

The Gnu-Linux Lawyer

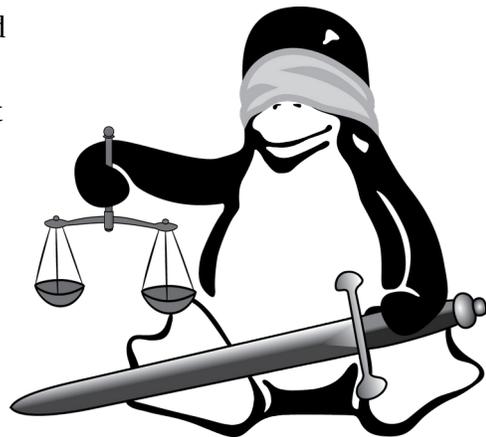
(I've Got A Penguin in My Briefs)

by Steven A. Reisler

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In 2004, after practicing law for 23 years in a mid-sized downtown Seattle law firm, I opened my own boutique law practice. I decided to make Gnu-Linux the centerpiece of a completely free/open software law firm environment.

The practice of law is a knowledge, information and document intensive profession. In many respects, lawyers ply their trade in the same way independent programmers do: we sell our expertise, experience and technical skill in using what is, essentially, the aboriginal “open” source code – the code of laws and courtroom procedure.



Almost everything about the practice of law is open and public. You do not “lease” the law from any corporation and you do not acquire a license to use any federal or state statute, municipal code or administrative regulation. What the client pays for is the lawyer's knowledge about how to use a highly complicated set of frequently asynchronous laws and procedures, much like what a client pays for when hiring a programmer. In the Anglo-American legal system, the attorney deals with “legacy” code (otherwise known as “Common Law”) built up through the accretion of judicial case decisions over time (as in centuries, on occasion) and utility “programs” for special applications like federal taxation, bankruptcy, land use, criminal prosecutions and divorce proceedings.

The “expertise” in law is knowing what sources to look in, how to read the “code”, what it means, and, most importantly, how to creatively and productively apply it in the context of a particular problem. In short, lawyers are not “law processors”, but “code programmers” working like free and open source computer consultants. Lawyers are naturals for Gnu-Linux.

Cultural Inertia

Before making the cold-penguin conversion, I first had to overcome professional cultural inertia in creating a purely free and open law firm. I had spent 23 years working in a Windows world. All of my practicing colleagues used Microsoft products. All of my clients used Microsoft products. All of the courts used Microsoft products.

The first three questions I had to answer were: 1) could I actually run my practice using free/open source software? 2) how would my Gnu-Linux system interact with everyone else's systems, and 3) why bother?

Addressing the last question first, the answer was simple: why not? The 20th Century “gee-whiz” world of office technology has long since morphed into the “oh sh*t” world of office technology break-downs, power failures and mean-spirited invasions of viruses, worms, phishers and spammers. Simply put, I wanted, no, *I urgently needed*, a computer software and information management system that was both robust and “fixable” quickly, efficiently and inexpensively. Although speed, efficiency and cost were virtues mostly forgotten in the big law firm environment, I knew that they would be critical in a small boutique practice. So it was a natural choice for me to choose a core technology – Gnu-Linux – that fit all basic criteria.

Let me point out that I am, strictly speaking, a mere *user* of computers and computer software. I am not a “techie” in any sense except as a marginally sophisticated “consumer” of technology. Most lawyers do not know the difference between source code, machine code and the DaVinci Code. Fortunately, I am married to a woman who speaks geek and who can program as readily as Gandalf blows smoke rings. She agreed to be the resident IT, my in-house “information technology” expert who would assemble the hardware and software systems, integrate them, tweak and refine them and, when necessary, rip them apart to fix whatever had gone wrong. Call that an unfair advantage, if you will. I simply call it good fortune and good court-ship.

Purists would argue that a true user of Gnu-Linux software should be able to do it all by oneself. I say that is a load of penguin poop. Although Renaissance Man might have been able to Do It All, not since the 13th Century and Roger Bacon has it truly been possible for one person to know everything about everything. In fact, if there is any advantage to civilization, it is that I *do not* have to know everything about everything. For ordinary humanoids, it simply is not possible for one person in one day to learn to play Rachmaninoff's Piano Concerto No. 3, try a lawsuit, write a Java script program, fix the chain on your bicycle, weed your vegetable garden, run a marathon, earn a black belt in karate, frame your own house, write the great American novel, eat pizza, drink beer and

occasionally socialize with a member of the opposite sex. In short, let me practice law, you program code, and we'll both make a symbiotic living doing our own thing. That's civilization.

