



WSSFC 2023

Friday Afternoon Plenary

Gadgets, Gizmos and Widgets

Presented By:

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About the Presenters...

Nerino J. Petro, Jr. (IL & WI) is President of the Erickson Group of companies in Rockford, IL and previously the Chief Information Officer for HolmstromKennedyPC. He served as the first Practice Management Advisor for the State Bar of Wisconsin's Practice411™ Law Office Management Assistance Program from 2006-2014. Licensed in Illinois and Wisconsin, Nerino uses his years of legal practice and experience being CEO/Senior Legal Technologist for CenCom Legal Technologies, to help lawyers and their staff deal with the technology and practice management issues confronting them. He has worked with numerous leading products including TimeMatters, NetDocuments, TABS® time, billing and accounting software, Practice Master® practice management software, and many others. Nerino was the ABA LPM Magazine Product Watch columnist through 2012 and is a regular contributor to other local, state, and national publications including the Illinois Bar Journal, Wisconsin Lawyer, Wisconsin InsideTrack and ABA GP|Solo Magazine. He has presented throughout the US and abroad and has served on the ABA TECHSHOW Planning Board from 2012-2014 and is serving again for the 2018 ABA TECHSHOW. He was the 2019 Chair for the State Bar of Wisconsin Solo & Small Firm Conference Planning Committee and is a longstanding co-chair of its Technology Track. Nerino was named to the inaugural Fastcase 50 list of the top legal techies in 2011. Nerino continues to provide technology consulting, training and practice management services to lawyers and firms throughout the United States through CenCom Technologies.

Bryan Sims is a shareholder and founder of Sims Law Firm, Ltd., where he concentrates his practice in the areas of commercial litigation, civil appeals, and real estate matters. He's a member of the Illinois Bar and the Northern District of Illinois Trial Bar and is also admitted to practice before the United States Supreme Court, the United State Court of Appeals for the Seventh Circuit, the United States courts in the Central District of Illinois, the Southern District of Illinois, and the Eastern District of Michigan. Bryan is a member of the Illinois State Bar Association, the American Bar Association, the DuPage County Bar Association, and the Will County Bar Association as well as a member of the ISBA Standing Committee on Legal Technology, where he has previously served as the chair three times and the newsletter editor for 5 years. Since 2006, he has been a member ISBA Solo and Small Firm Conference Planning Committee. He is a past chair of the DuPage County Bar Association Law Practice Management and Technology Committee. Bryan has spoken on legal technology issues at the ISBA Solo and Small Firm Conferences, Wisconsin Solo and Small Firm Conferences, for the DuPage County Bar Association, the Chicago Bar Association, the Winnebago County Bar Association, the Lake County (Indiana) Bar Association, the Lake County (Illinois) Bar Association, the International Technology Law Association, National Business Institute and at ABA Techshow. Also, he was the featured speaker at the 2014 Oklahoma Solo and Small Firm Conference. Bryan has contributed to TechnoLawyer and was recognized as the 2005

TechnoLawyer of the Year. He has also written for PDA JD and regularly wrote reviews for Law Office Computing. Bryan blogs about the intersection between law and technology at www.theconnectedlawyer.com. Before entering private practice, Bryan worked as a judicial law clerk for Illinois Supreme Court Justice S. Louis Rathje. He has also worked as a staff attorney for the Second District of the Illinois Appellate Court. He is a 1993 Cum Laude graduate of Wheeling University and a 1996 Magna Cum Laude graduate of Loyola University Chicago School of Law. While in law school, Bryan served on the staff of both the Loyola Law Journal and the Loyola Consumer Law Reporter.

Brett Burney helps law firms and corporate legal departments navigate their e-discovery challenges as the VP of eDiscovery Consulting at Nextpoint Law Group and the eLaw Evangelist at Nextpoint software. Brett's passion lies in educating lawyers and legal professionals on the duties and responsibilities around collecting, reviewing, and producing electronically stored information. Brett served as the Chair of the 2015 ABA TECHSHOW Planning Board and regularly speaks around the country to lawyers and legal groups on a wide variety of technology-related topics. You may contact him at bburney@nextpointlawgroup.com.

Gizmos, Gadgets & Widgets: Helping Make You a Better Lawyer

Presenters: Brett Burney, Burney Consultants, Cleveland, OH; Nerino J. Petro, Jr., the Erickson Group, Inc., Rockford, IL, and Bryan Sims, Sims Law Firm LTD, Naperville, IL.

1. Introduction

For nearly 16 years, "Gizmos, Gadgets, and Widgets" has been a staple of the Wisconsin Solo & Small Firm Conference, offering Wisconsin lawyers an entertaining and educational experience. This perennial plenary session has garnered popularity among legal professionals as it combines the importance of concrete practice management tools and technology in the legal profession, both of which are essential for lawyers to thrive in today's fast-paced world. Not only is their competence enhanced, but it also makes the legal profession more enjoyable.

Based on feedback, the session routinely increases their competency when it comes to the practice of law as attendees consistently report increased competency in their legal practice, aligning with Supreme Court rule 31.07's standards for continuing legal education (CLE) activities.

