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ABA
AMERICAN BAR ASSOCIATION
**General Practice,
Solo & Small Firm
Division**

**From Paper to Pixels: Building the
Complete (and Green) Paper LESS
Electronic Case File**

**Friday, October 16, 2009
2:45 p.m. – 3:45 p.m.**

**2009 Fall Meeting and
National Solo and Small Firm Conference
October 16 - 17, 2009
Millennium Biltmore Hotel
Los Angeles, CA**

ROSS L. KODNER, ESQ.

LEGAL TECHNOLOGY / LAW PRACTICE MANAGEMENT CONSULTANT, AUTHOR, BLOGGER, COLUMNIST AND EDUCATOR



Ross Kodner is one of the world's best known, most awarded and longest continually serving legal technology and law practice management consultants. Ross brings a background as an attorney, having graduated from Marquette University Law School in Milwaukee, Wisconsin in 1986 where he was an academic scholarship winner and member of the Law Review

He founded Wisconsin's MicroLaw, Inc. (www.microlaw.com) in 1985, an independent legal technology and law practice management consulting practice, having served thousands of law firms and government and corporate legal departments across North America. With heavy emphasis on practice/matter management systems, paper/document/email management and related workflow, he specializes in blunt and objective practice reviews and recommendations through the RFP process and inclusive of subsequent technology project management.

In addition to hundreds of private law practices, he has advised major companies including Rockwell Automation, Armstrong Worldwide, Follett Corporation, City of Phoenix, Arizona, City of Glendale, Arizona, Yavapai County, Arizona, Hewlett-Packard, Thomson-West, Lexis-Nexis, Gateway Computers, Corel Corporation, Visioneer Corporation, AT&T, Software Technology, Inc. and Juris, Inc. among others.

Ross is a frequent speaker and author internationally on a broad range of legal technology topics, including his Paper LESS Office™ process, practice management and electronic discovery, having conducted over 1400 CLE sessions since the mid-1980's. He is also a frequent writer, having authored over 600 articles on legal technology, law practice management and marketing topics and currently writes the widely read "SmallLaw" column for the Technolawyer Community (www.technolawyer.com/smalllaw.asp).



Ross has received an unprecedented six awards from the industry's Technolawyer Community. In 1999 he was honored as the "Technolawyer Consultant of the Year" - a lifetime achievement award and the industry's highest honor. He was subsequently awarded the Contributor of the Year award in 2000, 2001, 2002, 2005 and 2006

He served four years in the ABA as Chair of the ABA Law Practice Management Section's Computer & Technology Division. He was also a member of the ABA TECHSHOW Executive Board for five years, held every Spring in Chicago. He founded and co-chaired the ABA GP|Solo Division's Annual National Solo & Small Firm Conference in 2006 and 2007, and founded and chaired the first Wisconsin Solo & Small Firm Conference in 2007. He has also provided advice to a number of State Bar associations in the U.S. regarding starting their own solo and small firm CLE conferences.

Internationally, Ross was acknowledged by inclusion in the U.K.'s CityTech Magazine "Global 100 Legal Technology Leaders."

Ross is a contributor to the "2009 Solo & Small Firm Legal Technology Guide" (2009, ABA Law Practice Management Section - <http://tinyurl.com/b9esgk>). He is also a co-author of "How Good Lawyers Survive Bad Times" (2009, ABA Law Practice Management Section - <http://tinyurl.com/ncw33x>).

His firm's website at www.Microlaw.com is the world's largest web repository of free online viewable legal technology CLE materials and his blog, Ross Ipsa Loquitur at www.rossipsa.com was recognized in 2007 as one

of the world's most influential legal blogs and was honored again in 2008 as one of the ABA's 100 Most Important Legal Blogs in the Technology category.

His personal mottos are "If you think hiring an expert is expensive, try hiring an amateur (from Red Adair)" and "Friends don't let friends word process without Reveal Codes (even in Word)."

Contact Ross at rkodner@microlaw.com and 414-915-7878.

From Paper to Pixels: Building the Complete (and Green) Electronic Case File via the Paper LESS Office



National Solo & Small Firm Conference
Los Angeles – October 16, 2009

Presented by:

