



The Ultimate Guide to Going Paperless

WHITEPAPER

INTRODUCTION

Thinking of going paperless?

Our Ultimate Guide to Going Paperless focuses on creating an office-wide culture to manage and store documents digitally. This guide:

1. Briefly explains the benefits of going paperless
2. Suggests ways to gradually or incrementally build toward a paperless practice
3. Provides a list of necessary skills -- with tutorials -- to make the most of your digital documents.
4. Explores the legal/ethical ramifications of new paperless technology
5. Goes step-by-step through the process of keeping a case paperless, from opening to close, with tips on technology and best practices.

Why Go Paperless?

Cost and Efficiency

All those dusty stacks of paper, all those heavy files. It's not bad for the trees: your paper-based practice is wasting your time, frustrating your staff, and limiting your possibilities.

But the good news is: streamlined digital technology is transitioning the law office away from clunky filing cabinets and screeching fax machines. Never before has it been so easy to gather, store, share, and protect information.

Also, never has it cost so little. While paper, ink, and physical filing systems all require hefty overhead costs (not to mention the lost time or wages of doing this grunt work), online storage costs are plummeting. In 1993, a gigabyte of storage on a hard drive cost \$9,000: you can now buy that same storage space for around 4 cents. The phenomenon is called the Race to Zero, and suggests a future of near-infinite storage for free.

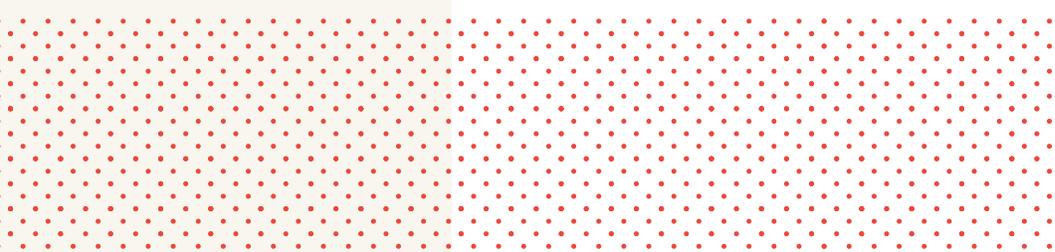
Paperless legal practice also keeps your information more secure. Even locked filing cabinets are less secure than data stored in the cloud and protected by password.

Others go paperless because they want their workspace back. What could you do with the open space in your office once you remove those files?

Putting your practice online also brings your work into the 21st century. You're expected to collaborate with (?)

But perhaps the most important reason to go digital is that streamlining your document management process frees up your mind for more important things. Instead of hunting down files in a dusty archives room (or your colleague's messy office floor), you can actually be practicing law. Fewer mundane frustrations means more creative, strategic thinking.

The average office worker uses a staggering 10,000 sheets of paper each year. That's the equivalent of a 100 Douglas Fir Tree.



Before You Take The Plunge

...Baby Steps to Paper Free

Kicking the paper habit can be tough. Even with technological advances, the average office-worker still uses a staggering 10,000 sheets of paper each year (the equivalent of a 100-foot Douglas fir tree). If your office is still hooked on paper -- or if you have a cantankerous colleague who grimaces at new-fangled ideas and needs some persuading away from the good old tree-felling times -- there are intermediate steps you can take to gradually move your way closer to the paperless ideal.

Reduce the pages. Become more aware of the paper you're using for the documents you print. At the very least, these can be printed double-sided, and depending on the content can perhaps also be compressed into multiple pages per sheet. Creating a mindset of paper-reduction can help everyone think twice when they're about to print something.

Stop printing documents.

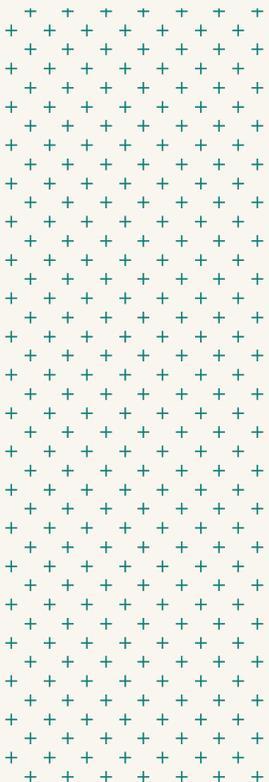
Even if you're not scanning all documents that pass through your door, you can at least gradually wean from the habit of pressing Print with each document you receive or file electronically. This step requires that you begin creating a good routine for storing these documents securely, hopefully within your case management system.

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Request electronic copies. Ask others to send documents or communication to you digitally when it's possible, rather than through snail mail. It's likely they'll appreciate the stamp-less ease of this option as well.

