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AH, THE GOOD OLE DAYS: HOW TECHNOLOGY HAS CHANGED THE PRACTICE OF LAW

As I began to think about the title to this article, I reminisced about my childhood days spent in my father's law office. My father, Wallace F. Burroughs, practiced in Knoxville from the mid 1940's until 1985. He loved to practice law and help ordinary people with their problems. Through most of the 1970's, I spent many days with my father in his law offices and traveling about to various outlying counties to follow along with him. It was during these days that I decided I wanted to be a lawyer. During the summers of the 1970's, my older sister and I filled in as receptionist during summer vacations of dad's secretary.

Georgia Clement, a fiery 98-pound tiger, served as dad's secretary for the last half of his career. You didn't get to see Mr. Burroughs without seeing Ms. Clement first. A chain cigarette smoker often with an inch and a half of ash dangling and bending precariously downward at the end of her lit cigarette, Ms. Clement never missed a beat between answering phones, greeting clients and guests, and typing all manner of legal documents and correspondence. Her primary tool was a relatively late model IBM Selectric typewriter first released in 1961. It took seven years for IBM to develop the Selectric with its 2800 parts. Relatively new technology with its interchangeable golf ball sized font balls, it revolutionized document production with the elimination of the return bar with a return key in the same location as the "Enter" key on a computer keyboard. The ball moved across the carriage as one typed rather than having individual key bars rise to strike the carbon ribbon to make an impression while the carriage moved from right to left. The Selectric was the benchmark of the day.

Behind the rolled in stationary or red ruled paper in the Selectric was alternating layers of carbon and onion skin paper to produce the "carbon copies." Always nearby was a typewriter correction eraser and straight razor blade to remove any typos on the original and onion skin copies, respectively. There were no photocopy (Xerox) machines, at least not affordable ones for a small law firm in the 70's.

Always the improvising and frugal employee, Ms. Clement designed the predecessor to the "Post It" note. Each day after opening the morning mail, she would cut out the backs of the envelopes, cut them in half to create four inch by five inch pieces of paper, and place them neatly in a stacker on dad's desk so he could use them to write notes of instruction to Ms. Clement for a document's next destination. These notes were clipped to a document and returned to Ms. Clement for further action. Checks were all manually written and posted to a large check book register. A recycled envelope back was paperclipped to the check with instructions as well.

On Ms. Clement's desk were other tools of the trade. A vertical spring-loaded manual postal scale with ounce marks from zero to one pound down the front of the scale sat on her desk into which mail could be placed and a metal wire would slide down the front of the scale indicating the weight of the mailing from which to calculate the appropriate amount of postage. With larger mailings, Ms. Clement had to divide the mailing into various parts, weigh each separately, and add up the total weight of the parts to determine the proper postage. A reel-to-reel tape recorder/player sat prominently on her desk just to the left of the Selectric from which she took dictation and transcribed pleadings and documents.

On her desk sat a black, rotary dial telephone with several clear push buttons and one red button below the rotary dial. Two of the clear buttons were dedicated for the incoming telephone lines that would light up when a call was being received or an outgoing call was being made, and buzzer buttons for each of the three lawyer offices were located alongside the phone line buttons. At the far left was a red button to place calls

on hold. All lines in use lit up. If a lawyer was not able to take a call when the lawyer's buzzer button was deployed, Ms. Clement would push the flashing clear button for the caller on hold and take a message. No answering machine, voice mail or voice over IP existed. A phone note was written on a recycled envelope back and handed to the appropriate attorney.

An accountant by training before attending law school, dad also maintained books for several downtown businesses and a couple of beer joints along Rutledge Pike (the Indian Rock and Wib's Tavern). At year end, he prepared dozens of income tax returns. All calculations were maintained in pencil on fifteen column green accounting paper, tabulated with a 10-key tape adding machine (without display). The adding machine tapes were manually compared to the numbers on the spreadsheet to confirm accuracy of the calculations. Once confirmed, the adding machine tape was stapled to the manually maintained spreadsheet and placed in the file for backup. Tax returns were prepared manually, as were depreciation schedules, and paper instructions were reviewed to confirm accurate reporting of income and expenses. Excel and computer tax preparation software had not yet been invented.

In dad's office, a cloud and aroma of Holiday Pipe Tobacco smoke seemed to always hover over his desk. The office, with floor to ceiling bookcases surrounding the perimeter filled with digests, reporters, code and treatises, also had a dictation microphone attached to a curly cord that fed to the reel-to-reel tape recorder/player on Ms. Clement's desk. Ms. Clement, with ear phones attached, could zing along typing until a malfunction occurred, and Cherokee Typewriter Service had to be called to make the necessary repair to breathe life back into the Selectric.

In person, telephone and U.S. Mail were the primary means of communication of the day. It was commonplace for clients to call or come by the house at night to visit with my father. One regular client who seemed to have an unending supply of legal troubles was named Rosie. Everybody in the family knew Rosie and all of her woes. Rosie was known to just walk up to the front door, come in without knocking and seat herself in the living room until dad arrived. In the late 1960's, my parents built "the new house" and retained the former home as a rental property. No public announcement was made of this move. Several months after we had moved to the new house, Rosie was in need of legal advice. Without calling in advance, Rosie made her way to the old house, opened the front door and sat on the living room sofa. After about 30 minutes, she looked at the occupants of the home and said, "when is lawyer Burse coming home?" The tenants had to inform her that we had moved a couple of miles down the road and sent her on her way to the new house.

Few law offices had coffee percolators and coffee time was usually mid-morning at the S & W Cafeteria where the daily informal bar association meetings were held with colleagues discussing recent conundrums and strategies to solve legal problems were pondered. Law firm budgets could be prepared on a couple of those recycled envelopes. Billing clients in those days consisted of picking up the paper file, leafing from back to front to dictate a description of the services since the last billing, and arriving at a fair fee for the work performed. No credit or debit cards existed. Cash or check (or chickens, eggs or produce) was the mode of payment.

It was a simpler time, and the pace was slower than today. Many things today are much easier and faster to accomplish thanks to technological advancements that may very well make today the good ole days.