

## TWLF NEWS & VIEWS

The Official Newsletter of The Weinreb Law Firm, PLLC

1225 Franklin Ave. - Ste. 325 - Garden City, NY 11530 - Tel.: 516-620-9716 - [www.weinreblaw.com](http://www.weinreblaw.com)

### In This Issue:

- The “Telemachus Principle”
- The Path of the “Remote Warrior” or the “Remote Counselor”

## Evening the Odds

In this quarter’s newsletter, Elan E. Weinreb, Esq., Managing Member of The Weinreb Law Firm, PLLC, discusses the idea of “evening the odds”—enabling solo and small firm practitioners to compete with mid-size and large law firms via technology.

### The “Telemachus Principle”

I have been fortunate to have had the honor and privilege of practicing civil litigation in New York for over a decade in both “BigLaw” (seven years) and small firm (four-and-a-half years) environments.

Now, as a solo practitioner who hung out his shingle at the beginning of this year, I have embarked upon a new chapter in my legal career.

Over the past couple of months, I have been guided by a concept which I call the “Telemachus Principle,” a personal shorthand for “flexibility, mobility, and versatility achieved through powerful and cost-effective technology.”

The “Telemachus Principle” takes its name from Telemachus, a character from Homer’s *Odyssey* (see sidebar), whose name in Greek means “far fighter” or “one who strikes from afar.” Its use has the potential to enable the solo or small firm lawyer to compete with mid-size and large law firms—even the 1,000+-attorney BigLaw behemoths.

“Telemachus was the son of Odysseus and Penelope. . . .

As a young man, Telemachus was much favored by Athene. When Odysseus had been absent for twenty years, and Penelope was being urged to marry one of the insolent and unruly suitors who infested their home, Athene prompted the hesitant and diffident Telemachus to stand up to the suitors and order them to leave. His order did little good, but with Athene’s help, he sailed . . . to inquire after his father’s fate . . . .

By the time Telemachus got back to Ithaca, he was a much more self-confident and assertive young man. He got to prove his newly acquired maturity when he joined Odysseus in slaughtering the suitors and then standing up to their outraged relatives in the final scene of the *Odyssey*.”

— Encyclopedia Mythica™, James Hunter, “Telemachus,” <http://www.pantheon.org/articles/t/telemachus.html> (last updated Aug. 3, 2002)

## The “Telemachus Principle” — *cont. from Page 1*

The Telemachus Principle is based upon one key proposition: the modern lawyer who takes advantage of technology is not limited to the confines of physical space. Rather, he or she can effectively use technology to provide legal services on demand, in any location, at any time, and thus attain the capability of “striking from afar” like Telemachus.

In this regard, the Association of the Bar of the City of New York, in Formal Opinion 2014-2: Use of a Virtual Law Office by New York Attorneys (June 2014) (<http://www.nycbar.org/ethics/ethics-opinions-local/2014opinions/2023-formal-opinion-2014-02>) recently observed that “[g]iven the prevalence of alternative work arrangements (telecommuting, work-sharing, office-sharing, etc.), members of the public no longer assume that a physical street address is equivalent to a traditional . . . brick-and-mortar office.”

In other words, today’s clients have come to accept and even expect the practice of law from near or far—in line with the Telemachus Principle—as just another part of the attorney-client relationship.

## The Path of the “Remote Warrior” or the “Remote Counselor”

While there are many paths to becoming the Telemachian “Remote Warrior” (or “Remote Counselor” for those who do not practice litigation), there are also many potential pitfalls (particularly in the realm of professional responsibility). Furthermore, entire books have been authored on the technologies—even specific programs—that are necessary for traveling upon such paths. It is beyond the scope of this article to discuss either the risks that one may encounter in adopting the Telemachus Principle or specific technologies related to it in detail.

However, it is possible to relate some advice based upon personal experience concerning the particular path that I have followed.

- **Remote Control** — “Power is nothing without control” is not only the well-known slogan of the Pirelli Tire Company but a personal creed. Without instant access to necessary information—be it discovery, notes, research, due diligence materials, etc.—the “Remote Warrior” or “Remote Counselor” has only a remote (at best) chance of success.

While a laptop computer, tablet, or similar device is the first choice for accessing such information, occasions arise when carrying same is virtually impossible. In addition, any such device is only as good as the electronics powering it. The price of one cup of inadvertently-spilled water can be tens of thousands of dollars.

*“The Path of the ‘Remote Warrior’. . .” cont. from Page 2*

Avoid such vulnerability by maintaining at least **two (2)** methods of access to all necessary information (which should be electronically-stored and preserved in its entirety) that do not depend upon an individual electronic device. For example, relatively inexpensive remote-access software such as LogMeIn Pro or GoToMyPC can serve as one method, and the other can be an online backup service like Carbonite or Mozy that permits individual file retrieval.

