



## Small Business Testimonial

# Bartlit Beck Herman Palenchar and Scott: Defending the Case for Wireless Mobility

## SOLUTION SUMMARY

Bartlit Beck Herman Palenchar and Scott, a 98-employee law firm based in Chicago, understands the power of mobile computing. In today's legal disputes, lawyers need every competitive advantage they can get. By leveraging high-performance mobile PCs and graphics software, Bartlit Beck has transformed the typically drab courtroom experience into a highly visual, digital interaction — allowing them to more effectively present and win cases. In addition, they have embraced the usage of wireless LAN connectivity to maximize productivity while fostering a sense of collaboration and teamwork. As a result of the technologies they have implemented, Bartlit Beck can operate more efficiently — and more successfully — than ever before.

## Challenge: Winning with Fewer Lawyers in Less Time

Chicago, IL-based law firm Bartlit Beck Herman Palenchar and Scott opened its doors in 1993, and has since represented some of the most successful companies in the world. When first establishing their firm, founders Fred Bartlit and Phil Beck had a unique vision for a law practice composed of small teams that would bill by the project, rather than by the hour. In order to make their model work, however, they needed to increase productivity per employee, while still exceeding their clients' expectations for success. "When you are charging by the project and getting paid more for success than for failure, you have to make sure that things are run as efficiently as possible," explains Tom Mensch, Director of Technology for Bartlit Beck. "That's why we use mobile PCs. The focus is on winning the trial, not on how long it takes."

## Solution: Adoption of High-Performance Mobile PCs

Today, Bartlit Beck holds a courtroom victory record of 31 wins, 2 ties and 3 losses — a trial record unparalleled in complex litigation. They have 98 employees, 60% of whom use mobile PCs as their primary computing tool. For each of the 42 lawyers in the firm, a high-performance mobile PC has now become an indispensable part of case preparation and trial work. As Mensch describes it, "laptops are the lifeblood of the firm."

From the very beginning, the firm made certain that each and every lawyer and legal assistant had his or her own laptop. All of the lawyers store the entirety of their case on their hard drive, including all documents, depositions, and graphics. This allows them to keep critical information at their fingertips, no matter if they are in the office, in the courtroom, or at a client site.

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*Tom Mensch,  
Director of Technology  
for Bartlit Beck Herman  
Palenchar and Scott*

When Bartlit Beck lawyers begin a new trial, they create a Microsoft® Access® database to hold all of the related information they require to analyze a case — memos, deposition and trial transcripts, business records, exhibits, and legal briefs, for example. The lawyers input most of the data themselves, and any papers, photographs, and images are scanned, inventoried, and marked for digital storage.

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**Tom Mensch,**  
Director of Technology  
for Bartlit Beck Herman  
Palenchar and Scott

In addition to their “case” databases, Bartlit Beck also set up a searchable, networked database into which all internal research documents are posted. With this central repository of information, the firm can avoid unnecessary (and unintentional) duplication of work.

“We wanted to ensure that if one of the lawyers wrote a brief three weeks ago on the standards that apply in a preliminary injunction, someone else could enter the words “preliminary injunction”

into the database and download that brief instantly, rather than starting from scratch,” says Mensch.

But mobile PCs are not utilized only for case preparation — they’re also employed in the courtroom itself during a trial. “The lawyers use their notebooks extensively to present arguments, show exhibits, take notes, and search through transcripts of previous trials or depositions to demonstrate what has been said earlier in the case,” describes Mensch.

Bartlit Beck began deploying mobile PCs based on the Mobile Intel® Pentium® 4 Processor - M in August of 2002, and is buying new notebooks on an almost weekly basis, utilizing online resellers for the vast majority of its technology purchases. Their mobile PC system specifications include processor speeds starting at 1.6GHz, 13 to 14” screen displays, 512MB to 1GB of SDRAM, and 20 to 48GB internal hard drives.

“All of our new notebooks come with the Mobile Intel Pentium 4 Processor - M...” says Mensch. “...And they will continue to be that way until the next generation of mobile processors. We always buy PCs with Intel® processors and usually upgrade to the newer technologies and higher speeds as soon as they become available.”

