A Voyage to Paperless – All Aboard

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Introduction

Society has entered the digital age with gusto. One fairly recent development of the digital age is the 'paperless' office. Professional offices, including law offices, are going paperless with increasing regularity and tremendous success. Various roadblocks prevent many an office from contemplating or attempting to go paperless: fear of the unknown, misconceptions about cost, and reluctance to change (the old 'if it ain't broke, don't fix it' mentality). A little knowledge and understanding can go a long way to alleviating concerns and dispelling myths. Half the battle is wrapping one's mind around the concept of a paperless office and accepting that going paperless is an attainable goal within one's reach.

Once the decision to go paperless has been made, the greatest obstacle is likely uncertainty as to where to begin. The goal of this paper, besides highlighting the many advantages of going paperless, is to introduce you to, and give you enough, basic information to get you well on your way to implementing a paperless office. We will first explore the essential hardware and software components of a paperless office followed by some techniques for converting your client files and document management systems to paperless.

As one co-author is a solicitor while the other is a litigator, this paper will offer the unique paperless perspectives from both sides of the fence. Donna Neff of Neff Law Office Professional Corporation practices exclusively in the area of wills and estates while Victoria Starr of Starr Family Law practices exclusively in the area of family law. Throughout the paper, we have differentiated information unique to each practice: '**' for Victoria and '§§' for Donna. We hope this will enable you to easily find the suggestions and advice which are most relevant to you, depending upon what kind of practice you have.

The Many Benefits of a Paperless Office

In case you are not already convinced of the enormous and varied benefits of going paperless, perhaps a brief review of some of the advantages is in order before we get into the nuts and bolts:

- reduce physical storage space and paper, and save storage costs;

- accessibility to the firm's documents becomes instant and simultaneous. For example, going paperless makes it possible for a litigator to easily take an entire file to court without having to lug boxes and boxes of physical paper. Similarly, the dream of being able to work away from the office becomes a reality, whether it be from home, the cottage, or even abroad. A paperless office offers the ability to remotely access the firm's files thus providing the opportunity for lawyers and staff members alike to work effectively and productively off-site. The ability for staff to work away from the office decreases the need for available office space and reduces the employee's costs in getting to and from the workplace – a win-win for both employers and employees. Staff efficiency is also increased as a particular document can be simultaneously accessed by more than one staff member;

- reduces time and effort spent handling physical documents from filing to storing to locating and retrieving. For example, the actual physical handling of a document is reduced to a single occurrence, i.e., scanning, thus making electronic filing far more efficient and less time consuming. With the implementation of a well thought-out naming and storage process for electronic documents (discussed later), going paperless can result in a dramatic decrease in the amount of time spent locating and retrieving documents, whether current or archived. Available software also makes it easier to find a misfiled electronic document as long as you know some unique word or phrase that it contains; and,

- lastly, but certainly not least, is a reduction in your firm's environmental impact.

Now that we've 100% converted you (your "I've Gone Paperless" t-shirt should arrive in 3-5 business days), the balance of this paper explores the essential equipment (both hardware and software) that you will need and that is available to help you along the way to becoming more paperless as you go forward. It also explores the key elements in designing the electronic filing cabinet and files as well as how to organize the actual documents in the electronic files to maximize your ability to capitalize on all that going paperless has to offer and to maximize your firm's efficiency.

What Equipment Will I Need?

Your first step in determining what equipment you will need is to take an inventory of the hardware and software that you currently have in your office. This will help you determine what needs upgrading, what needs replacing, and what should be added. Below is a discussion of the essential hardware and software components that we find indispensible in going paperless.

Essential Hardware

Scanner

The scanner is the centrepiece of a paperless office. Think of it as replacing the photocopier. The standard format for electronic documents in the legal profession is a Portable Document Format (PDF) file. The advantage of PDF is that it affords a practical and user-friendly format for working with electronic documents which is consistent across varied applications and platforms. Every document received by your office should be turned into an electronic or digital copy (PDF) whether received electronically or in physical paper form. This is where a scanner comes in: when a physical paper document is received, it is placed in a scanner to create a PDF version. Scanners take the text and images on pieces of paper (hard copies) and converts them into digital form (soft copies) that can be saved and stored electronically usually as a PDF file. If the electronic file is searchable, it has been run through an optical character reader (OCR), an important feature if you later need to search the contents of the PDF file.

In choosing scanners for your office, you will want to consider both speed (pages per minute) and size of sheet feeder (how many sheets can be stacked at one time). If you are truly committed to operating your practice with as little paper as possible, we suggest not skimping on the scanner as it is such a critical piece of hardware for a paperless office. The type and number of scanners your office will need depends upon the size of your practice as well as your newly developed scanning protocol (discussed below). You may want to consider providing some or all staff members with personal (desktop) scanners as well as investing in a high-speed scanner which should be placed in a centralized location within the office. Personal scanners maximize efficiency as scanning can be done contemporaneously with the creation or handling of a document.

A scanner with a sheet feeder is recommended as a flat bed scanner is slow, labour-intensive, and cannot handle the volume of scanning that needs to be done in a paperless office. One of the most highly regarded low volume scanners are made by Fujitsu including the ScanSnap S510 (and older model) and its newer cousing the ScanSnap S1500). Typical scanning speed is 18 pages per minute and the sheet feeder holds up to 50 pages. With a small footprint, it and can sit on your desk right next to your computer where you can easily feed documents into it. The ScanSnap costs approximately $600-$700 (CDN) and you may even find one that offers a rebate.

If you are considering a high-volume scanner, the Fujitsu 5530C2 has a small footprint, can sit on a desk, and handles up 4,000 pages per day via a sheet feeder. It is more than twice as fast and has twice the capacity of the ScanSnap. All this comes at a price though – the 5530 is currently selling for more than $2,500 (U.S.). Several companies make high-end scanners – do some research and look at online review to help you find the speed and reliability you need.

