

Going Paperless for the Law Office:

A Practical Guide

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I just returned from the ABA Techshow in Chicago. I went there to learn more about technology and to make sure that my 12 lawyer, 35 person truck, motorcycle and auto negligence firm was on the cutting edge. I wanted to make sure we were not missing any of the latest and greatest products. I am big on efficiency, systems and processes and am always looking for ways to make the lives of my valued employees easier and better. I discovered multiple new products, tips and technologies. I am very excited to bring them back to the firm and implement them.

There were a lot of hot topics discussed but the one most talked about was "going paperless". My firm is 80% paperless. This means that while we scan everything that comes in the door, we still cannot or do not throw away about 20% of the paper; things like motions, case evaluations, facilitation summaries, and authorizations where original signatures are required, etc. This is something that I went to the Techshow to fix. I want zero paper in my office. Even as I type those words, I know that some paper will be necessary. However, my goal to limit the waste of paper and to slow down the consumption of the paper products being used and wasted in my office. I want to stop buying reams of paper every month. I want to stop paying tens of thousands of dollars in postage, storage, letterhead, exhibit tabs and envelopes. I have a full time person whose only job it is to copy the paper

snail mail that we send out each day. Instead, I want his job to be 100% scanning all day. I learned from talking with many attendees and faculty that my firm is way above the curve, which was surprising. With all the E-filing requirements and the knowledge that we will all be paperless in a few years, I would have guessed that most firms were moving in this direction and figuring this out. I was told the big firms and the insurance companies are the ones getting ready, and the solos and mid size firms are lagging behind. I was also surprised to learn that while Michigan State courts are experimenting with this paperless idea, some states like Utah, Colorado and Montana are already running paperless in their State courts.

One of my goals for writing this paper is to get more Michigan firms, as well as the courts and case evaluation tribunals to be as paper free as possible. Admittedly, the reason is somewhat selfish. The selfish part of me wants to go 100% paperless. However, I cannot do it alone. I need the courts, the defense attorneys, insurance companies and other plaintiff attorneys to be paperless so that my firm can be. If only a hand full of firms commit to this endeavor, then we will only be able to be internally paperless as the rest of the world will want us to send them our documents via snail mail or fax. My goal is to create this awareness so that everyone is willing and able to accept everything via E-mail. I hope to show those apprehensive firms that E-mail is safe, effective and free! When my firm tries to E-mail a document to certain defense firms or insurance adjusters we are sometimes met with resistance. Some tell us they are not allowed to get E-mail or that they prefer to read everything in paper form. How can a person, especially an attorney, in this day and age not be allowed to get E-mail? I understand wanting to hold, feel and touch what you are reading. As a lot of us in law school learned to do research the old fashioned way, by pulling the Mich App books and reading them; I get it. However, I have learned and trained myself not to rely on those books anymore and all research is now easily

done on-line without paper. We tell attorneys or other people who prefer the printed paper version, that when we E-mail the document in PDF form, all they need to do is print it. Simple as that. This usually quiets down the paper lovers now that they know they can kill another tree and spend money on toner and print the document rather than viewing it on their big screen in the comfort of their office or on a lap top computer.

My practice is heavy with thousands of pages of records coming in daily. We no longer accept the paper version. They need to be on a disk or E-mailed to us. They are then linked or saved into our database management system and the disks destroyed. When my attorneys need them, they are right there, under the client's folder. Our pre-suit department, which orders medical records before we file a lawsuit, uses a company called [MediConnect Global](#). This company allows us to order any medical record on-line. After this company receives the records, we get them, usually within 2-3 weeks electronically. No more paper letters to order the records straight from the doctors or hospitals office. You save postage, letterhead, envelopes and the man power of ordering the record. When it comes in, there is no paper. It is all in PDF format and ready to read and use. This is a simple way to eliminate one of the biggest sources of paper waste in a personal injury office.

Why Paperless?

Because it is the right thing to do for us, our children and grandchildren. It saves money and time. You save money on paper, letterhead, envelopes, exhibit tabs, postage, employee time copying and searching for documents, toner, printers, copiers, storage boxes, storage costs, and more. I don't know about your firm, but everyday at mine, people were looking for files. While most files were put back in the large file storage laterals located throughout the office, the one file that one of my attorneys needed was

missing. An all points bulletin was issued and everyone scrambled to find it. The file was always found, but not before losing time and greatly decreasing efficiency. Now, all we do is open the electronic file saved in our database, and look under the “documents” tab. All documents that we produce in house or that are scanned can be found there. You can search them alphabetically, by date, or by word search. They are mostly in PDF form and can be pulled up in the blink of an eye. No more searching or losing documents. No more secretaries leaving their desks to pull files for themselves or the attorneys. No more inefficient use of time.

