

Law · yer · ist

(lô'yer-ist) n. 1. One who lawyers. 2. The lawyering survival guide.

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The Paperless (Law) Office

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Introduction

While the futuristic vision of a business world completely devoid of paper is probably a myth, reducing paper to a bare minimum is now a relatively simple matter.

This is a primer on going paperless. It is not a comprehensive guide or an exhaustive treatise, which is impractical, if not impossible. Instead, this is a starter guide for law firms that want to adopt paperless principles and procedures. Every firm must develop its own paperless system, tailored to its own procedures, work flow, and employees' habits.

Going paperless is a simple matter of buying a scanner and using it. *Being* paperless means adopting practices and procedures that maximize efficiency and minimize cost.

Defining paperless

The word is *paperless*, which is not the same thing as no paper whatsoever. Going paperless means switching from a system in which The File is a bulging file folder (or stack of boxes) in need of constant maintenance to a system in which The File is an easily-maintained digital file. Most firms will still need or want to keep some paper documents around for various reasons.

Lawyers and staff who prefer editing documents on paper should continue to do so. Litigators who need to keep original copies of pleadings not yet filed should keep them. Trial lawyers may continue to use paper exhibits for trial. And so on.

Don't panic.

Advantages

A paperless office saves money on office supplies and storage. Those costs add up fast, and the cost of office supplies per client is about the same regardless of the size of the firm. Office supplies also wear out. Hard drives and file servers are cheap and durable by comparison. \$100 of filing supplies will hold a few dozen client files, at most. A \$100 hard drive will hold a few thousand, at least.

It takes less administrative time to maintain a paperless office. Paper files are needy. Lawyers and staff must continually file and refile documents, make copies, sort things, label things, re-sort things, re-label things, and on and on. Digital documents are scanned once and filed once; there is almost no maintenance required. Accessing documents once they are in the system is a matter of a few clicks. No need to waste time digging through files and pulling out the document you want. Finding documents—or even words within documents—becomes easier, as well, if character recognition is used. You can search the entire client file directory with a few keystrokes.

Since digital files are more-easily transported, a paperless office means there is no need to confine the workspace to the physical office space. You and your staff can get work done anytime, anywhere.

Finally, digital data can be far more secure than paper. Paper can only be locked up. Digital data can be locked up, backed up, and encrypted. Digital data can be many places at once, so that if the office burns down and the home computer crashes, there is still an extra copy of the firm's files in a remote location.

Are you ready?

Before you dive headfirst into a paperless office, you need to take stock of your *paperfull* office. Going paperless is not a silver bullet. If you are disorganized now, your paperless office will be just as disorganized. If you never keep up with your paper filing, you will probably never have a complete digital file, either.

Before you try to go paperless, spend the time and effort to get organized. If you need some ideas or inspiration, I highly recommend David Allen's [*Getting Things Done: The Art of Stress-Free Productivity*](#), which provides the foundation for my organizational system. *Getting Things Done* (GTD), provides a useful foundation for productivity and organization that is particularly effective for people who are lazy and disorganized by nature—like me.

The shopping list

Computer

The computer sitting on your desk is probably just fine. Scanning documents does not require impressive processing power or expansive hard drives. One attorney will probably generate about 1 gigabyte of data each year. This will vary widely from firm to firm, but fortunately, storage is cheap. 1 terabyte (1,000 gigabytes) sells for about \$100 as of this writing.

Faster processors will help with character recognition, which will speed up scanning if you need to recognize all the text in longer documents.

Backup

Backup is the most important component of any computer system, but it is especially important when all your files are digital files. Every firm should have *at least* two backup systems: one local, one remote.

For small firms, external hard drives are convenient for local backup, and there are several services offering remote backup at reasonable rates. For larger offices, hire an IT consultant to install server-side backup hardware and software and a remote backup solution.

Do not go paperless without a bulletproof backup solution in place.