Although a low-cost multi-function machine may seem like a tempting alternative, be aware that a machine that multi-tasks (able to print, scan, and fax) may not be particular good or reliable for any of those tasks. A dedicated machine (one that does only one thing and does it well) is generally a better investment. However, a high-end multi-function machine can be worth considering. When Donna's office went paperless in 2006, we invested in an HP 4345 which cost nearly $4,000. Although it is a multi-function machine, it continues to serve as the central scanner workhorse and has had very little downtime for maintenance or repairs. Scanning speed is 40 pages per minute. Output is to an email which can be sent to anyone inside or outside the office right from the scanner itself. This feature alone has saved countless hours of staff time. If you decide to invest in a high-end scanner or multi-function machine and find that it is beyond the budget of a small law office, check into leasing so that the cost is spread over several years with affordable monthly payments. Paying for a maintenance plan may also be a good investment to minimize downtime.

Such machines can be networked and may also offer cost-effective features such as double-sided printing. Also enquire whether the machine can be programmed to keep track of how much paper is used on a particular client file if your firm bills clients for the cost of any printed, copied, or faxed material. Another possible feature may be the ability to send and receive faxes electronically thus eliminating paper faxes.

Servers

If there is more than one person working in your office, your computers should be networked. Servers are the ideal way to establish such a network because the server allows for centralized storage which simplifies locating and backing up files. Of equal importance is the fact that by storing all files on the server and networking your computers and printers, you can:

- share files;
- share printers; and,
- store the database where your electronic files and documents are saved and stored as well as the case management and accounting software.

The one drawback in an office where everything is stored on the server, however, is that when the server goes down, the whole office goes down. Consequently, it is important to invest wisely in a reliable server with built-in redundancy. Unless you are technological savvy, find a qualified IT person to help you choose the right server and network for your office, set it up, maintain it regularly, and get it up and running again when you or your staff cannot. To save money and avoid being down for long periods of time while you wait for your IT person to arrive, make sure that your staff are trained by the IT person to resolve basic server or network issues so that downtime and calls to IT support are minimized.

Second Monitors

To mimic the way we work with paper spread across the desktop, it is essential for every staff member to have a second monitor (or even a third!). With two monitors, several documents can be viewed and manipulated at once.

§§Donna says . . .

We feel it is extremely important to provide each staff member with a second monitor. This allows the person to see and manipulate several documents at once without clicking through levels of documents which are obscured by each other on a single monitor. It should be possible to see at least two (or more) documents side-by-side on the monitors in the same way that we lay out physical documents side-by-side on our physical desk. Forcing staff to go paperless without having two monitors at every desk will, in our view, lead to frustration and resistance to the whole idea.

Essential Software

Converting Documents To PDF Format

As discussed above, one method of converting a physical document to PDF is to scan it. You will also need to convert already existing electronic documents, such as e-mails or Word documents, to PDF. This can be accomplished using software designed for this purpose such as Adobe® Acrobat® Standard or Professional. It also allows you to convert documents from other electronic formats (Word, Outlook®, etc.) to PDF and make them truly useful and able to be manipulated with ease. Do not confuse Adobe Acrobat with Acrobat Reader® – the latter is free but largely intended for viewing documents by those who do not have Adobe Acrobat. Some of the tasks and features available in the full Adobe Acrobat include (not all features are available in Standard):

- copy, remove, crop, rotate pages within a document;
- mark up or sign documents;
- apply Bates numbering;
- secure redaction;
- software integration with numerous other applications, e.g., integration with Microsoft® Outlook allows email messages and all attachments to be converted to PDF and saved as one file;
- collaborate and share with virtually anyone, anywhere;
- reliably create and distribute PDF documents and forms;
- combine documents, e-mails, images, spreadsheets, and web pages in a single PDF file (called a 'Portfolio' in Adobe Acrobat 9) that preserves the formatting of the originals;

- create forms from paper or electronic documents that can be filled in and returned electronically (very easy to do in Adobe Acrobat 9); and,
- easy-to-use security features that enable you to password-protect PDF files. Set permissions to control printing, copying, or changes, and apply digital signatures to ensure authenticity.

At least one scanner manufacturer, Fujitsu, has bundled Adobe Acrobat Standard software with some of its scanner products making it an attractive, cost-effective purchase for a paperless office.

Another such software is OmniPage 17. It is similar in many ways to Adobe Acrobat and has many similar functions that are beyond the scope of this paper to discuss. Omnipage provides a fast and fairly precise way to convert paper and PDF files into text documents that would otherwise take hours to re-type.

*** Victoria says . . .*

We scan in and save the final versions of any documents (including attachments) that we send out to opposing counsel or any third parties or that we file with the court. We do this because sometimes, especially in litigation files, we need to replicate the actual document that we sent to the opposing party including the signature. We have also found that if we leave the final version in Word format someone inevitably opens it and unwittingly modifies it, which in some situations has left us with a version of the document that is different from what the court or opposing counsel has. To be clear, we keep two versions of each final document - the word processed version so that we can cut and paste from it with relative ease when preparing future documents and the PDF version so that we can ensure that we have at least one version that we can be certain exactly mirrors what everyone else outside of our office has received. Converting the final version of a letter in PDF format also allows us to protect the integrity of our letterhead.

Our favourite software is CutePDF Writer. This is free software that you can download to your computer. All you need to do to convert a document is print it and, instead of selecting a printer, select this item and it is converted to a PDF. You then save it.

