

Will Free Fit into Your Technology Budget? An Open Source Software Primer for the Solo and Small Firm Lawyer

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Whether you're just graduating law school or have been laid off from a firm or forming a contingency plan, hanging out your own shingle is attractive and empowering. There is nothing quite like being your own boss. You get to set your own schedule. Choose your own clients. Do your own research. Argue your own cases.

You also get to be your own budget director and IT director. A challenge in being a solo practitioner is reconciling the various conflicts that come with being the boss, marketing, budget and IT director. One of the most common conflicts is the cost of the technology you want versus what you can afford. If you worked for a large firm, you may be used to having all kinds of applications installed and supported by an IT department. You now are running all of these things. And you may be in for sticker shock as many applications used by large firms are expensive, and beyond your current budget.

But what if you could get the software you need, for free, to get a solo practice up and running? That's now an option with a class of software known as "Open Source." Open Source software is available for free, often has a good reputation on features, performance and security, and is especially attractive to law firms who do not want to live exclusively in a Microsoft world. It's time for all lawyers, but especially solos and small firms, to learn more about Open Source software.

Open Source 101

Using the term "Open Source," in the context of computer software, around non-intellectual property lawyers tends to elicit blank stares. They might understand the general concept of "open," often referencing state Sunshine laws and President Obama's Open Government Directive. Both strive to achieve another buzzword: transparency. The American public has a right to know what its elected officials are doing, and state Sunshine laws, the Open Government Directive and the Freedom of Information Act are tools employed for greater transparency. When it comes to computer software, the same line of thinking applies.

Open Source in the world of software refers to the type of licenses associated with a certain set of programs, now numbering in the thousands. At the heart of Open Source is the principle of eliminating restrictions on the ways people can use, and improve, the software. The software is free, in two senses of the word.

First, as Open Source advocates often say, the software is free as in speech (freedom and transparency). Open Source licenses give users liberal rights of use, access to *source code* (the actual software programming code written by programmers) and the ability to modify the source code and corresponding documentation, or create new code and documentation. Open Source software and Open

Source principles have played a key role in the development of the Internet. To learn more about Open Source licenses, visit the Open Source Initiative Web site (<http://www.opensource.org>).

Our focus in this article will be on the second sense of "free." This software, with some exceptions, is, as Open Source advocates often say, free as in beer (cost). Except for those rare lawyers who enjoy playing around with source code, the most attractive thing about Open Source software is the price: \$0. Open Source alternatives, such as OpenOffice, Paint.NET, GIMP, WordPress and others offer the same functionality (or, in some cases, more so) than commercial software products for \$0. Though OpenOffice, Paint.NET and others appeal to techies and non-techies alike, it is still a change away from customary applications. That change, however, comes with no financial investment—you will not spend hundreds of dollars on an application that, in the end, you don't like or doesn't do what you thought it would.

Another important feature about Open Source software is that it is developed, maintained and supported by volunteer communities of programmers. There is not a "vendor" in the classic sense that sells the software. No 1-800 numbers to call that send you into voice-mail oblivion. No Help Desk e-mails that do everything BUT answer your question. Instead, you are free to read and edit the documentation, post to forums, wikis and the like. In some cases, you can communicate directly with the programmer or developer. Odds are good, especially with popular programs, others have had a similar question, and through the wisdom of crowds and people just like you, the question is answered quickly and directly. To be sure, it's a different type of approach than what you have been groomed to expect, but it is effective.

The Case for Open Source

Consider the example of the "suddenly solo" lawyer who has exited a large firm. This lawyer was used to the vast software resources available at a big firm, and now sees that such software comes with a hefty price tag. Specialty software like case management systems, corporate intranets, Web sites and the like can be expensive up front, and expensive to maintain. This expense has a direct impact on cash flow.

Cash flow is one of the biggest concerns for the start-up firm. You improve cash flow either by increasing collected revenues or reducing out-of-pocket costs. In a perfect world, you would be able to consistently collect revenues and forever be reducing out-of-pocket costs. We know the world is far from perfect, but especially in today's economy, you have more control over cutting costs than you have over generating fees and actually collecting payments.

