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The Lawyer's Toolkit: A 30-Year Retrospective

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A lot has changed in the last 30 years for bankruptcy attorneys. In December 1980, the state bar issued bar number 93548 to the author, Loyola Law School class of 1980. In December 2010, it issued bar number 273894 to Joy Chen, Loyola Law School class of 2010. She asked me how the law has changed during "my time."

What Is the Same (The Job of Lawyering)

- A lawyer helps the client identify options and make the best choices under difficult circumstances.
- The transactional lawyer's job is to find and clearly document practical solutions for the client.
- The litigator's job is to present the client's position in the best light, be a master of civil procedure and evidence, and identify the time to press for a fair settlement or battle.
- A lawyer's key assets are intelligence, education, experience, thoughtful analysis and a good attitude.

What Has Changed (A Lawyer's Tools and Procedures)



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Here are a few of the things that have changed in the past three decades. In 1980, a lawyer started his or her day with stale black coffee and a chocolate donut. In 2011, the day starts with an "extra hot, skinny, no whip, Americano" and an organic muffin.

In 1980, communications took place in meetings or by letter, fax, cable, or telegram (remember those?)

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and on telephone handsets designed in 1948. When I was a young associate, I purchased a 45-pound "car phone" for \$3,500. In 2011, meetings are rare. Communications take place by email and texting, on speakerphones and BlackBerrys (with hip-hop ring tones). Unreturned communications are still a major source of attorney discipline.

In 1980, the average ratio was one law firm partner and one associate to one secretary. In 2011, the average ratio is about five lawyers to one professional assistant.

In 1980, document preparation started with an outline on a yellow pad, followed by dictation to a secretary, who

In 1980, court filings were blue-backed and carried by messengers. In 2011, most federal pleadings are filed online. Lawyers are deputy clerks of the court and make direct entries on the court docket. As a result, docket entries are filled with spelling errors and "bonus" advocacy.

In 1980, a client found a lawyer by reputation and word of mouth. *Martindale Hubbell* was a daily tool, and lawyer certification was still a pilot program. Lawyers promoted themselves by public service, being quoted in a newspaper, writing articles and volunteering in organizations. In 2011, clients still find lawyers by reputation and word of mouth, and *Martindale Hubbell* has morphed into law.com. Mature state and national certification programs abound. Lawyer advertising is everywhere (websites, television and

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wrote in shorthand. Secretaries had typewriters without error correction. Legal secretaries were top spellers, editors and letter-perfect typists. There were no modern word-processing features (e.g., spell check, track changes, cut and paste, etc.). When computers landed on lawyers' desks, a controversy sprang up: Could a lawyer ethically bill a client for typing his own letter or pleading in WordPerfect 5.1?

In 2011, document preparation means zippy word processing in Word 2010. Lawyers prepare most of their own drafts on computers. A few lawyer-geeks dictate directly into the computer while the software types along.

In 1980, secretaries used carbon paper. Large firms and law schools owned finicky black and white photocopy machines. In 2011, color photocopy machines are ubiquitous.

radio spots, blogs, "Super Lawyer" tombstones, e-newsletters and more). Lawyers still like to be quoted.

In 1980, lawyers recorded their billable time on paper timesheets. Good lawyers charged \$60 per hour and mailed paper invoices. In 2011, lawyers log every minute of their time on computers. Some lawyers charge up to \$1,000 an hour. Invoices are emailed.

In 1980, research was done in libraries with books. Lexis and Westlaw were new, and lawyers worked in law firms to spread out the cost of a library. In 2011, research is almost always done online. Lexis and Westlaw have artificial intelligence. Boolean searching is taught in law school. Primary legal resources are available online.

In 1980, a librarian was the best resource for...almost everything. In 2011, Google is the best resource for...almost everything (but I still love librarians).

¹ The author thanks attorney Nicole LeBlanc for her editorial suggestions.

In 1980, appearances were done in person. In 2011, appearances are done on the telephone, by video and in person.

In 1980, books were published on paper. In 2011, books are published on paper and in digital form.

In 1980, every pleading was a custom project, typewritten in courier font. In 2011, many common pleadings have been reduced to fillable PDF forms.

In 1980, the lawyer wrote down his or her tasks on a pad of paper. A manual tickler system and paper calendar served as the backup. In 2011, your computer keeps the task list and sounds an alarm for each deadline.

In 1980, a lawyer kept up to date through dinners and the few formal educational programs. In 2011, a lawyer has boundless educational opportunities (state bar meetings, local bar group dinners, county bar associations, brown-bag courtroom programs, CDs, videos, etc.). See the master calendar at bankruptcydog.com.

In 1980, white males dominated in the profession and it took years to become a partner at your law firm (if ever). In 2011, color and gender barriers are slowly dissolving—but it still takes years to become a partner at your law firm (if ever).

My robot looks forward to reading Chen's own retrospective in 2041. ■

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