

June 24, 2007

Tallmadge Attorney of 2057  
Tallmadge, Ohio

Re: Tallmadge Lawyer of 2007

Dear Tallmadge Lawyer of 2057:

Tallmadge is celebrating its bicentennial this year. The community has been invited to submit items of interest for a time capsule that will be opened on the city's 250<sup>th</sup> anniversary.

The purpose of this letter is to share with you my experiences and the changes that have occurred in the legal community and my life during my 32 years of practice. Hopefully, this will inspire you to write a similar letter to the Tallmadge Lawyer of 2107. Wouldn't it be fascinating to read letters from the Tallmadge Lawyers of 1957, 1907, and 1857 about what it was like to practice law then and the changes that occurred during their legal careers?

Tallmadge has been my home since 1971, which is the same year I started law school at The University of Akron School of Law. While attending law school I was a law book salesman for West Publishing Company, the largest law book publisher in the country. During my sales career, I called on all of the law offices in Northeastern Ohio and probably knew more lawyers than any other lawyer in the state.

I became an attorney in November 1975 and opened my law office two months later. It was located at 22 Southwest Avenue in Tallmadge. The building was a home converted to offices. I had a very small office in the back of the second story of the building. Today my law firm is in a suite of offices with about 2,100 square feet.

When I started my practice, it was the only law office in town. Several lawyers lived in the city but most had their offices in Akron. I have often wondered who had the last law office in town before I opened mine. During this bicentennial year, several historical enthusiasts have lectured about the history of Tallmadge. One speaker commented that in the mid-nineteenth

century there were more law offices than doctors' offices in the city. Today there are four law firms in Tallmadge.

At the onset of my career, most attorneys, including me, operated a general practice rather than specializing. Initially, my practice consisted of civil trials, criminal cases, divorces, probate, real estate, business law, collections, and contract law. Throughout the years I, as well as many of my colleagues, have become more specialized in a few areas of law.

As a new attorney, my hourly rate was \$30; now I charge \$225 per hour. Contingent fees, typically one-third of what the client receives as an award, were common when I started to practice law. That payment method is still used today for many types of contested civil cases.

Most lawyers were men when I began my practice. Ten or fifteen percent of the students in my law school class were women. My associate attorney, Michelle Starbuck, graduated in 2005, and nearly half of the students in her class were females.

Earlier in my career, it was common to have civil jury trials. Litigators who have been around as long as I would agree that there are a lot fewer civil jury trials now. The term "alternate dispute resolution" was unheard of in the 1970's and 1980's. During that era, arbitrations and mediations were rare.

Interestingly, most attorneys including me, smoked cigarettes in the 1970's and 1980's. When I was a law book salesman, there was an attorney in Chardon, Ohio who had a sign on his office door -- NO SMOKING. It was the only law office I was aware of at that time that did not allow smoking. I quit smoking in 1986 and by late that decade I did not permit smoking in my office. By the mid 1990's, most professional offices were smoke free. This year, Ohio passed a law prohibiting smoking in public places.

Arguably, advances in business equipment technology over the course of my career have had a greater effect on the way lawyers function than did the equipment advances of the previous two hundred years. An attorney from Tallmadge's centennial era would be more familiar with my 1976 business machines than an attorney from 1976 would be with my current office equipment.

Even though electric typewriters were common in 1976, I remember typing a power of attorney on a manual typewriter. Two years later I purchased a state of the art electric typewriter, the IBM Selectric II. Its greatest feature was that it permitted the operator to manually correct a typographical error one letter at a time. That typewriter cost \$894.40. In today's dollars that would buy three office computers.

A decade later, I purchased a word processor for \$1,745.54. It was a revolutionary timesaver. Before then, every change or correction meant the entire page had to be re-typed and re-proofed to make sure no new typographical errors were made.

I purchased the first computer for my office in 1995. The computer has been the technological watershed of the legal industry during my career. Imagine what it was like not being able to create, edit, save, and reproduce documents that commonly have the same text.

