

# Digital Workflow

Becoming paperless the easy way

## **A growing problem**

For years I practiced law the way that most lawyers do, surrounded by paper. As a teenager I was enthralled with the idea of becoming a lawyer. This happened after I saw a movie about the struggles of a freshman at Harvard Law School. It was called ‘The Paper Chase.’ The practice of law seemed so intellectually stimulating. So what if it meant having to deal with lots of paper?

As a budding lawyer I often heard wistful talk about the good old days, before something called ‘Discovery’ ruined the practice of law. This was the romantic era where lawyers didn’t have to exchange documents with each other before trial. They’d just show up with a few documents and some witnesses and put on their case. Trials were quick and uncomplicated.

Computers destroyed this idyllic world.

The advent of computers brought a sea change in the volume of paper that businesses created, and which lawyers had to manage. A typical case no longer involved a single manila folder filled with paper; instead, it required several boxes of documents. A few years later, the number of documents in a typical case might involve several file cabinets of documents. Eventually many cases required document warehouses. Today, it’s not even possible to manage some cases using document warehouses because most of the information is in digital format. Luckily, I learned how to deal with this problem many years ago.

## **My lucky salvation**

In the year 2000 I had a friend who owned a scanning company, which turned out to be very fortunate. My friend encouraged me to learn about the benefits of scanning documents; he offered to scan a caseload of documents for free. I accepted this offer when I got a new case that involved defending CBS against a temporary restraining order. The case involved an emergency request by a local business to halt transmission of a CBS television show. The TRO trial was set for 30 days from the date the case was filed so I needed a way to review the relevant documents quickly.

The documents were converted to digital format (by scanning) and I never looked at any of the paper. On the eve of trial the case settled, and I was extremely disappointed. I knew that I was more prepared than my opponent.

I had discovered that it was much easier to search for information in documents using a computer. If I wanted to review documents page-by-page it was easier to look at them on a screen and just hit the “next key” button. Granted, it took a few days to get completely comfortable with this new system. However, it didn’t take me long to realize that managing information in digital format is much faster and much better.

After that, I started looking for ways to convert all of my case files to digital format. I found this process challenging, but not as challenging as something else that I discovered.

### **Convincing others**

Once I grasped the enormous benefits of being paperless I set about trying to reveal my discovery to the other lawyers in my law firm. To my surprise, this proved to be incredibly difficult.

Lawyers were completely uninterested in getting rid of paper. Their work lives were inextricably bound to paper; they simply couldn't imagine working on a case without it. In fact, they weren't interested in reducing their paper reliance by even a small amount.

Undeterred by this deep-seated reluctance, I set about proving how inefficient paper was. I demonstrated to my law firm colleagues that I could carry all of the documents related to a large class-action case (which were stored in a special warehouse) on my small laptop computer. I showed the lawyers how quickly I could retrieve information across the entire document set simply by entering search terms.

My demonstration convinced the law firm management to invest in a paper scanning system. But, instead of using it to scan active case, they used it to scan only closed files. It dawned on me that lawyers were not opposed to a paperless legal system; they were opposed to changing their work habits.

### **I should have been speaking Japanese**

Kaizen is a Japanese philosophy that promotes gradual, but continuous, improvement. It's a process that, when done correctly, enables people to spot and eliminate waste in business processes. Kaizen has been used effectively by many large organizations to bring about amazing changes, even radical ones. But, the key is that the changes were brought about gradually.

The reason that I was able to adapt to the paperless system more readily than my lawyer colleagues is that I made the switch over gradually. First of all, I became very adept at using a computer. This made it easy for me to adapt to working with "digital documents." It also made it easier to learn how to convert paper documents to digital format. I made some mistakes and hit some dead-ends, but mostly I could navigate these obstacles.

When I made the switch to paperless, most lawyers were just getting used to using email and very few were using the Internet. They didn't have the computer skills that lawyers today have.

### **Lawyers today want to become paperless**

Today, most lawyers know how to use email and surf the web. They're used to using their computers to find and view information. When you talk to them about the idea of a paperless practice they're usually eager to make the switch; but still they have concerns. They know that they'll be moving from a familiar system to one that's less familiar. They want to make the transition will be as easy as possible. The first step is to apply the principle of Kaizen.

## **The easy way to become paperless**

Before you buy any equipment or software, get help from someone who has made the switch to paperless and has helped other lawyers. They can tell you what to buy and show you how to set it up. But before then, you should be optimizing your environment by making gradual improvements.

First of all, everybody's computers should be fairly new and have the maximum amount of RAM. No one in the office should be printing out their emails; if they are then stop this practice immediately. Everyone needs to use email proficiently. People should know how to work with email attachments (e.g. how to open them and how to save them to a location on the network hard-drive). Ideally, the office should have web-based faxing, and people should know how to upload a fax to the service. (Again, get help with this if you need to).

The law firm should have a digital letterhead instead of specially printed stationery, and lawyers should have their signatures in digital format—pre-loaded into their standard form letter. Lawyers and attorneys should know how to 'print documents to PDF' which means creating a digital PDF (as opposed to actually printing a document) by using a special print command. Lawyers should become familiar with Adobe Acrobat and how to manipulate PDFs in commonly needed ways. That is, they should be able to switch views to zoom in on a document, and also be able to tag important pages and highlight key language. They should also be able to split a PDF into smaller PDFs or merge several PDFs together (this is helpful in doing electronic filing in federal court).

If everyone in the law firm is adept at using email, surfing the web, and working with PDFs then the conversion process will be fairly easy. If they aren't then it will be challenging, and possibly even painful. As I said, getting the right equipment and software isn't that hard (although you should definitely get help to avoid making serious mistakes). But getting people used to a paperless system can be quite hard if those people aren't highly adept at using their computers to manage digital information.

## **Concrete steps to take before you get ready to switch**

You can make small changes every day. Start by ordering that RAM. Go to [www.crucial.com](http://www.crucial.com) and use their software to scan your office computers see how much each one can hold. Order the maximum amount and then install it (or pay someone to do it for you). It doesn't cost much, but it will make the office computers a lot faster. Then when you've got that done, address these things in order:

- Email proficiency (e.g. training in Microsoft Outlook)
- Web-based fax service (e.g. [www.efax.com](http://www.efax.com) or [www.send2fax.com](http://www.send2fax.com))
- Adobe Acrobat proficiency ([check www.pdfforallawyers.com](http://www.pdfforallawyers.com))