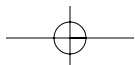
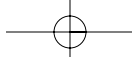


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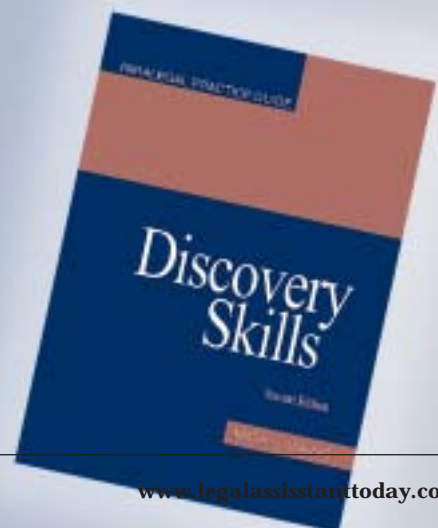
TECHNICALLY SPEAKING

FORMER PARALEGAL CAPITALIZES ON LEGAL
TECHNOLOGY EXPERIENCE AND EXPERTISE.

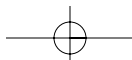
By ROD HUGHES



As seen in the September/October 2003 issue of Legal Assistant Today



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In more than a few science fiction movies and books, technology has freed humans from some of the mundane tasks associated with everyday living. In these stories, technology allows its human creators to pursue more pressing issues while it organizes, monitors and controls the flow of information and daily life. For Mark Walker, what was once relegated to science fiction novels and big screen adaptations has long since become a reality, albeit without the murder and mayhem sometimes associated with the genre.

Walker, the automated litigation support manager for the Texas-based, full-service law firm of Brown McCarroll, has come to find technology a major protagonist within the legal world. It's a world full of database software and litigation management tools; a world where technology is assigned the task of information management so paralegals and attorneys can tend to more substantive matters.

"The career track for legal assistants has been expanded by technology. There is a lot more opportunity in the profession now, thanks to technology, than there was years ago," Walker said.

CHAPTER ONE: HOW IT BEGAN

As a former paralegal, Walker said he knows from which he speaks. He entered the legal world in the early 1980s following a stint in the U.S. Army where he worked as a legal clerk. He later found a job with the Harris County Court Clerk's Office in Houston typing citations. "If the military taught me one thing, it was to type fast," Walker noted. Within six months of entering the Court Clerk's Office, Walker applied to be the floating court clerk and obtained the position.

As a floating court clerk, Walker met Judge Mike O'Brien of the 125th District Court, Harris County, Texas. It was Judge O'Brien who would take Walker under his wing, introduce him to the paralegal field and demonstrate just how far technology could help him in finding his future.

"Our court was a pioneer in alternate dispute resolution and the use of technology," Walker said. "We had an

enormous amount of cases back then that were not being resolved in a timely fashion. So I became a member of the court's technology committee, and at about that time, we began to seriously consider how technology could help us move some of these cases along."

Walker said through the implementation of several database programs, Judge O'Brien's courtroom began processing cases more quickly and efficiently. In addition, Walker found an area of the law that appealed to him tremendously. When Judge O'Brien made his decision not to run for another term as an elected judge, he counseled Walker to consider entering the growing paralegal profession.

"It was around then, in 1986, when Susman Godfrey [a litigation firm] was trying a large case in our court. They had a paralegal at trial who was handling substantive work for the attorneys," Walker explained. He said he took careful note of the paralegal's work at trial, and apparently Stephen Susman, a partner in the Houston-based firm, took notice of him. Despite his lack of a college degree — a common occurrence in the paralegal job market of the 1980s — Walker was a prime example of a capable, experienced legal professional who would excel as a paralegal in the eyes of many, including Susman. After a few conversations with the paralegal following the conclusion of the trial, Walker accepted a legal assistant position with Susman Godfrey in January 1987.

CHAPTER TWO: GAINING TRIAL EXPERTISE

At Susman Godfrey, Walker spent 13 years working as the Dallas office's senior legal assistant. He worked with both plaintiff and defense attorneys in state and federal courts throughout Texas.

"On my first day, I walked in the door and was given a docket of about 85 cases," Walker recalled. It was true to form for the firm. Susman Godfrey claimed it pioneered the use of paralegals in litigation, Walker noted. "[The firm] used legal assistants much like it would use associates. We went to trial a lot. There were a lot of long hours," Walker explained.

While he loved the work, the hours were taking a toll on his enjoyment of it and his personal life. "My wife encouraged me to find something with a more stable work schedule than the 80 to 100-hour weeks I was finding myself working when I was in trial, and I was in trial a lot," Walker noted.

Given that Walker found himself in trial so often, and frequently on high-profile commercial litigation matters, he said there was no shortage of firms interested in courting him. Capitalizing on the entrepreneurial spirit that dominated the mid-1990s and determined to write the next chapter of his career for himself, Walker broke out on his own in 1995 and formed The Trial Team. His company consulted with personal injury firms throughout southern Texas to teach them to bring large commercial cases to trial.

