

Apps for Aging Lawyers: Prostheses for the Mind?

GP Solo, 2013, July/August 2013: Retirement Planning and Elder Law, Vol. 30 No. 4

By Nathaly J. Vermette

Nathaly J. Vermette (nathalyj.vermette@andrewsrobichaud.com) is a partner in Andrews Robichaud, a Canadian business and intellectual property law firm, and is president of emAPPetizer Inc. (emappetizer.com), which builds mobile productivity apps.



In the western world, where the average age of the population has steadily increased with advances in science, it stands to reason that the retirement age has also risen. Now that we are living longer, we fear that we may run out of money if we stop generating income too early.

But the aging workforce has also seen a rise in health-related issues. One such issue could be termed “watchamacallitism” or, more formally, mild cognitive impairment (MCI). We all know someone—a family member, a friend, or a colleague—either experiencing MCI or providing care to someone with the condition. In the past, MCI was easier to keep hush-hush, but with the increased number of people affected and remaining active in the workforce, it has become difficult to ignore.

MCI is a progressive disability that affects certain memory functions. It is a loss of the ability to access the memory at will. Some of the more common signs of impairment are searching for words or names, repeating oneself, and difficulty organizing tasks and thoughts. MCI is not a loss of intelligence, however. Access to long-term memory often

stays intact while the short-term memory seems to be the most affected. The mind can be clouded one day and crystal clear the next. Although different from person to person, MCI is a condition that can, for most, be stabilized, if acknowledged and treated early. As such, it is an affliction to the brain, a disability.

Aging lawyers are not immune to MCI, and because of their responsibilities regarding their clients, the consequences of cognitive impairment can be severe. This article will focus on the attorney experiencing MCI who wishes to continue practicing law. A range of technological tools—primarily mobile apps—are presented below, along with suggestions for creating a support network that will help integrate these tools into a lawyer's practice.

Lawyers and MCI

Treatment of MCI, paired with a structured work environment, can enable an affected lawyer to remain engaged in normal activities and continue to provide meaningful contributions for a while longer, albeit with some adjustments and support. This being said, we can never lose sight of the business side of the equation.

Being afflicted with MCI makes key concerns out of managing client relations and services, human resources, insurance coverage, and professional liability for errors and omissions. A law firm may want continued access to the expertise, client base, and contacts of this experienced professional, but not at any cost.

It is a balancing act between providing high-quality services to clients, generating revenue, and protecting the firm from liability for errors and omissions on the one hand, and maintaining respect, dignity, and an effective and engaged workforce on the other. In addition, issues such as contractual obligations, the right to privacy, the preservation of reputation, and other basic human rights need to be considered carefully.

To assist in this balancing act, the firm needs to arm itself with information and tools to limit its exposure as the impairment progresses over time. More structure and supervision may be required to continue to tap into a lawyer's wealth of knowledge, while care must be taken to preserve a positive reward-effort ratio or return on investment (ROI).

To begin the balancing act, the first step is to notice and then acknowledge that there is indeed an issue. This is easier to accomplish when an affected lawyer works in a large or even a small firm and is surrounded by colleagues and assistants who may notice certain changes.

However, in a solo practice, where there may be little or no interaction with team members or an assistant, this may prove more difficult. In such cases, it may be family members who first notice issues. In other cases, it may be opposing counsel, or worst, a client who notices a problem and may suffer the consequences. In some cases, it may even be the affected lawyer who notices that he or she is taking much more time to accomplish tasks.

As lawyers, we are all well endowed with "personality," and in some cases, it may be painful to admit that there is indeed a problem. Care and firm persuasion must be exercised to deal with the uniqueness of each case. For some, the solution is to retire, while for others, the benefits of continuing to practice may outweigh the risks, at least for a while.

Building the Right Support Structure

Before implementing technology tools to help a lawyer with MCI, a support structure must first be put in place to ensure the lawyer can continue to practice effectively and integrate these new tools into that law practice.

The concept of "practice circles" or teams is not new in medium to large firms. Therefore the shift to a concept of "practice support circles" (PSC) should be relatively easy when lawyers, paralegals, assistants, and the firm compliance officer are willing to fully cooperate and be flexible. It also requires the sensitizing and understanding of the firm and its members as a whole.

