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SPECIAL SECTION

Computer Technology

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Retired prof calls for end to income tax

■ Oliver: National sales tax, value-added tax are better options

By Scott Olson

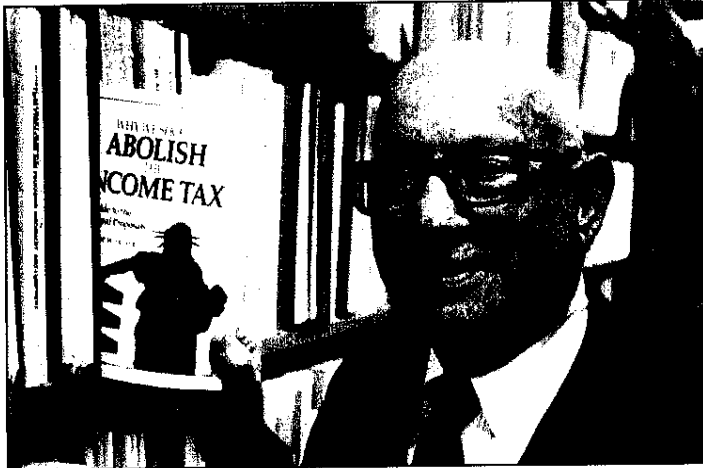
Death and taxes, it often has been said, are the only two things certain in life.

Since dying is unavoidable, cheating the Internal Revenue Service out of its tax dollars offers a sense of payback for some.

And then there are those who demonstrate a similar abhorrence for the system but take a less radical approach to demonstrate their disdain for giving it up to the government.

Among that group is retired law professor William Oliver, who has condensed his frustrations into a book entitled, *Why We Should Abolish The Income Tax*.

Though the message certainly has been debated before, Oliver, a native of eastern Kentucky, believes his book is different because he discusses what he



IL photo / Mike Magan

William Oliver with his book, *Why We Should Abolish The Income Tax*.

believes are viable alternatives.

The author favors abolishing the current tax system and replacing it with a national sales tax or value-added tax.

Such ideas are bandied about tax experts and non-experts alike. However, Oliver knows a thing or two about the tax system.

Oliver, 74, retired from the Indiana University School of Law faculty in 1991 and serves as of counsel at the Bloomington law firm of Mallor Clendening Grodner & Bohrer.

If the name sounds familiar, he and his wife, Mary, founded the Oliver Winery, a Bloomington business owned

and operated by his son, William, and his wife, Kathleen.

His experience with the tax system began as attorney for the Internal Revenue Service before the United States Tax Court.

Later, as a professor, he became disillusioned with the system when he learned research expenses were not tax deductible.

After 46 years of tax work and countless hours of research, Oliver's 134-page paperback was published in December

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Law doesn't shield drug company in HIV case

By Scott Olson

Families of hemophiliacs who contracted AIDS or the HIV virus through blood transfusions recently received a bit of good news in their ongoing fight to prove certain companies are responsible for their HIV-related illnesses and deaths.

The Indiana Supreme Court July 18 rejected a petition for transfer to

reverse an earlier decision handed down by the Indiana Court of Appeals. Defense attorneys representing four pharmaceutical companies filed the transfer in *JKB, DT and VB, et al v. Armour Pharmaceutical Company, et al*.

The petition for transfer stemmed from a decision earlier this year in which the court of appeals reversed a Marion County trial court's summary judgment. The appellate court ruled that hemo-

philiacs who have received HIV-tainted blood — through treatment with a blood-clotting product — can sue pharmaceutical companies under some circumstances.

Judge Anthony Metz III of Marion Superior Court 1 now will preside over the trial set for Jan. 27, 1997, nearly four years after Indianapolis plaintiff's attorneys Henry Price and Larry Jackson of Price & Barker filed the wrongful death lawsuit.

For Jackson, a trial date has been a



Jackson



Price

Prosecutor failing in bid to sue defense lawyers for copying costs

■ New witness protection program relies on defense lawyers' payment

By Mike Magan

For more than two months Marion County Prosecutor Scott Newman has touted the creation of a witness protection program.

Under the plan, crime witnesses who fear for their safety could receive temporary lodging, funds for moving expenses, security surveillance and



Newman

new door locks. But in light of recent court activity, there may not be much funding to support the program.

Revenue earmarked for a witness support program is supposed to be funded almost entirely from the photocopying charges defense lawyers must now pay for discovery items.

"There wasn't really a formal pro-

gram in the office for witness support before and what we were trying to do was look for ways to fund that," according to Beverly Phillips, spokesperson for the prosecutor. "It's a real issue when you have people who won't come to court and testify out of fear for their safety."

There's only one problem — defense lawyers aren't paying.