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Twitter: @rkodner

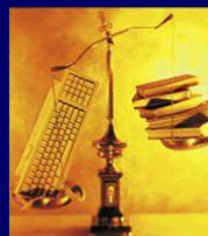
- ♦ Marquette Univ. Law School, 1986 (Law Review)
- ♦ Founded MicroLaw, Inc. in 1985
- ♦ Legal Technologist, Educator, Author
- ♦ Technolawyer Legal Technology Consultant of the Year 1999, Contributor of the Year 2001, 2002, 2005, 2006
- ♦ Over 1400 law offices assisted across North America
- ♦ Frequent author and speaker nationwide on legal technology subjects
- ♦ Chair, Wisconsin Law & Technology Conference 2001-2005, Founder/1st Chair, Wisconsin Solo & Small Firm Conference 2006
- ♦ Founder/Chair, National Solo & Small Firm Conference 2006-2007
- ♦ ABA Blawg 100 – Technology Category
- ♦ Chair, Milwaukee Bar Association Technology Committee, 2002-2007
- ♦ Chair, ABA LPM Section Computer & Technology Division and Member, TECHSHOW 1997-2001 Board, Co-Chair, LegalTech CLE Planning Board 1999-2005
- ♦ Co-Author: "How Good Lawyers Survive Bad Times" (www.tinyurl.com/how-good-lawyers)



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Download the PDFs of all my programs at:

microlaw.com/cle-downloads.html



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“The Ultimate Big Thing” – Do You Know What it is?

- ◆ You may not realize it, but we’ve all been on a quest – a headlong rush to . . . something “BIG” in our practices.
- ◆ Do you know what it is?
- ◆ Hints: It’s not about money. It’s not about happiness. It’s not about satisfying clients.



No, it's not the World's Largest Frying Pan!

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Does this look familiar?

- ◆ Ever stop to think of how much of your life is wasted just looking for paper?

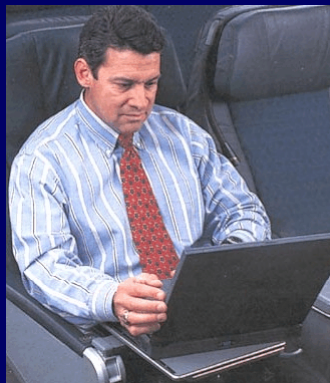


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Which Lawyer Do You Want to Be?



OR



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The Fundamental Shift . . .

- ◆ Traditionally, law practices and legal departments have prioritized in this manner:
 - ▶ *Paper file is primary, electronic file is secondary*
- ◆ But in this era of 24x7x365 “instancy” of communications and expectations of collaborative response time, everything is different
- ◆ What this means is that we are shifting to (whether you realize it or not) . . .

Electronic file primary, paper second

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Only Way to Succeed – Focus on the “Process”

♦ The only way to make all this work is to focus on the process

- ▶ How do you organize documents?
- ▶ How do you name your documents?
- ▶ Who will scan?
- ▶ When will they scan?

♦ Issues include:

- ▶ How do you handle incoming paper mail?
- ▶ How do you organize email in this process?
- ▶ How do you make sure responsible eyes see all matter-client-related documents?



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File-Naming Conventions: Are You Consistent? Is it Logical?

♦ Filenames should be applied consistently with the goal being to be able to know what a file contains by merely glancing at a descriptive filename in a list without having to retrieve the file to know what it contains

♦ Here's are two examples of filenaming conventions that have consistently proven themselves:

YYMMDD	DocType	Entity Type	Subject
080530	Ltr	to rehab expert	re: exam results and report

Doc Type	Entity	Subject	Historical Date
Letter	to Robert Jones	re: plea agreement	9-10-07

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A New Process, A New Concept: A Way to Manage Paper That Actually Works

- ◆ We're going to look at a completely different way of taming the paper monster that conspires to bury us every day
- ◆ And is the key to enabling electronic collaboration



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*Let's See What a
Paper LESS™
Law Practice
Looks Like . . .*

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The Paper LESS Office™: The Key

Notice that we did NOT say the
“Paperless” office (the one of
“myth”). More on this . . .

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This is
NOT
About
Elimi-
nating
Paper ...

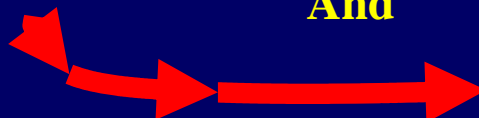


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Two Important Concepts:

1. Scanning Does Not Always Mean OCR

And



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2. Scanning Equals “Digital Paper”; merely turning physical paper into electronic paper (*Searchable PDF*): which is easier to store, easier to find, easier to share -no more time wasted playing “who hid the client file!”

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The Process, Step-by-Step

1. We open a file or one is sent to us, usually in paper form. We turn it into “digital paper” using the Paperport (or high- speed) scanning systems. Some clients are already forwarding files in “**digital paper**” form via e-mail - consider PDF as the default file format

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All Incoming Documents are Scanned with a Desktop or Centralized Scanner



Visioneer’s Paperport scanners pioneered the “distributed” scanning approach. Today use Fujitsu’s ScanSnap S1500, Visioneer’s PT430 , or Xerox’s really quick Documate 252 models on staff (and lawyer) desks

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And for large stacks of incoming documents, use a high-speed scanner as departmental centralized scanning systems . . .