The best known and first fully paperless lawyer in the United States is [David Masters](#). I spent a good amount of time with him in Chicago asking him questions. I basically cross examined him on his paperless office. He claims he is nearly 100 percent paperless. I asked him how much paper he goes through a year and he said less than 2 boxes for his entire law firm, which consists of 5 people. He scans and shreds everything, and I mean everything. He emails everything to everyone, no exceptions. David’s office is located in Colorado, where unlike Michigan, all courts have mandatory E-filing requirements. He was very surprised that Michigan, with all of its boasting about being high-tech, was not paperless in its courts. This is amazing to me as well and hopefully Michigan will soon catch up to Colorado and other states that are more advanced in their paperless efforts. This is my goal and my passion and David is the guy I look to for answers. His name was mentioned in almost every session during this 3 day show. He is our leader when it comes to going paperless. He has written the bible on it called [The Lawyers Guide to Adobe Acrobat; Second Edition by ABA Press](#). I bought the book; it lays out everything you need to start this process. Without understanding Adobe Acrobat in detail, you will not be able to undertake the task of becoming paperless. For purposes of this paper, I won’t try to lay out and explain PDF’s or Adobe Acrobat. There are better

resources for that. However, I want to make clear, that this is the single best product to use to get your office started or over the finish line in your paperless endeavor. There are many books, blogs, and professional consultants who will help you start or finish this process. I met several at the Techshow who were very talented and passionate about this idea of the paperless law office.

During the roundtable discussions some lawyers said they were fearful about going paperless. One lawyer was concerned that he would get sued one day and would need the original of one piece of paper that was scanned and shredded. I asked him how long he has been in practice.. His response was 40 years. I then asked if in 40 years this had ever happened. . He thought for a moment and said no, never. I told him and the large audience that I thought it was then worth the risk to get rid of paper and rely on your scanned PDF. He can always reproduce the document by printing it out. It will not have the original signature but it will have a perfect copy of the original signature that can always be authenticated later. He agreed and so did the moderators.

The debate over what to keep and what not to keep will rage on for now. We struggle with it and change the rules at my office weekly. When we first started scanning about 2 years ago, we were keeping 40 percent of the paper. Now, we are keeping about 20 percent with a goal of zero.

Getting Started

Once you have made the decision to go paperless, you need do some research. Depending on the size of your office, you will need to get some good scanning equipment. There are 4 primary types of scanning equipment out there. The first is a small, one piece of paper at a time scanner built into your keyboard. This was demonstrated at the Techshow. [To see this click here](#). It does some awesome things and one of the presenters raved about

this new technology. It is good for a law clerk that does a lot of writing or a secretary who will only be scanning one or two pieces of paper at a time. It is color and will accept driver's licenses, photos, business cards and full pieces of paper. I am buying one to experiment with. The price is only \$149 and well worth it.

The next type is a desk top scanner. My office bought 20 of these in the last 2 years. We went with the [Xerox Documate 252](#). They have worked very well for us. They are small and fast. They can do one sided or two sided with the push of one button. You do not need to interface with your computer until it is scanned. It takes about 20 seconds to warm up before it feeds your paper through. The duplex function is equally as fast, copying the front and back of the paper.

The machine that had the most buzz at the Techshow was the [Fugitsu S1500](#) model. Both the Documate and the Fugitsu can be found on the internet for under \$500 per unit. I negotiated with an online vendor because I was buying in bulk and got a good price. I also did not buy all 20 at one time. I bought 5 first, and gave them to my younger, more technologically savvy employees to try and buy into this new paperless reality that I was creating. Change is tough, especially for attorneys and secretaries that have been using paper as a crutch for so long. But just as those old legal books that we all used in law school that are no longer, paper will go away as a thing of the past one day in our practices. My staff is all on board and scanning is second nature.

The third type of scanner is the large, fast, multi function machines. We have 2 of them. They are combined with our copiers. They are super fast. These large machines interface directly to the computer that sits next to the scanners and you can save these documents right into your database where you store your materials. We use these machines for the larger scanning

jobs like PIP files or medical records. Our secretaries will typically scan everything under 50 pages at their desks. Anything over that, our copy/scanning person will take care of.

The fourth type of scanner is the stand alone scanner that only scans and does nothing else. One was demonstrated at the show made by Kodak. It was fast and could scan any size, color or shape of paper. It was expensive and really meant for large scan jobs.

