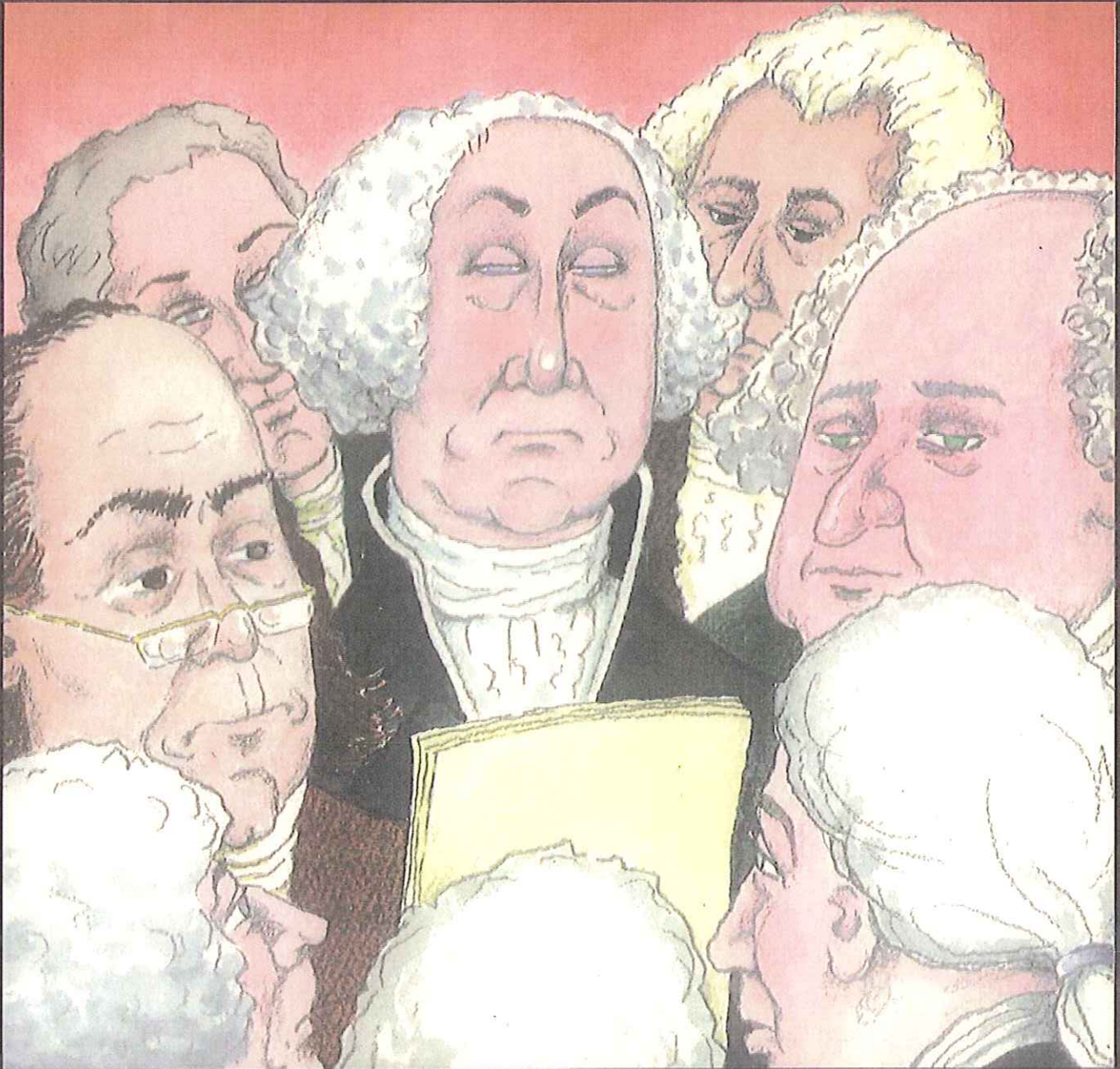


The Journal of the Section of Litigation

American Bar Association

# Litigation

ABA Vol. 36 No. 4 Summer 2010



**Requirements, Relations, Representations**



## Sidebar

# Before and Now

I began practicing as the sun popped over the horizon, chasing the dark and warming the tranquil bay. Before the late '70s, law was a fraternity on an orange bright autumn afternoon with boys in striped ties strolling across a lush green to a noisy stadium, carelessly smiling at the wonder of their world. Oh, sure, some guys with sharp elbows and minds from Flatbush or Woodside climbed out of the subway downtown and entered those polished rooms where deals were negotiated with a few polite words, a nod, and a firm handshake. The hurricane of the 1960s and early 1970s rattled this serene America, but strong oak doors and tightly woven oriental rugs kept the rabble outside.

A profession, that's what it was way back when. Before. Battles occurred but in soft, crooning voices, respectful tones. Contracts, briefs, motions were typed by proper, efficient women from the Grace Institute. Letters were dictated in confident words from three-piece gray suits. Carbon paper blackened your hands and occasionally your white shirt. Pockets were stuffed with dimes so a call from court could detail the judge's decision.