Finish with faxes. Maybe you find the gurgle and screech of a fax machine soothing, but anything that can be faxed can be scanned and emailed. If others insist on maintaining the obsolete genre, you can use an online service to faux-fax documents or receive them in your email inbox.

Begin with the new. Instead of trying to scan in all of your old documents, prioritize brand new cases. This creates an incremental approach that will get you off of paper faster than you may expect.



Baby-step into shredding. For some, shredding paper documents that used to be carefully archived in the file room can be emotionally difficult. If this is a particular problem for you, consider keeping a small filing cabinet with twelve folders, one for each month. Documents you can't bear to shred can go into these folders after they have been scanned and appropriately filed digitally. At the beginning of each month, empty out the documents from the month one year previous into the shredder -- if you haven't needed to use them in the last year, rest assured that the digital copies will do. Even if you find you never use this hard copy, it might be a valuable security blanket.

Become a PDF Ninja

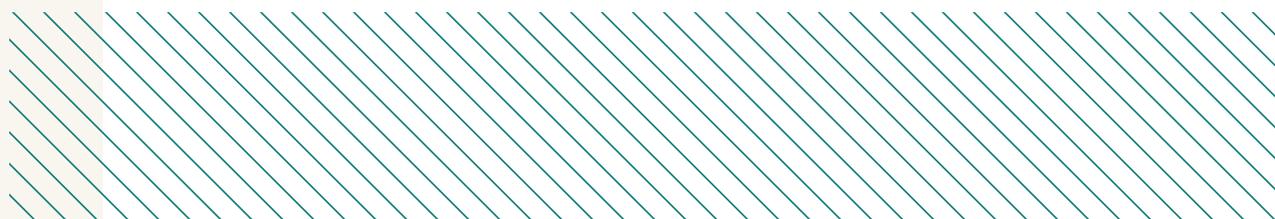
Investing in regular technological training for all team members is a crucial part of the paperless firm. One good place to start is becoming comfortable with manipulating all the PDFs you'll be creating. There's a certain easy freedom with paper copies -- we unthinkingly highlight, write notes in the margins, and dog-ear pages. But with just a little training, you can do these things just as easily with the digital form.

Many attorneys invest in Adobe Acrobat for the greatest capabilities (the most recommended scanner for lawyers -- Fujitsu ScanSnap iX500 -- comes with a free copy of the software). But free software -- including Adobe Reader -- can also provide a lot of flexibility for dealing with PDFs.

New Tricks for Old PDFs

There are certain tricks you'll need to learn with your PDFs to go paperless. Many of these are the things we take for granted when we're working with paper. Spend some time with a few basic tutorials if you don't already know how to:

- highlight key passages
- attaching notes to specific passages, like you're writing in the margins or a xing a sticky note.
- fill out PDF forms
- create bookmarks in your file, in order to easily flip between sections.
- stamp a document (with DRAFT, CONFIDENTIAL, or other
- sign a document
- redact sensitive information



Also, being paperless means you can benefit from the tricks you can't do with paper copies, like:

- create bookmarks in your file, in order to easily flip between sections.
- protecting your PDFs with a password

If you'd like to become even more proficient with PDFs, consider investing in the ABA-produced book *Adobe Acrobat in One Hour for Lawyers*.

Paperless Ethics

As paperless offices become the norm, more legal jurisdictions are issuing guidance on the ethics of storing confidential documents in the cloud. The main question is whether attorneys are responsible for security breaches or data loss in the cloud storage systems they use.

The question is tied up in the general issue of using outside agencies for some legal functions, from accounting to computer servicing. According to the American Bar Association, these contracted services can be seen as “non-lawyer assistants” under Model Rule 5.3 [Kate Kate’s note: the ABA opinion linked here isn’t up any more], meaning an attorney does have an obligation to ensure that the services it uses are “compatible with the professional obligations of the lawyer.”

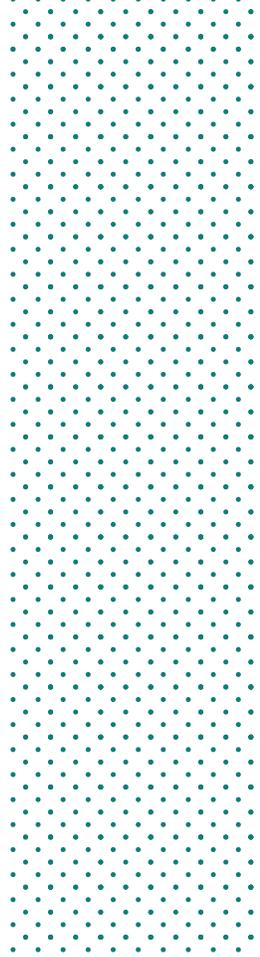
This means that attorneys need to demonstrate “reasonable care” in their selection of service providers, with specific standards that vary by jurisdiction.