One word of caution when buying new equipment. You need to research which machines will suit your needs. With the large copy/scanners, each manufacturer is different and has different capabilities. You should have demonstrations done for you. You should go to other law firms that use the same machine and watch them use it. Before I went paperless, I visited 2 other paperless law firms. I asked a million questions. I had them show me how exactly they did it. I had them walk me through the process of scanning, storing, reprinting, shredding and more. I had to get comfortable with it. Scanning and shredding everything is a big deal. I was nervous. When I am nervous I need to learn and ask questions. I needed to see, touch and feel the process. Once I did, I was convinced that this was for me and my 35 employees. We have never looked back.

You will need to make sure that your current set up can support the new scanning machines you are buying. Your IT person should be able to walk you through it. If not, there are consultants that can help set this up for you. As mentioned above, the gold standard in scanning software is Adobe Acrobat. I sat through several sessions learning about this amazing software. Everyone reading this has Adobe Acrobat on their computer but most likely has no clue as to its capabilities. This is truly one of the most amazing programs out there. I was completely unaware of all of the great things that can be done. For example, did you know that Acrobat has a free

typewriter attached to it? Even the free Reader version has it. All you need to do is scan a form that needs to be filled out and turn it into a PDF. Then choose the typewriter function and you will be able to type on this document even though it is not a word or Word Perfect document. It is just a pre-printed form. You can throw away the typewriters that many of you still have in your offices. No more correction fluid. No more ribbons. There were dozens of tips and tricks like this given throughout the week.

The best site to learn about Adobe is [Rick Borsteins's blog](#). He has videos and articles throughout his blog. He is the number one person at Adobe whose job it is to make our jobs easier by using it. He has posted over 30 how to videos and close to 100 articles. I spent a lot of time with Rick picking his brain. He is an amazing teacher, and had a lot of patience with me.

Another feature I loved was that you can turn any of your forms that your staff fills out by hand fills into a PDF form that you can type on and fill in the blanks. Your write-up forms and any other intake forms can be scanned and then typed in with neat little gray boxes leading the way. You can save it right to your system without printing a hard copy and wasting paper. You can easily redact anything, using Adobe products as well.

OCR or optical character recognition was also talked about often. Adobe has a function that reads your document in such a way that makes it searchable later on. For those of you with large practices that are heavy in documents, this will allow you to search your entire database for what you are looking for. Remember, we all know you can search the documents that YOU have created, but now you can search the documents that are scanned in, as well as other people's creations.

Of course, this depends on what version of Adobe Acrobat you have. As I was sitting in a one hour session with Rick Borstein, I texted my IT person

back at my firm in Southfield. I told him to order [Acrobat 9 Pro](#). We had 9 Standard but the Pro version works with forms better and has other bells and whistles I liked. By the time I walked out of the session, Acrobat 9 Pro it was already ordered and installed. I also love that you can email PDF's to anyone and no matter what; they will be able to open with the free Reader product. Every machine comes with it. If it not, it can be easily downloaded at no cost. [Version 9 Reader is free and everyone reading this should upgrade now](#). We now email our interrogatories, requests to produce, answers to pleadings and more via PDF. If the opposing lawyer prefers to read his or her incoming mail in paper form, and call you to complain or ask for a hard copy, you can simply tell them they can print the PDF you just emailed.

The New Digital File

My office uses a data management system called Time Matters. However, any database system should work to go paperless. You should discuss this with your IT professional before you begin. You can organize the new scanned PDF documents just like you organize your paper files, except it will all be done on your computer. There are many different ways to organize your files. We attach each PDF to our client/matter. Some firms save directly to Word or Word Perfect folders. Just make sure you organize as you go. You should have a separate folder inside your client folder for each major category, such as correspondence, discovery, notes, research, orders, pleadings, retainer agreements, billing, expenses, etc.

We train everyone to name the documents exactly the same way so we are consistent. This is very important when you have thousands of documents. You do not want everyone to name documents any way they would like. If you are a big enough firm or do not feel that you can make sure your staff

complies, there is excellent software available like [WorldDox](#) that will force consistency in your office.

Digital or scanned signatures

Most correspondence need not be hand signed. Do not waste paper printing a document then signing it, then scanning it back and emailing or faxing or mailing it. We have everyone's signature scanned into our system and turned into a Word Auto Text file. Then with the hit of one button, your signature pops up. We use this on all emailed or faxed letters. You can also do this in a secured encrypted way by using Adobe Acrobat, although for my practice this extra step is not warranted or necessary.