Scanner

A good document scanner (or many good document scanners, for larger firms) is central to a paperless office. Solo practitioners and very small firms will all be happy with the [Fujitsu ScanSnap](#) line of document scanners. Medium-size firms and larger will probably want more than one scanner in the office, and will need more robust hardware. Once again, a consultant can help the larger firm pick out the best hardware for the firm's needs.

Inbox

Every scanner should have an inbox, and no paper should leave the inbox except to be scanned first, then distributed, filed, or shredded.

Fax service

Although many clients and other lawyers will be happy to accept documents via email, many others will still insist on faxing documents to you. Instead of scanning documents after they arrive, it makes sense to get a fax service like GreenFax or [eFax](#), which will email your faxes to you, already converted to PDF format.

PDF software

You will probably want to be able to edit PDF documents—to delete and insert pages, add Bates-style numbering, etc. In order to do this, you will need PDF software. [Adobe Acrobat](#) is the standard, but at \$300, it is also quite expensive (although if you buy a [Fujitsu ScanSnap S1500](#) or [S1500M](#) (for Mac) Acrobat comes bundled with the scanner). [CutePDF Pro](#) is a better deal at \$50, and knows all the same tricks.

OCR software

OCR (optical character recognition) software recognizes the text in your scanned documents so that you can search, copy, and paste it. Most scanners come bundled with OCR software.

Printer

Select a printer that meets your firm's needs. Laser printers are generally faster and produce higher-quality documents than inkjet printers.

Shredder

Basically, any shredder will do. The larger the capacity, the easier it will be to shred stacks of documents. If your firm is large, look into a secure document shredding service, which may be more cost-effective than doing the shredding yourself.

Getting started

Any firm that has been in business for more than a year or two probably has an intimidating collection of old files. They may be taking over the conference room, an owner's garage, or uselessly sitting in a costly storage facility.

Should you spend the money to scan those files or only scan files from now on? It depends. Add up your cost to store those files until you destroy them. Then, determine how much it would cost to scan them into your paperless system, instead. There are several ways to go about scanning old files.

You can scan the files yourself, if you have time (or if you have an employee who has time). Scanning each client folder to a giant PDF file (or several giant PDF files) is relatively easy, but time consuming. Figure it will take two days to get through a dozen bankers boxes.

You can hire a document scanning service to do the work for you. You can expect scanning to cost roughly the same as copying an equivalent volume of documents.

Even if it would cost more to scan the documents you are storing, you might want to do it anyway, if those documents are taking up valuable space.

Beyond scanning

Do not start scanning everything in sight just yet. The technology is the easy part; the hard part is creating procedures to feed information into your system reliably and efficiently.

Flow

Think about your documents and other file materials in terms of flow. Where do documents come from, where do they need to go, and where do they need to stop along the way. Start with collection points—inboxes.

Most firms will have the same collection points: mail and email inboxes, telephones and voicemail inboxes, fax machines, and so on. These collection points should be consolidated if possible.

Collection points should also be scanning and saving points. For example, next to the inbox for the daily mail should sit a scanner. Before anything leaves that inbox, it must be scanned and saved to The File. Documents that need not be saved could be shredded, distributed to the attorneys responsible for the case, or mailed to the client. Documents such as original pleadings that must be saved should be filed in a paper file.

Everyone at the firm must be trained to properly name and save documents delivered to them by email. Email is the least “regulated” collection point, since it cannot be easily and efficiently collected at one point. Assistants with access to lawyers’ email could be given this assignment, instead, but one of the benefits of a paperless office is that fewer assistants are needed to deal with the constant filing duties necessary in a paper-based law office.

The File

The File is the complete collection of documents and other things that make up a client’s matter. The File is, of course, the files or boxes of paper, but The File is also all of the emails related to the matter, lawyers’ notes, recordings, drafts, and other things. The lawyer’s challenge is to keep The File together and intact, insofar as possible.