High-speed scanners like those from Canon, Ricoh, Kodak, Panasonic from 30-100 ppm for \$2500+



FUJITSU

Fujitsu's High-Speed Scanners from about \$1200+ offer 25+ ppm scanning speeds

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2. The Next Step - Document Management is the “Digital Glue” that ties the Paper LESS™ System Together

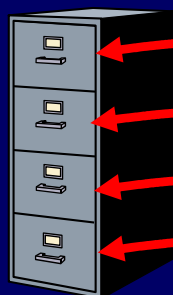
It allows us to open and store documents just as in a paper filing system

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And just as with a traditional file cabinet, finding any document, for any client, or any “form”, is as easy as walking to your file cabinet and pulling the appropriate paper file

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Every client has a drawer in our “Electronic File Cabinet”



Safety Insurance

Jones Trucking, Inc.

Asbestos Litigation

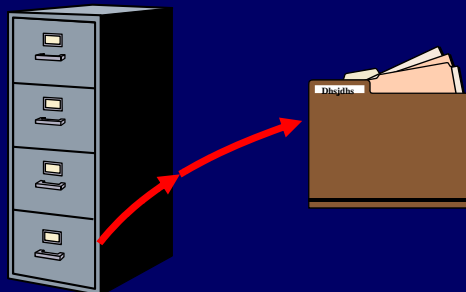
Patent/Trademark Files

Two DM approaches:

- 1) Dedicated DM such as Worldox, Worksite, eDocs, NetDocuments, etc.
- 2) DM built into case management systems

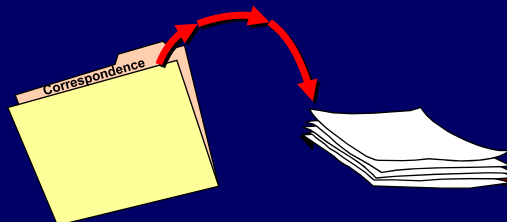
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In the Safety Insurance drawer, we pull the brown expandable file containing the “Sally Smith v. David Jones & Safety Ins.” matter



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Inside the brown expandable file for the “Sally Smith” matter we pull out the “Correspondence” manilla folder. Inside are the documents sought



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Let's see how our electronic "File Cabinet" appears in the Worldox Document Management System software . . .

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First we pick the client ("open the client drawer" in the virtual file cabinet)

Double-click on the client name listed in the "Client Table"

Code	Description
ABTS	Abts v. Tegen
ADAMS	Dianne Adams
AFMI	American Family Mutual Insurance
ALLIED	Allied Group Insurance
ALLSTATE	Allstate Insurance
BABCOCK	Beth Babcock
BAO	Bruce Olson Dictation
BISTRIAN	Jackie Bistran
CAPITOL	Capitol Convenience
CASCO	Casco Enterprises, Inc. d/b/a Avenue Art
CIGNA	CIGNA Property and Casualty Insurance Co.

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ABA General Practice, Solo & Small Firm Division

Next we pick the matter (“the brown expandable file” in the “client drawer”)

WORLDQX - Documents: Matter Table

Field Help

SELECT FIND ADD EDIT DELETE HELP CANCEL

Code	Description
719743	DORSCHNER
9.000	GRE-General Matters
9.001	Alden v. American Heritage Homes
9.002	Helmer v. Tower Insurance Company
9.003	Dorner v. Best Built, Inc.
9.004	Yang Hassel Material Handling
9.006	Ly v. Blue Cross & Blue Shield, et al.
9.007	Baye v. Allouez Catholic Cemeteries
9.01	Champeau v. Hillcrest Homes
9.02	Dorschner v. Kitz & Pfeil Hardware
9.03	Rendfleisch v. Heritage Foods

Double-click on the matter name listed in the “Matter Table”

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Finally, we pick the “library” to view the specific type of document (“the manilla folder” in the “brown expandable folder” for the matter). Inside are all the documents: where you would always expect them to be!

