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August 23, 2012

Dear friends and clients:

Delivery of legal services is changing almost as quickly as the delivery of information generally. Advances in communication are astounding. They affect nearly everything we do, both personally and in business. The merger of globalization and the Information Technology (“IT”) revolutions that coincided with the transition from the twentieth to the twenty-first century is changing everything – every job, every industry, every service, and every hierarchical institution. It is creating new markets and new economic and political realities practically overnight. Every day the world’s citizens, governments, and businesses are being woven together into an ever-tightening web, giving more and more people in more and more places access to cheap tools of connectivity, creativity, and collaboration. Whether this merger makes us better off or worse off, richer or poorer, depends on us, and how we understand this new world, primarily an American invention, and how effectively we respond to it.

Adaptation is the key to survival. The people, companies, and firms who adapt best survive best. We attorneys and the courts are beginning to adapt. Justice is being administered more economically and quickly, hopefully without diminishing careful deliberation, equity, and fairness.

You will note at the top right of this letter a square box with markings inside, known as a “QR Code.” If you place the camera lens of your iPhone, iPad, or other smart device over the QR Code, our firm’s website will immediately appear on your device.<sup>1</sup> These QR Code symbols are appearing everywhere – in newspapers, magazines, movie posters, and store-front advertising. They are used to provide more information about a product or service, which is the purpose of the QR Code. For merchants it is used to dispense a coupon or discount for a particular item, and an infinite number of other purposes.

Merchants, cosmeticians, and other service providers are using iPhone credit card readers to accept payment for their services. A few banks are accepting digital images of checks which are e-mailed from a merchant’s SmartPhone, eliminating trips to the bank. People are transferring funds over their SmartPhones to one another. These banking functions could not have been accomplished a year ago. Will these all catch on and become widely employed? They will if enough people decide that the convenience is significant and their transaction is

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<sup>1</sup> It works better if you download a QR Code “app” for your iPhone or other device.

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safe.

There is now a vast new array of software applications stored on huge interlinked server farms known collectively as “the cloud.” You can now rent these applications from companies like Amazon for next to nothing. “Cloud computing” significantly leveled the playing field for professional service providers. The Amazon service now makes it possible for anyone with an internet connection and a credit card to access the same kind of world-class computing system that Amazon uses to run its \$34 billion a year retail operation. It is growing like crazy. The demand requires frantic expansion. Each day the operation adds enough computing muscle to power one whole Amazon.com circa 2000 when it was only a \$2.8 billion business. The physical expansion of all of that data takes place in huge, specially designed buildings, the biggest can reach 700,000 square feet or the equivalent of roughly sixteen (16) football fields. These interconnected facilities scattered all over the world are where users of Amazon’s service conduct their business and “cloud computing.” The “cloud” refers to the amorphous, out-of-sight-out-of-mind mess of computer tasks that happen on everyone else’s equipment. The “cloud” is like a shared factory where anyone who wants to produce something can come and rent the tools for almost nothing.<sup>2</sup> This hyper-connected world is altering everyone’s business and forcing everyone who is in business to learn how to take advantage of these new tools to become more productive, no matter how big or small their company is. You can see that when so many people have so many tools to compete, connect, and pull and push new innovations and information, the speed with which companies need to update their own products or invent new ones before competitors overtake them just gets faster. This revolution is not just challenging business, it is also challenging every worker who wants to hold a job for any length at any company, whether large or small, new or old, to develop the skills needed to keep up.

The federal judiciary, both at the trial court level of the U.S. District Court, and in the Courts of Appeal and Supreme Court, now require that all filings in civil litigation be performed electronically, and transmitted to the courts over the internet. They no longer accept paper document filings. In civil litigation where there are several sides in a given case, and as many as ten, fifteen, or more law firms involved, when a document is sent to the court for filing over the internet, all of the law firms involved receive the same document simultaneously. It is no longer necessary to put the packet of papers in a large envelope and mail them to these firms.<sup>3</sup> The savings of time and costs are significant. State courts have not yet adopted an “e-filing system,” but, no doubt, will do so soon.

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<sup>2</sup> From *That Used to Be Us*, by Thomas L. Friedman and Michael Mandelbaum.

<sup>3</sup> When any of the ten to fifteen firms files a response with the court, “service” on all firms is required. The number of mailings quickly becomes an unmanageable mountain of paper. But under the new e-filing system, the service task occurs automatically and instantaneously – without the use of even a single sheet of paper!

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All courts now allow attorneys the option to appear by telephone, so that in routine case management hearings lawyers can remain at their desks while communicating with the court and opposing counsel, thus avoiding travel time and expense. This does not suggest that all court appearances and face-to-face discussions between counsel and judge or jury are not required. Depositions are now routinely conducted remotely through simultaneous audio and video communication. Just as in remote conferencing, a desk-top or hand-held device is used.

Global technology is enormously powerful and has already affected everything in the lives of younger people, if not all of us. Just as remarkable as the power of mobility, over everything from love to learning to global development, is how fast it all happened. It is hard to think of any tool, any instrument, any object in history with which so many developed so close a relationship so quickly as we have with our phones. Not the knife or match, pen or page. Only money comes close, which is always at hand – “don’t leave home without it.” But most of us don’t take a wallet to bed with us, don’t reach for it and check it every few minutes, and however useful money is in the pursuit of fame, romance, revolution, it is inert compared with a SmartPhone which can replace your wallet now, anyway.<sup>4</sup>

A typical SmartPhone has more computing power than Apollo 11 when it landed a man on the moon. In many parts of the world, more people have access to a mobile device than to a toilet or to clean, running water. For millions, this is the first phone they’ve ever had. In the United States, close to nine out of ten adults carry a mobile phone, leaving its mark on body, mind, and spirit.

As you might expect, things are changing in school as well. Instead of banning kids from having phones, some schools are starting to embrace the devices. These schools are experimenting with permitting students to take their phones or tablets to class, and use them, not just to send photos from last Friday night’s party, but also engage with one another in classroom lessons. Some permit access to school networks. There are a number of companies and individuals who are developing “in-classroom ‘apps’” for mobile devices. A teacher presenting a math problem can insure that every student has responded and then compare the answers. At some colleges, professors, using clickers/remote control-like devices that let students answer questions from their seats, can gather “real-time” information about whether students comprehend the lesson. Even for students from poor neighborhoods, cell phones have become nearly universal. If you ask a tenth-grader about the meaning of a word, he can deploy his phone to give an answer in seconds. You wouldn’t really expect him to walk over to the dusty shelf with the Webster’s Dictionary and look it up! In addition, many parents want their offspring to have a phone to be constantly connected for safety reasons. Teachers and administrators have

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<sup>4</sup> *Time*, August 27, 2012, edition.

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their own devices. Teachers look away when students pull phones from their backpacks during lunch, but generally the classroom remains a contested arena. Cell phones are often more powerful than antiquated desktop computers. For many schools, it makes sense to use them as teaching tools.

It is not surprising that at institutions of higher learning, iPads or similar devices have become ubiquitous. Johns Hopkins University School of Medicine mandates iPads for their internal medicine program. Lab coats are designed with large pockets to accommodate an iPad or other tablet computer. Not surprisingly, SmartPhones, too, are changing the practice of medicine.

Because of the merger of globalization with the Information Technology revolution, our clients are reaching out to us for new ideas more frequently. As a result, we have to be more creative and nimble in every way. Necessity is the mother of invention, and we are in the age of great necessity, because little that was given in the past is given today. Whether that is fees, types of projects, structuring of deals, or imaginatively developing litigation claims or defenses within the rules of evidence and fundamental legal principles.

Very truly yours,

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