We have found Omnipage (which we purchased before purchasing Adobe® Acrobat® Professional) particularly useful in our paperless office for converting PDFs into Word, HTML or Text documents. Adobe® Acrobat® Professional does this as well but in our view not nearly as well as Omnipage. Its conversion precision is better than Adobe® Acrobat® Professional especially since it retains a larger part of the original formatting so that what you create looks exactly like the original, complete with columns, tables, bullets and graphics. It is thus easier to edit. It works with most scanners and is really easy to use. If you have to pick between the two, however, we recommend that you purchase Adobe® Acrobat® Professional.

Search Software

As your document management system (discussed below) will not be perfect, you also need desktop search software, such as Copernic, so that you can locate misfiled electronic documents. By creating an index of your computer network, a search application can find an electronic document if you know a unique phrase or word that it contains.

Zoomtext and Adobe Acrobat – Having Documents Read to You

Zoomtext (by AI Squared) is software that is designed primarily for the visually impaired. Many of its features will not be useful to the fully sighted lawyer but it does have one feature that can be particularly useful in a paperless office: it can read most documents out loud to you. Basically, it allows the computer to recognize print (both word processed, text, PDF, HTML and other kinds of print) and, using the speech synthesizer, reads it out loud. For anyone wanting to go paperless, this inexpensive piece of software allows you to proof-read documents by sitting back and listening. You can stop it at anytime to make a correction or revision to the document. For long documents this is especially important. Speech synthesizers have come a long way from the robot-like voice of the past and Zoomtext even offers you a selection of voices to choose from. Being able to proof-read by both listening and reading at the same time gives you the added advantage of being able to proof-read for typos while at the same time, listening to how it flows.

Adobe Acrobat also offers a ‘read’ feature. It is referred to as 'Read Out Loud' and is located under the View Menu. Simply select the text you want to be read to you, and select 'Read Out Loud'.

Note-taking

AcePad is an electronic notepad that you can take with you. You write on it the same way as you would write on any other notepad, but with a special pen. When you connect the device to a computer, you can download the notes to be saved electronically. This is not the cheapest route to go but it is an effective way to make sure that even your notes make it into the paperless system. An alternative is to use a scanner to scan your handwritten notes and save them electronically.

Another similar device for note-taking and which comes with software to convert your hand-writing to electronic form is the Livescribe Pulse pen. This pen is also capable of recording a meeting or a lecture while you take notes that are keyed to the audio recording. The most surprising feature of the pen is its ability to playback the audio which was being recorded at a particular point in your hand-written notes. Simply select (touch the note page with the pen) to hear a playback of what was being said at the moment that you wrote particular word(s). Both hand-written text and audio recording can be transferred to your computer. The Livescribe is not widely available in Eastern Canada as yet but can be obtained through US outlets. and in western Canada.

Case Management Software

Case management (or practice management) software collects all of the relevant digital information about a given case in one place creating a digital case file to replace your paper file. It allows you to integrate your conflicts, contacts, email, calendar, tickler, draft documents, scanned documents, notes, research, and anything else related to a given case.

There are dozens of case management software programs available. TimeMatters (now called Lexis Front Office) and Amicus Attorney are two applications commonly used in Ontario. Whichever you choose, consider integrating it with your email software.

> ** *Victoria says . .*
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> We use Amicus Attorney for our time dockets, and for accounting software, we use PC Law. We use the time tracking (time docketing

system), features such as the time sheet and timer/clock, the contacts, conflict check, calendar, tickler, phone communications and file summary features offered in Amicus Attorney. We have created our own document management system (DMS) so that we could customize the design of that system (discussed below). Because we want our notes and e-mails to be saved in the same place as the rest of the documents, we do not use the DMS features of Amicus Attorney. The network database is where all documents are stored and Amicus Attorney is where the administrative and client management pieces of the file are stored.

With Amicus Attorney we are able to store all of our notes from phone calls and log all phone activity on a file in one centralized location that can be easily accessed by any one of our staff during a telephone call. We have found that this is useful as you can quickly see a history of every call and the details of what type of call it was (a message left, a voicemail received, or a conversation) and in the case of actual conversations, the details of the conversation. To get the most out of this feature, you need to have a phone headset so that your hands are free during all calls and a quiet keyboard so that you can type your notes (instead of writing them) during the call.

§§Donna says . . .

We use Amicus Attorney in much the same way as Victoria. Similarly, we have developed a comprehensive DMS outside of Amicus Attorney. For many reasons, we do not recommend Amicus Attorney for DMS purposes.

Creating Paperless Systems That Work For You

To ensure as smooth a transition as possible to your paperless office, thorough planning and preparation is critical. The initial planning stage should involve brainstorming the goals you hope to achieve in going paperless. These should be prioritized according to importance. Ongoing reference should be made to your goals while developing your plan to ensure your ultimate objectives are being met.

The next stage is the development of systems or protocols, written codes as to what procedures will be followed, who will undertake what task, etc. These systems should be tailor-made to how your firm works and need regular review and revision in the initial weeks and months of going paperless. Three key areas need to be addressed: converting documents to PDF format, document management, and backups.

Converting Documents to PDF Format

It is important to ensure that documents, whether physical or in electronic format such as emails, are converted to PDF upon arrival at your office. Develop a written procedure or protocol which outlines:

- when a document is to be scanned or printed to PDF,
- by whom, and,
- what is to be done with the original document.

As a practical tip, it is advisable not to scan documents in closed files or files that are already active the day that you go paperless. We suggest putting your time and effort into scanning and converting all new files to paperless from a specific date forward. Another approach, depending upon the size of your firm, is to select an area of law or a small committed group, converting that area to paperless as a pilot project, and then expanding to other areas once you have a standardized practice in place.