The Building Blocks

My system is built around Debian, primarily because it is clean, reliable and because its proponents are dedicated to the principles of FOSS (Free and Open Source Software). Although my IT runs her machines on “testing” or bleeding edge versions of the operating system, I strictly run “stable” configurations. In part, I am chicken and in part I am prudent. I cannot afford to have the whole system melt down on me while responding to a 48 hour "motion to shorten time".

In 2004, I purchased an IBM Thinkpad that came loaded with Windows and, after partitioning the hard drive, we loaded Debian “Sarge”¹. Now, in 2007, we are running "Etch," the current stable release of Debian. My office runs a basic Pogolinux server.

Email has become an essential component of the practice of law. In fact, email now has supplanted the telephone, mail and the facsimile machine as the workhorse of the law office. Literally everything is conducted by email, including correspondence with the judges' clerks, communications with clients, and flamemail launched at opposing counsel. My email utility is Evolution and, although it periodically crashes or hangs, it is no less reliable than what I used to use.

My web-browser is Mozilla Firefox although, on occasion, I will use one of the several other browsers that come loaded with my version of Debian. I use NoScript 1.3.1 (a FOSS program written by Giorgio Maone of InformAction, Palermo, Sicily) to preemptively block a lot of advertising and to protect myself from various web security vulnerabilities. NoScript is an example of the cooperative and innovative nature of the FOSS community. One or more persons write the code, others help out, and everybody contributes back to the user community in his or her own way. This happens world wide, often without anyone meeting anyone else. Sometimes without even having a common language, other than everyone speaks Geek.

Between my FOSS browser, Evolution and Gnu-Linux operating system, I like the fact that I am almost virus and worm free. My lawyer friends go through periodic emergency

¹ All the versions of Debian are named after characters from the animated Pixar movie *Toy Story*.

upgrades of their more prosaic software while I experience no such emergencies. Although my former partners are forced periodically to abandon their operating systems for something newer, shiner and just as flaky, my operating system is always backwards and forwards compatible. When Debian releases its next version of its stable system, I will simply download it without charge. Ubuntu, a new desk top flavor of Linux, was not available when I set up my "free and open" law firm in 2003. Now it is and I might try it, too.

Although "free software" does not cost anything, there truly is no such thing as a free lunch. If you like and support something, you should help pay for it. My in house IT contributes her time and programs to the common cause. I contribute money to the Debian Foundation and donate some of my professional time proselytizing in articles like these or sharing law knowledge with local FOSS communities. It is proper and sporting to give back and make those contributions. Businesses who think that the main attraction of FOSS is that it is, literally, "free" miss the point altogether. It is not about "freeloading"; it is about being part of, and contributing to what is literally an international software cooperative. In a way, that is how the legal codes, the "common law" develops, too, only much, much, much more slowly and without the intentionality of writing computer code.

The practice of law, like computer consulting, entails both professional and entrepreneurial elements. Thus, I needed a billing and accounting program. Gnu Cash was one of two billings systems available in 2003 and, with minimal adjustments, it seemed to fit the bill. Gnu Cash is sufficiently powerful to record billing records, track time, generate invoices and plot data graphs. It frankly needs more polish, however – such as a more practical editor in the time sheet entry component, and it also needs expandability if it will ever be used in a larger office with multiple time-keepers. Four years after I launched my law firm, there are now many FOSS accounting systems, a host of which are evaluated at <http://www.aaxnet.com/design/linuxacct.html>.

Because law firms generate so much "paper", one of the most important office programs is the word processor. I use Open Office 2.2 which, unfortunately, leaves a lot to be desired. As an ordinary "word processor", Open Office works fine. However, the practice of law uses a lot of templates, macros, special formatting for pleadings in different courts, different jurisdictions and different venues. Typically, trial level pleadings (motions, briefs, memoranda to the court, and the like) are prepared on double-spaced line-numbered pages with carefully prescribed borders and margins. In the courts of appeal, the lines are un-numbered and the margins are completely different.

