



PAPER PUNCHER

ESTABLISHING A PAPERLESS LAW PRACTICE MAY BE RIGHT FOR YOU



BY ERNIE SVENSON

If you're wondering whether to start a paperless firm, I have a surprise: You already have.

Remember when you bought a computer to create pleadings and memos? It started then. And when you began doing legal research online? You picked up momentum. When you started using email, you picked up more momentum.

The question isn't about when to start; it's about how to leverage the momentum you've already built up.

MYTH-BUSTING

Becoming paperless is perhaps not what you believe. Many lawyers think a paperless practice means getting rid of every piece of paper. That's impossible—and ridiculous.

No one aspires to get rid of paper. That's not your burning desire. But you certainly want your practice to run smoother and be less stressful, right?

OK, then you want a paperless practice. The less paper you have to keep track of, the easier it is to manage your firm. When your day-to-day workflows are mostly digital, you'll save time, improve productivity and ultimately make more money. Even a sole practitioner with no staff can save at least \$500 a year.

In firms that rely too much on paper, files are easily disorganized or strewn about. This increases stress levels. When important information is hard to find or gets lost, your practice also becomes more difficult to manage.

Now, imagine locating key documents you need instantly, simply by performing a search on your computer. Envision pulling up a client file using your smartphone while you're aboard a plane cruising at 30,000 feet. Imagine easily sharing files with anyone—inside or outside your office—with a few clicks of a mouse.

Lawyers who have transitioned to a paperless practice don't have to imagine this; it's a reality. There is no reason why you can't make this a reality in your practice as well. Yes, you'll have to put in some effort. And yes, you'll have to get used to doing some things in a new way.

But we're not talking about something difficult. Quite the opposite: It's actually fairly easy to do—if you go about it in the right way.

Remember, you've already built up momentum. You have a computer, and you have a basic filing system for digital documents, such as word processing files and email, right?

OK, then you're halfway there. Now, you just need to learn how to scan paper and work better with the digital documents you'll be scanning.

You'll want to develop a document management system that allows you to access digital files from anywhere, via the internet (aka the cloud). When you can easily share digital files, you can collaborate more easily, and then your practice will become exponentially easier to manage.

Now, let's talk about how you can gain momentum.

SCANNER SPECS

To convert paper into digital files, you'll need a scanner. There are lots of scanners to pick from, but there's only one you should use as your main office scanner.

The scanner you pick will be crucial. If you don't get the right one, you're just shifting the location of your bottleneck from the paper stacks in your office to a new machine—i.e., the scanner.

The scanner you pick needs to be easy to set up, reliable,

robust enough for law office work, and flexible enough to handle both letter- and legal-size paper.

Your scanner should have an automatic document feeder so you can plop in a stack of paper and scan each page without having to insert one page at a time. The scanner should be able to scan both the front and back sides of paper in one pass. This feature is called “duplexing.”

The scanner should produce a straight image, even if the paper goes through the scanner crookedly. This feature is called “deskewing,” and it's performed by the scanner's software. Important point: The scanner you purchase will come with software, and that software is as important as the physical machine.

As I mentioned, there are many scanners on the market. The worst options are multifunction devices because they are less reliable, less robust and come with mediocre software. Avoid those machines like the plague.

The best option, hands down, for small law firms is the Fujitsu Scansnap iX500, which costs about \$420. It has all the features I mentioned, plus more.

You should get one of these machines for everyone in your law office who receives paper documents. That is, if they get paper that's supposed to go in the firm's filing system, then they get a scanner.

Resist the temptation to get by with only one scanner. With just one machine located in a central place, human nature will conspire against you. What do I mean by that? When scanning is inconvenient—even temporarily—people will postpone doing it, which will mean that crucial information might not get into your highly efficient digital system as fast as necessary. Or worse: The paper will get lost before it can be scanned.

Remember, human nature can also be a bottleneck to efficiency. Putting scanners on the desks of more people will eliminate more bottlenecks. If you can't afford to do this immediately, strive to do it as quickly as possible.

DESTROYING PAPER

As you're getting ready to implement your scanning system, you'll naturally wonder: “What do I do with the paper after it's been scanned?” The answer: It depends.

If you trust your backup system ... wait, you do have a backup system for your digital files, right? No? OK. Step one in creating a paperless filing system is making sure you have a reliable backup system for all of your digital information.

Assuming you have reliable backup systems in place, then you should shred or otherwise destroy paper after you scan it. Otherwise, you'll be managing the same information in two different systems. This can lead to chaos and confusion, which in turn leads to increased stress.

Your long-term goal should be to steadily convert most of your paper documents into digital files, and then learn to manage most of your workflows using your computer. This

ADDRESS YOUR QUESTIONS ABOUT WHAT IT TAKES TO MAKE A TRULY MODERN LAW FIRM TO ATTORNEY DALIAH SAPER AT ASKDALIAH@ABAJOURNAL.COM.

part of the transition requires patience and thoughtfulness. You can analogize most of your paper-based workflows and create digital equivalents. But in some cases, you will achieve greater efficiency and flexibility if you adjust some processes to leverage new possibilities that digital file management will provide.

