The Barrister's Armoury

It would be impossible in the late 1980's to find a legal practice which was independent of computers. Their presence may be felt in the office - in the word processor - to the chambers, where an identical machine may be being used as an adjunct to the writing and research involved in case preparation. The ubiquity of the computer, particularly that of the mid-range personal (also known as micro) computer, is also evident in glossy advertisements in journals such as this, and in the fact that university students may now expect to be exposed to computers as a resource in litigation support, etc. The historical commonplace of the computer as a standard bearer in the stakes of numbers and number crunching must now be refined to conceive of the computer as having an equivalent ability in the province of the barrister - words, and word crunching.

It is, then, becoming commonplace that the deployment of contemporary search-and-retrieval software can dramatically increase the productivity of barristers. Barristers can now enjoy the privileges which until recently were restricted to those involved in expensive litigations with budgets which could accommodate sums well in excess of one hundred thousand dollars. Today, theoretically, a legal profession with clerical support staff is able to be as productive as a team of five computer professionals with a million dollar mainframe in the 1970's. However, against theory is the caveat that, while the user is promised and effortless, comprehensive on-screen access to case documentation, in practice that promise can only be fulfilled by appropriate design and maintenance of the computer application.

The advisory services available to a law firm running or intent upon running computers include hardware and software distributors, educationalists and pragmatists. These last are the computer-based companies who consult and provide services relating to transportable information technology (microcomputer data-base application) specifically as it impinges upon the legal profession. Two examples are LMCS (Legal Management Consultancy Services) and Scantext. LMCS is a consultancy service which specialises in the Apple/Macintosh Computer. Apple/Macintosh, one of the two major players in microcomputer systems is a company which believes in the utility of computers as educational aids - this conduces to their ease of use - although their technical impetus has been most pronounced in graphics based fields such as desktop publishing. However, sands run quickly in the glass of computer technology and Apple have imported many of the specialised text-based applications which have been the forte of the other major player IBM (International Business Machines). Raproachment, compatibility and translation between these two hitherto antagonistic companies are becoming the vogue. In the meantime however, an efficient system will avoid compatibility problems. LMCS assess the various combinations of user requirements with regard to Apple Macintosh proprietary capabilities to design productive and friendly computer environments.

Scantext is a Computer Services Bureau which specialises in litigation support using IBM PC (personal computer) compatibles and off-the-shelf software. Litigation support includes services such as putting large amounts of text (transcripts, exhibits, etc.) onto computer disk and indexing it for instantaneous and selective retrieval by solicitors or barristers themselves. The type of consultancy evinced by Christoph Schnelle (Managing Director of Scantext) is cautious - "People who make a living at the cerebral cut and thrust of law can be suspicious of computers. They tend to relax when they realise that the computer is just a tool. A highly effective tool." His experience also leads him to be cautionary; "The great benefit of a computer in chambers is in large-scale text manipulation and immediate access to on-line data bases like INFO ONE. The cost benefits of computers outside of word processing and litigation support are minimal. Even in litigation support it is easy to go astray. There are many text retrieval programs, Gofer, Lotus Magellan, Isys, Corporate Retriever, Zyindex, WordCruncher, MemoryMate, Status, Stairs, Evidence and database programs like Dbase IV and Paradox. Database programs are very structured and demanding to run on a day-to-day basis, though with the right support they are definitely a viable alternative. The other programs have drawbacks too. Some are too difficult and unwieldy like Status, Stairs, Evidence, and Corporate Retriever which is showing its age. Some of the others like Gofer or MemoryMate are unpredictable with large amounts of data while others lack specificity. Isys and Zyindex slow down drastically when searching large files, it can take them ten seconds or more to register the next occurrence in a search. To use WordCruncher the text needs to be prepared. That is reasonably difficult and is a service Scantext provide. Once the text is prepared, though, WordCruncher is extremely fast and extremely useful to the barristers and solicitors who take the hour or two necessary to find their way around in it.

Beyond the macro context of office automation and computer advisory/support services some interesting conclusions may be drawn from the micro context of text production - the court. In line with the convenience electronic data offers in terms of storage and retrieval necessity prompts the creation of electronic copy in the court itself. Computer Transcripts, who are Australia's only freelance computer-aided transcription service provide a disk copy of transcripts as part of their service. Using a transcriptor which produces code on disk as well as on paper the production of the transcript is accelerated by using a computer translator. The reporter's task is no longer to produce the hard copy, but merely to check and edit it on screen before printing it out. The computer automatically provides for the style of the document and local spelling vagaries. The hard copy which is available daily is supplemented by a disk copy putting the barrister in a position to deploy a favoured computing strategy or not. It is the availability of this resource, as part of the service, which separates computer aided transcription from sound or manual recording of proceedings, although speed and accuracy are other persuasive arguments for this type of reporting.

The longer term indicators are that electronic storage will become the accepted recording mode of legal proceedings. This trend, along with the general mopping up operation in the computer industry itself vis-a-vis standards (qualitative and constituent), cost, etc., will contribute to the barrister's faculties. The far from trivial task of making computer operation trivial has reached a plateau where all the parties concerned, hardware and software interests, academics, students, practitioners of law and field experts can begin to analyse the situation in terms of defining the future directions, standards, and requirements desirable for legal data handling. ❑