> *§§Donna says . . .*
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> At our office, the administrative assistant who opens incoming paper mail or faxes is the person who scans each letter, invoice, or other document, and electronically names and files it in the correct electronic folder. Individual law clerks convert email to a PDF file and electronically name and file it in the electronic folder.

The Document Management System (DMS) – The Electronic Filing Cabinet

A logical, easy-to-use document management system (DMS) for electronic documents is critical to the success of a paperless office. In fact, it is truly the cornerstone of a successfully paperless office.

If you expect that there will be strong and likely insurmountable resistance to using a file and folder naming system (basically what a DMS is) or if your office is mid-sized (10 or more people), you should seriously consider purchasing software, such as Worldox™, which imposes a DMS on everyone once it is installed.

If you develop your own in-house DMS, you and your team need to develop a workable DMS that everyone will apply consistently from the first day of implementation. There are two facets to a DMS for a paperless office: naming and storing. To achieve uniformity, create a standardized document-naming and storage protocol. It should specify in detail how documents are to be named and where they are to be stored.

Naming

Once scanned (or converted to PDF), all electronic documents should be named in a uniform, prescribed manner. Develop a naming process that will allow documents to be easily identified in order to facilitate retrieval which will save time and increase efficiency. Here are a couple sample file names showing the common components which we explain below:

- 2009 08 04 Letter from opposing counsel requesting disclosure vp; or,
- 2009 12 23 0905 Email from client re RBC bank statement ft.

It is critical if you want documents to appear in order of receipt or sent dates that the names begin with the 4-digit year, 2-digit month, and 2-digit day. Where a document is time sensitive, such as an e-mail, the date should be followed by the time received. The date is when it is received or sent and not the date of the letter or document creation. If the date of the letter or document is different from the date received or sent, use the date of the letter as part of the name of the document.

Following the date is an abbreviation indicating what type of document it is, e.g., let for letter. A staff member can then determine at a glance what type of document it is without having to open it. Differentiate between sent and unsent documents by including 'SENT' in the file name for all documents that have left the office.

The next element of the file name is a brief description of the document contents. Keep these descriptions short, highlighting the key topic addressed in the document.

If exchanging drafts with a client, other team member, or professional, it is critical to rename the various drafts. We suggest that you use the word ‘Draft’ as well as numerical system that starts with “#1” and increases as new versions are created (e.g. #2) right after the date and so forth for all drafts. The last part of the name is the initials of the person who created or authored the document. Revision numbers may alternatively be added to the initials of the person reviewing. For example:

- 2009 12 23 #1 Draft Application vs; or,
- 2009 06 15 Will ds2-mr.

***Victoria says . . .*

We use a time saving technique to deal with documents that are not provided by the source directly to the lawyer (for example, e-mails that come in via the law clerk and letters that come in by fax or mail). When these arrive, the law clerk converts the document to a PDF using the correct naming protocol, saves it, and then sends an e-mail to the client with a copy to the lawyer that has the document attached (the attachment is named using the correct naming protocol). The body of the e-mail will contain the following message, for example:

"Receipt and review of letter from opposing counsel dated December 12, 2009 regarding access this weekend."

Similarly, when a document is sent out whether to the court or the opposing party or even to the client, the law clerk sends an e-mail to the client (copy to the lawyer) with the attached letter and enclosures (in pdf format), which contains the following message:

"Letter to opposing counsel sent today regarding access this weekend".

The added benefit to this approach is that the lawyer can simply copy the description in the e-mail and paste it into their timesheet/docket.

To save time locating documents when we are working directly with the clients and in saving documents that the clients provide to us, we try at Starr Family Law, to teach our clients to use the same naming protocol as we do. Clients are each given a handout at the beginning of their file that describes the document naming protocol and how to construct their own electronic "File" so that it mirrors ours. They are then offered a quick tutorial, taught by one of the law clerks, so that they get it right. We have found that if the client stores her material using the same naming protocol and filing system, we can more easily find things when working with the client remotely.

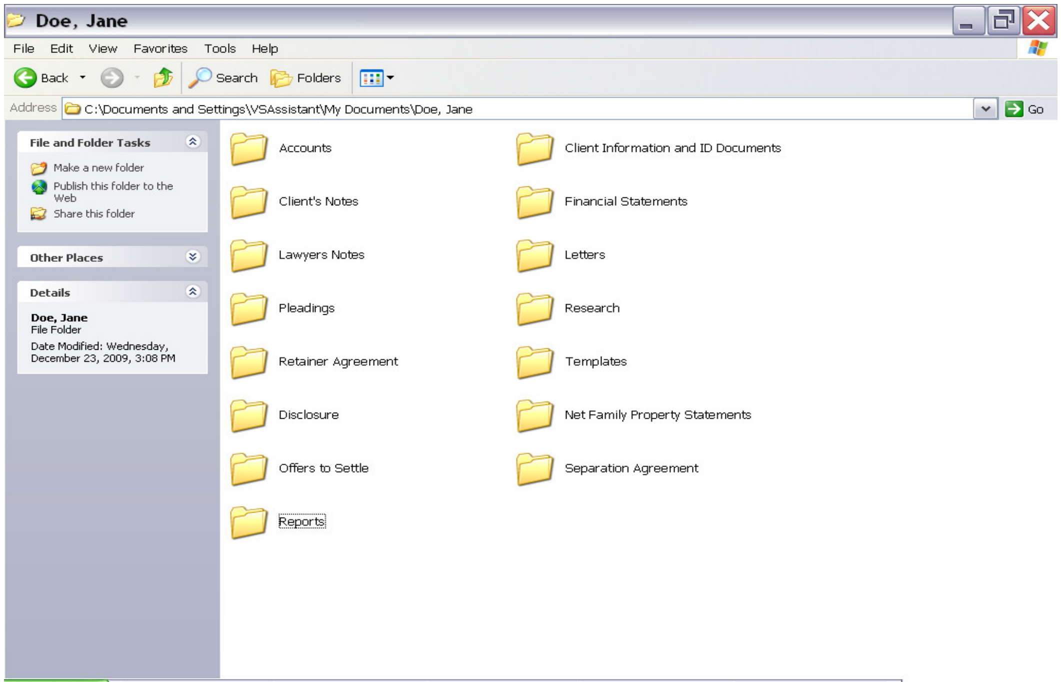
Storing

It may be helpful to think of the storage structure of your electronic documents in terms of basic filing cabinets which exist in virtual space and are shared over a local network. Firstly, you need to organize all client-related material using a particular folder naming protocol. In our “less paper” offices we organize our files in much the same way as most lawyers organize their hard copy files. Here are some things to consider:

