



Holiday tech (and not so tech) gift and buying guide

What to buy, what not to buy, and where to find the best deals. Don't miss the cell phone plan!

By MICHAEL MORTIMER

There are shopping guides everywhere. It is easy to publish a list of “this year’s hot gifts.” That won’t cut it. I’m here to help lawyers and legal staff with holiday gift giving, because people reading a Judge’s Order don’t have the time to deal with holiday shopping.

The “do not buy” list

Save a lot of cash because these are the latest and greatest things (which have the highest prices) and here’s why you should not waste your money.

- iPhone 5 (not worth it; too expensive, defective);
- Windows Phone 7 or 8 (too new; learning curve; limited app market);
- The Samsung Galaxy S III (\$200-\$300 SGS II is almost the same phone);
- Microsoft Surface (Microsoft’s entry into the tablet wars. Too new, too risky);
- Any LCD TV for more than \$700 (just a waste of money);
- 3D TV (limited titles; over-priced gimmick; no one cares or wants);
- Computer with Windows 8 (too untested; too risky; could become a paperweight).

Cell phones and plans

Every holiday season cell phones are a top gift item (Note: I am referring to smartphones, but no one says “Let me borrow your smartphone to make a call,” nor have I ever heard “We have to turn back. I forgot my smartphone.”)

My biggest tip: the iPhone 5 is a total rip-off. It is not worth the price. Other phones do twice as much at half the price.

Regarding the Samsung Galaxy S III, that debuted in July 2012 to replace the Samsung Galaxy S II: I have used



both phones, and I assure you there is not enough difference between the two phones to justify paying \$300 additional for the SGS III. Your gift recipient or you will be just as happy with the SGS II.

Never sign another cell-phone contract

Above all else, I believe it makes no financial sense to sign an over-priced, rip-off, 24-month, cell phone contract so you can get either of these phones (or something else “high end”) at an advertised discount.

Instead, I signed up with Straight Talk prepaid, an MVNO carrier. (An MVNO leases a “signal” from a major carrier and then retails that signal to us. I am using the exact same service connection, both talk and data, as the AT&T customer paying three times as much as I am.

I have tested MetroPCS, Virgin, and Straight Talk. I recommend Straight Talk. It gets its signal from AT&T and T-Mobile towers, so the coverage and signal strength are great. But the biggest benefits to Straight Talk prepaid:

- No long-term contracts.
- You can use any GSM iPhone (even the 5), or any GSM phone with the service.
- No overage charges on data or talk. (AT&T has both).
- Bring your own phone or buy one from Straight Talk.
- And best for last: for \$45 monthly, fees and taxes included, I have *unlimited* talk, *unlimited* text and *unlimited* 4G data.

I’ll illustrate: Two guys can be sitting at Starbucks using the same exact Samsung Galaxy S II or III phone, or the iPhone 5, even. One paid \$200 for an AT&T-discounted SGS III phone, but is paying \$120 monthly for *limited* talk and data; and occasionally suffers \$50 monthly in overage charges on talk and data. Over 24 months he will have paid \$3,280 (assuming \$200 in overage charges over the 24 months).

The Straight Talk customer sitting at Starbucks paid \$450 for his SGS III, but he pays Straight Talk three months in advance, so his monthly bill works out to

\$41. Over 24 months he will have paid \$1434, price of the phone included.

So for the exact same phone, signal, service and “experience,” the Straight Talk customer is paying \$1,846 *less* than the AT&T customer.

If it were me, the entire family would be getting new phones and Straight Talk service for Christmas.

Bonus Tip: Don’t worry about early termination fees. Pencil it out, it is always cheaper to pay the ETF penalty, stop paying the higher rates, and then enjoy the savings by “going prepaid.”

Tablets, phablets, e-readers

Tablets have matured. Some have external memory slots, some don’t. Some come with “cell phone connection” for use anywhere you can use a cell phone (4G, LTE that require a wireless data plan), others just with WiFi capability. Some have USB ports for connecting an external keyboard or mouse, some with Bluetooth connectivity, and others that completely lock you out from connecting anything to the tablet.

Consider well your intended use, then get a tablet, phablet, or e-reader whose main function satisfies the functionality you need. If reading pocket books in bed each night is your thing, then get an e-reader that mimics reading a pocketbook; one with a “glow light” that allows you to read text in a dark room without straining the eyes. If you read books at the beach, a paper-white display is still best.

If watching movies on Netflix is important, then you will want a larger display (the reason should be obvious).

If considering a tablet as a gift, even if the recipient has told you which one “would sure be nice to get from Santa,” buy the tablet *only* from a merchant with a liberal return policy (like Costco); it might take 30 days to figure out which tablet really works best for a particular person’s situation.

Televisions

This will be the last year I refer to

televisions as “flat-panel TVs,” mainly because the only “tube” TVs I see today are those illegally dumped on my street, placed there in the dead of night while my watch dogs are checking for cracks in their eyelids.

Whether you get a TV at Costco, Target, or Best Buy, most people will be perfectly happy with a flat-panel TV costing between \$600 and \$1500. The \$2,000 TV looks great on the store shelf, but why blow your entire shopping budget on one TV?

Where to buy: As I have repeatedly advocated, the only place to buy a TV is at Costco. The reasons are many, but mainly I like Costco’s free shipping (on the Web site), automatic, extended warranty, and 90-day refund policy. Costco often has online deals that are *better* than what you might find in a Costco store. Many times the item is offered only online. No one can beat Costco’s warranty and refund policy.

