



Get smart! Buy a smartphone

*Smartphones do so much more than cell phones
— it makes sense to get one. Here's how to shop smart.*



Mortimer

BY MICHAEL MORTIMER

Smartphones are everywhere. Consider that in 2008 it's estimated that worldwide there are four billion cell phone users. That's big business in anyone's eye, but relevant to lawyers, it's time for you to get updated, especially if you are still using an antique cell phone to simply make telephone calls. Fact is, smartphones do so much more nowadays that it makes sense to get one.

This article is in follow-up to last month's article *Sticking It To The Cell Phone Man*. Having used cell phones and smartphones in my law practice, I have the inside info to discuss the essentials a "lawyer smartphone" should have. Due to space limitations I won't be discussing consumer smartphones, sometimes called "multimedia phones," devices that play video, music, take pictures, play games and other amusing stuff.

History - From cell phones to smartphones:

In 1987 I was waiting for a table at an upscale restaurant. A rather stately looking man in his late sixties was standing at the bar with a toaster-sized device prominently placed next to his cocktail.

The toaster on the bar was a new cell phone that had just come out. I had read that they cost about \$2,000 and calls were something like 50 cents a minute. Although it was 9:00 p.m., the guy was making and receiving quite a few calls (there were no restaurant cell phone etiquette rules back then). I told my colleague that he probably commanded his minions to call at precise times, so we all could see how big a big shot he was.

Like anything electronic, a few years after that episode I, too, had a phone, but it was the size of a couple bars of soap rather than toaster-sized. Since the late eighties, cell phones have evolved from bricks that could

only make phone calls to 2009 where smartphones can function as miniature computers.

What is a smartphone?

There is no industry or consumer definition of what constitutes a smartphone, that is, in comparison to "cell phones" of the old days.

While a manufacturer can brand and trumpet devices as smartphones, savvy users consider a smartphone a device that typically has an operating system that functions much the same as your personal computer, the ability to run applications and programs, surf the Net, and that is able to perform various multimedia functions such as taking pictures, playing music and shooting/playing video.

Nowadays smartphones have a wide range of features, functionality, size/shapes, applications/programs and capability. It would take you a month of reading to have a basic understanding of all that is out there. To save you that time, I will summarize some essentials you should consider when shopping for a smartphone.

Smartphone essentials

In a law practice there are certain smartphone features that are more important than others. While there is a lot of hype in the media getting people all worked up about the cool and entertaining aspects of a manufacturer's and carrier's smartphones, in a law firm environment the flashy features and functions do not matter much when trying to get one's work done.

So herewith is my list of features important for a lawyer's smartphone. Note: Space constraints restrict my talking in great detail about each of these features.

Keypad or keyboard

Everyone is aware of the iPhone. A cool phone for sure, but the iPhone does not have a physical keyboard,



everything is done by touching the screen, even typing.

While a touch screen is not a new concept, people got excited about it because the iPhone looks sleek without a keypad. Even better, eliminating a keypad enabled Apple to make the smartphone's display huge compared to what people were used to with other smartphones.

Since the iPhone's debut, competitors have come out with their own versions of touch screen-only phones. Since the Apple debuted, I was curious how people would react to not having a physical keyboard, to see how users would respond to using a touch screen for all functions.

In my opinion, the majority of people who send e-mails or text messages do NOT like a touch screen-only smartphone. They complain it's too difficult to type on a touch screen keypad. This being the situation, if you plan on doing a lot of typing on your new smartphone, get a model that has a physical keyboard rather than a touch screen-only typing system.

Bonus Tip: When considering a smartphone with a physical keyboard, use your 30-day return privilege (see below) to type a number of documents or e-mails. This is because you need to determine if you can type on the smartphone's keypad. (E.g., some users complain that the smaller keypads or keyboards are difficult to type on, because their hands are too large, and the keyboard is too small.)

Bonus Tip: Every smartphone's keyboard is different. If you find it difficult to type on the keypad, exchange the phone for a different model.