Digital Letterhead

I hired a firm to turn my letterhead into a template that we use for E-mail. With the click of a pre-saved button, my letterhead pops up on the screen. You can then simply type on it and save it or E-mail or Fax it right from your computer.

Dealing with the potential backlash

Depending on the age and open mindedness of your staff, you may get some grief about going paperless. You need strong leadership in this area. It's important to explain to them that this is the way of the future and not an optional activity. Our overworked secretaries were not thrilled when we first put scanners on their desks over 2 years ago. They thought of it as one more step in the process that they did not have time for. We helped them. We taught them. We worked with them. Then something miraculous happened. They started to love it! No more looking for documents. No more getting up to find files. Everything was at their finger tips at all times. The amount of time it takes to scan a document is far less than having to look to first find the file, and then find the document you need in that file,

not to mention the frustration. Now when the defense attorney or client calls and asks for a document, it can immediately be E-mailed or even faxed. As a side note, we got rid of our fax machines. Each secretary has a scanner and a fax machine built into their desktop. If something needs to be faxed, it is scanned first and then faxed from their desktop. No more getting up to go to the only fax machine. No more hardware costs, paper costs or toner costs for the fax machine. Once the secretaries see that this will save them time and not cost them time, things will move smoothly in the transition from paper to paperless.

I am coming back from this conference with the dream of being 100% paperless, sooner rather than later. The idea of saving tens of thousands of dollars on paper and postage, not to mention the thousands of trees and landfills that we would be saving is overwhelming. I cannot wait to run back to the office and question everyone, every time they hit the print button. You need to challenge your staff to think before they hit print. David Masters uses the term "print to PDF". It did not make sense at first but now it does. If you create a document in your word processing program, the natural thing to do is print it to paper when you are done. Instead, print it to PDF. Save it to a document that cannot be altered, name it and put it in a folder that makes sense. Hopefully you can attach it to your folder or matter or client name in your database. Then you can easily email it to anyone. You can sign it electronically. You can email it to the attorney to review in a Word or WP format and they can make their changes and email it back. No need to print it and have them use red ink to proof it. Proof it on the computer. This may take some getting used to, but you will save a ton of paper, toner and time once you learn to do it this way.

Baby steps

Some of you reading this may like the idea but not feel ready. Some firms may start scanning but keep everything before shredding for 30 days or longer. While I do not recommend this, if this is what takes to get you on your way to being paperless, then go for it. Keep a central system either alphabetically or by date in boxes or another filing system. Scan it and use the scanned documents for your every day handling of the file. Shred when you feel ready. Eventually, you will not feel the need to keep all that paper any longer.

Once something is scanned, you should have a common mark on the piece of paper if you are NOT going to shred it right away. My recommendation is to shred it or put it in a recycle bin for shredding later. If you are going to keep it in the file, you should write "scanned" or have a stamp that says "scanned" and stamp the document. My office writes a "s" and circles it on the top right corner of the paper. Then, whenever someone touches it, that person can decide if we will need it later on. We are training everyone to recycle sooner rather than later and this process helps a lot.

One thing I struggle with is with summaries. Our practice is heavy into case evaluation, facilitations and mediations. We have 20 of these documents to go out each week, which average 15 pages plus approximately 10 to 20 exhibits with multiple pages in each exhibit. Currently there are no rules set up to allow us to scan or deliver electronically case evaluation summaries to the case evaluators or opposing counsel. Everyone has E-mail. Almost everyone has lap tops. It would be a very easy thing to do using Acrobat. Acrobat has several functions that would allow you to group all of the exhibits into one longer PDF. You could then use hyperlinks within your text to allow the reader to jump to your exhibits with one click. You can easily get back to where you were reading with another click of the mouse.

When I sit as a case evaluator in Wayne, Macomb or Oakland County, I am always amazed at the waste of paper. So many attorneys feel the more paper attached to their summary the better. I believe the more paper attached the less likely I am to read it, and I know a lot of people who feel the same way. The shorter summaries with thinner exhibits get read more than the huge bulky ones. Why can't we just be given the names and email addresses of the panel ahead of time? We could email them as well as opposing counsel the summary with exhibits. It is really easy to do. They can then bring their lap top, or if they NEED to, they could print it out on their own paper, using their own toner. Or, you can deliver it on a CD or an inexpensive USB stick. Just click and drag your summary onto the USB or the disk and send it to the case evaluators. One dream I have is that each case evaluation tribunal will have 3 lap tops sitting on the case evaluators table, one for each evaluator. Then, during the hearing, the evaluator can scroll through the summaries. In Acrobat, you can easily make yellow sticky notes, highlight text, or type in comments onto the document. I know this will take some getting used to, but it is well worth it.