Legal pleadings usually include highly technical citation formats for referring to legal precedents. Pleadings may also contain many single-spaced indented quotations,

quotations within quotations, frames within frames, Latin short-hand and terms of art (such as *sub rosa*, *res judicata*, *respondeat superior*, *u sua mea et i sua youa*), and peculiar forms of identifying the legal authorities upon which one relies.

It may be that Open Office already has the power and flexibility to meet all these requirements, but that no one has yet to create the standardized macros which can be easily adopted by techno-challenged users like myself. Thanks to my in-house IT expert, we have been able to develop work-arounds and special applications that serve my purposes. However, the special word processing applications needed for a law firm – and, indeed, needed for any large scale information-processing business – requires something more sophisticated than what *Open Office* currently has to offer.

Real Life

Although I was apprehensive about whether my FOSS law firm could communicate and interact with an un-FOSS world, my apprehensions proved to be baseless. For the most part, clients and lawyers were completely unaware what programs I was running. My conversion and simulation programs permit me to read other word processor files and to convert my *Open Office* documents to other peoples' formats. I routinely use *Xsane*, another useful FOSS program, to scan documents and I use *GIMP* for image management. For spreadsheets I use *Gnumeric*. I can view *jpeg* files and many, but not all, compressed video files. I have some minor, but no significant problems using Lexis or Westlaw for computerized searching.

I am not, at this time, able to use certain proprietary electronic deposition formats. Instead, I use both hard copies and electronic text versions which I can easily manipulate for citation in briefs or for sending to clients or expert witnesses.

Many courts now require electronic filing and in some, like Federal District Court, practically the entire case, from filing to discovery to trial transcription, is conducted without any paper whatsoever. In most cases that does not present a problem. However, I sometimes run into problems using certain interactive documents prescribed by some courts when the formatting information becomes lost or jumbled when applied in *Open Office*. Likewise, in not a few jurisdictions, the judge requires that documents like draft orders and proposed jury instructions must be presented to the court on disk in *a certain proprietary format* so that the judge's own non-FOSS computer can manipulate and amend the lawyers' proposals as the judge sees fit. I might fume about the unfairness of the court prescribing a particular commercial brand of word processor, but that is not an argument I can advance while my client's case hangs in the balance.

Bug Off

Weighing heavily in favor of the FOSS law office is the simple robustness of the operating system. While my colleagues routinely groan through the latest invasion of zombies and botworms, I hardly worry about such things. When they do occur, I know that the collective smarts of thousands of programs will quickly come up with a cure for the problem in very short order. Bugs, bug off.

Cache

It is a fact that the advent of technology really did not make work any more efficient. That is because most office workers spend a lot of their time surfing, shopping on line, gambling on line, or playing computer games. Regardless whether this is good, bad or indifferent, the neophytes often brag about their non-work related computer capabilities. FOSS software, for better or for worse, seems to be just as available and just as mind-numbing as the non-FOSS software offerings.

In one realm, however, Gnu-Linux beats the pants off the competition: its screen saver. Xscreen is one of the most mesmerizing, most creative screen saver programs available today. And it is definitely not available on a Windows platform. Many have been the jealous lawyers who have spied my Xsaver moving through its variegated palette who wished out loud that they could have such a screen saver, too. But they cannot, so too bad.

Conclusion

Four years into my Gnu-Linux law firm experiment, I find myself very comfortable with the technology, very fluent with the programs, but still wishing for a more flexible word processor and an email utility that is steadier than Evolution. The time and money I have saved by using Gnu-Linux has translated into lower overhead, greater profit, a better legal product and lower overhead. All of that, in turn, has translated into less time behind the desk, and more time for doing meaningful things in life.

There are thousands of lawyers practicing in the greater Seattle area. A few use Macs, most use Wintel machines, and, so far as I know, I am the only attorney in the area exclusively using FOSS software for everything. I know of one other attorney who practices in Bellingham (that wonderful small city on the Canadian border that was a resting place for conscientious objectors en route to British Columbia during the Vietnam War) who also runs a Gnu-Linux law office.

For the most part, however, we are a tiny minority. Lawyers, like other professionals,

however, are a natural constituency for free and open source expertise. Indeed, as I wrote in the beginning of this article, there are many similarities between the nature of the practice of law and the nature of the free-lance FOSS software consultant. Here lies a natural symbiosis which lawyers should encourage by using more FOSS more often, and FOSS programmers should encourage by writing programs for a natural market that could use it.

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