

BUSINESS & CAREERS

Lawyers starting over

CHRISTOPHER GULY OTTAWA

It took a tragic incident one late summer night to change a high-profile Toronto lawyer's life.

Facing charges of criminal negligence causing death and dangerous operation of a vehicle following the death of a bicycle courier with whom he allegedly had an altercation, former Ontario attorney general Michael Bryant now faces a career as uncertain as the fate that awaits him in the justice system.

According to one Toronto lawyer, who was acquitted of criminal charges he once faced, someone in Bryant's situation ends up in the "twilight zone" and runs the risk of becoming "psychologically very isolated and developing depression."

Keith Anderson has been down that long and lonely road — though he was never charged with committing a crime.

For 11 years, Anderson thought he had a "miserable, ugly life," which began in 1992 when his



Starzynski



Anderson

father, a real estate agent, died at the age of 59. At the time, Anderson was a 31-year-old real estate lawyer practising in Sydney, N.S., who had stayed in touch with his dad every day. Following his father's passing, Anderson began sinking into a deep depression.

He would often cry on the way to his firm where he was a senior partner and where he would often put in 12-hour days. He had insomnia; he cut off friends.

Anderson wasn't happy — but he didn't know he was sick — until an unfortunate professional circumstance got him to seek help.

In late winter 2003, Anderson,

who is single with no children, bought what he thought would be the perfect house for him at the time. It was near a lake, "hidden away from the world," with no neighbours for miles.

But to purchase the property, Anderson used the money he received from the sale of his previous house that carried a mortgage that he didn't pay off.

The Nova Scotia Barristers' Society (NSBS) advised him of a complaint against him — from the bank, he thinks — and Anderson retained counsel. His Nova Scotia-based lawyer, Guy LaFosse, noted

See **Recovery** Page 26

Getting an office free of Microsoft



HI-TECH

LUIGI BENETTON

Sam Glover started down his "non-conformist" path by installing Ubuntu, one of many distributions of the Linux operating system, on an aging IBM ThinkPad he wanted to rejuvenate.

Jennifer Gabriel works for a 22-person Ottawa law firm that went from typewriters to word processors straight to Apple Macintosh computers.

Today, Microsoft products play only a minor role in their law offices. Given the proliferation of choice in the world of computing, plus the negative PR swirling around the industry's 800-pound gorilla, might the Microsoft-free law office be just around the corner?

Probably not, even though increasing numbers of people realize they can do without Microsoft products. "I've become platform agnostic," Glover says of his Minnesota-based consumer rights practice. "If my law clerk or paralegal wants to use a Mac, or wants to use Windows, they can."

Currently, the Windows versions of Fujitsu Scansnap software and Adobe Acrobat tie Glover to Windows. "I could get by without Windows for both things, but I try to find the best solution for specific tasks," he explains. "It wouldn't be the most convenient office (without Windows)."

Microsoft Windows continues to enjoy major advantages over competing operating systems. In particular, most people can simply walk into an office and start to work on a Windows-based computer.

Gabriel, who performs internal IT support for Ottawa's Williams, McEnery Barristers & Solicitors, notes that few temps know the Mac.

"I usually introduce new staff to our computers in less than a day," Gabriel says, "including an introduction to the Mac if they have never used one, as well as the

See **Microsoft** Page 25

Working as virtual associate brings work/life balance

It sounds like a lawyer joke. What is at once like Eleanor of Aquitaine, Superman and Stripperella?

According to Mitch Kowalski, writing in the Canadian Bar Association's (CBA) *National* magazine recently, the "law firm pyramid" will be replaced by a "diamond." He predicts a coming "end of the associate." Or at least of the *actual* associate. More firms will contract out agency work and more lawyers, in his view, will practise like I do. This gives many associates cause for concern. But it may have benefits not just for firms but for young lawyers.