For small and solo practices, however, the concept may be newer and therefore may require some changes in work methodology. This may mean teaming up with a younger lawyer or adding a personal assistant to keep the practice running smoothly.

Once created, the PSC provides a more structured and conducive environment for the afflicted lawyer to work, where others assist with the short-term memory disability, and the firm and clients continue to benefit from the intelligence and experience senior lawyers offer. Once the support structure is in place, the technological aids can be introduced.

Integrating the Right Technology

In the past, accepting and adopting new technology has proven challenging for some older individuals because the technology has not always been simple and accessible. There has, however, been an age shift in the adoption of technology. Today's aging population is increasingly technology savvy. According to a report from Nielsen, "Americans between the ages of 55 and 64 are adopting smartphones at a faster rate than any other age group. . . ." (tinyurl.com/d3safcf), and mobile devices are now commonplace among seniors. Lawyers of all ages are beginning to carry tablets or other mobile devices inside the courtroom or to meetings instead of lugging files and books. The most probable reason behind this mass adoption lies in the simplicity, ease of use, and portability of this new technology.

These devices—more intuitive and accessible than ever before—can be readily adapted to become extensions of our minds. This is done by creating custom interfaces or apps to exploit specific device functionalities and to connect seamlessly to databases or plug into existing systems, as required. Most firms now have practice and file management and accounting software or systems in place, and some of these systems provide mobile access through tablets or smartphones. (Database security and confidentiality must be carefully considered when allowing mobile access to such resources.)

So how can aging lawyers use this technology to stay in the workplace longer? And what is the "right" technology to help a lawyer with MCI? The answers will differ depending on the type of practice and work method. As a general rule, however, look for simple tools with "clean" interfaces that require little or no technical abilities and that (1) assist the affected lawyer in the performance of everyday tasks, (2) facilitate supervision without being too invasive, and (3) do not add to the already heavy workloads of team members.

Several mobile applications perform one function or another, such as:

- Daily tasks or "to do" lists;
- Dictation application that auto-type or record, then send an e-mail directly to an assistant;
- Shared calendars that automatically populate daily "to do" lists based on deadlines;
- Reminders, prompts, and timed calendar alerts;
- Practice guidelines and checklists;
- Private and secure messaging systems;
- Time keeping;
- Accounting;
- Direct videoconferencing with pre-established individuals or groups;
- GPS and location assistance;
- Project/file management systems; and
- Note taking.

The keys to using technology to assist people affected with MCI are early adoption of the technology and minimal interaction between the affected member who needs to perform the task and the rest of the team. Keeping technology simple and seamless allows both the affected person and the surrounding support circle to focus on the business, not the technology.

Challenges to Introducing New Technology

There are several challenges that need to be overcome when providing new tools to an aging workforce. One such challenge is overcoming the fear of technology itself. As noted above, this factor is fading quickly with the high adoption level of technology by seniors, but it still needs to be considered as not everyone is interested in the newest and latest gadget. The adage "if it ain't broke, don't fix it" has much merit; however, when integrating a PSC, technology is indeed the way to go.

Another challenge when introducing new technology is finding a way to package the complex and sometimes numerous software functionalities into tools that are simple to use with little or no technical acuity.

In order to succeed, the technology must mimic existing and well-established work methods and habits, allowing for its adoption without having to learn a new skill. For example, adding or crossing off an item from an electronic to do list must be similar to the pen-and-paper version. The obvious advantage in using electronic to do lists is that the practice circle or manager can monitor the progress on any project timeline.

We have found, however, that few currently available apps consolidate several functions into one user-friendly program. There still is a need for integrating the various components and allowing users to pick and choose the functionalities they need and want in one tool that is simple to use and suits their practice style.

Simple interfaces can be custom designed to consolidate, converge, and “plug into” existing systems to better exploit them and assist someone with MCI or someone with an aversion to technology.

One mobile application that can help with such consolidation is VITACARE, developed by emAPPetizer Inc. (emappetizer.com), of which I am president. This app was designed to assist seniors at home on a personal level by creating a “circle of care” to help manage day-to-day tasks and events. Circle members can input information into the app, helping to remind the user of the various things that need to get done during the day. VITACARE is one of the first apps to consolidate such functions as (1) calendaring, (2) generating daily to do lists from the calendar or by adding or having circle members add items, (3) creating reminders and alerting circle members when a task has not been completed, (4) messaging, and (5) managing documents and photos. VITACARE is currently being adapted to assist aging individuals in the workplace in various disciplines; the components will be customized and the interface adapted to work with existing databases and work methods.