In what now seems like the Dark Ages, cute, nervous secretaries would skip a word or phrase leading to audible sighs and groans, for the page had to be retyped. Everything took time, from dialing the phone to Shepardizing cases to opening the mail. Typewriter repairmen

by **Kenneth P. Nolan**  
Senior Editor

made monthly visits, mailmen strained to carry bundles, harried receptionists scribbled telephone messages. An era of Wite-Out and special erasable paper, of hand-delivered letters, of desks piled high with volumes of New York Supps where a skilled secretary was more valued than a senior partner.

Gradual changes—copy machines proliferated, IBM Selectrics allowed typos to be corrected by backspacing, dictating equipment with giant microphones and tape replaced shorthand, telexes magically sent brief messages overseas. Then rudimentary computers and fax machines with paper that faded after a few months. And when I was watching my kids turn into annoying teenagers, the 'net, voice mail, laptops, and cell phones materialized. Books, newspapers, entire law libraries disappeared, and you'll serve hard time if you ever try to file a single paper in federal court. And now there's Google and iPhones and Facebook and Twitter and blogs. And everyone knows everything about you, and we've all seen photos of you doing belly shots.

It wasn't only technology that

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changed in the 30-plus years since I anxiously entered the Pan Am building the morning after Labor Day. In law school, I interned for Maxine Duberstein and Sybil Hart Kooper, the first female Supreme Court justices in Kings County (only in New York is the Supreme Court the trial court). Older women would enter the courtroom, sit quietly until a break, and then approach and tell those judges, whom they didn't know, how proud they were.

Lawsuits and deals multiplied, new judges appeared daily, firms hired until there were hundreds, thousands. The weak vanished, and the strong demanded more—lawyers, clients, money. And we know that some time, probably when we were talking to the architect, the profession that I had joined became a business and—poof—gone were the days of loyalty and friendship and care if they ever existed.

But my purpose is not to lament a world of which I had no part, of which I knew little. My education was on gum-stained sidewalks with only the occasional strong London plane providing shade from the smelly heat. Family you could trust; friends from down the block, most of the time. Everyone else who wasn't from here, the neighborhood, whom you didn't know since birth, forget it. They're not us.

Like many I profited from the tsunami of litigation, especially personal injury, the headline-grabbing jury verdicts, the

med mal, product cases, and the innovative arguments to victory. Whether these myriad changes, including callous law firms—hey, we love you but you're not making us money, get out—were good or bad, I'll leave to those more thoughtful. It is what it is.

I love Google and YouTube and Facebook and blogs, the photos of my many cousins' kids adorable in their March shamrocks or in party dresses all grown up. I can friend guys I haven't seen for decades and see photos of their long-gone parents, of blessed memory. I can check the Yankees' score after each batter; no more running to the candy store to buy *The News*, praying that Duke Snider hit a homer or the Newk pitched a shut-out. Love the ease, access to the world's knowledge, and am happy that carbon paper no longer sullies my pale skin.

Yet, when I hold a newspaper in my hands—yes, I'm that antiquated—I inevitably learn about sexting, dialing drunk, cyberstalking, and I wonder. In the movie *Up in the Air*, the so capable young woman follows a boy to Omaha only to be dumped via text message. "Texting is the devil. Stop it," advises Professor Kerry Cronin of Boston College, who mandates that her students go on a date in order to pass her class. Funny, right? Until she relates that one student asked, But where would we go?

I don't know, but there's this city called Boston.

And how would we get there?

The T (mass transit), just a guess.

But then we'd have to talk all the time we're on the T.

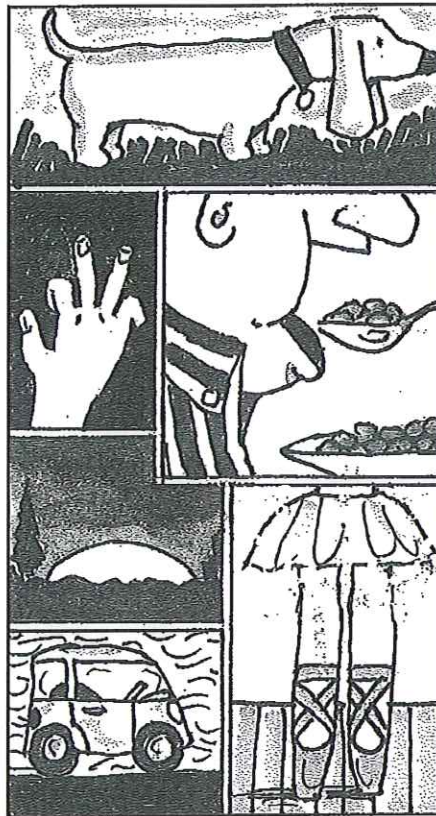
Yes, that's a date, the good professor exclaims. (See Professor Cronin's "Rules of the 1st Date," on YouTube.)