- Decide if you are going to start small and simply go electronic with one practice area or with everything client-related;
- Begin by determining the individual folders for the document group. Look at the physical paper files and current electronic files and determine what documents you are generally dealing with for that particular group.
    - Are there logical groupings for the documents?
    - Are certain documents going to be used or referenced frequently during development or editing of another document and, if so, should they be in the same folder for ease of editing?
    - Are there any common themes among the documents that suggest an organizational structure?
- The electronic folder and subfolder structure for client matters may be very similar to how you would organize the papers within a physical file. However, the subfolders for various practice areas will most likely differ.
- Once the folder structure is determined, create a “folder template,” a set of standard folders and subfolders for each type of matter handled by your firm. Use these folder templates to save time and ensure consistent naming. Simply copy the whole folder template including subfolders and paste it where it will reside in your overall structure, then immediately re-name if necessary. We name folder templates starting with a unique character such as “$” so that they are grouped together at the top of the index.
- Decide on an organizational structure for your client folders. Some things to consider include: (1) the size of the firm; (2) how the practice areas operate and what logical groupings exist among them; (3) how many staff work on each file; and (4) how many lawyers work on each file.

    ***Victoria says . . .*

    Here is a screenshot of the folders in our electronic filing system:



To break it down further and for better organization, we have the following subfolders:

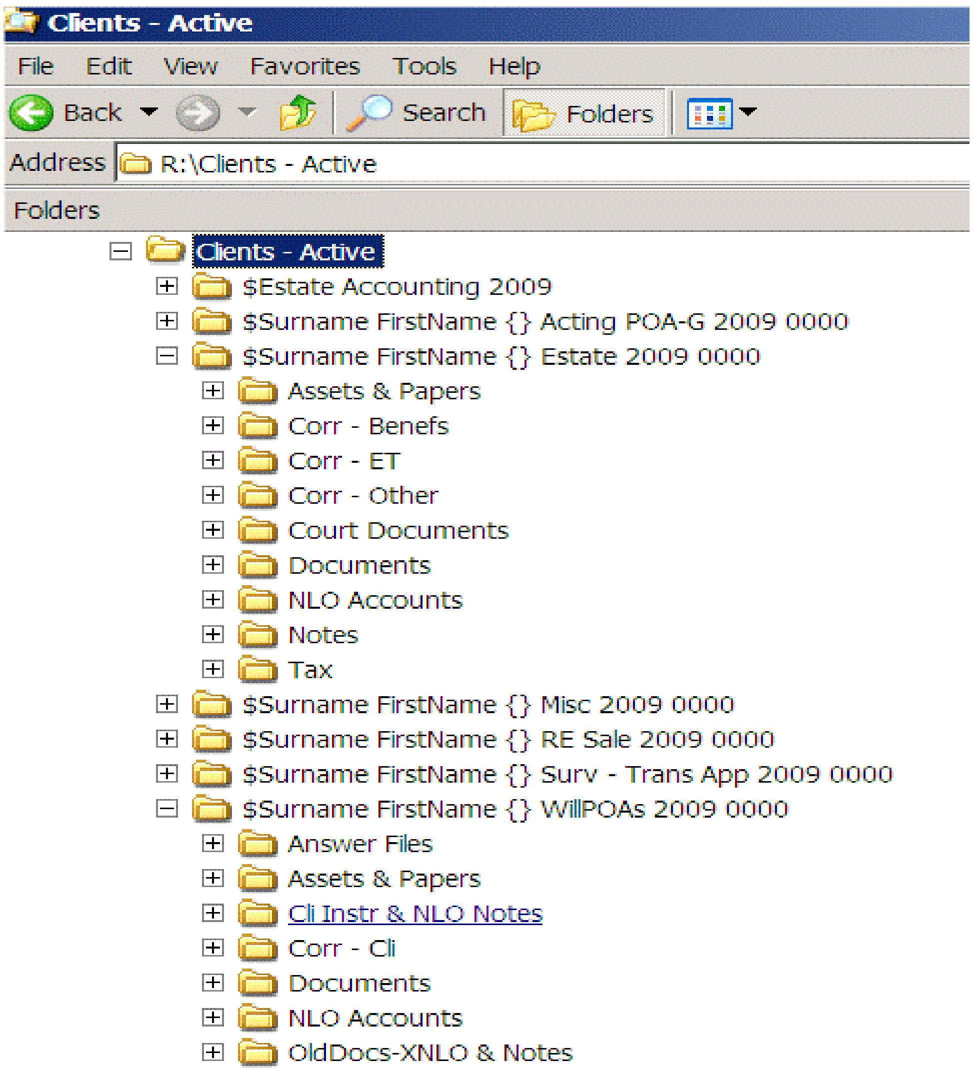
- Letters : 2009, 2010, Communications between the parties
- Disclosure: Husband, Wife
- Financial Statements: Husband, Wife
- NFP Statements: Husband, Wife
- Separation Agreements: Templates.