Open Source software offers a way to cut costs in order to improve cash flow, particularly in the early stages of a firm. The cash you save on software can be used for other purposes, like meeting payroll or paying yourself so you can make your mortgage payments.

Using Open Source software not only helps cut costs, but it also helps you get through a start-up period until revenues become more stable. Open Source software lets you take care of basic tasks, like drafting and time-tracking, while you evaluate your needs for more specialized software, and provides

functionality for support staff who just need to take notes, review drafts or do other tasks that do not require full-featured software.

A few years ago, Open Source applications probably were not realistic choices for any but the most adventurous and tech-savvy lawyers. Installation required knowing how to navigate and configure the innards of a computer through commands. Much has changed in the last few years, including its increased adoption in the marketplace.

Here are a few examples. Open Source software is frequently referred to as the software that powers the Internet. Apple's operating system incorporates Open Source code. Google uses Open Source as well, in both its search technology and in some of its applications, such as its Chrome browser. Many people now use the Firefox browser instead of Microsoft Internet Explorer, and many people have at least heard of Open Source operating systems like Linux and Ubuntu, applications such as Audacity, GIMP and OpenOffice, or the Google Android phone operating system.

Many Open Source programs have now been around long enough to have matured into solid and well-reviewed programs. As we mentioned before, the software developer and user community is often helpful in answering questions and fixing problems. However, not all Open Source programs are as "user-friendly" as commercial programs. There may be a learning curve, and help manuals and tech support might be minimal, especially if the project is new and has yet to garner support. On the other hand, you might find that the actual software author is answering your question and fixing your problem.

Open Source applications can dry up and disappear if there is no support internally or externally, but the same thing can also happen with commercial programs, especially after mergers and consolidations. The difference with Open Source, however, is that the program can be picked up and further developed by someone else, and made available again at no cost. That is not always the case with commercial programs. If a merger or consolidation causes a particular application to be cut, that is the end of the application and all of its support.

A Realistic Approach to Open Source

Properly understood, Open Source should be considered as just one part of your software portfolio. There is not an Open Source alternative for every type of application. And the computer you are using or buying will most likely already have an installed operating system, such as Windows or Mac OS X, a trial version of Microsoft Office, a Web browser and a number of other programs. These programs can vary widely if you purchase an Apple or a PC, so you will want to take an inventory and play around with the different applications, and then incorporate Open Source programs to fill in the gaps.

Think of routine tasks that you might take for granted in a law firm—time-keeping, simple graphics or photo-editing, chart creation, file uploads or encryption. You might not want to try to find the "best" commercial software for each of these tasks, especially if your usage of the tools will be minimal or sporadic.

If you have only a few clients or matters to start, you might want to find a simple, free program that will let you keep track of billable hours and generate simple reports that you can use as invoices. Or you might want to touch up or enhance a few photographs for some quick marketing materials, but have no

need for Adobe Photoshop. Uploading some files to your Web site might be another example. In each case, you can find a free Open Source application that will handle the task. Firefox, the well-known Open Source Internet browser, lets you add a huge variety of plug-ins, giving you free additional functionality to your browser. Being able to accomplish tasks from a browser, like uploading files to your site, also means you'll spend less time opening, closing and generally rotating between applications, making you more efficient at the "business tasks" so you can focus on the "lawyering tasks."

Step up another level and you'll find Open Source programs for invoicing and accounting, e-mail and instant messaging, document management and project management. There are thousands of Open Source programs, and many of them are highly regarded in their categories.

And then there's OpenOffice. OpenOffice is a free alternative to Microsoft Office. It gives you the whole suite of office tools—word processor, spreadsheet, presentation tool and database. OpenOffice has been around for a long time, with many users from a variety of professions. Perhaps most important, from a lawyer's perspective, is its ability to handle and produce documents in Microsoft and WordPerfect formats. Since a copy of Microsoft Office 2007 (soon to be Office 2010) will run you at least \$300, OpenOffice is a simple, cost-saving alternative. Granted, you might be able to afford \$300 for just you, but perhaps not the cost of Microsoft Office licenses for your secretary or staff. And there might be more functionality in Microsoft Office than any support staff needs, making the investment wasteful. OpenOffice, on the other hand, presents a no-cost alternative for staff who don't need full-blown versions of Microsoft Office. And even if your firm is just you, you'll eventually grow. OpenOffice will allow you to expand your staff without additional Microsoft licensing costs.

