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Attention Deficit: Has Video Killed the Best Legal Stars

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Attention Deficit

has 'video' killed the best legal stars?

Believe it or not, the first music video shown on MTV (and yes, they used to show videos) bemoaned the advent of new video and television technology and lamented the impending death of the classically beloved radio hero. With the lyric, "pictures came and broke your heart," the song spoke to a generation grappling with new electronic and communication media about societal change.

It is true: video did kill the radio star. Now, some 35 years later, your resident columnist poses this question: have social media and the lack of original thought "killed" the best legal stars?

I know. This column is called Writer's Block. So, why am I talking about social media and its effect on the legal pro-

fession? Good writing mandates good thinking. Truly good thinking requires careful attention. And careful attention requires getting rid of the distractions inherent in social media and an overreliance on finding a quick answer. Perhaps I am on a soap box: if so, let's call this column Curmudgeon's Corner.

This is not a new concept. I am certainly not the first person to address this issue, nor will I be the last. But the art of really thinking through an issue instead of finding an immediate answer online is going the way of the Dodo Bird. For some, Google has become the legal research tool of choice.

Being a lawyer is not easy. We are trained to solve problems creatively. We are trained to help clients who are unable

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to otherwise help themselves. We cannot become creative problem solvers, however, if we shortcut the process of finding a solution. We cannot help our clients as effectively by relying on someone else's ideas and online work product instead of investing our own energies and cognitive abilities into whatever task we strive to complete.

Is it too late to buck this trend? I hope not. But the legal profession is and will continue to be different than it was before. Tablets, smartphones, and the Internet aren't going away. The ability to use these tools creatively and effectively for our clients is endless and very often critical to success, and I would not want them to disappear. Having said that, this column offers a few tips on how to still be a legal star and not let social media get in the way.

Cage the Culprits

Get rid of the smartphone and avoid using social media while working. A colleague recently shared that during her first class this semester, 1L students were taking selfies and posting them on _____ (insert site of choice). I was dumbfounded: How can this distraction and lack of professionalism produce good lawyers?

The same thing applies to law practice. There is no need to constantly check a phone or Facebook account during meetings, particularly those meetings involving clients and legal strategies. What is next? Taking a call in the middle of closing argument? Put away the electronic devices unless you truly need them. Devoting one's full attention to the task at hand is a good thing. Let the light bulb come on in your head; the little red light bulb on your phone does not achieve results for your clients.

Be Wary of Boilerplate

Each year, law student reliance on forms, samples, and boilerplate seems to increase. Cutting and pasting from sam-

ples is the bane of a legal writing professor's existence. One of these days, I am going to include a nonsense "Latin" term in a sample and see how many students include the same term in their document. This "experiment" would likely have at least a 50 percent success rate!

Forms and boilerplate have their place; they save time, and what has worked well in one case, on certain limited issues, might also work well in another. Nevertheless, do not take a cookie cutter approach to lawyering. If you use boilerplate or forms that you find on the Internet, make sure that you have modified them. This way, you will know why each provision is there and will not be simply relying on someone else's words without even knowing why you are including them.

Re-search Effectively

The word itself says it all: research. Re-search means to search more than once for an answer. There are no quick solutions in the law. Google won't hack it. Think of research as solving a puzzle or finding a four-leaf clover. Persevere, and the result will bring you happiness and good fortune.

Use Your Mind

Most of us went to law school to make a difference. Making a difference requires using one's mind to effect change. Do not let all of the changes in social media and research tools drain those creative juices. There is still much hope for the profession. Social media has not killed the best legal stars. ■

Comments, questions, and well-thought, non-boilerplate suggestions are welcome at dpratt@wcl.american.edu.