Anticipating Problems

My firm participates in several in facilitations and arbitrations a week. Beginning this week, we are turning all of our summaries into PDF's and emailing them to the facilitator, the arbitrators and the defense attorney. This is a new procedure for my office and hopefully will go smoothly. Some things I am concerned about and am working on to make sure no problems occur are:

1. **Verifying E-mail addresses:** One issue I want to avoid is the claim that the intended recipient did not receive the document. I plan to email both the recipient's secretary as well as the attorney. I am currently experimenting with the E-mail receipt feature which is free

with Outlook. I have never used it before but if I am going to stop sending hard copies, then I need some proof that the other side received the document. I think that most people are under the belief that if they send an E-mail to an E-mail address, the recipient received it. I operate under that belief too. However, I think some proof would serve us all well at least the first time you E-mail someone. I think once you have a relationship with them, you can forgo the receipt requirement. You can also request an E-mail from the recipient confirming they received your summary and have opened it without problem.

2. **Make sure recipient has the appropriate Adobe Reader version:**

When my IT guy E-mailed me a long PDF in anticipation of this new protocol in my office, my laptop indicated that I did not have a version to support the PDF. Remember, he created it using the most recent Adobe 9 Pro. I was operating using Adobe 8. I was asked to download the free version of Reader which I did and it took only a few minutes. Then I was able to access the document. So the obvious problem is E-mailing something in Adobe 9 when the recipient does not have the supporting software. You need to give instructions regarding this potential problem in the cover letter and a link to the free Reader. Or, create it in Adobe 8, but this does not guarantee the recipient has 8, so a contingent plan must be in place. The PDF with the summary will be sent as an attachment. The relating E-mail can be opened and read by anyone regardless of Adobe. This will tell them what to do if they cannot open the PDF. I will give them a free link. I will offer to fax them the document from my desktop if they choose not to download Adobe Reader. Hopefully, they will have no problem opening the document and reading it on their computer.

3. **Make sure the recipient has a computer!** Believe it or not, a regular on the arbitration circuit does not use a computer and prefers to receive everything via snail mail. Incredible!
4. **Experiment with the format:** Prepare the document and email it to yourself and your secretary. Open it. Read it. Look at the exhibits. Make sure it is easy to read and use before you email it to anyone else.
5. **I am worried about our emails with a PDF attachment either being too large or going into a spam folder.** If it is too large then it will come back and I will need to do something different. The receipt requirement should let me know if they got it or not. We might also call to double check that they received it. Most of the people we deal with are familiar with my firm and after the first or second email confirmation that procedure can cease.

Security

There is no doubt that digital files are more secure than paper. Paper can be filed away in file cabinets inside red ropes. Digital files and data can be backed up, saved, and protected.

In June of 2008, my law office had a fire in the lobby of our 6400 square foot building. The smoke damaged every inch of the building including all of our paper files. The paper on every desk and inside every file was blackened by the smoke. All of it was illegible. My office had three back up sources. The first was a dual tape drive that was updated daily and taken off site. The second was a back-up via the internet using the site [Mozypro](#). This is done daily around 2:00 a.m. The third was that everything was saved to our main server which was in the server room in the lower level of my Southfield Road building. All 3 back-ups worked and were functioning at the time of the fire. My IT person started downloading our information from

[Mozypro](#) immediately. He also went into my server room and took the server and took it to his office to set it up. Within about an hour, my office was running virtually. Everyone on my staff could access our entire system via Remote Desktop Connection. The fire happened at 3:00 a.m. on a Friday morning. By 9:00 a.m. my office was able to access everything, despite the fact that they could not touch a single physical file inside the office due to the smoke damage. Are you prepared right now if this happened to you? Do not even attempt to go paperless or shred one single piece of paper without an ironclad backup system in place.

Challenge to Michigan lawyers, Judges and Courts

We are in the 21st century. We have the technology to be 100% paperless and we all should have the desire to be there sooner rather than later. There is no good reason NOT to be as paperless as possible. We can learn from other States that are perfecting this. We do not have to reinvent the wheel. There is a global movement to “go green” and the technology to do so is inexpensive and right at our fingertips. We as lawyers need to do our part.

To view Michael Morse’s Legal Technology and Management Blog, visit www.michaelmorsesblog.com.