Although probably still best left for the adventurous and techie solo, Linux and other Open Source operating systems offer alternatives to Windows and Apple operating systems. The current "distributions" or varieties of the Linux operating system have become more user-friendly and more commonly used than before. Ubuntu Linux is often found on inexpensive netbooks. An inexpensive netbook loaded with Open Source programs is another option for providing "just enough" technology for staff as cheaply as possible, or to help you stay productive while traveling to client sites, conferences or other work-related events.

Five Steps to Get Started

Choosing any type of software is never an easy decision. You need to balance your technology needs with your technology budget. Sometimes what you want now, you can't afford now. Open Source can certainly help on the budget front, and here are five steps to help figure out your technology needs:

1. **Inventory.** Take an honest inventory of your software needs and what you can afford to spend on technology right now. Identify areas where there is an intersection of high cost, limited use, and difficult or lengthy decisions required to select software. These areas are the places to look for Open Source alternatives.
2. **Basics.** Get grounding in the basics of Open Source beyond the brief summary in this article. As with any technology, there are subtleties and nuances that, if known upfront, can make the decision, and the

implementation process, much easier. The Wikipedia entry for "Open Source" (http://en.wikipedia.org/wiki/Open_source) is a good starting point. Eric Raymond's classic article, The Cathedral and the Bazaar, can't be beat for an introduction to fundamental Open Source concepts (<http://www.catb.org/~esr/writings/cathedral-bazaar/cathedral-bazaar/>). If you're more the auditory type, preferring to listen to something while performing other tasks, check out the University of California - Berkeley's Information podcast on Open Source in iTunes U, the education section of Apple's iTunes.

3. **Choices.** Learn what your choices really are. Again, not every commercial piece of software has an Open Source alternative. A good way to get an idea of what is available, or to sample of the variety of programs, find specific programs, and learn about various Open Source projects, is by using Sourceforge (<http://www.sourceforge.net>). Sourceforge offers a search engine you can use to find programs based on keywords and other search techniques. Need a time-tracking tool? Do a search for "time tracking" and see what programs might suite your needs. At Sourceforge, you will find "home pages" for the programs, downloads, and other information. Another simple way to find programs is to add the phrase "open source" to a Google search.

4. **Diligence.** Do some due diligence. Search for, and read, reviews and other information about a program. Note the last date of release and the activity in the program discussion groups. CNET and PC magazines often review Open Source programs. There are some excellent blog posts and articles listing the "best" Open Source programs that offer helpful starting points (e.g., <http://www.quickonlinetips.com/archives/2009/06/open-source-windows-applications/>). Click2try (<http://www.click2try.com>) offers a way to test programs before you install them. You might be more willing to take a chance on a program that's free than one that costs hundreds of dollars, but you don't want to be foolish, either.

5. **Simple.** Start simply and smartly. Experiment with a few popular programs and some utility that addresses some of the gaps you have identified. Build from what you learn from each experiment.

If those five steps seem daunting, consider finding an open source technology consultant, or talk to other lawyers who use Open Source applications. Open Source consultants can help you quickly identify, research and implement applications to fill the gaps for the "business tasks" so you can stay focused on the "lawyer tasks," the tasks that will make you and your firm a success.

Does Open Source Make Sense for You and Your Practice?

It now makes good business sense, as well as practical sense, for lawyers and law firms to add Open Source options to the technology decision-making process. Open Source can be an attractive choice when you need to cut costs, don't have any budget or simply want to delay decisions on buying expensive commercial software. We also like Open Source programs like OpenOffice as a way to save money and outfit personnel who don't need full-featured software. With the high cost of software today, consider adding Open Source software to the mix whenever evaluating new software purchases. As a side benefit, supporting Open Source efforts also makes the software world less monocultural and more open than it currently is.

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