Bartlit Beck’s new mobile PCs all run the Microsoft® Windows® XP operating system and come equipped with the Microsoft® Office® productivity suite, Adobe® Acrobat®, and WorkSite® (from iManage), the firm’s networked database application. In addition, specific law-related software such as LiveNote® (from LiveNote Technologies), PaperPort® Software (from ScanSoft), and TrialMax® (from FTI Consulting) have been loaded on their notebooks to improve the lawyers’ courtroom experience.

LiveNote is a software application that automatically transfers testimony from a court reporter’s machine to a lawyer’s mobile PC while the testimony is being delivered. Afterwards, the lawyers can annotate the transcript and e-mail clips to their client for review. Bartlit Beck also saves the transcripts in the case database, where it can be recalled using text queries, saving precious time during future searches. PaperPort is a type of scanning software that is used to transform hard-copy papers into digital documents, making it easier for lawyers to store, organize, and retrieve data on their mobile PCs.

The TrialMax presentation software allows Bartlit Beck lawyers to present an entire exhibit package on screen, including anything from audio and video clips to Microsoft® PowerPoint® documents. This tool not only allows lawyers to view and edit in real-time, but it also enables them to creatively present documents by magnifying portions of the exhibit and/or splitting the screen to display another document or photograph simultaneously for comparison.

“This type of software really requires high-performance processors,” stresses Mensch.

## **Bringing Cases to Life through Multimedia Technology**

Peter Bensinger is one of the most tech-savvy and “mobile” of all the lawyers at Bartlit Beck. He has seen how technology has completely changed the quality of his work, not to mention the process by which he gathers and uses information.

Months before a trial even begins, Bensinger will interview his client's witnesses and cooperating third parties. He will use his mobile PC and an LCD projector to display documents during the interviews to elicit feedback and confirm that his impressions are accurate. During the pre-trial discovery period, Bensinger might also bring along a scanner and leverage various software applications to create what he aptly dubs a "multimedia deposition."

"I'll give a witness an exhibit, but display it on the screen so everyone can see it," says Bensinger. "I'll zoom in or highlight the sentence I want to focus on and ask, 'Do you see that? I want to ask you a question about that.' And with real-time transcription, I can show a witness a prior answer and follow up on it."

Using the scanner, Bensinger can also have a witness create exhibits on the fly and project them immediately onto a screen for review and further scrutiny. He notes that, "witnesses love to see their own material up on the screen." In patent cases in particular, inventors enjoy sketching diagrams and feel more at ease using visual representations to elucidate their thoughts.

Bensinger also leverages his mobile PC and various software applications to create compelling exhibits for use during the actual trial. For example, he will develop a brief in Microsoft® Word®, incorporate graphics, and then convert it into a PDF file with Adobe Acrobat.

"It turns out looking very much like a magazine — with text, high-resolution photographs, and graphics," says Bensinger. "This type of 'magazine brief' is a very functional way of presenting the information to a judge. And it's not rocket science — any lawyer could do it."

"If I didn't have such a high-end machine, there is no way I could do any of this," asserts Bensinger. "There is so much data and graphics manipulation that you need a lot of processing power. As you get into integration of more and more applications, and start using bigger and bigger chunks of data, the machine just works better with more horsepower. When you are multitasking and regularly have several applications open at once — including heavy digital images, large files, serious graphics and video — you just have a better experience with a machine is that much more robust."

Having the ability to leverage such advanced technology "dramatically enhances our case because you are showing the testimony to the jury instead of just talking about it. You are actually projecting the exact document on the screen and reading it line for line," explains Bensinger. By showing witnesses, jurors, and opposing counsel exactly what was said, he can eliminate questions and possible objections about mischaracterization of testimony. Furthermore, he adds that, "our ability to show evidence using our digital tools enhances our credibility, and that in turn improves our likelihood of winning."