"Commercial litigation in Texas in 1995 was a very hot area of law to work in," Walker explained.

So hot in fact, that Walker quickly found himself resuming an 80 to 100-hour work-week schedule again. Fortunately, Susman placed a call to Walker's wife and convinced her that her husband should return to the firm and work on fewer trials and keep shorter hours.

"After Susman talked my wife into me going back, she convinced me to go back. And it was the right move. I was in trial all the time. It was getting to the point where I could not do the 80 hours a week thing anymore. When you do that for a long period of time, it affects your health," Walker said.

CHAPTER THREE: SELF-TAUGHT

"I had taken a few computer-related classes at the University of Houston, but that had been years before," Walker said, describing his early and growing technological interest. He noted that technology was not heavily used in the legal field in the 1980s, so technology training for paralegals at that time was at a premium. "It was rare to find even an attorney with a computer at his desk," Walker explained.

On his return to Susman Godfrey in 1996, the firm was moving toward a

philosophy that was beginning to embrace technology. "It just came to a point where we realized we could do a lot more work in a shorter amount of time using technology," Walker noted.

At Susman Godfrey, Walker was charged with automating case files he worked on, preparing databases for various case files, as well as consulting on various automated litigation support projects for the firm. "Primarily, everything I learned about legal technology, I learned on my own. I took classes to educate myself about technology. I paid attention to where technology was making inroads in the legal field, and I read everything I could find to teach myself about what was taking place," Walker said. It also didn't hurt that Walker was involved in some of the most significant commercial litigation matters of the mid-1990s, totaling in the hundreds of millions of dollars in court awards and settlements.

Before long, his self-sufficiency paid off. In connection with his expanding repertoire of trial experience and his growing knowledge of legal technology, Walker embarked on a series of speaking engagements in Texas focusing on discovery techniques and tips for preparing for and assisting at trial using technology. At one such engagement, Walker said he was approached by representatives from Austin, Texas-based Advanced Micro Devices with an intriguing request. Would he consider coming to work for Advanced Micro Devices to supervise outside counsel handling a variety of legal matters? He was very interested and left Susman Godfrey for this new opportunity.

"I was brought on primarily to utilize my experience with technology in litigation. With a legal background and insight into technology, the folks at [Advanced Micro Devices] thought I would be a valuable asset," Walker said. However, Walker explained while he was charged with spearheading a task he called "Project Paperless" — a process by which cases could be managed without generating paper docu-

ments — when the technology sector of the economy seemed to burst in late 2001 and early 2002, funding for the project was cut. "While I didn't lose my job, the handwriting was on the wall. If my main project was cut, I might not be far behind," Walker explained.

CHAPTER FOUR: FINDING A NICHE

Like many paralegals in the 2002 economic downturn, Walker contacted a recruiter, The Affiliates, and set about finding another job. Within a month, Walker was able to achieve what often eludes professionals in murky economic waters — he found a job. Brown McCarroll brought him on board as its automated litigation support manager.

"In my search, I found my legal experience and understanding of litiga-

tations that might apply to the firm's needs. "We needed something that could be flexible enough to offer centralized docketing, yet still be able to cater to the individual needs and styles of attorneys and paralegals in our various offices," Walker noted. In addition to relying on his own expertise, Walker consulted with outside firms and spoke extensively with software sales representatives and developers.

"In my mind, it was between ProLaw and CompuLaw Vision. Ultimately, we chose Vision because it's an excellent program with a good track record that is also rules-based, which allows us to easily calculate and recalculate deadlines," Walker explained. By his second month with the firm, Walker had implemented the first automated, firm-wide case calendaring system in the firm's history.

"Fifteen months ago, we really didn't have any type of coordinated litigation technology effort. Everyone worked with what they knew. Today, we are more integrated, and now technology is more effectively used across the firm. Mark is in no

small measure responsible for our progress on this issue," said Thad Holt, Brown McCarroll's director of administration and Walker's direct supervisor.

"Technology is really Mark's thing. He is not hesitant about technology at all. He gets people together, shows them how the technology works and does so with above average presentation skills that really help bring the important points across," Holt explained. He also noted that despite encountering some hesitation by firm employees to change their practices and incorporate new technology, it was Walker's combination of reliable paralegal experience and genuine understanding of technology and how it relates to litigation that lent a great deal of credibility to the successful implementation of the new systems.