E-mail

The smartphone's ability to handle e-mail is essential, especially if you litigate in federal court (federal cases are handled electronically, courts and opposing counsel communicate mostly by e-mail). Judges and counsel often send

documents attached to e-mail. It's essential for you on the road to be able to receive e-mails and to open and view attachments.

I can't talk at length about e-mail push technology; just understand that RIM's (Research in Motion) BlackBerry phones make receiving e-mail on a BlackBerry smartphone a breeze. On the phone you simply enter your e-mail address and password, RIM takes care of the rest and "pushes" your e-mail to your phone.

Keep in mind that competing smartphones are now providing push e-mail techniques similar to RIM's, so the days of getting only an RIM BlackBerry because you need the e-mail service are coming to an end.

Display

A large display is essential if you are going to access the Net (e.g., to visit the courts, Lexis or Westlaw) or if you want to view Word or PDF documents. On the smaller displays, such as on the BlackBerry Pearl or Curve, it's difficult to see what is on-screen. The newer smartphone displays are huge compared to the older smartphones.

Newer smartphones now have displays covering the entire front of the phone (similar to the iPhone.) That's really nice when reading pleadings or the New York Times!

For those users who need a physical keypad or keyboard, many smartphones have a "slider" keyboard, meaning the back of the smartphone slides out to expose a full QWERTY keyboard. (See the G1 "Google phone.") Since I need a physical keyboard, it does not get any better than my G1 smartphone. It has a big display and a slider keyboard.

Office applications

Just about every phone now has the capability of running mini versions of programs you use on your law office computer. Common programs lawyers need and that are available include a

PDF viewer, the ability to view e-mail attachments, timekeeping software, Internet browsers capable of accessing court and legal research sites.

Sidenote: My new G1 smartphone is open-sourced. This means that anyone can produce programs for the phone and make them available for download on to the G1 phone. Last week I downloaded, for FREE, the complete federal evidence code! I don't know who developed that program, but imagine that – the evidence code on my G1 phone!

Speakerphone

This is an often-overlooked feature that now comes on most smartphones. A good speakerphone is an important feature for a lawyer's smartphone to have. For example, we avoided a deposition postponement because we had a lawyer appear at deposition via my smartphone. I put my phone in the middle of the conference table, clicked on speaker mode and we were good to go.

Another time we were at deposition, and the federal judge ordered us to call her at an appointed time. I dialed the judge's number on my smartphone, put it in speakerphone mode, and we were able to talk to the judge instantly, as if by magic.

Once I was in a federal court MSC. One of the lawyers had the East Coast client attend via his speaker smartphone rather than the client having to incur the travel expense. (The judge said attendance by phone was OK, but the lawyer would have to use his cell phone, as the court was not going to set up the call on its phones. The court even asked counsel, "Does your cell have a good speaker phone feature?")

High-speed connection

Smartphones can now access the Internet. If you intend to do so, you need a fast data connection. Carriers call their high-speed service by various names or by the technology, such as "3G" (third generation).



If you want a high-speed connection, you have to do two things: 1) see if the carrier offers high speed in your locale; and 2) restrict your smartphone shopping to phones that have high-speed capability (not all smartphones have it.)

Plans

As said last month, carriers make their money on selling you services. Smartphone sales are not a source of profits for the carrier. This should be a hint to you that when shopping for that must-have smartphone, don't get so caught up on buying a particular phone to the point where you fail to calculate how much the carrier's cell service may cost you over time (that is, after totaling the annual cost of monthly calling/data services and extras).

If you intend to use your new smartphone to access the Internet, you are going to need a "data plan" which is carrier talk for your phone being able to connect to the Internet. Be aware that data services can get expensive, so check with the carrier what it will cost you, BEFORE committing to that smartphone you think is cool. Most carriers, except T-Mobile, have data plans based on a monthly charge for specified access to the Net. If you exceed the time limitations, overage charges can bankrupt you.

Sidenote: T-Mobile has the best data pricing plan of all the carriers, \$25 monthly for unlimited use.