In the “spilled water” situation mentioned earlier, one would first ensure that the damaged device has been safely powered down and secured. Next, one would immediately use the first available computer, tablet, or similar device to access firm information via one of the auxiliary methods described above. Yes, the broken device will have its repair or replacement cost, but relative to the cost of losing a client, such cost is insignificant in the long run.

If your client happens to witness your adaptability, you may even be able to profit from the situation. I remember when I once attended a meeting with a rabbi in Brooklyn at his residence regarding a Jewish law arbitration that involved the provisions of CPLR Article 75. My client, boss, and another attorney working with us happened to be in attendance as well. The rabbi asked to see a copy of a particular document that had been left in the office inadvertently. My boss asked if the rabbi had a fax machine, and while he did have one, it was not functional at that time.

I then asked if the rabbi had a computer with a working Internet connection and a printer, and he responded in the affirmative. I then told him that if he would give me permission to use these resources, within fifteen minutes, I would be able to provide everyone at the meeting with copies of the document.



And so it was. Quick use of the LogMeIn account that I had linked to my office computer enabled me to securely access the needed document and interface with the rabbi’s printer. I proceeded to print hardcopies for the meeting attendees and did this all without ever picking up a telephone or otherwise sending out an “SOS” e-mail or text to office personnel. Needless to say, everyone was impressed at my having demonstrated, paraphrasing Pirelli, that “power is everything with (remote) control.”

“The Path of the ‘Remote Warrior’. . .” *cont. from Page 3*

- Protect and Serve** — Telemachus would not have been much of a warrior if his mother’s suitors had disarmed him, took his weapons, and then used them against him. It thus behooves the “Remote Warrior” or “Remote Counselor”—whose “weapons” constitute information—to take steps to secure such information and protect against it being turned against him or her. Moreover, by taking such steps, the Telemachian attorney simultaneously serves client interests.



Exclusivity is the touchstone of information security, and data encryption, much like a lock on a door, is the means by which one obtains such exclusivity (in addition to strong passwords composed of uppercase and lowercase letters, numbers, and symbols, firewalls, antivirus/antimalware solutions, and personnel training concerning deceptive e-mails and malicious websites). In my practice, I have found Microsoft’s BitLocker (which comes along with certain versions of Windows 7 and Windows 8) to be useful for drive encryption and 7-Zip (which is free) to be useful for the encryption of individual files (especially when these have to be sent via e-mail to a hired accountant, investigator, other expert, or otherwise uploaded to a publicly-accessible location). Other encryption utilities—all priced at the extremely attractive price of the air that we breathe—can be found at this URL: <http://lifehacker.com/5677725/five-best-file-encryption-tools>.

Somewhat ironically, it is in the realm of information security and data encryption that solo and small firm practitioners have an advantage over larger firms, notwithstanding their massive resources. Generally speaking, compared to the giant computer networks of larger firms, solo and small firm networks are significantly smaller, are used by only a handful (if that many) individuals, and have less access points. As such, they are usually easier to protect than large firm networks and less susceptible to attack from undesirable people or organizations. In short, the “small guy” or “small gal” here is less of a target.



However, this does not mean that solo and small firm practitioners should let down their guard. Just as even a small pocketknife in hostile hands can cause lethal damage, so too can the compromise of even a single file cause great harm.

“The Path of the ‘Remote Warrior’. . .” *cont. from Page 4*

- Portability Through Replication** — To strike from afar, one must be able to access and use information from any location. While the Cloud-based, remote control resources discussed earlier are certainly an option for attaining this capability, it is not always the case that the required Internet connection for using them is continuously available. As such, to be optimally effective, the Telemachian attorney must have available the option of quickly transferring necessary information to a laptop, tablet, or similar device on demand.



Various replication (a/k/a synchronization) programs exist to achieve such portability. Some come packaged along with backup suites like Acronis True Image 2014 Premium (which also will allow one to completely resurrect an entire hard drive in the event of hardware failure as it stood prior to its demise). Others are stand-alone replication programs such as FreeFileSync. As its name implies, the latter is free and serves to replicate system folders/directories “on demand” over intranets.

In conclusion, as noted earlier, there are many paths to becoming the “Remote Warrior” or “Remote Counselor.” The suggestions and advice that have been provided here are by no means exhaustive, nor should the mention of any particular program or technology here be considered as an endorsement of same. But no matter which path one ultimately chooses, the benefits for the solo or small firm practitioner of adopting the Telemachus Principle are the same: the ability to even the odds and compete with mid-size and large firms, attract new business, impress current clients, enhance productivity, and ultimately achieve greater satisfaction and contentment in the practice of law.

**THE WEINREB LAW FIRM, PLLC**  
<http://www.weinreblaw.com>

1225 Franklin Avenue  
 Suite 325  
 Garden City, NY 11530

**ELAN E. WEINREB**  
 Attorney & Counselor at Law  
[eweinreb@weinreblaw.com](mailto:eweinreb@weinreblaw.com)

Tel.: 516-620-9716  
 Fax: 516-830-3569