Doing agency work as a virtual associate since my call, I have assisted other lawyers with a wide variety of appellate, trial, motion and other proceedings. I have appeared on litigation matters, and I have run trials. My virtual career has allowed me to revolve my legal career around the rest of my life. I have worked remotely from Illinois, Ohio, Florida, Alberta, England, Ireland, Mexico and Ontario.

My favorite course at Queen's University's law school was Professor Mark Weisberg's ethics class. The central ethical question he asked students to look at did not concern the Law Society of Upper Canada (LSUC) Code of Conduct directly but was this question asked by Aristotle and



REBECCA
JAREMKO
BROMWICH

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Plato: What is a good life?

Elizabeth I swore off marriage and embraced mythic celibacy, marrying herself, as she said, "to England." Although there are many women who are successful lawyers and mothers, in pop culture's dichotomized "mommy wars," women, at some point in our professional lives, are asked to choose between playing the character of lawyer and taking the role of mother. Although there

are exceptions, this dichotomy is more fact than fiction, a point that was noted by CBA Equity Chair Beth Bilson in a recent *Lawyers Weekly* article when she noted that many woman lawyers have chosen not to have children to pursue their careers. The contributions of these women to Canadian law and legal culture are notable and their achievements are great. So are those of women who, like my mother, stayed home to raise (four) children. Both stay-at-home mothers and lawyers can lead lives well lived. Looking forward from my call to my career, shortly after marriage, I just couldn't choose between them.

As the LSUC Justicia Report has identified, conflict between young women lawyers' child-bearing and caregiving roles and time-related demands of a law practice is at the core of a crisis in retention of women in the legal profession as over half of the people called are now women. It should be no surprise in these circumstances that there is a crisis in public access to justice.

Being a lawyer is being committed to serving justice; it is like being married to the law. Consider another great stateswoman, Eleanor of Aquitaine, married in her own way to the law, to Henry II, known as the "Lawgiver." Before she died at 82 in 1204, she held

the throne as Queen of France and Queen of England and mothered 11 children. Eleanor was unusual as she engaged actively in leadership, crafting laws while simultaneously engaging actively in not just bearing children but in nurturing those children as citizens and leaders: in motherwork. She, as biographer Robert Frupp notes in *Power of a Woman* (2006), "lived both lives." Her life was turbulent but she lived out to the edges of it.

By doing agency work as a virtual associate contracting with Taran Virtual Associates, I have been able to live the truth that the choice between the mommy track and the law can be avoided as a false dichotomy. While working as a virtual associate, I have been able to "live both lives." I have done legal work while spending the bulk of my children's waking hours with them. Taran is one of a growing body of companies through which lawyers can balance their work/life demands by receiving piecemeal assistance from other lawyers.

Working as a "virtual" associate is not perfect. There is some financial uncertainty. The day job of raising four small children also has its challenges. However, to think somewhat self-aggrandizingly and only slightly facetiously, this type of work enables one to have simul-

taneous identities and to move between binary stereotypical categories to which we have traditionally been relegated. It affords one a dual existence: like Canadian superheroes from Superman to Stripperella and also like Queen Eleanor.

In contemplating the shapes to be taken by the legal profession of the future, it is important to consider equality. Women must not be ghettoized into a part-time sphere where all we do is boys' homework. Women must be able to climb to senior management positions in firms. Nonetheless, agency work is a space within the legal profession of which women and men can take possession and the services of which lawyers can benefit from contracting. Agency work can afford both agent lawyers and lawyer clients a good life within the law, of that I am certain. Well, virtually. ■

Rebecca Jaremko Bromwich practises civil litigation in Ottawa. She has taught youth criminal justice at the University of Western Ontario, as well as classes on women's issues at the University of Cincinnati. She is incoming chair of the Young Lawyers' Conference of the Canadian Bar Association. She is also pursuing her LL.D. at the University of Ottawa's faculty of law.

Making law office Microsoft-free can be a long, complex process

Microsoft

Continued From Page 22

programs we use."