The first time the lawyers at Bartlit Beck walked into the courtroom with this display of technology, they were apprehensive. "We were concerned that the jury would hold the high-tech stuff against us and feel sorry for the other guy," says Bensinger. "Instead, we found that jurors appreciate that we save a lot of time, rather than shuffling through notes or passing out a lot of papers."

"I really don't know any firm that uses mobile PCs more aggressively than we do. In fact, they improve the quality of the 'lawyering' itself. There is no more picking up the phone and calling a legal assistant to bring you a missing document.

"Now when you are preparing a case, you have all the transcripts, all the documents, and all the annotations right at your fingertips, so you are able to think with a rapidity and focus that you were not able to achieve in the past. By juxtaposing multiple documents while working through an issue, you are far more likely to gain perceptive insights — which may have been missed while waiting for additional documents to arrive and becoming distracted by some other task. Reflecting back, this was an unanticipated benefit."

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**Peter Bensinger,**  
Litigation Partner for Bartlit  
Beck Herman Palenchar  
and Scott

## Going Wireless

Currently, 10 of Bartlit Beck's employees use wirelessly enabled mobile PCs. In the beginning, the firm bought add-on wireless cards for their mobile PCs, but now they purchase notebooks with integrated 802.11b wireless cards.

Bartlit Beck has deployed an 802.11b wireless network using Intel® PRO/Wireless LAN access points throughout their Chicago offices, as well as an 802.11a network for trial office usage. Mensch elaborates on the reasons for the dual networks: "I wanted to try both, and we had the need to deploy a stand-alone wireless network in an alternate location after our first jump into 802.11b. I have an Intel® 802.11a set-up as well, and have found it to be much faster."

When lawyers are on trial in remote locations, Mensch will also create "ad-hoc" wireless networks. Depending on the location, the number of people working on the trial, and the usage requirements, Mensch will take either the 802.11a or 802.11b set up with him.

Mensch says that the firm deployed a wireless network because "most people don't spend a lot of time in their offices. They either walk around to other people's offices, or they go to the Forum, which is also equipped with 802.11b wireless LAN. Lawyers can pick up their computer, walk into the Forum, and keep on working."

Bartlit Beck's "Forum" is designed to be a central location for collaborative work to take place. It functions as a permanent "war room" where teams of Bartlit Beck lawyers and client personnel can develop theories, plan strategies, and design demonstrative aids. The Forum also holds a full-scale basketball court, which provides both a whimsical backdrop and allows for the occasional free-throw contest or pick-up game. It is symbolic of the teamwork amongst lawyers and clients that will produce the best results at trial.

## The Future of Mobile Computing at Bartlit Beck Herman Palenchar and Scott

Mensch says that Bartlit Beck is always evaluating the newest mobile PCs on the market, and will continue to purchase at the top of the technology curve going forward.

In terms of wireless, he is looking forward to continued advancements in speed and coverage, as well as smarter integration with the PC hardware. Features such as dual-band 802.11a/b and seamless "roaming" between networks would also be very attractive from an ease of use and convenience perspective.

One issue that does concern Mensch is wireless security and the tactics to employ to more tightly secure the firm's data and network. He is also anxiously awaiting the adoption of the 802.11g standard, which will be backwards compatible with 802.11b but have higher data rates.

## LESSONS LEARNED

The use of mobile PCs at Bartlit Beck Herman Palenchar and Scott enables the law firm to maximize productivity per lawyer, while helping to create vivid presentations in the courtroom. After deploying wirelessly enabled, high-performance mobile PCs within their firm, Bartlit Beck learned that:

- Utilizing mobile PCs as their primary computing tool allows Bartlit Beck lawyers to vastly improve efficiency by eliminating lengthy document searches and duplication of effort in research development.
- Heavy multitasking, data integration, and graphics manipulation require high-performance processors to handle the increased workload on the notebook.
- Having immediate access to desired documents in a digitized format triggers breakthrough insights through simultaneous review and analysis, while ubiquitous wireless connectivity encourages spontaneous collaboration for further idea generation.
- Bringing technology into the courtrooms via mobile PCs and presentation software increases the likelihood of victory as a result of clearer, more comprehensive, and more impactful testimony.



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