Mobile Apps to Consider

The mobile app world is evolving very quickly with new apps coming onto the market every day. In addition, existing software platforms are adapting their products and services to the mobile shift. The following list of apps aimed at the general population (and not specifically at seniors or lawyers for that matter) does not purport to be exhaustive, but aims rather to be informative in providing a small snapshot of what may be useful to attorneys in their maturing practice. Unless noted below, they are all available free of charge for one (sometimes both) of the major mobile platforms: Apple’s iOS (from the iTunes App Store, apple.com) and Android (from the Google Play Store, play.google.com).

Dragon Dictation (iOS). This is an excellent app for short memos, letter, text messages, or e-mails. Simply speak, and watch your message be typed.

Listnote Speech/Text Notepad (Android). This app is similar to Dragon Diction but is for the Android operating system.

Siri (iOS). This built-in Apple feature can be used for dictation and also to ask questions and conduct searches. The app is limited to Apple phones and tablets: iPhones (4S and later), iPads (third generation and later), and iPod touches (fifth generation and later).

Voice Search (Android). This app is similar to Siri but is compatible with Android smartphones and tablets.

Skype (iOS and Android). This is a very popular Internet calling service that allows chat, telephone, and video telephone calls. Several other free phone apps exist as well, such as Viber; Tango Text, Voice, and Video; and Truphone, to name but a few. All are available on both iOS and Android.

FaceTime (iOS). This is a simple-to-use videoconference app for iPhones, iPads, and iPod touches.

Find Your Car with AR: Augmented Car Finder (iOS). This is a simple and fast parking application that helps remind you where you left your car. Just park your car and press the “I parked here” button. When it’s time to find your car, just open the app and follow the arrows.

MyCar Locator (Android). Similar to the above, but for Android.

e-Readers. Kindle, Kobo, iBooks, and other e-readers are wonderful as they allow for easy access to practically any book on the market. Most e-readers have published mobile apps for a variety of smartphones and tablets. For the aging population, e-readers are particularly helpful as they allow the user to adjust (i.e., enlarge) the type to any size that is comfortable.

VizWiz (iOS). This is an iPhone application for partially sighted people. The user takes a picture with the iPhone, then speaks a question and receives multiple spoken answers.

TalkBack (Android). This application, part of Google’s Android Accessibility Service, was developed to assist the visually impaired in using their cell phones. The app also reads text out loud and carefully evaluates and speaks out users’ movements.

Auditorium Class & Meeting Notes (\$5.99; iOS). This is a note-taking app for the iPad and is a good way to record, organize, review, and share your audio and text notes from your meetings and conferences.

Other noteworthy note-taking apps include Google Keep (Android), OneNote (iOS and Android), and Evernote (iOS and Android).

mSecure (\$9.99; iOS and Android). With so many user names and passwords to remember, this app offers a convenient solution to safeguard your important information. Ultra-secure encryption is used to protect account numbers, user names, passwords, and more.

For more suggestions. A more complete listing of mobile apps for lawyers is found at a website and blog called “Attorney at Work” (tinyurl.com/c8f7tc6), which provides law firm management tips and suggestions. It also reviews apps for lawyers that cover everything from legal documentation apps; file, evidence, and time management apps; productivity apps; and even jury selection apps.

Lend a Helping (Prosthetic) Hand

Given a choice between creating a structured work environment or having to shut down a thriving practice, most lawyers with MCI would probably opt for the structured work environment, especially if simple-to-use technology is readily available and discreet for all involved.

We are seeing incredible technological advances in prostheses that replace lost limbs and allow disabled people to walk and run with the able-bodied and attain incredible results. Why then would we not do the same for our minds and the wealth of knowledge and experience they contain? In many cases, technology can provide assistance in overcoming such disabilities by prompting, reminding, and providing access to help when required.

Everyday technology is evolving and being introduced at a pace never before seen. We are currently at the crossroads where new mobile technology is meeting productivity and connectivity. We need to start tapping into such technologies to empower older lawyer who want to stay engaged in the legal world but simply need a helping hand.