring an issue, or sending news of interest to the members. The criminal defense community is spread out, and almost all of the practitioners are either solos or in small firms. The ability for lawyers all over the state to stay in touch instantly on criminal defense issues is a powerful tool.

Creating a listserv is simple. Most Internet service providers have software installed on their servers to do it. The user or organization has to pay a monthly fee, which may be scaled to the number of messages. The physical location of the server is irrelevant because the listserv can be managed by the list operator remotely through e-mail. Individuals can be added, deleted, or have their addresses edited in that fashion.

Fax Versus E-Mail

There are relative advantages and disadvantages to faxing and electronic mail. E-mail is faster, especially to groups. Nearly every practitioner has a fax machine, but not nearly everyone has an e-mail address (yet). Some e-mail systems support complex formatting and images, but the lowest common denominator for e-mail remains plain text. Fax, on the other hand, allows what-you-see-is-what-you-get transmission, at least in black and white. There is as yet no universally acceptable way to put an original signature on a piece of e-mail. Once an Internet connection is available, e-mail is nearly free; faxing increasingly requires, in this age of area code explosion, long-distance calls.

Whatever the user chooses--fax, e-mail, or a combination of both--the biggest advantage is the ease of being able to communicate almost instantaneously with the world outside the office.

NOTES

1. CataList, www.lsoft.com/lists/listref.html.

2. Liszt, www.liszt.com.

This article was written by Phil Cherner, a sole practitioner in Denver.