Follow-up consists largely of "how do I do this?" questions and "five-minute fixes." "Since the temps aren't here every day, they need the occasional refresher," she says.

Glover, a self-avowed "geek," puts Linux in the same camp as the Mac, going so far as to call it "surprisingly easy," but he admits, "I don't think Linux is for everybody. It's different. For example, there's no C: drive."

"It freaks people out when they can't do things in the same way."

Hardware and software compatibility can prove troublesome outside the world of Windows. Two lawyers at Williams, McEnery use Blackberrys, which the firm has supported for years, even though integration with the Mac isn't straightforward.

But Gabriel makes it work. "There are workarounds," she says, "they're just not pretty workarounds." Local syncing is the main issue, due to a lack of a

native Mac desktop for the BlackBerry. (Note: Research in Motion is reportedly releasing that Mac desktop later this year.)

Glover mentions rare problems with peripherals. "Not all hardware manufacturers design for Linux," he explains. (Author's note: I check product specifications for Mac compatibility before I buy products to use with my Mac.)

Another Microsoft advantage: Office productivity documents must usually conform to Microsoft file formats, particularly when shared among different people. "The .doc, .xls and .ppt formats are de facto standards in North America," Glover explains.

That doesn't mean lawyers must use Microsoft Office. Glover has used the free OpenOffice.org "nearly exclusively" for more than three years. "Now, tracked changes works properly," he says, adding "the only people who have compatibility problems are those who use really advanced features."

Microsoft Office lives on all Williams, McEnery Macs. Gabriel tested Apple's competing product,

iWork, and found it lacking. "Lawyers would lose too many features that they use on a day-to-day basis," she says.

During their last hardware upgrade three years ago, the firm abandoned Microsoft Entourage (an approximate Mac equivalent to Outlook) and replaced it with Apple Mail, Address Book and a third-party calendar and task manager called Meeting Maker.

Outside of common software categories like word processing and calendars, options for non-Microsoft systems can be limited. Citing examples like QuickBooks, "You have to find other things that do the trick," Glover says.

Or run Windows to use the software. The e-registry system Terraview, for instance, ties the real estate portion of Williams, McEnery to Windows.

Although both Mac and Linux can run Windows as though it were another piece of software (and thus Windows software), software developers don't always support their products if customers run them using such "virtual" setups. "Our firm doesn't

want to be the guinea pig to see if the software works on a Mac or not," Gabriel says.

Finding support options for Windows is also far easier than for other operating systems. "You can't just call up the Geek Squad to fix your Linux computers," Glover says.

Glover, ever self-sufficient, buys a four-year on-site service plan when he buys a computer. In his view, "if you do the basics, you shouldn't need support."

While Linux support has not yet gone mainstream, companies like Dell sell computers loaded with Linux, and private companies offer Ubuntu support. But Glover is more likely to simply google "Ubuntu" and the problem he's having. "The answers just pop up," he claims.

Gabriel's firm uses an external Apple-authorized consulting outfit to maintain servers and handle questions that Gabriel can't. "They also provide support if I'm away from the office," she adds.

On the flip side of the support coin, both Gabriel and Glover sing

the praises of their operating systems, in particular their freedom from virus worries.

"Our machines have proven reliable," Gabriel says. "We don't have problems that result in having to reinstall software. We usually find fairly easy solutions."

"It never crashes," says Glover of Linux. "I have far fewer problems with Linux. Linux updates everything on the computer — it's more tightly integrated with the software."

"In some ways, Linux is ideal for the less knowledgeable computer user."

Mac, Linux and Windows all face competition from the Internet. Glover, for one, finds web-based applications compelling. Google Apps handles his calendar and makes it accessible from his website. Freshbooks.com meets Glover's timekeeping and billing needs.

"When I went on vacation in Europe," Glover says, "I didn't bring my laptop with me. I can access all my documents from any computer — the Internet is platform agnostic." ■