2. Increasing Competency

Competency is one key to Supreme Court rule 31.07, which sets the standards for approval of CLE activities, as monitored by the BBE.

SCR 31.07 Standards for approval of CLE activities. (1) The board shall designate the number of hours applicable to the requirement of SCR 31.02 for each approved CLE activity. (2) The following standards shall govern the approval of CLE activities by the board: (a) The primary objective of any CLE activity shall be either to increase the attendee's professional competence as a lawyer or to fulfill their professional responsibility to provide pro bono legal services. (b) The CLE activity shall deal primarily with matters related to the practice of law, professional responsibility or ethical obligations of lawyers. (c) Except for repeated on-demand programs, a mechanically or electronically

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recorded activity will be approved only if a qualified instructor is available to comment and answer questions. (d) CLE materials shall be prepared by and activities shall be conducted by an individual or group qualified by practical or academic experience.

Solo and small-firm attorneys, especially, must pay attention to SCR 31.07(2)(b), which notes that an approved CLE activity “shall deal primarily with matters related to the practice of law ...”

Attorneys in mid- and large-size firms usually don’t have to be concerned about the topics covered by “Gizmos, Gadgets & Widgets” – either because they don’t have to worry about practicing on a budget, or because they have an in-house IT department to oversee and teach on such topics.

By making the most of the law practice management and other tools (including those they may already be using) solo and small-firm attorneys can concentrate on honing their client and substantive law skills. For example, a recent “Gizmos, Gadgets & Widgets” session taught attendees how to use an iPad as a second computer screen. Other segments focused on a “smart plug” that will turn on or off with an attorney’s smart phone, and an affordable group conferencing device for small practices.

The content of “Gizmos, Gadgets & Widgets” is new each year, as technology and practice management techniques evolve. The format calls for the volunteer presenters to take turns reviewing dozens of up-to-the-minute suggestions, supplying visual references as necessary.

While “Gizmos, Gadgets & Widgets” has been part of the Wisconsin Solo & Small Firm Conference since the beginning, in 2017, it took on new importance for solo and small firm attorneys as it fell for the first time under the new Law Practice Management credit approved by the Wisconsin Supreme Court, upon petition by the Board of Bar Examiners (BBE).

3. Board of Bar Examiners starts LPM ball rolling

In Wisconsin, mandatory CLE requirements are overseen by the BBE, an agency of the Supreme Court of Wisconsin. Supreme Court Rule Chapter 31 and duly adopted Board rules govern the Wisconsin CLE program.

“Active” lawyers admitted to practice law in Wisconsin must obtain at least 30 CLE credits every two years. Three credits must fall under the heading of ethics/professional responsibility. Up to six credits may be given under the subject of Law Practice Management (LPM).

The BBE petitioned the Supreme Court to amend its rules to allow for the LPM credit in 2016, writing that the LPM standard may include “topics such as client communications, trust accounting, record keeping, applications of technology, and other subjects essential to the practice of law.”

The Court incorporated the change under SCR 31.02 Attendance Requirement:

(4) A lawyer may attend a maximum of six (6) hours of the hours required under sub. (1) on the subject of law practice management, which may include topics such as client communications, trust accounting, record keeping, applications of technology, and other subjects essential to the practice of law. Courses or portions of courses dealing primarily with profit enhancement or marketing of services will be denied credit.

When the Wisconsin Supreme Court added the LPM credit, a State Bar of Wisconsin publication noted the change supported another alteration – one to SCR Chapter 20, the Rules of Professional Conduct that had been made as part of changes to the ABA Model Rules and adopted by the majority of states.

The resulting amended comment says that lawyers “should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology,” under the attorney’s duty to maintain competence to practice law.

4. Law Practice Management and the Rules of Professional Conduct

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A State Bar of Wisconsin petition in 2015 kicked off the change most relevant to the still-relatively new LPM credit.

The Bar brought the petition to the Supreme Court on behalf of its Standing Committee on Professional Ethics. Among other things, the petition called for changes in the comments to SCR 20:1.1 Competence, which states that, “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Wisconsin’s professional conduct rules include ABA Comments and Wisconsin Committee Comments (“proposed by the Wisconsin Ethics 2000 Committee,” the Court notes), as well as “Wisconsin Comments added by the Wisconsin Supreme Court where the court deemed additional guidance appropriate.”

“These comments are not adopted, but will be published and may be consulted for guidance in interpreting and applying the Rules of Professional Conduct for Attorneys,” according to a Wisconsin Comment to the Preamble of the Rules of Professional Conduct.

The Court amended the ABA Comment to SCR 20.1.1 on maintaining competence as follows:

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. (emphasis added).

The Wisconsin Solo & Small Firm Conference annual presentation of “Gizmos, Gadgets & Widgets” thus supports the efforts of its target audience to not only meet the requirements of SCR 31.02, but the spirit and letter of SCR 20.1.1.