Lastly on this point, find out what the carrier charges for texting, ringtones, downloading music, etc. These non-essentials can add up fast (I read online where a user wanted to know how to negotiate down the \$600 charge his daughter had erroneously incurred for one month of texting that she thought was free.)

Battery

If you talk on your phone a lot, access your e-mail program and access the Net, your smartphone is going to be a

battery hog. For this reason, battery life is an important consideration when buying a smartphone. Short battery life, such as with the G1 Google phone, can be resolved by having extra batteries or you can purchase a couple of extended batteries. For example, on eBay I found for my new G1 phone an extended battery from a reputable seller, for \$18 shipped.

Additional bells and whistles

Here are some extras a smartphone might have. If you see the need for any one of these features in your practice (e.g., taking an emergency photo of an accident scene while doing a personal injury investigation) then certainly take into account these items when shopping for a smartphone and move any or all of them to your "essentials list" as appropriate: video recording; camera; media player (picture viewer, music and video player); WiFi; GPS; and applications and programs, such as games.

Bonus Tip: If you travel a lot, the ability to play movies is a nice feature to have. I know an attorney who flew to the East Coast to conduct depositions. I provided her with a number of movies I (lawfully) converted from my DVDs so they would fit on to her phone's microSD chip. When traveling, she put on some earphones and watched a few movies during the flight. How cool is that? Very!

How to get a new smartphone from your carrier

OK, I've got you all worked up on getting a new smartphone, so how do you go about it?

There are numerous ways to get a new smartphone from your current carrier. Generally it's somewhat easy to get a free or discounted phone because carriers want to hold on to their customers, since the big profits come from selling monthly service, add-ons and extras. So if giving you a free or heavily discounted

smartphone will keep you as a customer, the carrier is going to send you one.

Here are some suggestions on how to get a smartphone of your choosing:

- Call your carrier and pay full price. Yuck. Even though that's an option, it's a bonehead suggestion. Let's pass on this one.

- Call your carrier and nicely suggest ("threaten") that you intend to move to a different carrier unless you get a free or discounted smartphone. Depending on your status with the carrier (e.g., big spender, have a good payment history, contract ending soon, long-term customer), the carrier will usually cave and ship you a new phone.

- Call your carrier and ask if you are entitled to a new phone at a discounted price. Some carriers refer to this as qualifying for "phone upgrade pricing." T-Mobile, for example, gives phone upgrade discounts after so many months from your last upgrade, starting from 11 months since your last upgrade. In fact, T-Mo has a feature on its Web site that says "Press Here To See If You Qualify For A Phone Upgrade." Press the button and it tells you instantly if you qualify.

You can also dial 611 on your phone and ask the carrier rep if you qualify for an upgrade price on the phone you want. The carrier looks the info up on the computer and then says yes or no. Don't give up if the operator says "no." There are ways to convince them to give you a deal. (Keep in mind that to get the phone at the upgrade price, all carriers require you to extend your cell phone contract, usually one to two years.)

- If you are not under a contract, because it has expired or whatever, and are on a month-to-month basis, or if your contract might be expiring soon, consider switching carriers to one where the new carrier will give you a free or significantly discounted smartphone for signing up. If this is your situation, you can gently "threaten" your current carrier to give you a free smartphone in return for not switching.



Other ways to buy

If you cannot get a smartphone from your current carrier, here are some suggestions on other ways to buy a smartphone:

• *Carrier promotions:*

Carriers often run online specials and promotions that are not advertised on TV or in print media. The deals are for service, data plans or popular phones. These deals are typically for new customers, so if you want to take advantage of a promotion you will have to switch carriers. (But see my article from last month, where I mention that you can usually switch plans with a carrier any time you want. This is because your contractual requirement is NOT that you stay committed to a particular plan, it's that you will stay with the carrier for the time agreed to.)

Sidenote: Keep in mind that if the carrier is the exclusive distributor of the latest hot, must-have smartphone, it will offer the phone and service on a take it or leave it basis (similar to what AT&T did as the exclusive seller of the iPhone.)

