



FACTS ABOUT FAX

A New Approach to an Old Debate

By Wells H. Anderson

Legal professional is to facsimile as Bill Gates is to Microsoft—inextricably entwined. The advent of the fax protocol certainly ranks with the advent of overnight couriers and word processing software as one of the seminal events that shaped legal practice in the twentieth century. The ability to send a copy of a document thousands of miles in a matter of minutes over an ordinary telephone line forever changed the nature of the legal profession (some would say for the worse) and even spawned new vocabulary words (to fax; a fax). The personal computer has long since overshadowed the fax machine in terms of mind share and perceived importance, but the fax protocol remains a fixture in law offices throughout America. I do not know of any legal professional who dares to practice without fax capability of some sort.

The Age-Old Debate

Although the fax protocol has become a standard in law offices, legal professionals do not necessarily see eye to eye on its implementation. Recently, in The TechnoLawyer Community, we debated the following question: Should solo and small-firm practitioners use a dedicated fax machine or desktop faxing (sending and receiving faxes from a computer) for the bulk of their fax communication?

Some members wanted to relegate the dedicated fax machine to a pecking order location lower than that of the typewriter. Others disagreed and made the case for dedicated fax machines. In all of this back-and-forth, however, no one questioned the parameters of the above question. To me, this debate involves three alternatives, not just two. As a result, I would like to take the liberty of rephrasing the question as follows: Does a faxing alternative exist that offers the best of both worlds—dedicated fax machine and desktop faxing—without any of their corresponding flaws.

Before I can answer my question, I must first explore the pros and cons of both dedicated fax machines and desktop faxing. Afterwards, I will use a quasi-mathematical theory called the “Gestalt Hypotenuse” to demonstrate that a third and superior alternative does exist. At the end of the article, I will take a brief look at what the future holds for the mighty facsimile.

Dedicated Fax Machines v Desktop Faxing

Pros of Dedicated Fax Machines

- Doubles as a telephone and a low volume copier
- Easier to install and use than desktop fax software
- Fastest solution for sending documents that only exist on paper
- No danger of crashing
- Paper confirmation best bet for proof of delivery in a dispute
- Prices of plain paper laser models have plummeted

Cons of Dedicated Fax Machines

- Better machines tend to be bulkier
- Cannot store as many numbers as a computer program
- Limited memory storage when paper tray is empty
- Maintenance required (toner and paper)
- Not the best solution for computer documents
- Paper jam or empty paper tray a virtual certainty when speed is of essence

Pros of Desktop Fax Software

- Can be integrated into document and case management systems

- Can retransmit fax indefinitely if recipient's machine is busy
- Disk space is generally cheaper than office space for storing faxes
- Easier to fax to multiple recipients
- Fastest solution for faxing documents on computer
- Fax software is bundled with both computers and modems
- You can distribute faxes via e-mail to colleagues

Cons of Desktop Fax Software

- Computers use more energy than fax machines
- Must back up or print and archive fax documents on regular basis
- Fax software can slow operations of computer
- Scanner required for documents that only exist on paper
- Software difficulties a virtual certainty when speed is of essence
- When computer crashes, it cannot send or receive faxes

The Gestalt Hypotenuse: The Multifunctional Alternative

I'd like you to close your eyes and think back to your high school days and that inimitable experience known as geometry. Do you remember a little something called the Pythagorean Theorem? Thanks to that theorem, we know that the square of the hypotenuse of a right triangle equals the sum of the squares of the other two sides ($a^2 + b^2 = c^2$). The real world lesson we learned from

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this ancient equation is that taking the hypotenuse of a right triangle will always get you to your destination faster than taking the two sides. This came in handy during college when you were late for class. By cutting diagonally across a typical college quadrangle instead of walking around the grass, you could shave a minute off your commute to Political Science 101.

