THE PAPERLESS OFFICE:
REAL OR LEGEND?

Ellen Freedman, CLM
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Legal work is paper intensive. It's unlikely that paper will or can be eliminated from the practice of law. At least not at this point in time or the near future. However, the manner in which we handle paper can change dramatically, and for the better.

The term I use to describe this new methodology is not paperless, but rather paper-independent. And achieving a state of paper-independence at your firm is definitely a valuable goal to strive for. Let's examine why by looking at a few scenarios which may be familiar to you.

- You and/or your secretary are tearing your office apart trying to find documents or a telephone number or address which you clearly remember arrived but somehow never made it into the file.

- You call in from the road and your secretary has left for the day due to a family emergency. You are not aware that you have received an urgent fax which has been left sitting on your chair. By the time you return to the office at the end of the next day, the relevance of the fax is low, and your client's disappointment is high.

- You leave the office at a "reasonable" hour to attend your son's soccer game, despite an urgent matter which needs tending at the office. You intend to finish the work in your home office after dinner. Unfortunately you discover later that night that you forgot to bring home the essential part of the file. You're too tired to run back to the office, and therefore cannot complete the work as anticipated.

- You can't leave the office to join the family for dinner because you have an urgent matter to finish, and the file is too big to bring home.

- You visit the client and cannot respond to questions because the parts of the file you have brought are not sufficiently up to date to provide the necessary information.

- Your client gently suggests that he is not sufficiently informed regarding the status of the matter you are handling, and asks you to be more responsive in this area.

These are just a few scenarios which indicate a need for changing the manner in which your office handles its paper. Actually, it's more than just about handling paper. It's about managing the flow of knowledge, which includes paper and other information which flows through your office.

What you want to do is try to capture, save and organize as much of your knowledge as possible in an electronic format. This will enable you to become independent from the physical file, and to practice law on a "virtual office" basis from anywhere you can get an internet connection, or from your laptop.

There are a number of steps, or objectives, to reach in order to get to the goal. You don't have to do them all at once. In fact, you should not even try. These are incremental steps to take which will eventually lead to your goal. Remember that progress is a process, not an event. This will not happen overnight. So get started and just keep plugging along. Before you know it, you'll be at the goal line. Here are the objectives to reach:

1. Scan in documents from the outside world. Your office has already captured its own work product electronically. You want to add what arrives from outside the firm. If it comes by email attachment that's easy — all you have to do is save it on your system. If it comes in as hard copy, though, you'll need to scan it.

    If you have document management software, such as Worldox, Interwoven (formerly called iManage), Hummingbird (formerly called DOCS OPEN), it will be easy to capture scanned items and organize them for easy retrieval by client or key word. Another alternative is a relatively new software product called a Desktop Search Engine. Many software publishers are racing to the finish line to get their products out to claim this new frontier. Front runners include Copernic, X1, and Google. Without document management or desktop search software, your office will need to establish requirements and conventions for file organization, so that everyone can find items saved electronically.

    You will have to decide whether to use a high-speed centralized scanner, or distribute desktop scanners to end users. A lot of this decision will depend on the layout and size of your office, and in some cases on the areas of practice. The good news is that the cost of the desktop scanners has dropped considerably while their capabilities have risen dramatically. Take a look at the Fujitsu ScanSnap! for a good example of value and power combined.

2. Arrange to receive your faxes electronically. If you have a network this can be easily and relatively inexpensively accomplished using fax software and something along the line of a Brooktrout fax board, and then routing the faxes to individual email boxes. Don't have a network or don't want to tweak it because everything is finally working reliably? Then consider the inexpensive outside solutions like e-fax (www.efax.com) which make outbound faxing from your PC as easy as sending email, and makes inbound fax receipt transparent to the sender — they think they are faxing to a regular fax machine.

3. If you haven't yet implemented case management software, now would be the time. It is an essential step in managing all the "flotsam and jetsam" of case file information, and doing so electronically. Not too long ago I wrote an article about what case management software can do for you, so I won't repeat it here. But if you've been sluggish to make that decision, you need to be aware that it is a vital step toward becoming paper independent.   There is just no other place to capture all the notes of phone conversations, things to do, (which you can develop as a checklist and automatically invoke upon opening a case in the selected practice area of law), contact information of witnesses, vendors, and experts involved in the case, and so forth. It is also the way you will be able to share current case status information with the client, without it involving a lot of work on your part.

4. Replace your telephone message pads with an electronic version.

5. Get depositions on disk and transfer them to your computer network.

6. Create document indexes in databases such as Concordance or Summation, which will automatically link to the actual documents and/or images of the documents. These databases will also save and organize your electronic research on cases.

7. Synchronize your laptop and/or personal digital assistant (PDA) to your computer network so that you always have your calendar, to-do list, contacts database, and the ability to record time when out of the office. If you do in fact have a laptop, it means that you will have all your case information, including an image of everything in the file, with you whenever you have your laptop.

8. If you don't have or don't want to take your laptop, configure your network so you can access it through the internet. The most sophisticated solution would be to set up a Virtual Private Network (VPN) or install a Citrix server. Both solutions will provide excellent dial-in performance. You will be able to access everything from a remote location just as if you were in the office, at very perky speeds. A low-end solution is to use a service like GoToMyPC

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(www.gotomypc.com) which is idiot-proof to install, has decent security features, and is very affordable. Performance is only as good as the speed of the connection, however. But when you need to look up an essential piece of information or get your hands on a particular document back at the office, it can't be beat.

9. Attorneys must be proficient in the use of the computer. Not necessarily good typists, but good mouse clickers, and well trained in the various software packages such as document management and case management, so that they can easily find what they're looking for. Don't scrimp on training, and insist that every attorney in the office get trained at least to a certain level.

Becoming paper-independent will enable you to more easily balance your professional and personal obligations. It will enable your firm to establish closer ties to your clients by providing them with access to case information on a 24x7 basis. It will eliminate the "paper-chase" which wastes valuable resources and creates inevitable frustration. It will enable staff to concentrate on working on more productive aspects of the file. They will love that. It will provide you with the ability to effectively and effortlessly take your files with you, and/or access them 24x7 from any internet connection. And it will enable everyone at the firm to easily locate just about any piece of information related to the file with just a few mouse clicks, unless you have chosen to restrict access through simple security measures. That means no more "duplicate" or "shadow" files for associates and paralegals.

Remember, set realistic goals as you strive to achieve these objectives. It's a process, not an event! It will not happen overnight. Don't try to reinvent the wheel, either. There are already sufficient "proven" document management and case management software packages out there to ensure one or more will work well for your firm. But don't expect them to create order from chaos at your office. When you automate chaos you just get faster chaos! You have to have decent manual information management systems in place before you can automate them.

A version of this article originally appeared in the June 7, 2004 issue
of the Pennsylvania Bar News

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