§§Donna says . . .

At our office, all client matters are named and sorted by client surname. Surnames are further subdivided into alphabetic sub-groups. For example, clients with surnames beginning with the letter B are in two sub-groups: Ba-Bj and Bk-Bz. This reduces scrolling when trying to find a particular client matter and can help with creating logical divisions in the future as the practice grows and as backups increase in size.

Below is a screen shot showing the folder templates that we use. Two of the top level folders (one for an estate file and one for a will and power of attorney client) are expanded to show the names of the additional subfolders. Each folder template name begins with a '$' symbol so that they sort and display at the top of the index for ease of copying, e.g., $Surname FirstName {} WillsPOA 2008 0000. The illustration shows that a WillPOAs (wills and powers of attorney) matter has the following subfolders: Answer Files, Assets and Papers, Cli Instr & NLO Notes, Corr - Client, Documents, NLO Accounts, and OldDocs-XNLO & Notes. For an estate matter, the subfolders include: Assets & Papers, Corr - Benefs, Corr – ET, Corr – Other, Court Documents, Documents, NLO Accounts, Notes, Tax. When a new file is opened, the appropriate template is simply copied and pasted into the correct alphabetical folder and the client-specific information is inserted.

When a new matter is opened in our accounting system, the administrative person also copies (right-click on the template name in Windows Explorer) the appropriate folder template and pastes it into the appropriate alphabetic sub-folder under 'Clients – Active' then immediately changes '$Surname FirstName' to the actual client name (removing the $ so that the client's folder is sorted alphabetically by surname). The year is the year that a matter was opened. The '0000' is changed to the matter i.d. as assigned by our accounting system.



Back-ups

In the paperless office all of the digital information which we have been discussing exist only on our hard drives and servers. A paperless office should have reliable and frequent backups as well as multiple layers of backups including incremental and full backups, and on-site and off-site backups. The importance of a comprehensive and secure backup system cannot be overemphasized.

There are several methods of backup: external hard drives computer to computer over an internal network and online backup via an internal connection to computers owned by an external service provider. External hard drives are cheap and offer tons of space. Online backup, available from vendors such as SugarSync and CoreVault, is more expensive but has the benefit of allowing your data to be backed up automatically and on a regular basis without the necessity of you remembering to do it. Additionally, since online backup services are not located in your office building, in the event of a fire or natural disaster your data can still be safely accessed from its distant location. If you consider using a backup service provider, check that data is stored within Canada and that it is encrypted before leaving your office. Also consider what will happen to your data if the service provider goes out of business.

§§Donna says . . .

Our main backup system employs four portable hard drives which are rotated out of the office weekly. Each contains a full backup created on Fridays as well as daily incremental backups created throughout the week. At all times, there are three hard drives off-site. We also backup from one computer to another over our network and have a full 'drive image' backup of each computer (created when the computer was new but immediately after all software was installed) that allows us to replace a computer or its hard drive in minimal time. We use Acronis® to create drive images and Copysynch to create data backups from one computer to another. Our backup systems allow us to recover quickly from a major catastrophe or recover a single file that has been inadvertently deleted. In addition, our central service has mirrored hard drives that back up each other.

***Victoria says . . .*

Our backup system is similar but the backup tape is changed every day and then we have 3 Fridays which we alternate. The backup tape is taken out of the office every day and the Friday tape is kept out of the office until the following Friday. We also have two external backup drives, one is used to backup everyday and the second is backed up every Saturday. We use software called Yosemite Backup.

Other Things to Consider

Staff Compliance

Once your paperless systems are in place, it is necessary to monitor compliance by all staff members. Remember, your staff are the ones who will carry out the day-to-day implementation of going paperless. Without compliance across the board, your journey to paperless may be over before it even begins. It bears repeating: a paperless office will not be successful unless there is full participation by every staff member. To assist with compliance, consider some or all of the following:

- Ongoing meetings to discuss how things are going and to address problems;
- Spot-checks to determine if documents are being scanned/saved appropriately;
- In a small office, assign all scanning and document naming to one person; and,
- Having a "day box" where physical documents that have been scanned are stored for a time before they are eventually destroyed.

§§Donna says . . .

You may initially encounter resistance to change from some or all of your staff. I was sure all of my staff would be on-board from the start; however, I was surprised by strong resistance from one staff member in particular. This resistance occurred despite my having involved the entire team in developing our paperless systems. At numerous team meetings, we thoroughly discussed how best to go paperless and I sought feedback, constructive criticism, and comments from all staff members as to how to improve existing procedures and move towards the paperless office. One of your biggest challenges in going paperless may very well be securing 'buy-in' from all staff members but your reward will be certain success if everyone is aware of, and accepts, the advantages and works towards the common goal. In fact, you may want to assure your staff that if both the quality and quantity of work increases and the bottom line improves, there need not be staff reductions.

E-mail

Dealing with e-mail is very time-consuming particularly for the paperless office because once you go paperless, it seems everyone starts to communicate with you by e-mail, including your staff. E-mail, especially e-mail with attachments, take up a lot of electronic space.

***Victoria says . . .*

We use Outlook to send and receive e-mails. When an e-mail arrives, we save it in exactly the same way that we save a letter except for two things:

a. We add the time sent or the time received immediately after the date using the military time method. For example, an e-mail received at 2 a.m. will be saved as follows: 2010 04 12 0200 Email from client re meeting tomorrow", and an email sent at 4 p.m. will be saved as "2010 04 12 1600 Email to client regarding meeting". This ensures that the e-mails line up chronologically according to the time our office handled it. For some firms this may not be important but for a litigation firm, where timing may mean everything, this is a critical feature to figure out timing issues; and,

b. We change the file type to Outlook Message format. This is actually a really important step and it preserves the integrity of the e-mail including the contact information relating to the sender and recipient as well as the attachments that accompanied the e-mail. We save the e-mails in exactly the same place as letters or correspondence.

