

APRIL 2010

How to avoid "dick surgery"

Type faster and avoid embarrassment in the courtroom with the help of really cool new software, Breevy.



Mortimer

By Michael Mortimer

OK, admit it. The title got you to turn to this page. So what's with the *dick surgery*? If I titled this article, *How To Improve Your Typing*, what would you do? If you are partially sane, you would do what any semi-normal, multi-tasking, restroom magazine reading lawyer would do: you would ignore this article.

So, I did what any desperate writer would do ("desperate" in the sense that I really want you to read this article; it's that important), I resorted to a cheap parlor trick: I incorporated into the article a vignette with sexual overtones.

So, let's get on with the dick surgery and how you can avoid having it.

The lawyer who had dick surgery

There was a lawyer in Florida who had a trial starting in a few weeks. But the lawyer recently had surgery and it was too painful for him to sit for long periods of time (understandable.)

Of course, the lawyer asked for a continuance. No problem, right? We all know that a debilitating medical condition is just about the only reason a judge will continue an upcoming carved-in-stone trial date. The lawyer filed his motion expecting it to be summarily granted. Since I don't know exactly what transpired next, I will add dramatic flourish.

Ringa dinga linga (let's assume the lawyer is a skinflint and refuses to replace his outdated phone.) It's the Judge calling about counsel's Motion. In a demanding tone, the Judge asks, "Are you mocking me?" Befuddled, the lawyer respectfully responds, "Of course not, Your Honor, why do you ask?" The Judge then reads aloud the lawyer's motion:

Plaintiff moves the court for continuance of trial for the reason that counsel for the plaintiff is recovering from dick *surgery and because of continuing pain is unable to properly represent plaintiff. Counsel is unable to sit for long periods of time.* [emphasis added]

After the Judge's inquest I imagine plaintiff's counsel, already pale from surgery, now looked like a large, talking calcium deposit. He then explained to the judge that he had "*disk* surgery" not "*dick* surgery." Placated, I suspect the Judge granted the motion (and did not find counsel in contempt of court.)

Unfortunately for the lawyer, the story did not end there. Someone decided to post the lawyer's dick surgery motion on the Net. Now sit back and imagine yourself in that situation. Imagine the local legal community mockingly nicknaming you "the dick surgery lawyer." And how about becoming famous on Google, not because of your achievements, but because you are "the dick surgery lawyer."

The local embarrassment and shame the lawyer experienced for his staff typing a <*c*> instead of an <*s*> is obvious, but consider the fallout from this off-by-one-keystroke error. Did the corporate client fire the lawyer because the lawyer's reputation was damaged or did it now question the lawyer's competence? Only that lawyer knows the answer, but I am sure you have suffered the same as I, where once in a great while a prospective client does not retain me because, I suspect, we misspelled the client's name in an e-mail or letter.

Lest you think I am making all this up, here is the lawyer's one-page motion: at www.legaljuice.com. The complete link is: http://www.legaljuice.com/2007/03/a_trial_continuance_due_to_sur.html

And Google's search results using <"dick sugery" lawyer> with dick surgery in quotes will return even more Web sites where this unfortunate plaintiff's lawyer's typo will forever be immortalized.

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Avoiding dick surgery and getting you to type really fast

The point of this article is not to have you distressed over something similar happening to you. My goal here is to provide you with a program that will prevent you from starring in "Dick Surgery, Part Deux" and to discuss a program that will reduce your typing by as much as 20 to 30 percent.

It will also have the effect of taking Prozac because when used properly, the program eliminates stress caused by having to type case citations, difficult words or common misspellings, and even entire letters or parts of a pleading.

The program is an application called "Breevy." I have been using it for a couple of months now, and I love it. And used correctly (I will show you how), it will become one of the most essential pieces of software in your office.

What's really cool is that I have arranged with the developer to get Plaintiff Magazine readers a 33 percent discount, so your price is only $19.95! To take advantage of the discount, go to this link to see the discount page the developer made for you: http://tinyurl.com/pmdiscountbreevy

By the way, I am not in cahoots with the developer. I bought Breevy, used it and then contacted the vendor to ask for a Plaintiff Magazine reader discount.

What is "Breevy"

Put in simple terms, Breevy is a typing aid program. The developer calls the program a "text expander" and "AutoText." However, as a lawyer who has used this type of program since 2004, I describe the program as follows:

> Whether typing in Word, WordPerfect, a database program, on the Net or in *most any* computer program, Breevy provides the following functions (these are terms I concocted, they may cross over into each other): Auto-Insert; Auto-Drafter; and Auto-Correct.