The best protection against violating professional ethics is to adequately research your software and service providers, and stay abreast of any changes they make. For a state-by-state list of cloud ethics requirements, see this resource from the ABA.

There are other responsibilities you owe to your clients as you change how you store and access documents. Your changes should be reflected in your client engagement letter. Some suggested wording can be found here.

When your engagement on a case ends, send your client a copy of their digital files (on a CD or USB drive, in some format that they’re likely to have access to). Your file-closing letter should explain your document- destruction policy to them.

Make sure that all of your material is gathered in one file for the client. If you have physical evidence associated with the case, take a photograph to store in your archives and return the object to its original owner. You can keep your digital file for as long as your malpractice insurance carrier recommends, and then delete it.



Paper Free, Step by Step

Finally, we leave you with a detailed, step-by-step process to cut out paper from the beginning to end of a case.

Make your ritual firm-wide

We've written before about the value of shared rituals when it comes to efficient work and creative collaboration. This collaboration is one of the best rewards of going paperless. Not only can multiple people be looking at the same case documents without rifling through each others' offices to find them, but they can also be creating and editing documents in real time.

If you're the only one in your office avoiding paper, you don't have access to some of the richest benefits of the system. The best scenario is for the entire firm to take the plunge into paperlessness together -- following a firm-wide system to ensure that all documents remain findable, confidential, and up-to-date.

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Collect

The gateway to the office ritual should be collecting documents in one space. Not only is it inefficient to store some of your documents electronically, others in the file room, and others in various cubby-spaces of your office – it is also a situation ripe for losing that case-making document. To function without paper, you have to feel confident that your digital file contains everything.

The best way to do this is create an inbox for all your documents. When any paper enters your office in hard-copy form, it needs to either be immediately scanned in, or go to an inbox where it will rest (hopefully only for a short time) until it is scanned. This includes mail that comes into the office, which can be scanned and delivered digitally to the relevant party (either through email or through a case management system like Filevine).

Temptations to skip the inbox, on the assumption you'll scan it eventually but would like to look at it more closely now, must be avoided. You need to maintain a sharp boundary between papers that have been scanned and those that haven't -- if that line is porous, you'll have to add the SCANNED stamp into your ritual, which is tedious and also likely to be irresponsibly skipped.

Treat your inbox like the security gate at an airport (but everyone can keep their shoes on). The more fastidious you are about all documents going through

that process, the more confident you'll be about retaining a complete set of all relevant material for any particular case.

Scan

You'll need one or more scanners, depending on your document flow and firm size. In smaller firms, attorneys often scan their own documents, while large firms sometimes centralize the process.

Which scanner is best for the job? Attorneys should avoid flatbed scanners, which have too much difficulty scanning the massive piles of documents which will be coming your way. You might be tempted to go with an all-in-one machine that prints/scans/copies and makes your morning latte, but tech writers warn you to stay away. Sam Glover, writing in Lawyerist, notes that the all-in-one machine fails on its prime selling point: efficiency. With so many parts and functions, they're more inclined to break down or jam, and when they do repairing them is more complicated and more likely to require a professional. If you're paperless, you can't afford to have your scanner on the fritz. Everyone loves a good Swiss army knife, but for your scanning needs, get a machine that does one thing, and does it quickly and reliably.

With these principles in mind, legal tech writers almost always recommend the Fujitsu ScanSnap iX500. See other reviews on this post by Sam Glover to find other top-rated scanners for a variety of lawyerly needs.

After scanning documents, most hard copies will need to be shredded. (Of course, this is only wise if your document storage system is reliable and provides full back-up for your precious files, which will be discussed below.) Some offices continue to keep some paper storage in a physical file cabinet for a few key documents (for example, something you would otherwise have to reprint soon for a deposition or trial, or special documents like wills and promissory notes).

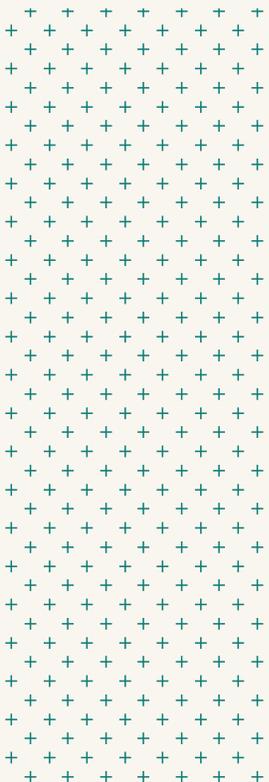
File

Even if the paper version is kept, the digital copy is now your 'real' file. This means it must be saved in a space and manner that's both secure and accessible to all who need it.

