

Technology Corner

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Technology, computers, iPads, smart phones and software are all just tools. IMHO (In My Humble Opinion)¹, tools are chosen for a purpose. They enable us to perform our jobs more efficiently, quicker, and qualitatively better. The focus of this article is on the use of personal technology.

Use of devices in the Courtroom: Some courtrooms have a rule that all electronic devices should be turned off. Judges do not appreciate hearing beeps and vibrations from electronic devices. If I am in an unfamiliar courtroom and there is any indication that there is such a rule (either by a written sign or a warning from a bailiff), I always leave my iPad off. When the case is called, I will acknowledge the rule and ask for permission to use my iPad or iPhone. Sometimes, a court will caution me not to record the proceedings, but usually the judicial office appreciates that I've acknowledge the rule and asked for permission. Very rarely will a court deny this request; as I type this, I cannot think of a single instance when my request was denied.

Live Research: No matter how much I prepare, sometimes opposing counsel will raise something in oral arguments that I may not have considered. They may refer to a rule, a code, or a case that either I did not review. If this happens, I have the California Rules of Court, and all California codes, downloaded on my phone and tablet. Additionally, both devices and my iPad use LexisAdvance and Attorney's Briefcase apps ready for real-time internet research. It is very rare that a judge will not allow me a few moments if I say, "your honor, let me pull up that case." Generally, when that happens, the court will pull the case up its computer or take a short recess to do the same.

Orders: In the new era, court reporters are a rare luxury. The Rules of Court related to processing orders after hearing are cumbersome and inefficient. If counsel has different recollections of a proceeding and there is



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no transcript, you may quite literally need to relitigate a motion, particularly of the court's own notes or the minutes were not complete. The process is wasteful and unnecessary. The better approach is to leave the court with a clear, signed order.

Some judges will give litigants their notes to attach to a court order (which is very cool). However, that does not happen frequently. The better approach is to draft the order as soon as the hearing is over and present it to the court before you leave. At the close of a hearing, I typically advise the court that I will draft the order at court as soon as the hearing is over. I then invite opposing counsel to wait while I prepare it. I typically type the order on my laptop, having brought a preformatted order with me to the hearing, and then commandeer any printer I can find. Most courts that I appear in have hallway computers and printers available to draft orders or run support calculation. Most of these computers (amusingly) are attached to a HP LaserJet 1022. I usually just pull the printer cable from the court computer, plug into my laptop to print what I need, and then return the cable back to where it was plugged in. Then, parties and attorneys can leave the court with a signed order.

Endnotes

- 1 Abbreviations are becoming commonplace. Many of the abbreviations we use today started from the early days of text message. If you run across an abbreviation you are unfamiliar with, look it up on the www.merriam-webster.com website or www.abbreviations.com.