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## FREQUENTLY ASKED QUESTIONS ABOUT FILING

Is your office plagued by filing backlogs? If so, check out these practical solutions to the problems firms say they encounter most frequently. As you read our tips, keep in mind that teamwork is essential. Systems and procedures work best when everyone is on the same page.

**Q:** I have difficulty finding the time to do my filing. Are there any tips or tricks that can help me?

**A:** Placing mail in a stack on an attorney's desk is the surest way for an item to be lost, misfiled, misplaced, or forgotten until a critical deadline has passed. One trick that can help is to attach each piece of mail to the relevant file *before* presenting it to the attorney. When the same mail is returned for filing, it is less likely to sit on the secretary's desk for indefinite periods of time. And, when someone calls, the latest correspondence and documents are guaranteed to be in – or attached to – the file.

**Q:** What can we do if mail gets lost or misplaced?

**A:** If original documents are being misplaced on a regular basis, make work copies of the mail on brightly colored paper and present them to the attorney, paralegal, or other staff person. That person can mark the work copy with instructions or dictation notes while the original mail is being placed directly in the file.

**Q:** What should I do when the attorneys want to keep files in their offices rather than in a central location? This makes it difficult for me to keep up with filing, transcription, and other work.

**A:** Sometimes attorneys keep files in their offices as a reminder of work to be done. If this is the case, it is better to establish a centralized location for files and a companion tickler system to remind attorneys. Keeping files in a central location offers better file control and gives everyone access to files when filing and other tasks need to be done.

**Q:** What can we do about our big backlog of filing?

**A:** If you have allowed filing to back up, block out time on your calendar – an entire day, or one or two hours a day over several days – to take care of the accumulated documents. Start by sorting the backlog, first by matter, then chronologically. If you cannot immediately begin filing, it may be beneficial to use inexpensive manila file folders to temporarily house the documents. Jot down the matter name on the manila folder for quick identification later. To prevent a backlog from reoccurring, tackle filing daily – or at a minimum, block out a set amount of filing time each week (Fridays from 3:00 to 5:00, for example).

**Q:** What do I do if the file I need is missing?

**A:** Use a large manila envelope or inexpensive folder to hold the mail. Keep the

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### DISCLAIMER

This newsletter includes claim prevention techniques that are designed to minimize the likelihood of being sued for legal malpractice. The material presented does not establish, report, or create the standard of care for attorneys. The articles do not represent a complete analysis of the topics presented and readers should conduct their own appropriate legal research.

envelope or folder in the location where the file would normally be. This way, at least the most recent correspondence or documents will be accessible, and when the file is found it will be easy to catch up on the filing.

**Q:** In our office there is often a delay before new files are opened. What should we do with mail or other documents when we have no file for them?

**A:** Opening new files should be given top priority, for without a physical file, documents can be lost and deadlines missed. The physical opening of a file is usually the trigger to get a new matter into all appropriate office systems (calendar, tickler, etc.). If you encounter a piece of mail for which you have no file, check to see if it is a new matter. If it is, expedite the opening of the file. If for some reason this isn't possible, follow the procedure for a missing file with one twist – use a brightly colored folder or envelope. (Choose one color to represent mail that needs to be matched to an unopened new file.) Later when the file is opened, the brightly colored temporary folder or envelope will stand out as a prompt to help you bring the filing up to date.

**Q:** What happens if we follow your suggestions and then find that the temporary folders or envelopes outnumber the actual files?

**A:** To prevent too many temporary folders from accumulating, assign a person to review the status of your active, open files on a weekly basis. This person can follow up with attorneys and staff about missing files or new files that need to be opened. If support staff are aware of new-matter files that need to be opened, they can help by taking the initiative to follow up with their attorney(s) to obtain the information needed to open the file. To streamline the process, establish a file-opening checklist, new-case memo form, or intake sheet.

**Q:** We have difficulty finding the time to close files. What can we do?

**A:** If you don't already have a file-closing checklist, develop one. (The PLF has a sample form that can be customized to fit your needs.) Using a checklist will streamline file closing and ensure consistency. If other work is frequently so pressing that

unclosed files create a major backlog, set aside a specific time each month to work on them.

**Q:** These are all good ideas, but they just don't seem to work. Is there anything else we can try?

**A:** In many cases, the real issue is not lack of systems or procedures, but lack of commitment. Unless everyone in the office is on the same page, the filing problems described above will persist. Ask yourself these questions:

- Does everyone in the office understand the intake, closing, and filing procedures?
- Is there an expectation that these procedures will be followed?
- Is each member of the office aware of his or her role in the process?
- Does each member of the office understand how his or her responsibilities in this area affect others?
- Are members of the office willing to change their work habits in order to make these tasks flow more smoothly?
- Are members of the office willing to set timelines for these tasks and require those responsible to meet the timelines?
- Do staff have the flexibility to block out uninterrupted time on a weekly/monthly basis to tackle any backlog?
- Are staff encouraged to take a proactive role in following up with the attorneys to keep the work flow moving?

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