Warranty: LCD TVs have a significant failure rate, both in the manufacturing process and after being on your wall for 366 days. Costco addresses these failings by *extending* the manufacturer’s warranty to two years. You can buy from SquareTrade an additional three-years full warranty. So for \$30 additional your TV will be 100 percent covered for five years! Costco handles the warranty claim, not the manufacturer. If a store is nearby you can return the TV to the store for an exchange. Or if that’s inconvenient, you can arrange with Costco to have UPS pick up the busted TV from your house and deliver a new one, for free.

Costco’s refund policy: Costco has an extremely generous return policy. The recipient has up to 90 days to return select electronics for a full cash refund, no questions asked!

You’re a lawyer. Go read the policy on the Costco Web site.

Bonus Tip: If you see some odd-name TV being sold, even at Costco, *avoid* that product unless you have time to research the manufacturer and get reviews of the product.



Computers

Unless you have a pressing reason to get a computer this holiday season, I am putting computers on my *avoid* list this year. Why? It is called Windows 8.

Windows 8 is Microsoft's new operating system. (Microsoft is switching from a principally drop-down menu system to a graphical interface (what it calls "tiles"). It is a *radical* change from how you are used to using computers.

Trust me, in a busy litigation practice you do not have the time to learn a new interface, one that replaces a look and functionality that's been around for 18 years.

If you do need new PCs for your office, you can still order them from Dell and other online sellers with the more predictable Windows 7 operating system.

Other gifts

Black and Decker (B & D) Portable Vacuum – I always like to toss in what is a cool, useful gift. The reason I suggest B & D is because they have been around forever, the vacuum cleaners have been rated close to the top in consumer magazines, the products are well known, and they work well. And in the design category, B & D has it down. This "Orb Vac," is uber cool.

16GB microSD Card – These are "external memory" for phones, tablets, and using an adapter even for computers. People like getting memory as a gift. (These are dirt cheap now. Buy a Class 6 or 10. That's a speed rating. The higher the number, the faster). **Note:** Although there are 32 GB chips available, 16 GB have "office-party-gift-exchange" pricing. **Beware on eBay** of getting fake chips. Best rule to follow, buy chips *only* from confirmed chips sellers, who only sell chips, with 200+ feedback and 99.5 percent positive feedback.

Bluetooth Headset – *Avoid!* These are a personal decision.

Corded Cell Phone Earphones – A big hit at office parties, especially now that driving while talking on a cell phone without a headset is a \$300 fine. Many people prefer corded earphones when in a car. No muss, no fuss. **Bonus Tip:** If a gift or stocking stuffer, consider giving two to three of these.

Warning: In California it is illegal to have buds in both ears.

Where to Buy: Search eBay under "OEM earphones" and one of these words: "Samsung" "Motorola" or "HTC" Buy only brand names from reputable sellers. Look for ones with rubber ear pads, and that come with extra pads. Most phones 2009 forward have a 3.5mm port, so look for 3.5mm earphones. Don't make the mistake of buying 2.5 mm sets. Don't pay more than \$5 per set. Don't buy locally at a carrier's store; those are over-priced.

Thumb Drive – A great stocking stuffer or office party gift. Everyone likes thumb drives. 32 to 64 GB can be had for \$20.

Shopping wars

Price Matching – Have you heard? Everyone is doing it. *But beware* sellers who make you jump through a lot of hoops to get the discount. The *only* price matching that matters is that which the retailer provides *instantly*. If there's hoop-jumping required, *walk...* take your business elsewhere.

Price Match Request Technique – Online: if there's instant chat, ask the rep about price matching. Or look for a clickable link that says "Press Here For Price Matching Information."

In-Store – Ask the clerk about price matching, but usually a manager will be called to deal with it because only managers can authorize requests. But don't ask for the manager initially. Ask the clerk and he will call the manager to address your request.

Don't Fib – It is easy for the manager to confirm whether what you are saying is true.

Screen Capture or Printout – I always capture the Web page that has the price I want to pay. I then e-mail it to myself as an attachment. I also place a link in the e-mail, to that page. So when I ask for a price match I have not only the Web page, but also a screen capture, and hard copy printout. That's three ways I can prove what I am saying is accurate.

No Stale Prices – It is reasonable for a retailer to mandate that price matching is only done on merchandise offered by a competitor. Don't point the manager to an Amazon sale that expired in July.

Negotiate! Retailers are *desperate* for your business and five percent profit is better than zero if you walk. So always try to negotiate price, but also remember some products will never be on sale, so it does not matter when you buy it: You are *not* anywhere on the planet finding a retailer selling a new iPhone 5 below the price that Apple says retailers will sell it for.

Conclusion

Finally, I provide a warning: no show-rooming! Showrooming is where you visit a Best Buy, look over a product, return home, log online and buy it for less. It would be like a consumer visiting three law offices for a "free consultation" on trust documents to learn what was important, then going home and ordering them online from Legalzoom.com.

Happy Holidays!



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Michael Mortimer is a federal trial lawyer located in San Francisco. He is spending most of his time now authoring a number of books including Welcome to the World of Big Time Litigation. Mortimer is a frequent contributor on technology to Plaintiff Magazine. You can e-mail him at sanfrancisco@att.net.