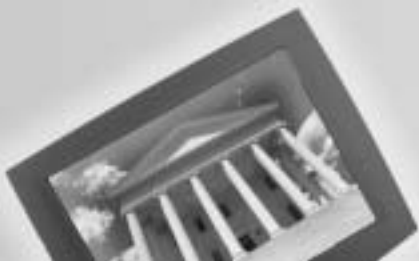
"Mark offers a great blend of technology know-how and legal knowledge. While he did encounter some initial resistance to change, Mark found that

WALKER IMPLEMENTED THE FIRST
AUTOMATED, FIRM-WIDE CASE
CALENDARING SYSTEM IN THE
FIRM'S HISTORY.

tion support technology was extremely desirable," Walker explained. "Law firms across the country are frequently taking legal assistants and turning them into [what I call] converted legal assistants by making them litigation support managers." Such was the case for Walker, who was promptly trusted with developing a firm-wide litigation support department, while also implementing a new software infrastructure using technology to centralize management of the entire firm's court calendaring issues.

"Brown McCarroll is a large firm with individual lawyers handling hundreds, if not thousands of cases along with all of the associated deadlines," Walker explained. "My job was to identify the software application we would need and implement it into the firm's daily operations."

Fortunately for Walker, and his employer, his years of litigation experience allowed him to have a frame of reference for countless software appli-



by building relationships and helping people understand the technology, he could break through that resistance and show people technology is a resource, not a threat," Holt said.

CHAPTER FIVE: TECHNICALLY CHALLENGED

Although Walker said he has achieved success with the new calendaring system, there were obstacles and challenges to face in the beginning.

"While upper management was supportive of technology — the need for less physical storage space, saving time on less productive and billable matters, etc. — not everyone was completely committed to the process," Walker explained.

He had some reservations initially, and shared them with Holt and others in the firm's management. "I told them I didn't want to continually spend time getting lawyers on board with this project one at a time. For this automation to be successful, everyone had to buy in at the beginning," Walker said.

Management offered him their full support, and allotted time for him to meet with groups of firm employees, including lawyers, paralegals and support staff alike, to review the program and its benefits. Looking back, Walker said he believes it was time well spent. Since his maiden project, Walker has overseen the successful creation and implementation of imaging and digital support departments at Brown McCarroll, as well as the devel-

opment of what he calls the most sophisticated asbestos case management program in the entire country.

He continues to speak throughout Texas on issues ranging from discovery tips to useful trial technology and said he frequently encounters the same initial concern with others that he found while trying to implement the calendaring system at Brown McCarroll.

"I hear it a lot when I speak at seminars about technology. People, paralegals in particular, often tell me they are worried technology will replace them," Walker noted. He said he is vigilant in explaining to paralegals that technology is available to enhance their jobs, not take those jobs away. Walker said by using technology the way it's intended to be used, legal assistants can spend more time analyzing and organizing information rather than gathering and compiling it.

"I often hear about lawyers being resistant to technology. In my experience, the resistance has not been so much with lawyers because lawyers primarily worry about cost. Once you demonstrate the cost savings, lawyers get on board pretty quick. Paralegals, however, worry about technology taking their work," Walker noted.

Walker frequently points out to paralegals that technology has enhanced rather than detracted from the profession. "I believe the career track for legal assistants has been greatly expanded by technology. There is a lot more opportunity for

computer-literate legal assistants than there was just a few years ago," Walker explained.

CHAPTER SIX: PROFESSIONAL CHALLENGES

In the early days of the profession, Walker said a paralegal position was largely considered a transient position. "People became legal assistants to see if they wanted to become lawyers. Sometimes you became a legal assistant because you were converted, out of necessity, from a secretarial position," Walker said.

When he handled hiring for Susman Godfrey, Walker convinced the firm's management to adopt college degree requirements for paralegal employment. "Even though I didn't have a degree, I felt a college degree showed you had the commitment of someone who could finish something he or she started. It was also my experience that firms were less interested in certifications. While certification is a personal choice I support, it doesn't mean anything to most firms. They are not standardized, and therefore are a poor standard for firms to use in measuring skills in the hiring process," Walker noted.

Walker said during his time as a paralegal, he saw the early stages of the profession's struggle for professional status. He said he believes in order for that status to be achieved, educational benchmarks will need to be standardized, and technology training will be central to paralegals who want to grow in their careers.

"Legal assistants should learn all they can about litigation technology. It will enhance their marketability as well as building their skills, but more importantly, it will improve their job satisfaction by elevating the type of work they do," Walker advised.

"Mark's legal skills and technology experience set him apart," Holt explained.

Holt also said it's this superior skill combination that will play a dominant role in setting the standard for paralegal employment in the next decade. "Technology is where it is all headed," Holt said. "People like Mark are, and will be, in high demand." ■

WALKER BY THE BOOK

In addition to his many speaking engagements, Mark Walker also has authored national books involving litigation and technology. His work includes:

Preparing for Trial: Plaintiff's Edition

Preparing for Trial: Defense Edition

Discovery Skills, Second Edition: A Guide to Technology

All of Walker's books are published by PESI Law Publications.