Computer legal research was in its infancy when I graduated from law school. By the late 1990's, most research was done with computers instead of books. I am still from the "old school" and use law books instead of a computer for my research. The younger attorneys employed at my firm prefer computer research.

The Internet has had a profound impact on our ability to rapidly obtain information that used to take a considerable amount of time to retrieve. For example, to get a copy of a court pleading we had to drive to the courthouse, go to the file room, pull the file, and request that the clerk make a copy of the document. Now we can simply print copies of pleadings from the clerk of court's website.

When I opened my office, telephone answering machines and voicemail were virtually unknown. The first answering machine for the office was bought in 1979. That rudimentary recorder had to be approved and permitted through the telephone company and professionally installed. Within a few years, answering machines were available at retail stores and installed by the user. By the 1990's sophisticated voicemail systems were common.

Portable telephones became popular in the late 1980's. A few years later I had a cordless phone installed to the phone system and have continued to use one since then.

Some lawyers had cellular phones by the mid 1990's. By the end of that decade, most professionals, including me, were using them. Can you imagine being away from the office and trying to find a pay telephone to make a call?

For the first fifteen years of my career, the only means of communication with lawyers and clients outside the office were by telephone and mail. Attorneys started using facsimile machines around 1990. The following year I paid \$1,052.21 for a used unit that printed on thermal paper. The salesman wanted to sell me a new one for \$5,000 that printed on plain paper. This year I purchased an "all-in-one" for my home office for \$250. Not only does it fax, it also prints, scans, and photocopies. Now, technology allows for faxes to be transmitted through the computer in addition to the telephone line.

The fax is a major timesaver because it can instantly transmit copies of documents. Previously, for example, to provide a proposed draft of an agreement to opposing counsel, the document had to be couriered or mailed to his office. Following the attorney's review, the revised document would be sent back for additional reviews. That procedure, which used to take perhaps a week, now only takes a couple of hours.

E-mail became popular in my profession in the late 1990's. Now it is a principal means of written communication with clients and other attorneys. Prior to e-mail, if clients needed to contact their attorney, the only options were to write a letter or call. Rarely did they ever write. E-mail is helpful because attorneys receive fewer telephone calls.

Almost all legal secretaries knew how to take shorthand when I was a new lawyer. Today, it would be rare to find a secretary with that skill. Throughout my career, I have always used dictating equipment so that my assistant could prepare my legal documents and correspondence.

Paralegals were rarely used by lawyers in the 1970's. Today my law firm has two paralegals.

Law was the only profession to have its own size paper. Legal size paper is 8-1/2 inches by 14 inches. When I started in practice, legal documents such as court pleadings, contracts, deeds, and wills were prepared on legal size paper. In the early 1980's the federal courts promulgated a rule that all pleadings had to be on letter size paper. Ohio courts gradually adopted that rule as well. The profession had totally abandoned legal size paper by the 1990's and lost its paper identity.

Lawyer advertising has been undoubtedly the most profound change during my legal career. The first few years that I was in practice, every state in the country prohibited attorney advertising. There were no attorney websites, Yellow Page ads, television commercials, billboards, or print advertising. Attorneys acquired clients through referrals or people they knew. It was a much less competitive atmosphere and many attorneys that practiced prior to advertising regret the change in the profession. Lawyer advertising started because of the 1977 U.S. Supreme Court case of Bates vs. State Bar of Arizona, decided by a vote of five to four.

My lifetime saw the advent of frozen foods, television, fast food restaurants, credit cards, space travel, the civil rights movement, the cold war, the sexual revolution, the Information Superhighway, the crime of identity theft, the war on terrorism, as well as a host of other dramatic changes. Environmental law, employment discrimination, and elder law were unheard of areas of practice when I was a new lawyer. I am sure the 50 years between my writing this letter and your reading it

has contributed its own astounding changes to society, technology, and the law. As a 60-year-old-lawyer in Tallmadge in 2007, I can hardly imagine what your practice is like in 2057. Again, I encourage you to write to the tercentennial Tallmadge attorneys. I sure wish I could be around to read your letter!

Very truly yours,

Robert D. Maguire

RDM/jfm

Enclosures