Since 2003, I have used a program that functions somewhat the same as Breevy, a program called "SureType." All was fine until in 2005 RIM (the BlackBerry people) bought the SureType name and technology to put on their smaller smartphones such as the BlackBerry Pearl 8100 that debuted in 2006. The sale ended SureType development, updates and support. Basically, SureType was no more after 2006, as least not as a program you could buy on the Net.

Since that time, I have been looking for a SureType replacement since SureType was no longer supported (e.g. with each new Windows OS I would be lucky if SureType continued to work.) While there are other programs out there that perform the above-described functions, after a few months of testing, I can tell you that Breevy is fantastic. It does everything that a lawyer needs an AutoText program to do. (More on that below.)

Why Use Breevy?

Bottom line: because typing sucks, and it takes a huge chunk of time to do our own typing.

I remember when lawyers doing their own typing was an indication that you were not doing too well financially or that you were … well… a plaintiff's lawyer. Back then having a secretary was a sign that you had made it. When you bumped into a colleague he would say "Have your secretary call mine so we can do lunch." And the secretaries did actually call to set up that lunch. As recent as the late eighties everyone had a secretary, to do things such as … typing.

Those days are gone. Nowadays everyone does his or her own typing. Where law firms had one secretary per lawyer, now it's one secretary per three to four lawyers. Yes, computers changed things. However, there were two other factors that caused things to change as well:

One: Lawyers who graduated in the eighties and nineties used computers, and they got used to doing their own typing. They found the dictation method cumbersome, highfalutin' status be damned. It made no difference. They preferred to do their own typing rather than dictate a letter, send it to be typed, get it back, make revisions, return it to the secretary, etc.

Two: Law firms discovered something. New hires wanting to do their own typing cut back on the number of secretaries needed. In other words, overhead was significantly reduced. When the economy imploded, there was even more reason to send out a firm memo to crusty senior partners too: do your own typing.

Using computers in a busy litigation practice and doing your own typing brought with it a new set of problems. It is difficult to be a trial lawyer, attend to litigation details and also deal with typing. So any program that can save you from having to type, type and type, well that's a program you need to purchase, immediately, if not sooner.

What you can do with Breevy

As corny as it sounds, Breevy can pretty much do anything your imagination might come up with. Within the law office setting, this is what I used SureType to do, and which now I use Breevy for:

- ***Cross use***

What I mean by this is that you can use most of Breevy's functions in any computer program or on the Net. This is dramatically different from being restricted to using auto-correct in Word, for example. In other words, you can use Breevy's Auto-Correct and other features in a database program, on forums and blogs on the Internet and even on Judicial Council pleadings and forms online.

- ***Auto-insert***

This is where you set up information in your Breevy database one time, and from then on you enter the abbreviation code for the information. Once you do that, the full text of your original information is inserted automatically into the form or whatever you are typing.

For example, if you were going to use an online Judicial Council Form Interrogatory, you could enter case name, case number, addresses and other abbreviations from your Breevy database. When typing the abbreviation on the

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form, the entire original text (not the abbreviation) will appear on the form.

If you are shopping online and the retailer wants a shipping address, you can use Breevy to auto-insert that information rather than have to type it every time you shop.

Here's an example: I have my mailing address entered into Breevy. When I want to enter the P. O. Box, I simply type an abbreviation for that and the entire address is automatically entered into the address box. For the zip code I enter the abbreviation I have for it, e.g. <*8*> and the full zip code is typed out. Where it might take 30 seconds to fill out an address, it takes me 10 seconds to fill out the three to four lines. (An added benefit is that I won't make an error if using Breevy every time to enter information.)

• ***Auto-drafter***

This is a use that I suspect is unique to me. What I mean by this is that I use Breevy (and SureType before that) to send form letters or e-mails.

For example, if I get an e-mail inquiry about taking someone's case, but I am not interested, I enter <*reject1*> to send a response e-mail. Once I enter that abbreviation that I created, Breezy then enters into an e-mail a very detailed rejection letter that says we are not interested in the case, warns about opinion only, advises the person to see another lawyer and warns about the statutes of limitation.

Yes, that type of e-mail could be saved as a draft e-mail file that be copied and pasted each time you need it. But why not simply click <reply>, then in the body of the e-mail enter <*reject1*> and have a detailed 10-line e-mail appear, that is ready for the send button to be pressed?

I even have an auto-complete for my standard letter closing, which is, "Regards, Michael Mortimer," complete with a comma and spacing inserted.