Professor Cronin laments the hook-up generation where oral communication is non-existent, all words electronic. Where my daughter phones from her room to tell me to shut up when I'm screaming like a maniac after an Eli Manning TD. Where students in Gary Sasso's law school class rarely look up from their computer screens. Where one third-year, a professor noted, was watching graphic porn during class. Alas, all we ever had were the tabloids.

We know that kids spend too much time on cells, computers, and video games. Hey, our parents thought we'd amount to nothing because we watched too much TV. Oops. They were right. But I won't lecture to shut off the iPhone, sit in Starbucks and stare into

brown eyes, discussing Barack's March Madness picks. Useless. Instead, some common sense for those raised by Steve Jobs and Sergey Brin, who have 876 friends on Facebook and who sent 1,246 texts last month.

**Stop posting every photo.** Is it a requirement that every under-30 has at least one photo with both middle fingers raised? Or of being passed out on the couch? Or Saki bombing like my under-age daughter? A 40-something sitting on the toilet is not funny. Even my juvenile sense of humor says enough.



In *The Hangover*, photos were viewed once and destroyed. If you don't want grandma to see it, don't post it. Go ahead, circulate hundreds of your week in Maui or of your oh-so-perfect brat. But stop embarrassing yourself and friends.

Some post a pix of every meal. It's a way to "share their lives," or stick to a diet, according to the *New York Times*. I'm not that interested in what I eat, never mind your bowl of Frosted Flakes. And I already know you're fat.

Professional athletes and others e-mail photos of their private parts to women who immediately post them on the 'net. Not only are they vulgar but

these images will be seen by their teenage children some day. Photos are like cockroaches, can't ever be eradicated.

**Too much information.** Your personal life is, well, personal. So you enjoyed your breakfast fish fry with a cold Leinenkugel. You thought the special effects in *Avatar* were groovy. You're reading *The Seven Habits of Highly Effective People*. Fine. But I don't care if you've finally met your soul mate, had a spat with your girlfriend, or have a runny nose. Really, other than the people you live with, no one does.

Ballerinas tweet during intermission, detailing bumps, bruises, and please God don't let me be fat. NBA players have been fined for tweeting during a game. Celebrities complain about no personal life but then tweet that they just had a latte or that they're separating from their one true love. Even Miley Cyrus recently said that she's stopping posting info on Twitter because she can't complain about lack of privacy and then tweet that she took a shower.

I don't get it. Why does everyone want the world to know everything? You're not that interesting. You're a lawyer, not a rock star. You write briefs that, at best, are clear. Fitzgerald, Hemingway, nah. In your heels and simple jewelry, you litigate disputes concerning money. You're not dismantling IEDs like the soldier in *The Hurt Locker*.

Wedding sites abound, detailing the first date, kiss, with photos of the poor slob on bended knee. I guess it was similar when I was in college when some pretty girl would march into the silent library, thrust out her finger and scream, "I got engaged." Now the brash announcement is electronic with excessive minutiae of the relationship, church, reception, honeymoon. It's part of the Look at Me phenomenon, the I'm the First Ever to Get Married, the I'm the First Ever to Have a Baby syndrome.

**Don't abuse technology.** It's easy to send an e-mail belittling work or effort, dump someone via text, or repeat cruel gossip. Difficult to call, say these words, and listen to a reaction. Impossible for most to sit and state them face to face. Impersonal communication allows cowards to transmit nasty, malicious words without repercussion, response. The sad suicide of a 15-year-old in Massachusetts was ostensibly partly caused by cyberbullying. If you can't say it to someone's face, don't e-mail or text it.

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## Sidebar

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After a 17-year-old committed suicide, harassing posts on Facebook continued and were even posted on a tribute page. You never see or hear the tears, the desperation after you click the Send button. Way too easy to be a creep.

**Talk.** In person. You're smart, funny, beautiful. Sure it's more work than e-mail, but so much more rewarding. Stop checking your phone every second and have a sustained conversation. That's how you know a person.

Stop multi-tasking. Driving while texting, e-mailing while talking, browsing while on conference calls (guilty, Your Honor). An MIT study proved that we don't multi-task. We just switch attention from one task to another extremely quickly. You can focus on only one at a time. It's hard to concentrate; easy to flit about without reverie or much thought. Be a bit more European, sip a glass of wine and talk, linger over the dinner table. Sit on a park bench and watch the parade. And then tell someone about it.

On occasion, step away from technology. The Georgia Tech basketball team gave up cell phones for the ACC and NCAA tournaments. One player mentioned that every two seconds someone's hitting us up, texting, calling. Without them, the team focused, talked more. Not enough to win, but there's no doubt that responding to texts and e-mailing constantly hinder serious and deep reflection, concentration.

I often wonder how we functioned those many years ago when I was a dopey new lawyer. But then, our ancestors built the Coliseum, the Pyramids, even the Brooklyn Bridge. It took longer and was more arduous, but people thrived and great works were created. It's so much easier today, quicker. But better? ☐