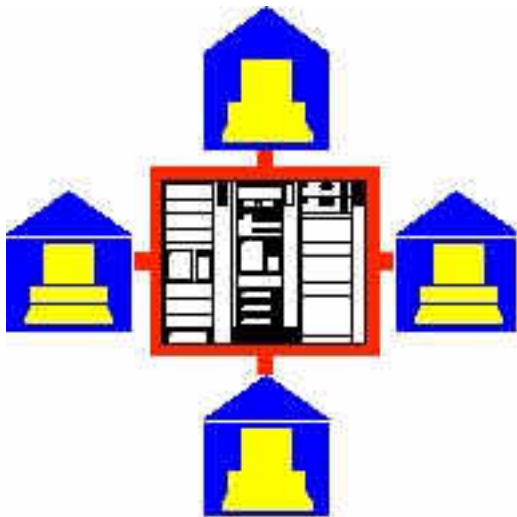


Chapter 4 - The Internet and Telecommunications

The World of Telecommunications - The Backbone of the Practice of Law

Introduction



Communication and the sharing of information tie our society together. Like the nervous system that connects the human body, communications is the enduring connection for society. We organize, work, and play together through communications. Exchanging our thoughts, messages, and information in any form is communication.

Telecommunications is the transmission of words, sounds, images, videos, or data in the form of electronic or electromagnetic signals or impulses. *Tele* means distance or distant. Thus, telecommunications is the transmission of information to distant locations. The transmission of a television signal to locations throughout the United States is a powerful communication media. However, the communication impact is limited since one does not have the ability to interact or return information to the sender. It is a one-way communication.

Communication has generally been separated into two types. The first type is mass communication, represented by television, radio, newspapers, magazines and any other communication where large numbers of people receive information. *This type of communication is one way in which information is sent without having the opportunity to respond.*

Watching a television program does not give one the capability to directly respond and interact with the people in the program. The latest form of this type of one-way communication is World Wide Web pages, which disseminate huge amounts of information, but provide little or no interaction with the creator of the web site. However, this is rapidly changing.

The other type of communication is responsive communication. This is represented by the telephone, postal service, telegraph and most notable recently – digital data transmission. *This communication type represents the ability of both parties to interact in some form.*

Recent innovative approaches to this type of communication are Internet chat sessions or forums where participants can communicate “real-time” with other members of their group, typing information using their computers. One is able to view the “conversation” of the other members on the computer screen. As the bandwidth of the connection to the Internet increases, videoconferencing and other forms of two-way communication will become the norm.

In the practice of law, we communicate generally in a responsive manner. From simple phone calls to mailing pleadings, we communicate information in a responsive method. Traditionally, these methods have included the telephone, mail, face-to-face meetings, and the fax machine. This responsive method of communication requires staff support, paper, mail systems, delivery systems, and a host of other support structure. Generally, these support requirements are expensive and do not contribute to the profitability of the law firm. Instead, they are looked upon as overhead. What if these traditional methods of communications could be converted into a system of digital two-way communications that takes advantage of the Internet, videoconferencing and other tools? Such a system would change the economics and the practice of law.

The next few years will bring immense changes to the two-way communication structure in society. Major corporations are all positioning as the communication structure transitions from a paper into a digital communication environment. Phone companies are connecting video conferencing users across the country, television cable companies are selling phone service, video conferencing, and Internet access, and satellite companies are selling television and Internet access. The entire telecommunications industry is betting that consumers and businesses will pay for the capability to access and interact with large bandwidth information sources immediately from anywhere, anytime, customized for their needs, and requiring minimal equipment.

Consider the following scenario:

There is no pleasure to me in the essay. I sat in the chair, not “Go Vandy” (1588) rightly th

While sitting in his home “office” in suburban Denver, attorney Frank Young answers a videoconference call from his client located in San Diego, Mary Zakowski. Mary shows Frank

new pictures of her children and then requests him to file an amended pleading in a pending court case in San Diego. Frank locates the original pleading and they both simultaneously make changes to the pleading. After the document is complete, Mary digitally “signs” the document on the computer screen. Frank automatically assembles the remaining part of the document, including the addresses of opposing parties, and then digitally signs the document. He then connects to the court and electronically “files” the amended pleading. Copies are electronically sent to opposing counsel. The court system automatically assigns a hearing date to “appear” by videoconference for oral argument on the amended pleading. Mary thanks Frank for his prompt attention to the matter and authorizes payment through her on-line credit card.

Is this science fiction? No, this is digital telecommunications, and will be the backbone of the practice of law in the future. Why? Isn't time money? How much would be saved by videoconferencing with an out-of-state client? How much was saved by filing the pleadings electronically in the courthouse? How much was saved not having to provide multiple paper copies of pleadings to the court, co-counsel and others? The support staff, messenger services, postage, and travel costs are all tied to many of the functions we perform as lawyers. What if those costs are eliminated? What if one could take the deposition of an out-of-state witness from one's office using videoconferencing at a reasonable price with full motion video quality? What is the value of not having to pack, go to the airport, travel, land, get a taxi or rental car, check into a hotel, go to the deposition in a strange city, and return?

The *digital information* revolution has arrived.

Trends

There are three major trends in telecommunications:

1. *Connectivity* - the ability to connect computers and telephones by telecommunication lines to other devices or sources of information.
2. *On-line information access* – ability to connect to a variety of information sources.
3. *Interactivity* - means that there is a dialogue between the user and the computer or communication device.