You can organize digital files just like you currently organize your paper files. Here is one example of a folder heirarchy:

- 001122 Client File
 - Billing & Expenses
 - Correspondence
 - Discovery
 - Deposition Transcripts
 - From OP
 - To OP
 - Docs from Client (not produced)
 - Privileged & Protected
 - Drafts
 - Notes & Research
 - Orders
 - Pleadings
 - Recordings
 - Retainer

Create a blank new file folder with all the folders you use already in that folder, so you can quickly and easily open a few file. Put the templates you frequently use in the Drafts folder so you can get to it quickly and easily.

Digital documents

A “document” is a more-or-less exact copy of the actual document that cannot be easily edited. A [Word](#), [WordPerfect](#), or [OpenOffice.org](#) file is never a “document.” Such word processor files are drafts or notes.

Digital documents should be stored as PDF or TIFF files, which are designed to display a document as it was created. PDF is the industry standard, and is now an open source format, so it is fairly well-insulated from obsolescence.

Naming conventions

Most lawyers organize client files by date, and date order is certainly a logical way to organize a file. To organize a digital folder by date, you must put the date at the beginning of the file name, with the year first:

yyyy.mm.dd description.pdf

You can use whatever separators you like for the date. If you cannot determine the date of the document, include a notation explaining the date, such as a *s* to indicate the date the document was scanned or an *e* to indicate the date the document arrived by email.

Give the document a descriptive name, to make it easier to find what you are looking for, either by searching or scanning your client file folder.

Security

Digital files *can be* more secure than digital files, but they can easily be less secure. The most important element of security is the physical security of the files: the lock on the door. After physical security, any files that leave the office (on a laptop, flash drive, or other media) should be encrypted.

Closing files / document destruction policy

Closing a file is the time to consolidate all the components of The File in one place for archiving. If you have been scanning and saving documents as you go, you should not have much scanning to do at the end. If there was a trial, however, you may have a stack of documents that need to be scanned before you can close the file. I take the easy way out and scan that pile as one or two large files rather than attempt to scan each document separately.

You will probably have email that needs to be saved to the file folder, as well. Most email software will allow you to print or save multiple emails. In [Outlook](#), for example, you can simply select the emails you want, and drag them to the folder where you want to store them.

Include with your closing correspondence to your client a copy of their digital file on a CD DVD, and all the original documents you still have. That way, all you have left at the end is a digital file on your computer.

Give thought to a document destruction policy. Although you can easily store your client files forever, given the cheap cost of digital storage, you should consider whether that is a good idea. Instead, you may want to apply the same document destruction policy you would use for paper. My liability insurer suggests retaining client files for ten years, so that is what I do. I also purge my email account of emails more than three years old, so that I have plenty of space for new correspondence.

Extras

Once you go paperless, you may find a few “extras” make life a little (or a lot) easier.

A second (or a larger) monitor

A second (or a larger) monitor can drastically increase your productivity by giving you more screen real estate on which to work. For example, a [22” widescreen monitor](#) is large enough to display two full-width documents side-by-side. Since lawyers work primarily with documents, one of the best options is to turn a widescreen monitor 90° so that you can view a full page at a time. Two (or three) of these, and you will rarely feel the need to print anything out.

Scanned signature

Much correspondence need not be hand signed. For such communications, it makes no sense to draft a letter, print it, sign it, scan it, and email or fax it. Wasted paper.

Instead, scan a copy of your signature at high resolution, and insert it into your letterhead template. If your letter does not need to be signed by hand, you can simply convert the document to PDF and fax or email it without wasting paper and the time it takes to print your document and scan it.

Remote access options

Once your files are digital, you can get work done from anywhere, without hauling around boxes of paper files. Assuming all files are located on a central file server, accessing your client files is a simple matter. There are several options, from remote desktop/VNC to a virtual private network to SFTP access. Each has advantages and disadvantages, and a technology consultant can help you determine what is best for your firm.

Conclusion

Go paperless. It is one of the best things you can do for your law firm. If you need help figuring the right hardware or software, or with implementing efficient procedures in your office, [contact us](#) for more information.