The more people who have to learn to collaborate in this new way, the more time it will take. And the more systematic you'll have to be. You might benefit from hiring a technology consultant who specializes in helping law firms transition to a paperless operation.

WHAT TO KEEP

While you'll soon get to a point where you are routinely shredding most of the papers you scan, some you'll have to keep. For example: original wills, promissory notes, birth certificates and affidavits. In most jurisdictions, you'll have to keep those types of papers.

Sometimes, you'll want to keep the original, even though the law doesn't require you to do so. The commonsense guideline is this: Keep any kind of paper if you have a reasonable concern that you'll have an easier time proving

something, or navigating a procedural process, with the paper original.

Maybe in your practice area it's possible to submit a scanned affidavit as self-authenticating proof. But if the judge handling your case is uncomfortable dealing with digitized affidavits, your life will be easier if you keep the original.

The key is to make reasonable assessments. Don't keep every piece of paper out of some vague sense of impending doom. You'll wind up managing two document systems, which leads to—remember?—confusion, chaos and stress.

Here's a pro tip: Revise your current engagement letter to add a provision informing clients that your filing system is digital, and that you don't plan to keep copies of nonessential paper that has been scanned. If the clients want the paper originals, give them a reasonable time to ask for them to be returned. They won't ask, trust me.

PDF PREFERENCE

You will scan paper to a PDF, or portable document format. Why? Because you want a single format for all the paper you scan. Having scanned documents in more than

Three ways



TECHNOLOGY



MARKETING



VIRTUAL ASSISTANCE



PHONE



EMAIL



CHAT

1 Firm Builder Customization
Select only the tech and services that match your needs.

2 Free Consultation
Double-check your choices with a practice management expert.

one format leads to, yes, complexity, confusion and chaos.

Federal courts require you to file pleadings in PDF, and states that have switched to e-filing all use PDFs. The states that have not yet adopted e-filing will undoubtedly opt for these as the canonical format.

Think of PDF files as digital paper. If you ever want to print out a PDF that you've scanned, you'll be relieved to know that it will look exactly like the paper that got scanned in. If the paper was letter-size, it will print out as an 8½-by-11 document. If it was legal-size, it will come out as 8½-by-14. If the paper contained color, then you can print it out as a color document, assuming your scanner was set up properly.

While PDFs look and act exactly like the paper from which they were created, they have much greater utility than paper. For example, if you needed to find every piece of paper that had the word *HVAC* in it, you would have to flip through every sheet of paper, scanning for that word using your feeble eyesight.

If you make your PDFs text-searchable, using optical character recognition, then you'll be able to analyze one or many files at one time and jump right to the page and line where your search term is located.

Working with PDFs is much easier than working with paper. It takes time to get comfortable, but it's not hard. If you need to work from paper, you can easily print the file.

In other words, PDFs give you all the options of paper

and more.

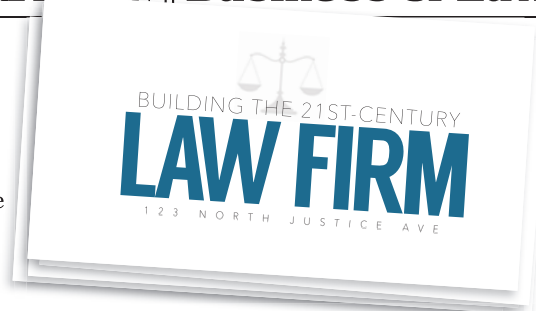
No one transitions to a paperless practice overnight, nor would that be desirable, even

if you could. Be patient, and remember that the ultimate goal is to make your practice easier to manage.

Start learning to scan your papers and develop a reliable system that's comfortable for everyone in your office. Get better at working with PDF files. Start slow, and keep improving steadily. Soon you'll discover that you've made the transition, and your life will be easier.

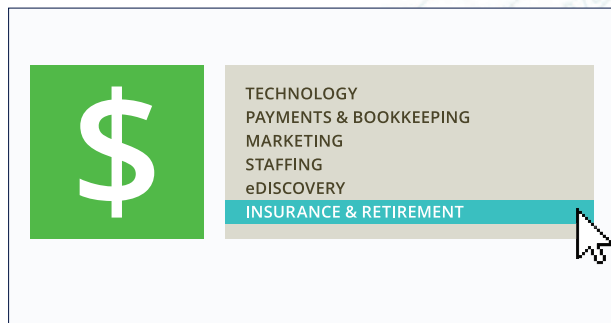
If you want to learn more about shifting to a paperless practice, check out my website, PaperlessChase.com. Or sign up for a free 10-part email course on developing a paperless law firm by visiting this link: bit.ly/Paperless10Part. ■

Ernie Svenson, a 2009 ABA Journal Legal Rebel, is a New Orleans attorney who has been blogging as Ernie the Attorney since 2002. In 2006, after Hurricane Katrina struck, he moved to a solo, paperless practice and has become one of the best-known advocates for digital law practice.



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