When professionals were first going paperless, they would often simply email scanned documents to themselves, to be stored in virtual case folders in their email (or, more distressingly, uncategorized in their inbox). It was an easy first step, and required the smallest learning curve.

But the email storage system is too limited and chaotic for most attorneys. Also, it

The best scenario is being able to file your documents directly in your cloud-based case management system.



limits access to real-time online collaboration. **The best scenario is being able to file your documents directly in your cloud-based management system.**

One benefit of using Filevine for this step is the system can notify others involved in the project that the document exists. You can also assign the document as a task for someone, adding it to their to-do list straight from the folder in which you have it stored. Even clients and other interested parties outside the firm can receive notifications and documents through this system.

If your firm or department doesn't have the right case management program yet, you'll need to create your own system for notifying interested parties that the document now exists. You'll also need to devote some time to organize an intuitive hierarchy of folders and make sure everyone is trained and on-board for saving their own documents in the same manner. Otherwise, it will rapidly become a mess. One writer puts it bluntly: "there's a slippery slope from collaboration Utopia to file frat house."

Save your documents in PDF format. Since this is the same format required by e-filed documents, this should already be pretty familiar to legal professionals, but see below for tutorials on ways to get the most out of your PDFs.

The best file names begin with a date, in yyyy-mm-dd format, and are followed by a clear description of the file. As tech writer David Sparks puts it:

"Don't get cryptic. Pretend future you will be drunk or senile (or both) when looking at these filenames and make the name easy to understand."

Back it up

Your file storage system should meet three needs:

1. Hold onto information as long as you need it.
2. Remain accessible to all team members who need to see or edit it.
3. Remain inaccessible to everyone else.

Using a secure cloud-based system means you'll be able to access your documents from anywhere, using any of your devices, which gives you a measure of protection if one of your devices dies. Additional storage redundancy can come from **regularly downloading files onto an internal or external hard-drive**. Add an extra online file-backup service and it would take a nuclear apocalypse to wipe out your files.

Once your papers are scanned and saved, **you can usually shred the originals**. This isn't always the case -- we really should speak of 'paperless' as 'less-paper,'

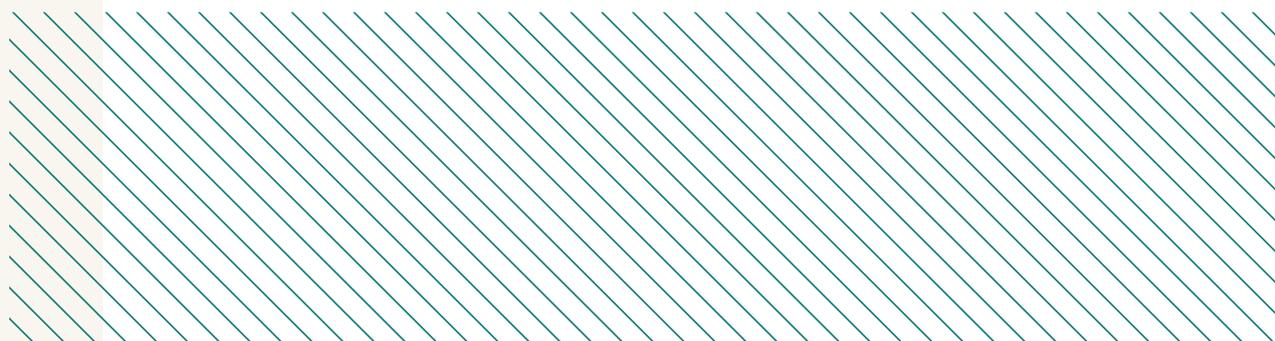
because you'll want to keep certain documents in the original, such as wills, promissory notes, and a davits. Also, if there are any documents you're going to need in paper form again, for a trial or deposition, it's easiest to hold onto those too. But this should be able to be stored in a much smaller paper filing system than you've had in the past, which you only have to visit occasionally.

Be accountable

Our final advice is **always to maintain the solidity of your ritual by holding all members accountable to it.**

Those who violate these simple steps need to be held responsible for the difficulty they will cause their clients and colleagues. Because legal documents are more than ink on wood pulp (or pixels on a screen), being sloppy with storage or security can have severe consequences for the entire firm.

And of course, express appreciation for those who show initiative in converting your office from a paper-guzzler to a digital dynamo.





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