For example, defense attorney Timothy Burns was charged \$242 earlier this year, and another defense attorney, Howard Bernstein, was required

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BRIEFS

Attorneys on the move: Two veteran lawyers among those who join Bingham Summers Welsh & Spilman. **Page 6.**

Public defender cuts: Twenty part-time contracts will be terminated at Marion County agency. **Page 8.**

In Re: Health Care: Court of

appeals decision could change hospital advertising techniques. **Pages 12-13.**

Book review: Stephen Maple takes a ride through the FDR years in *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt*. **Page 21.**

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COMPUTER TECHNOLOGY

Lawyers and technology: A limited partnership

By Lawrence Savell

We lawyers today live in a wonderful time, when our practices are dramatically enhanced by a wealth of technological innovation.

Revolutionary developments in computer hardware and software, office equipment and means of communication allow us to accomplish far more than even the most pathologically compulsive of our workaholic predecessors could dream of (assuming, that is, that they ever slept).

Yet, like an improperly designed and/or maintained road which proximately causes accidents unrelated either to vehicular defects, the acts or omissions of plaintiff drivers, or any "Act of God," resulting in extensive physical injuries, emotional distress, and loss of consortium, meriting the imposition of sizeable compensatory and punitive damages, a cursory review of these marvels demonstrates there may also be a few bumps in the legal information superhighway.

The Internet

Probably the most publicized, high-tech subject over the last year has been the Internet, the global network of computers, trash compactors and cappuccino machines, offering a cyberspace smorgasbord of information ranging from the gleefully enlightening to the grossly repulsive. Particularly appealing to lawyers are the central locations on the World Wide Web

appropriately referred to as "home pages" — since they remind them of the real-life addresses they rarely get the time to actually visit.

Many enterprising law firms view the Internet as a marketing opportunity, obviously believing that most Fortune 500 General Counsels spend their work days "surfing" the "Net." In an effort to compete with glitzy rock band and motion-picture studio Web sites, law firm home pages increasingly incorporate full-motion video, cutting-edge graphics, and stereo-quality sound, although the business-developing effect of observing a bunch of bald men humming the Yale Law School fight song while a chorus line of animated gavels float by is open to question.

Both through the Internet and internally at law firms, electronic mail has skyrocketed in popularity. There have, unfortunately, been some abuses, including reports of the first e-mail chain letter ("if you break the chain, your scores on 'Tetris' will abruptly decline"). Many firms in their internal networks, like the major on-line services, are starting to exercise censorship to purge indecent and offensive material, such as anything reflecting the intention of associates to leave the office during daylight hours.

Software

In an attempt to capitalize on the lucrative legal market, many leading software manufacturers have offered revised versions of popular programs specifically adapted for use by attor-

neys. Unfortunately, these offerings have not always been commercially successful. The most striking (and tasteless) example of this was the much-ballyhooed unveiling of Microsoft's new operating system for Trusts and Estates practitioners, "Widows 95." Despite spending millions on advertising (including obtaining the rights to the Rolling Stones' performance of "Miss You"), sales were dismal. Microsoft is hoping for better things from its latest release, designed by the same programmers that came up with the jovial, albeit superficial, human-like computer assistant, "Bob." Expectations are high for the new program, a legal time-tracking application, tentatively to be known affectionately as "Bill."

Some legal offerings have fared better. Among the more successful is the new title from the makers of the popular "Where in the World is Carmen Sandiego?" educational series. In "Where in the Office is Murray Feinblatt?," players try to locate a marginal first-year associate who spends his day hiding from assigning partners and his firm's Performance Review Committee. Another big seller is "Unnecessary Rudeness," created by the same team that designed a popular football simulation program. Here, players are treated to a wide variety of views of the "arena" — a conference room at a small, downtown Manhattan law firm — where combatants are engaged in a no-holds-barred depi-

tion which defines the term "uncivil procedure."

Virtual reality software is as popular in legal circles as it is in the general population. A top seller among solo practitioners is the "Virtual Law Firm," whereby a solitary attorney can momentarily pretend that he or she actually works in a fully staffed law office, replete with totally committed support staff, downpour-inducing rain-makers, eager-beaver junior associates, quick-paying clients, and always-understanding family members. (Truth-in-advertising laws have forced the manufacturer to drop any reference to "reality" from all packaging and marketing efforts.)

One of the hottest areas of the software market has been translation programs, where tremendous progress has been made in conversion of text to and from foreign languages. Unfortunately, no computer — not even the most powerful supercomputer — can as yet be programmed to handle the far more inscrutable process of Legalese-to-English translation. (Of course, English-to-Legalese translation has not even been attempted, due to the effective lobbying of law schools, which complain that such a facility would render their existence largely unnecessary.)

Another category of software which clearly has a way to go is speech-recognition software, which would allow a

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lawyer to speak into a microphone and have his or her words converted immediately (i.e., without emptying four red mark-up pens and a bottle of Tylenol) into typed text. The problem is that, because of the processing needed, such programs require lawyers to speak slowly, which is basically impossible. On the other hand, the monotone that such programs also require has proven to be no obstacle for most attorneys, particularly those with many years of somnambulism-inducing presentations under their belts. High-end speech-recognition applications offer a variety of special add-on modules, such as the popular "Brooklyn accent" converter.