• *The used market:*

You can shop for a smartphone on the used market. The advantage of this is that you are not beholden to the carrier since you did not get the phone from it. You simply buy the smartphone, remove your current phone's SIM card and insert it into the new phone's SIM slot. Fire it up and you are good to go on the new phone.

Where to look? Craigslist or eBay are good places to search and some great deals can be had. While you have to be careful when buying on eBay, there are a multitude of legitimate reasons why people sell barely used smartphones, so the private seller used phone market is not that scary. I have bought about 15 phones over time on eBay and things have worked out quite well, including saving about \$200 on each by not buying through my carrier.

Warning: If you buy from eBay, make sure the phone does not have un-

paid bills attached to it. If it does, the phone may not be activated by the carrier. The way to check this is to ask the seller for the phone's ESN (electronic serial number.) Many sellers post a picture of the ESN on the auction page. (In fact, eBay may require posting of the ESN.) You then call the carrier, have them "run" the ESN and they will report if the phone is free and clear of unpaid bills.

Also, make sure the carrier's signal works in your locale. If you buy a used smartphone on eBay and you can't get a signal, you are stuck with the phone because eBay sellers do not guarantee that the phone will work in your locale. Other than the electronics, eBay phones are as-is sales in regards to getting a signal or your qualifying for phone service (e.g., you have bad credit.).

• *Third-party vendors*

Third-party vendors operate at shopping malls, big box stores, retail storefronts, electronic stores and online. These are retailers who will sell you a phone and sign you up for service, one stop shopping, if you will. They make their money on the commission received from the carrier for signing up new accounts. As you may suspect, if they sign you to a two-year deal instead of one, they get a higher commission.

Bonus Tip: Of all the sources for a smartphone and new service, I have found the best deals on the Internet. Not having the overhead of a local retail shop (such as Best Buy), online stores/vendors can offer smartphones at significantly lower prices. Some also have special pricing for service, offerings that have been worked out between the vendor and carrier.

My "secret source"

Now permit me to disclose my "secret source" that I referred to in last month's article.

In 2004 I read about and then desperately wanted the then-new BlackBerry 7100t smartphone (offered exclusively by T-Mobile). Everywhere I looked the

phone was \$250, even when signing up for new service. Putting in the research effort I would on a major case, I stumbled on to a Web site, <http://www.ushopwireless.com>.

I looked over their Web page and could not believe my eyes. They were offering the 7100t for FREE, and it would come with a T-Mobile plan cheaper than what even T-Mobile was offering on their site. (On the T-Mo site the 7100t was \$200 with a two year contract.)

So I checked on Google for any complaints about the vendor. Finding none, I took the leap. It was a totally pleasing transaction. I got a great plan and the phone I wanted cost me nothing!

Since that time I have referred about 10 friends and colleagues to that vendor and they too have reported back favorably. Their transactions were completed without incident.

So I recommend you check them out. Five years later their Web page still shows lots of great smartphones for free or at deeply discounted prices, the same as back in 2004. You can visit their Web page or call them at (877) 373-7100.

Bonus Tip: I called UShopWireless for this article. I talked to one of their business service reps, Jake Magee. He confirmed that California law provides for a 30-day no-questions-asked return privilege on cell phones and cancellation of service plans. So if you end up not liking T-Mobile's service or the smartphone, within the 30-day period, you can return the phone and cancel the service. Keep in mind, he said, that you still must pay for the number of days you used the phone service, which to me in the overall scheme of things is not an issue.

Conclusion

There is no reason for you to be on the outside looking in at your colleagues using the latest and greatest smartphones. Do what I suggest in this article and you too can be enjoying a new smartphone.



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* If you want to talk the talk, while we all continue to refer to talking machines as “cell phones,” most upper level devices are now called “smartphones.” It’s OK to continue to refer to your smartphone as a cell phone, unless you want to sound like a complete idiot, e.g., “Yes, Your

Honor, I keep my smartphone with me at all times. Madam Clerk has graciously agreed to call my smartphone when the jury comes back with a verdict.”

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