

# TRIAL REPORTER

Journal of the Maryland Association for Justice

Winter 2009

## Damages

**Maximizing Your Medical Expenses Claim  
in Your Auto Negligence Case**

**Dementia: Tearing Down the Wall of Fear**

**What a Long Strange Trip It Has Been:  
*Proving Conscious Pain and Suffering for Tort  
Victims With Altered States of Consciousness***

**Best Practices in Mediating Damages**

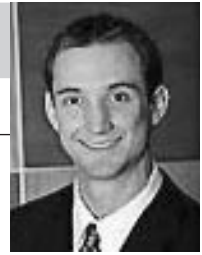
**Damages from the Defense Perspective**

**Lawyer Turned Accountant: *Maximizing  
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**An Analysis of Current Medical Negligence  
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**Case Note: *Khalifa, et al. v. Shannon***

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## Doing Somersaults for Adobe Acrobat



Adobe Acrobat is as familiar to most of us as a favorite restaurant. The danger of favorite restaurants, however, is that patrons may order the same meal over and over instead of venturing into new menu options. And Adobe regularly updates its menu, listening to all of its users (including lawyers), and addressing their specific needs. If you have not examined these new offerings, you are missing out on the best Adobe has to offer.

### Adobe Basics

There are four basic types of Adobe Acrobat: *Reader*, *Standard*, *Pro* (formerly known as Professional), and *Pro Extended*. The most recent version of these products is 9 (i.e., Acrobat 9 *Standard*, Acrobat 9 *Pro*, etc.). *Reader* is downloadable from the Adobe website for free,<sup>1</sup> and allows users download and manage any document created by any other type of Acrobat. *Standard* (\$299 per license<sup>2</sup>) allows users to create and distribute PDF files and forms, and to mark up documents with comments, albeit to a limited degree. *Pro* (\$449 per license) is the typical choice for the legal profession, and version 9 features redaction, metadata options, enhanced ability to convert other documents into PDF, additional collaboration tools, and the ability to compare PDF documents. *Pro Extended* (\$699 per license) features more multimedia capabilities, including Adobe *Presenter*, which incorporates audio and video into a PowerPoint presentation and saves the whole package as a PDF capable of being viewed by anyone with Adobe *Reader*.

### Common Features Available in Acrobat

Though the availability of these features (and the specific steps to use them) may depend on the type and version of Acrobat you possess (all are available with *Pro*), lawyers and their staff should be familiar with these fundamental Acrobat applications:

#### 1) Add/Remove Pages

Users can add or remove pages to their PDF files. This is especially useful after downloading documents from the Electronic Court Filing (ECF) system in federal court—frequently users start with separate documents, for instance a motion, memorandum, exhibits and proposed order. With Acrobat, it is a cinch to combine them all into one document.

- a) From the 'File' drop-down menu, select 'Create PDF' and select 'From Multiple Files'

- b) Click 'Browse' and search for the files you wish to combine (if they are all in the same folder, hold the control button at the same time you click on the files) and click 'Add'
- c) Arrange the order of the files by clicking on them and clicking 'Move up' or 'Move down'
- d) Click 'OK' and name the new file

Alternatively, with multiple PDFs open at the same time, you can click on the side tab 'Pages' and move any individual page within a PDF or to another PDF by clicking and dragging it to its new position. Similarly, you can delete individual pages by clicking on them in the Pages area and striking the Delete key.

#### 2) Optical Character Recognition (OCR)

This is one of the best and most useful features of Acrobat. Optical character recognition gives users the ability to search a PDF document, even one saved to your computer by way of a scanner. Of course, it cannot read all text, but typewritten text is typically recognizable. It is a terrific way to quickly locate specific information in medical records and pleadings, especially while at trial or deposition.

- a) From the 'Document' drop-down menu, select 'Recognize Text Using OCR'
- b) Click 'Start,' 'All Pages,' and 'OK'
- c) Be sure to save the PDF (using the toolbar, or clicking 'Cntrl-S')
- d) Search the document using 'Cntrl-F' or 'Cntrl-Shift-F'

#### 3) Convert to PDF

Most Microsoft documents (for instance, Word, Excel) and non-Microsoft documents (WordPerfect, TIF, web-pages) can be easily converted to PDF without the use of a scanner. Furthermore, directly converting a document from another application frequently obviates the need for OCR, as these documents can automatically convert to recognizable text.

- a) From the 'File' drop-down menu, select 'Print'
- b) Select the printer called 'Adobe PDF'
- c) Click 'OK' and name the file

#### 4) Copy and Paste

Material within a PDF file is typically copied in two ways:

- a) Copying OCR'd text:
  - i) In the PDF document, click on the 'Select Tool' from the toolbar (or, click the 'Tools' drop-down menu, click 'Basic' and click 'Select')
  - ii) Click and drag the cursor over any text; click 'Cntrl-C' to copy

<sup>1</sup> <http://get.adobe.com/reader/>.

<sup>2</sup> Upgrades from prior versions for all Acrobat products are less expensive.

- iii) In another document (for instance, an e-mail or word processing application) click 'Cntrl-V' to paste
- b) Copying a graphic image or non-OCR'd text
  - i) In the PDF document, click on the 'Snapshot Tool' from the toolbar (or, click the 'Tools' drop-down menu, click 'Basic' and click 'Snapshot Tool')
  - ii) Click and drag the cursor over any part of the PDF document
  - iii) In another document (for instance, an e-mail or word processing application) click 'Cntrl-V' to paste
- 5) Bookmarks

Bookmarks allow users to easily tab specific areas in a PDF. For instance, medical records in a medical malpractice case may be bookmarked according to date or type of record (physician notes, nursing notes, etc...).

  - a) On any page of a PDF, right click the page and select 'Add Bookmark'
  - b) Type the name of the bookmark, hit the 'Enter' key
  - c) To find any of the bookmarks, simply click the 'Bookmarks' tab on the left side of the PDF, and click a bookmark to go directly to that page
- 6) Bates-Stamping

Each version of Acrobat develops significant improvements in bates-stamping documents. Users can even add prefixes, and continue the numbering from a point left

off in older documents.

- a) From the 'Advanced' drop-down menu, select 'Document Processing,' 'Bates-numbering' and 'Add'
- b) Add the files you wish to bates-stamp
- c) Arrange the files in order and click 'OK'
- d) In the 'Add Header and Footer' dialog box, click to place the insertion point in the proper box
- e) Click 'Insert Bates Number,' click the selections for your preferences, and click 'OK'

### Walking the Tightrope

The cost to upgrade an attorney, all attorneys, or the entire firm to Acrobat 9 Pro can be prohibitive, especially in today's tough economic times (and lawyers should not expect a bailout package anytime soon). However, the time savings created with selective upgrades should not be discounted. The most computer literate attorneys in the office should have it, as well as the legal secretaries or paralegals who are responsible for organizing medical records (because they can bates-stamp and OCR the documents), and those who save electronic court pleadings to the office network. Just remember—the key to any new software is to *use it*. Take a few minutes every so often to explore the toolbar, click on random buttons, and check out resources<sup>3</sup> on the subject.

<sup>3</sup> See Acrobat for Legal Professionals at <http://blogs.adobe.com/acrolaw/>; and peruse the Adobe Acrobat Users Community at <http://www.acrobatusers.com/topics/acrobat-9>.

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