The Attorney's Office Tools

Legal Tech

The Paperless Office: Isn't It About Time?

John J. Cord

For years you ignored it. It's just a fad, like pockets, you said. Soon, everyone will realize that paper is king, and the old ways are superior. But one by one, your law buddies started converting. It's not even possible, you maintain—it is a myth, like the Yeti, or his North American cousin, the Sasquatch. But finally, that pesky young associate you brought on convinced you to give it a try, with promises of "better for the environment," "more efficient," and "can access from anywhere." Now, you find yourself seeking that holiest of grails—the paperless office.

There are many reasons to go paperless. Some of the most obvious are:

- Good for the environment (less paper needed, less trees killed, less ink manufactured)
- Decreases physical storage space
- Documents are instantly accessible from anywhere there is a computer and an internet connection
- Easier to back up electronic documents than physical documents
- Many courts (particularly the federal system) already require components of the paperless office
- It is really hard to lose an electronic document
- Attorneys can find documents themselves, instead of relying on assistants to "bring them the file"

Contrariwise, there are only a few reasons not to go paperless. These include:

- You fear change
- You cannot afford it
- Stone tablets cannot fit in a sheet-fed scanner

Obviously, the only real concern is cost. We'll address that. Let's assume you've decided to take the plunge. Here is what you'll need to go paperless.

Elements of a Paperless Office

Hardware

The two pieces of hardware necessary for a paperless office are scanners and computers. Odds are you already have the computers. That leaves only the scanners. There is no one right scanner for every office—you must consider the size of your office, number of employees, and amount of material you have to scan every day. A solo office may function on one or two high-speed desktop scanners, whereas a medium or large office should have at least one multi-function scanner, and several ancillary desktop scanners. Here are the options:

- **Flatbed scanners:** Desktop scanners that are useful for copying pages from books, and non-standard sized paper. This should not be your primary hardware, because they are capable of scanning only one item at a time.
- **Desktop Sheetfed scanners:** A high-speed sheetfed scanner (at least 90 pages per minute) with an automatic document feeder that can scan multiple pages in rapid succession.
- **Multifunction scanners:** These can combine copiers, fax machines, printers, flatbed and sheetfed scanners, all-in-one. Some high-end multifunction scanners have the capability to automatically link scanned documents to the computer network, and can e-mail documents directly from the machine.

Software

Now that you have the documents scanned in, you will need a method of sorting, naming, manipulating and finding them.

Case management programs: This software allows you to link all of your case information together, including e-mails, notes, contact information, billing, to do lists and calendars. Relevant to the paperless office, these programs also allow you to link documents to the case. Each case management
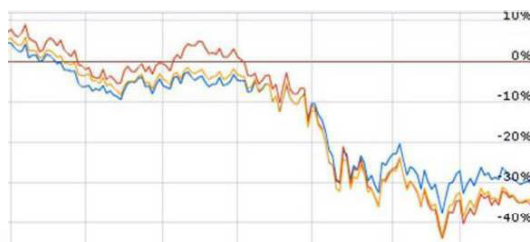
program has a unique interface, but the endgame is that all of your documents, including drafts, pleadings, discovery, bills, medical records and correspondence will be automatically sortable (by date and category) and searchable by name. Futhermore, by taking the extra step of performing optical character recognition (OCR) of PDF documents, you can search the text of the documents.

There are a number of good case management products out there. Our firm uses Time Matters (by MAJ sponsor LexisNexis), other good products include Needles (by MAJ sponsor Needles Case Management Software) and Prolaw and West Case Notebook (by MAJ sponsor West, a Thomson Reuters Business).

Adobe Acrobat: Most people are familiar with the software used to view scanned documents—the most popular is Adobe Acrobat Reader, which is available for free. This may be sufficient for some employees who only need to view documents; however, at least some of your lawyers and paralegals should get Acrobat 9 Pro, which offers expanded functionality including: reordering pages in scanned documents, bates-stamping, redacting and OCR. Optical character recognition (OCR) gives you the ability to instantly search through PDF documents for typed words. This has been invaluable to me in medical malpractice cases

with thousands of pages of medical records, and for legal malpractice cases with thousands of pages of pleadings, depositions and correspondence. Instead of searching through the files by hand, you can pull up documents with the click of a few buttons.

Miscellaneous: There are a number of options once you delve into the world of the paperless office. You should make sure to have some means of connecting remotely to your office network from other internet-accessible computers. Several MAJ sponsors can assist you with this process, or you can use on-line services such as www.gotomypc.com. Furthermore, there are advanced products out there than can help to you to professionally convert PDF documents to Word, WordPerfect or Excel documents. My favorite is Nuance PDF Converter. This is an invaluable resource for converting discovery questions by opposing counsel into a word processing program, preventing the need to retype the questions when you draft your answers.

Back-up systems

The full scope of backup systems are outside of the scope of this article. Suffice to say that it is imperative that you have at least one off-site back-up (in case your office is not there in the morning).

Policy on Handling Documents

The most important part of a paperless office is a written policy. Optimally, your firm should scan every single document entering the office (aside from junk mail), and every single document that leaves the office. In most cases, incoming documents should be scanned before they even reach the hands of attorneys, who are prone to losing important papers. If need be, an attorney may be the first to see documents that come into the office to determine if it needs an instant response, but he/she must immediately give the documents back to the paralegal or secretary for an immediate copy and scanning into the system. Also, there must be a policy to guarantee timely scanning—everything should be scanned within a few hours of receipt. Some firms have one person dedicated to scanning everything; other firms assign each attorney's secretary to scan his/her mail. Finally, the scanned documents must somehow be sent to the employees who need to see them—most case management programs can be engineered to provide e-mail or other electronic notification of new documents.

Many attorneys ask what should be done with the original documents? Some law firms destroy most documents, while others file them away, and only pull them out again if the need arises. The hard file can be a good secondary backup. Importantly, you must be sure to save documents with original signatures (for example, pleadings) and any evidence that cannot be reliably duplicated.

Conclusion

One question that attorneys frequently ask about files is how long they have to retain them? With a paperless office, the simplest answer is to ignore the question and save files forever. With everything scanned in, and with electronic storage so inexpensive, there is no reason not to keep everything. The entire hard copy of case files can be disposed of (with certain exceptions, of course) as soon as you are comfortable doing so.

As for cost, it is not prohibitive. You can get a decent sheet-fed desktop scanner for $1,200, and Acrobat Pro licenses for $450 each. Obviously, you can spend a lot of money on bells and whistles, and your office may need heavier duty scanners (a good multifunction scanner can run $25,000, though leasing options are available), but the cost is bearable.

Also, if you are making the move to paperless, decide first whether you are going to scan every document in every case. Without additional support, this is probably not worth the hassle, as the backlog could impair your office. Instead, try scanning only all documents that come in prospectively, or only scanning documents for new cases. Eventually, the paper files will be cleared, and you will have achieved the goal—the paperless office. ▪

Biography

John J. Cord, *Miller & Zois, LLC*, graduated from the University of Colorado School of Law. He concentrates his practice on assisting victims of automobile negligence, medical malpractice, and defective products. He is licensed to practice in Maryland, the District of Columbia, Pennsylvania, Georgia and Minnesota. He is a member of the American Association for Justice and is a former chair of the MAJ Technology Committee. Read his blog at drugrecalllawyer.com, and follow him on Twitter at @johnjohncord.