I'd like you to close your eyes once again and think back to another unforgettable high school experience—the SAT. Do you remember learning all those fancy words, half of which you never again encountered (except perhaps from the lips of a preening classmate during your first year of law school)? I'd like to define for you one of those ten dollar words—Gestalt: “a configuration . . . so integrated as to constitute a functional unit with properties not derivable by summation of its parts.” *Merriam Webster's Collegiate Dictionary* (10th ed., 1993).

Keeping in mind that your goal in practicing law lies in maximizing your efficiency so that you can always reach your given destination (such as a filing deadline) with time to spare, let us now combine the Pythagorean Theorem with the word Gestalt (kids, don't try this at home). The result of this math-verbal merger is the “Gestalt Hypotenuse,” which provides as follows: Instead of choosing between a dedicated fax machine and desktop faxing (walking along one side of a right triangle, which will not get you to your destination) or using both (walking along both sides of a right triangle, which will get you to your destination but not very efficiently), use an integrated solution (walk along the gestalt hypotenuse, which will get you to your destination in the most efficient manner)—a multifunction fax machine.

Multifunction fax machines look and work like dedicated fax machines except that they also come with fax software and a built-in fax/modem for desktop faxing. These machines interface with personal computers via the parallel port and also function as scanner and printer. Some even feature single-line voice mail. In a nutshell, these machines give legal professionals the flexibility of choosing the best means of fax transmission for a given situation while at the same time providing single brand uniformity.

This uniformity carries with it a big advantage—even if you set up your computer to receive faxes, the multifunction fax machine will revert to stand-alone mode if your computer crashes or gets turned off. As a result, if your budget limits you to one computer, you need not worry about missing a fax because your computer locked up in the middle of the night.

I noted above that everything in life has its drawbacks, but multifunction fax machines suffer from fewer drawbacks than either of the traditional solutions discussed earlier in this post. In fact, only one significant drawback comes to mind—if your multifunction fax machine breaks down, you lose not only your fax machine but your printer and scanner as well. But as you know, computer equipment has become increasingly reliable over the years. Chances are good that you will outgrow your multifunction fax machine before it fails.

Choosing a Multifunction Fax Machine

Given the variety of products in the marketplace and the number of ways you could set them up, I cannot possibly make a recommendation that would suit every taste and budget. Therefore, I will just let you know about the solution I like best.

First, buy a multifunction fax machine with a laser printing mechanism rather than one with an ink jet mechanism if you plan to use it as your primary printer. I know of at least six companies that make such machines:

- Brother www.brother.com
- Canon www.canon.com
- Hewlett Packard www.hp.com
- Mita www.kyoceramita.com
- Panasonic www.panasonic.com
- Xerox www.xerox.com

If you already have a laser printer, consider buying a multifunction fax machine with a color ink jet mechanism so that you can print color documents. (Please note: using both a dedicated laser printer and a multifunction fax machine may require the addition of another parallel port to your computer.)

Second, access the Internet through a high-speed DSL connection. With DSL, you can use a telephone line for faxing and Internet access simultaneously. With this configura-

tion, you can fax electronic documents from your computer, fax paper documents from your multifunction fax machine, and receive faxes however you choose. (Tip: If you plan to use your multifunction fax machine only for faxing and not for printing, consider filling it with yellow paper so that you can easily distinguish faxes from your own documents.)

Third, turn everything on and savor the moment, knowing that you have a reliable fax communication system in place. At this point, you can once again forget about the Pythagorean Theorem and esoteric English words and instead focus on practicing law.

Conclusion

Eventually, the fax machine and even the fax modem as we know them today will cease to exist, but I believe their legacy will live on in our vocabulary. Eventually, legal professionals will use Internet-capable fax machines to send so-called “Internet faxes,” which are essentially e-mail attachments in a standardized image format. Legal professionals will also use services like UPS’s Document Exchange www.ups.com to securely send documents in their original file format (such as WordPerfect). Until this major paradigm shift takes place, however, make sure you have a reliable fax communication system that works for your particular practice.

Happy Faxing!

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