Computer viruses are a critical problem for all users, and lawyers are no exception. Fortunately, several leading anti-virus packages are available, including some that have been customized specifically to address the strains that single out lawyers' electronic efforts. One of the most feared is the so-called "Waffle Virus," which perniciously infects previously-straightforward legal texts like statutes and codes and randomly adds wishy-washy qualifying language such as "maybe," "for the most part," "by and large," and "the decisions are not uniform." The prevalence of this scourge is increasing at an alarming rate, as a quick scan of any recent law firm opinion letter will readily reveal.

Hardware

For many lawyers who spend a significant amount of their time traveling, the most critical piece of hardware is their trusty laptop computer. The problem is that such heavy-duty hardware is really heavy, causing road warrior attorneys to resemble the scales of justice tilted with a fistful of lead in one of the weighing pans. And the battle of the bulge will never end: Every time technological breakthroughs allow these machines to start getting lighter, manufacturers increase the weight back up by adding on a host of new (and, increasingly, questionably necessary) features, such as a hot plate, foot massager, and/or shredder. Chief among such "innovations" are the new crop of huge desktop-monitor-like, high-resolution laptop screens, apparently designed to insure that the tabloid journalists in the back row of the airplane can clearly read every word of your confidential strategy memo.

For those lawyers unwilling to emulate Ben-Hur by dragging around a Herniac 5000 strapped to their back, an increasingly popular alternative is the "personal digital assistant" or PDA, a computer the size of a small animal's spleen which you can simply put in your pocket. Far more portable than enormous loose-leaf organizers, which require your tailor to install kangaroo-like pouches in all your suits, PDAs allow you to lose an entire lifetime of data to a single pickpocket. The diminutive size of these units comes at the additional price of typing accuracy for those whose fingers exceed pipe-cleaner diameter. These less-gracefully-digitally-endowed will end up hitting between four and nine keys simultaneously; thoughtful PDA designers frequently provide macros whereby "gyhujnb" becomes simply "h," the key the owner presumably intended to strike.

CD-ROM and on-line databases

CD-ROM and on-line databases offer opportunities far beyond those of their paper-bound predecessors.

CD-ROMs in particular allow you the luxury of poking around for hours without incurring (and having to explain) annoying on-line charges. For example, armed with the Martindale-Hubbell Law Directory CD-ROM, you can find out where at least some of the people you went to college or law school with ended up. In some serendipitous circumstances, their geographic location may allow you to retain them as local counsel and effectively make their lives miserable for extended periods of time. Martindale-Hubbell also provides helpful quality assessments (e.g., "av" is top notch), and is reportedly considering expanding the scope of such evaluations to cover specific attributes such as wardrobe (ranging from "gd" for good dresser, to "sc" for schlumpy) and per-

sonality (ranging from "dp" for decent person, to "n/a").

CD-ROM case reporters, an increasingly common option, similarly allow you to spend as many unbillable hours as you like researching esoteric legal subjects. (It is only a matter of time before someone publishes a treatise on *The Law of Meatloaf*, covering the spectrum of cases where "hits" for that word were registered, including personal injury cases where a plaintiff consumed (or slipped on) meatloaf, divorce cases where a spouse inadequately (or too often) prepared meatloaf, and the like.) But the reality is that no electronic reporter can truly replace the paper versions, particularly the old volumes with handwritten notations instructing pre-photocopier secretaries what sections to type, leaving subse-

quent readers to wonder who were these anonymous lawyers who left their pencil marks for posterity.

Operators of on-line databases, in an effort to fight off their CD-ROM competitors, offer greater coverage given their greater capacity. Unfortunately, this usually results in databases larded with obscure and tangentially relevant publications, such as the *Journal of Halitosis*, *Wheel Alignment News*, and the full-text scripts of all episodes of "Perry Mason," "Matlock," "The Defenders," "Judd for the Defense," and "Night Court."

In addition, entirely new and increasingly esoteric legal databases are constantly being introduced. One of the most popular narrowly focuses

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on the current massive class-action litigation involving plaintiffs who have suffered indigestion from unsuspectingly consuming unreasonably spicy Southwestern ethnic fare — TEXIS/MEXIS.

Litigation support

Computer technology has also paid major dividends in the area of litigation support. Document-coding software can ultimately allow an attorney with a couple of keystrokes to find, for example, every memo by Mr. Smith written on the third Tuesday of a month where he used more than three semicolons but did not "cc" Mr. Rosenzweig. Unfortunately, frequent resort to such

programs has been observed to result in attorneys mentally "coding" every "document" they thereafter encounter, including restaurant menus (all anticipated occurrences of palm oil) and family correspondence ("uncle" within 10 words of "sciatica").•

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