To save time, we do not save internal mail even if it is client-related. We do, however, save internal e-mail (actually all e-mail that is not spam or junk) for 30 days. To get around the issue of who is supposed to save an e-mail if it is addressed to more than one person in the firm, our rule is that if a law clerk is one of the recipients then she will save it and where two lawyers in the office are named as recipients, the lawyer whose name appears first will save it.

Our policy is to delete an e-mail that is older than 30 days and that is not required to be saved in the client's file. Similarly, after 30 days, we shred or pass on to the client any paper correspondence that we receive. During those 30 days, the paper we receive is kept in a holding file in the office. Mistakes do happen and sometimes things are not saved properly or scanned in, especially when new staff members are still learning how to use the system. We have however, found that 30 days is usually enough time for us to discover that a mistake was made and to then correct it.

§§Donna says . . .

We use Adobe Acrobat (appears as a tab in Outlook 2007) to easily and quickly convert an email string with attachments into a PDF file and all attachments are in their native format and fully searchable. The PDF is saved in the appropriate correspondence folder of the client to whom the email relates.

Original Documents/Client Copies

'Paperless' is perhaps a misnomer as our offices are not completely without paper; however, we are definitely 'less paper'. Most, if not all, law practices are required to keep some original documents, and our law firms are no exceptions.

***Victoria says . . .*

Although we do not keep original correspondence, we do retain original documents such as pleadings, financial records, directions etc. These are returned to the client or if needed for something such as court, kept in a client paper folder stored in our filing cabinets. The sheer volume of financial records provided by the client and the opposing party in family law, can be overwhelming and if we were to scan in every single hard copy we receive, we would have to have at least one staff member devoted solely to scanning documents into our system not to mention the time it would take to back up each day. Consequently, at Starr Family Law, we do not scan financial records into our system. We do however, take the time to create an electronic index of every court document and every financial record that we have in our office (both online and in the client's paper folder). This not only helps us know what we have both electronically and in paper form only but if you do it right from the beginning it is not so overwhelming and can help us put disclosure briefs (like an affidavit of documents), document briefs, trial briefs etc. together quickly.

Your procedures as to what documents you provide to your clients will also likely change once you make the transition to paperless. This will depend largely upon your area of practice as well as what you feel is acceptable, what you are comfortable with, and Law Society guidelines.

***Victoria says . . .*

We tell our clients, in writing, at the time when they hire us that we do not keep a hard copy of the material in their file. We tell them right at the outset that they will be provided with copies of **all** letters and court documents during our work for them electronically and that it is their responsibility to print them if they want a printed copy and to keep them organized. We also tell them that if they change lawyers and the new lawyer wants a copy of their file or if they ask at the end of the file for a copy of their file, that we will only provide them with an electronic copy of their file (including the correspondence between solicitors and electronic copies of any court documents again) on CD, the originals of any of their personal documentation. When a client transfers her file to a new lawyer we do the exact same.

At the end of the court case we give all financial records back to the client (including our copies) as well as the original court documents, which helps us reduce the paper file significantly for storage. When we close a file the electronic file is transferred to two duplicate CD ROMs. The electronic file is then deleted from the network with one CD ROM being stored at the office (so that we can look up documents that we may wish to use as precedents or that we need to review to answer future questions that come up without having to retrieve the file from storage).

Conclusion

If you are thinking about going paperless but feel overwhelmed at the prospect, the good news is that you don't have to implement everything at once. Our advice is to start small with the easy things. Try scanning only incoming correspondence and then emailing the scanned document as an attachment to your clients. This step alone will save you and the client the cost of the stamp, paper, and envelope.

When setting up our internal paperless office systems you might be relieved to know that both of our firms elected initially not to scan closed matters and not to convert existing matters to paperless. Instead, both of our firms decided that only all new matters would be paperless from a specific date forward. Other approaches might be to select an area of law or a small committed group (the 'early adopters' at your firm) and convert that area or group to paperless as a pilot project.

Once you've mastered the basics, work on putting systems in place. You may wish to focus on implementing those things that will enable you to work with clients and other professionals remotely. Again, start simple, such as by using track changes to work on documents with your client as well as by using a PDF converter to send documents to them. Once you have mastered that, move on to meeting with them using

Skype or better yet, by using software like GoToMeeting to collaborate with them directly through the use of teleconferencing and desktop sharing. It's a good idea though, to test these more advanced technologies with your staff or associates.

The trick to going paperless successfully, whether in terms of managing your client files and documents or connecting and collaborating with your client online, is to set goals for improving the technological side of your practice. Commit yourself to reviewing and revising your systems, especially your document management system, weekly at first and then less frequently but regularly once you have determined what procedures are efficient for your practice. We can guarantee two things as you go paperless: you won't regret it and you will wish you had done it sooner! Show your enthusiasm for the digital age in which we live and go forth and be paperless! You will save paper and storage costs and the environment will thank you for it.

About the Authors

Victoria Starr, B.A., LL.B., is the founding lawyer of Starr Family Law, a small Toronto law firm offering services exclusively in the areas of family and child protection law. Victoria is a litigator, trial and appeal lawyer who also offers her services as a family law mediator, arbitrator and collaborative law lawyer. Victoria has been co-counsel on a landmark appeal to the Supreme Court of Canada and regularly litigates cases and appeals in the Ontario Court of Appeal, Ontario Superior Court of Justice and the Ontario Court of Justice. She also represents children in child protection matters as a member of the Children's Lawyer Panel. All aspects of Victoria's practice and indeed her firm, from her client service model to the way in which cases are presented to the court are technology driven so as to achieve her objective of being as paperless as possible. Community involvement is also an important part of Victoria's practice. She has served as a faculty member on such programs as the Family Law Institute and is also a member of various Boards of Directors and executive committees such as the Ontario Bar Association's Family Law Section Executive and the 311 Jarvis Open Bar Series. Visit Starr Family Law's web site to find out more: www.starrfamilylaw.com.