Other ways to use Breezy

Other uses include setting up a code to type out cumbersome client names, case citation format, statutes (Govt. Code Section 12900; Business and Professions Code Section 17200, et seq.); favorite quotes or phrases; disguised passwords; courts, captions, opposing counsel addresses (so you don't have to manually type them every time needed); Points and Authorities citations such as (Decl. of Atty. Mortimer, Ex. 32).

This auto-insert function saves you from doing a mountain of technical, time-consuming typing. This is why I say that by using Breezy, you can save perhaps 30 percent of your required typing. As you know, what really slows things down is you having to manually type cumbersome case citations and getting other technical details correct.

Add to that, having to manually type a client's or witness's name, you can conceptualize how much faster your typing will go if you don't have to stop every few minutes to type out a case citation format.

For example: What do I do if I have to cite a California Appellate Court case? I just set up an abbreviation, type that out and then edit the correct court info on the just auto-typed case citation. To make it work, all I have to do is type <*caapp*> and the Breezy program auto-types the correctly formatted California Appellate Court case citation.

• ***Auto-correct***

Maybe I should have put this as #1, since I got you interested in this article by telling you about an "auto-correct" story, you know … Mr. Dick Surgery Lawyer. If Mr. Dick Surgery had Breevy, he would not be famous on Google today for all the wrong reasons.

Breevy is set up with a database of commonly misspelled words that the program will auto-correct while you are typing, no matter what software program you are using (Word, the Net, a blog, the Court, e-mail, etc.) This cuts way down on your having to perform a spell-check. Breevy catches misspellings and auto-corrects them immediately.

The key to using this auto-correct feature is to set up your own entries as time goes on. For example, my typing style always results in my transposing letters in the word <*trial*> so that I am always typing <*trail*> by accident. So I set up Breezy's auto-correct feature to type the word <*trial*> whenever I type the word <*trail.*>

You can build your database auto-corrects over time, but whenever I install Breevy on a new computer, for example, I make sure to enter auto-correct entries that I know I want corrected, anytime and every time. In addition to my common errors, I make sure Breevy auto-corrects any words that might cause me to star in Dick Surgery Part Deux: *Trial* vs. *trail*; *Can't* vs. *cun't*; *statue* vs. *statute*; *death* vs. *dearth*; *dictionery* vs. *dictionary*; *cemetary* vs. *cemetery*; *sate* vs. *state*; and words that have confusing endings such as "*ant*" versus "*ent*."

Now I know some of you are thinking, "What about when I need to talk about a *statue*? What do I do then?"

OK, so ***once in your career*** you have a sexual harassment case where one of the offending acts was that the corporate president called the cute receptionist into his office. He showed the receptionist his computer display and asked, "What do you think of this dick statue? I was thinking of getting it for my office as a paper weight." He said this with a wink and drool dribbling off his bottom lip.

All I can say about this, and using the word, *statue,* as an example, is that rarely will you use the word, *statue,* in your legal career, but you will often have to type the word, *statute*. If you need to actually use the word, *statue*, you can manually type over the word Breezy automatically corrected.

Think about it. Why would you even want to leave words like *statue*, *dick* and *trail* not subject to auto-correct when as the above story shows, rarely if at all would you use them? Isn't it better to instead completely avoid using them altogether?

And what about the word, *dick*? It is better to risk that once in awhile, you make an innocent error and call someone

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Disk rather than the other way around. Besides, I don't know about you, but I have never come across anyone named, Dick, in litigation. Remember, it's better to type the witness name as Disk Waddell rather than tell the Court you had dick surgery so you need a trial continuance.

• ***Profession-specific database***

Over time, you can set up spelling of terms or words common to your practice emphasis or specialty. For example, if you had an employment law practice you could set up auto-complete abbreviations such as: "ee" for employee; "er" for employer; "co" for Company; "hb" for handbook; "nca" for noncompete agreement; "nc" for noncompete; "cor" for corporation; "sh" for sexual harassment; "wt" for wrongful termination, etc.

Tips and tricks on how to use Breevy

Although Breevy is very user-friendly and easy to learn how to use, I made two video tutorials for you. Video #1 goes over basic use of Breevy and Video #2 shows it in action. You can download both by entering these links in your browser: http://litigationuniverse.com/pmbreevy1.wmv and http://litigationuniverse.com/pmbreevy2.wmv

Also, the developer is very, very responsive and helpful in terms of tech support. So if you are stuck, shoot him an e-mail. His name is "Patrick." He also encourages users to contact him with suggestions for ways to improve the program or add features.

Conclusion

Let me be "abbreviated" since that's the topic of the day … all things considered, for $19.95 Breevy is one heck of a deal.

Still don't believe me? You can download it for FREE and try it out. I guarantee, use it for a few weeks; you won't be able to pay for it fast enough. It's that good.

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