5. Laughter: A Vital Component of Legal Well-Being and Learning

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In the high-stress world of law, where deadlines loom and adversarial battles rage, it's no surprise that lawyers often find themselves grappling with depression, anxiety, and burnout. Yet, as numerous studies and articles point out, a somewhat unexpected remedy for these common issues: humor and laughter. By infusing humor into their lives and legal practices, lawyers can not only cope with depression but also enhance their learning. This fusion of humor with continuing education is a potent cocktail for lawyers seeking to improve their well-being and sharpen their professional skills.

While the legal profession places great emphasis on competence and continuous learning, it often neglects another crucial aspect of well-being: mental health. Humor and laughter have a profound impact on lawyers' mental well-being and their ability to learn and retain information from seminars on legal technology and practice management.

5.1 The Healing Power of Laughter.

Numerous studies and articles have highlighted the therapeutic benefits of laughter. In the article "Legal Ease: An Attorney's Perspective - Laughter, the Best Medicine," the author discusses how laughter can be a valuable tool in dealing with stress and challenges in the legal field. Laughter triggers the release of endorphins, which are natural mood elevators, promoting feelings of well-being and relaxation. Quoting a Harvard Medical School clinical psychologist, the author reminds us that "Just a moment of laughter can allow us to think more clearly and creatively and strengthen a sense of connection with others," said Natalie Christine Dattilo, PhD, clinical psychologist and instructor at Harvard Medical School (source: "How to Laugh More Every Single Day," March 29, 2023).

5.2 Combining Humor with Legal Education

Continuing legal education is essential for lawyers to stay updated with changing laws and regulations. It can be a daunting task, but when humor is integrated into the learning process, it can significantly improve engagement and retention. The "Laughter Lawyer USA" blog (<https://laughterlawyerusa.wordpress.com/>) explores the idea of making legal education more enjoyable and effective through humor. By using humor, we can create a more relaxed and open

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learning environment, making the material more accessible and easier to absorb by those that may not want to be there or are primarily focused on the topic due to concerns about their practice. This approach is particularly valuable when teaching lawyers about technology and practice management, which can be complex and intimidating subjects.

This approach is reinforced by Jeffrey M. Schouela's essay titled Learning through Laughter: The Integration of Comedy into the Academic Curriculum (<https://eric.ed.gov/?id=EJ1348261>) and the paper can be downloaded from (<https://files.eric.ed.gov/fulltext/EJ1348261.pdf>).

This essay details how comedy into a curriculum can have positive benefits including improving memory and wellness.

5.3 Laughter and Cognitive Benefits

Laughter isn't just about feeling good; it also has cognitive benefits. According to an article by "Michigan State University Health4U" titled "Laughter: Good for Your Brain," (<https://health4u.msu.edu/articles/2019-laughter-good-for-your-brain>) laughter can improve cognitive functions. The article begins with a line that sums up the concept: **"Stop me if you heard this one: humor and laughing is really good for you. That's not a joke. It's science!"**

This insight underlines the potential for lawyers to benefit both mentally and educationally from incorporating humor and laughter into their lives, particularly when learning about technology and practice management.

Several cognizant points made in this article include:

Laughter has an effect similar to antidepressants. Laughter has been shown to activate the release of serotonin, the neurotransmitter affected by the most common types of antidepressants (Cha and Hong, 2013). The effect may not last as long as antidepressants, but the research demonstrates that laughter triggers at least a potent short-term dump of the chemical into our brains.

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Laughter improves your mental health. Research has found that laughter releases physical and emotional tension, elevates mood, enhances cognitive functioning, and increases friendliness ([Mora-Ripoll, 2010](#)).

Laughter protects your heart! How about that? [A 2000 study](#) found that laughter seems to have an anti-inflammatory effect that protects blood vessels and heart muscles from the effects of cardiovascular disease.

6. Stress Reduction and Resilience

In the legal profession, dealing with stress is a constant challenge. Laughter, as discussed in this article (<https://thedaily.case.edu/laughing-is-good-for-you-heres-why/>) from “The Daily at Case Western Reserve University,” of an interview with Anne Templeton Zimmerman MD Professor in Bioethics and director of education in bioethics and medical humanities at Case Western Reserve University School of Medicine, laughter is good for us. This article provides five key takeaways that are applicable to all of us, including lawyers:

- Laughing benefits you neurologically.
- Laughing improves your physical health.
- Laughing increases your emotional well-being.
- Laughing benefits your cognitive function.
- Laughing impacts your social health.

All these combine to not only help lawyers feel better in the moment but also contribute to their long-term mental well-being by building resilience against the pressures of the profession.

7. Conclusion

Incorporating humor into legal presentations not only makes the learning experience more enjoyable but also aligns with the evolving needs of the legal profession. It encourages lawyers to embrace technology and modern practice management techniques while reducing stress and promoting mental well-being. As the "Learning Through Laughter" article suggests, the

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integration of comedy into the academic curriculum has demonstrated how humor can enhance education, and this principle can be equally applied to the legal profession.

In summary, the use of humor in legal education and practice management sessions, like “Gadgets, Gizmos, and Widgets,” serves a dual purpose – it fosters the mental well-being of lawyers and enhances their learning and retention of essential skills, all of which are crucial in the legal profession.