Donna Neff, B.A.(Hon.), LL.B., T.E.P., is a solo lawyer practicing in Ottawa, Ontario, in the areas of wills and trusts, guardianship, estate planning and administration, powers of attorney, succession planning for small businesses, and real estate. Donna has extensive experience in the development and use of technology in a business setting and she selectively applies those that can improve service to clients and increase the enjoyment and productivity of the practice of law. Through frequent seminars, workshops, and publications, she enthusiastically shares her knowledge and personal experiences with various professional organizations and community groups. She has been Co-Chair (with Dan Pinnington) of the 4th and 5th Solo and Small Firm Conference and Expo, has presented at the American Bar Association's TechShow and was recently appointed to the TechShow Planning Board. Follow Donna on Twitter (DonnaNeff) and LinkedIn (Donna Neff). Donna's blogs are posted at www.nefflawoffice.com/blog/

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Resources

Here are some of the articles, papers, etc. we reviewed in the preparation of our paper, should you wish more information:

http://thinkexist.com/quotation/the-first-step-in-getting-to-a-paperless-society/763160.html

Dorner, Bruce and Mazzone, Erik. "Taking the Leap: Essential Technology for the New Law Practice", *Law Practice Today*, January 2010.

Kashi, Joe "Reorganizing the Digital Office", 2004, www.abanet.org/lpm/lpt/articles/ftr01043.html.

Keyt, Richard, "A Simple Inexpensive Way to Create a Paperless Law Office", 2007, www.keytlaw.com/tech/paperless.htm.

Masters, David L., "Working with Digital Documents in a Legal Environment", 2008.

Neff, Donna & Natalie Sanna. "Our Paperless Office." June 2009. *Law Practice Today*. www.abanet.org/lpm/lpt/articles/tch06091.shtml

Neff, Donna & Natalie Sanna. "The Document Naming System in Our Paperless Office." Sept. 2009. *Law Practice Today*. www.abanet.org/lpm/lpt/articles/ftr09091.shtml.

Software and Hardware at Starr Law Office

In addition to Adobe Acrobat Professional 9, Omnipage 17 and Zoomtext (mentioned in the paper), Starr Family Law uses the following equipment/software which we feel is essential to operating our paperless office:

Amicus Attorney

Amicus Attorney 2010 Small Firm Edition is intended for solo practitioners and small firms. The cost for the first licence is $499 and each additional license is $399. If you require technical support the yearly cost for the first license is $295 and each additional license is $95. This is for unlimited support.

PCLaw Billing and Accounting Software

PCLaw offers a comprehensive expense tracking, billing and receivables, and trust accounting. The cost for the first licence is $1,140 and each additional license is $770. The first year maintenance is included in this price. If you require technical support thereafter the yearly cost for the first license is $393 and each additional license is $119. This is for unlimited support.

Canon ImageRUNNER 22201

The imageRUNNER 2220i:

- 22 pages per minute A4 prints
- Print, copy, scan, and fax, using a single device
- Send, store, retrieve and share data across the network
- Advanced device security for confidential data
- Java platform for future customization

The monthly lease for this multifunctional printer is $146.90 plus $0.015 per copy.

PowerEdge 840 Server / Yosemite Server backup

The PowerEdge 840 is a general-purpose 1-socket processor tower server ideal for organizations with remote offices needing a basic server that is easy to set up, run, troubleshoot and expand with little or no IT support. This server also includes Yosemite Server Backup which is a complete and affordable data backup and protection solution, enabling you to backup all of your data and restore it quickly in the event of disaster. The cost for the PowerEdge tower is approximately $2.898.00

Backup: Seagate External Hard Drive, Expansion 3.5" 500GB

Software and Hardware at Neff Law Office Professional Corporation

In terms of going paperless, the software and hardware at Donna's office that contribute to the success of going and staying(!) paperless are:

Software

- Amicus Attorney 2008 Premium Edition
- Adobe Acrobat Professional 9
- HotDocs 6 (document assembly)
- PCLaw Accounting (LexisNexis)
- Dragon Naturally Speaking Version 10 (Lawyer's computer only)
- Word 2007 (as part of Microsoft Office suite)
- Copernic Professional Desktop Software
- Acronis TrueImage (hard drive imaging) Software

Hardware

- Two monitors at every desk
- Desktop scanners at Law Clerks' and Bookkeeper's desks (Fujitsu ScanSnap S500 and HP ScanJet N6010); Lawyer also has a portable Neat™ scanner (the size of a rolling pin) for use at house calls and hospital visits; also handy when travelling or working at home
- HP 4345 scanner, copier, fax (located centrally for use by any team member; scans 40 pages a minute; cost approximately $4,000 in 2006; high reliability - low repair rate)
- Backups: Dell Small Business Server running Microsoft SBS 2003 with double redundancy mirrored drives (4 in all installed on the server); 4 x 750 gig portable USB hard drives rotated off-site weekly (only one is on-site at any time); Western Digital Passport (very small) drive 320 gig capacity used exclusively to regularly backup the lawyer's laptop computer which moves around a lot; computer-to-computer over the internal network we use Copysync (free utility) to run daily backups of key data; any software application that includes a backup utility (e.g., Amicus Attorney and PCLaw include this feature) is used to create a backup on a regular basis and is directed to another computer on the network
- Livescribe Pulse Pen for note-taking at meetings and lectures