

# Chicago Daily Law Bulletin

Volume 158, No. 164

## Lawyer tries to balance BlackBerry use, restrictions on vacation

**T**wo weeks ago I returned from a car trip to Colorado with my family. It is a trip I took many times as a child. Back then, my brother and I would divide the space in the back of my parents' Chevy station wagon.

Not so much as a finger would be allowed to cross the imaginary dividing line for fear of retribution, which would mostly come in the form of physical violence or incessant name-calling. My brother and I likened it to our very own DMZ.

On our most recent family trip, my brother, who is a pilot by profession, did most of the driving and our children worried about in the back of our SUV.

It's 1,007 miles from Chicago to Denver and another 150 miles up into the mountains to where we stayed. That's a lot of time in a car with little to do but stare at the flat plains of Iowa and Nebraska.

Before leaving Chicago, I struggled with whether to bring my BlackBerry. It had been 15 years since my last lengthy road trip.

Back then, I was not "wired in." Hardly anyone was. BlackBerrys and other smartphone devices were a thing of the future.

Now, they are as much a part of daily life as wearing shoes. This is particularly the case with attorneys who have active legal practices.

My concern was that I would spend much of the drive and time with my family in the mountains constantly checking client and case sensitive e-mail traffic.

It would not be beyond my own sense of normalcy to be white-water rafting down the Colorado River while simultaneously checking e-mails.

But no matter how much I wanted to leave my BlackBerry at home and focus solely on my family and our journey, I could not.

Indeed, as soon as we pulled out of my driveway in Chicago at 4 a.m., my BlackBerry was linked

to its car charger and ready for use.

I felt at once ashamed and relieved that my most important possession was next to me, fully charged and instantly accessible.

We drove almost 300 miles before I had my first fix of being "connected" to work issues.

After scrolling through and responding to e-mails I put my BlackBerry down and asked myself, "How long will it be before I check in again?" Three hundred miles, 200 miles, 100 miles, 50 miles, 10 miles?

I suspected that my answer and, more importantly, my follow up behavior, would dictate my actions for the balance of my eight-day family vacation.

After the first 300 miles I committed to using my BlackBerry no more than twice a day — once in the late morning and again in midafternoon.

As a backup, my secretary would monitor my e-mail traffic and call me only if there was a client escalation.

I also assigned attorneys in my firm certain client accounts in the event an issue came up that required an immediate response or action by an attorney.

Notwithstanding the reliability of my secretary and the attorneys assigned to cover my clients while I was away, I cannot tell you how many times my hand reached for my BlackBerry over the next 300 miles.

The use restrictions I had imposed on myself started to make me edgy and curiously resentful. I started rationalizing away my commitment to only check my BlackBerry twice a day.

"What's the harm in checking now?" I kept wondering to myself. After all, I was sitting in a car looking at the flattest and arguably most boring land in America with another 11 hours to go.

I became increasingly uptight and craved a check-in fix.

And, right then and there — I believe it was somewhere near Fort Kearney, Neb. — it occurred to me that I was, in fact, an addict.

### GONE FISHIN'



**JOSHUA S. HYMAN**

*Joshua S. Hyman is a shareholder with Chuhak & Tecson P.C. and co-chairs the firm's 18-attorney bank practice group. Since 1989, Josh has provided banks and commercial finance companies, including both national institutions and locally based lenders, with results-oriented, efficient and highly responsive representation in a broad range of matters, including structuring loan transactions, negotiating, and drafting loan and collateral documents. He also advises lenders and other secured creditors in bankruptcy proceedings, workouts and other creditors' rights matters, as well as representing them in lender liability suits.*

Despite my various protests to the contrary, all of the "Crackberry" comments directed my way over the years had been spot on.

This realization made me disappointed in myself for not being totally present with family and friends on many occasions when my eyes and mind were

**“Notwithstanding the reliability of my secretary and the attorneys assigned to cover my clients ... I cannot tell you how many times my hand reached for my BlackBerry.”**

focused on BlackBerry e-mails.

However, buttressed against these feelings of disappointment was the realization that I ran a moderately successful business that had grown steadily over the past 10 years.

And thus, whatever I was doing was working.

This, for better or worse, included habitually checking e-mails on my BlackBerry.

While I am not proud of the countless hours I have spent tethered to my BlackBerry, it is undeniably very much a part of me and its availability has arguably contributed to the success I have had.

As we left Fort Kearney and merged back onto the highway, after a once-in-a-lifetime bad lunch experience, I recalibrated how often I would use my BlackBerry for the remainder of our trip.

I imposed no use restrictions on myself. Such hard restrictions had gotten me nowhere — either on this trip or on the many others I have taken over the years.

For the balance of our trip, I did my best (and I believe a good job at that) of using my BlackBerry in moderation — however one views or measures that term.

The reality is that in today's wired-in world, self-imposed technological use restrictions are unrealistic and perhaps even unreasonable.

BlackBerrys and other smartphones are a way of life now and any ambitious attorney building his or her practice surely must recognize the importance of being online and available when needed.

The benefits of smartphones are obvious — so too are the drawbacks of living a constantly wired-in life.

Therefore, everyone must find their own balance where common sense, individual priorities and work realities coexist to determine how much is too much when it comes to being wired-in.

After all, BlackBerrys aren't the only things that need recharging — hard-working attorneys do too.