Library Selection

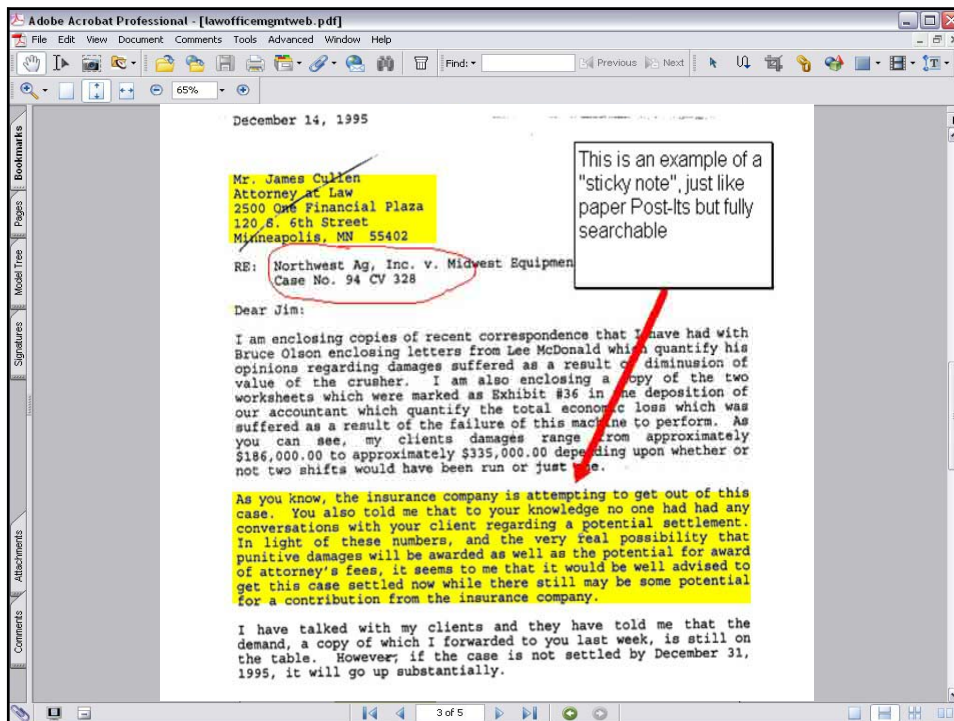
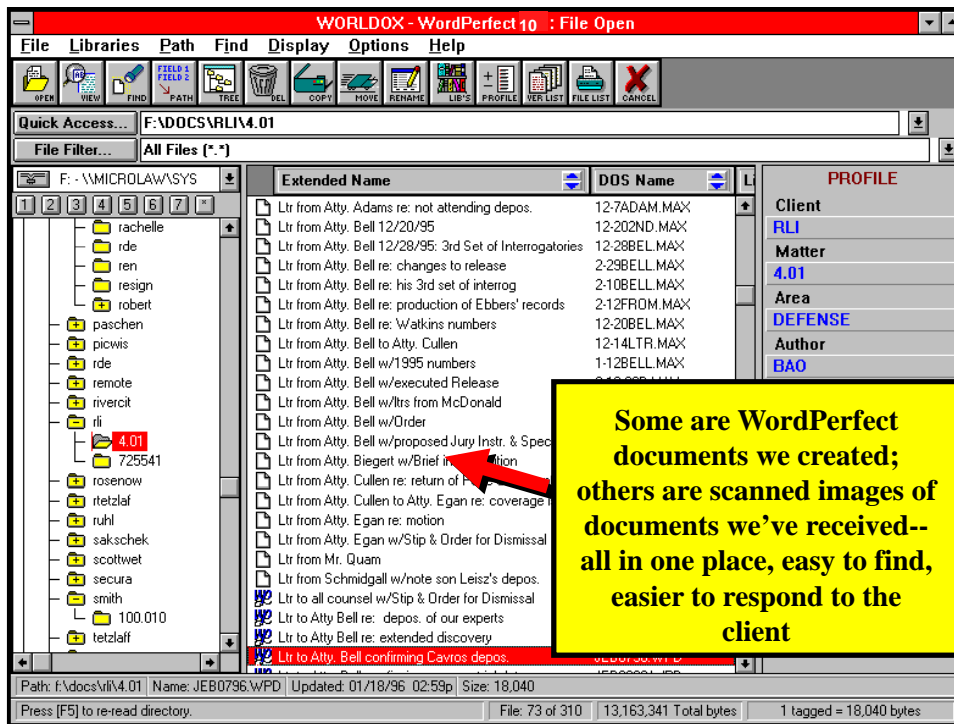
Libraries in F:\DOCS\CLIENTS\OLSON-BR Files in Library 0

<Files NOT assigned to any Library>

- Briefs
- Correspondence
- Employment Records
- Insurance Documents
- Investigation
- Medical Records
- Pleadings
- Research Notes**
- Training

Double-click on the library name listed in the “Library/Folder List”

Find Library [] Select Add Delete Assign Files
 Help Rename Cancel Selected 1



3. Working the File: The Next Step

Two kinds of physical work product to contend with:

Internally Generated
Docs done with
WordPerfect or Word,
Spreadsheets, PDFs, E-
mails, PowerPoints, etc.

Externally Received
Docs, scanned-to-PDFs
scanned and OCR'd and
brought into
WordPerfect or Word

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All Documents are Organized by Worldox-
the Virtual “File Cabinet,” making it
impossible to lose anything
and possible to locate all documents in a
flash: even for the terminally messy

You have a completely
contiguous electronic
client file - no longer split
into two places!

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Connecting Emails to the Electronic Case File

◆ What about email? How do we make it part of our electronic case files?

◆ *The goal should be to connect all matter-related inbound and outbound emails to your ECF*

◆ Worldox tightly integrates with Microsoft Outlook to do this

◆ *Let's look at what this looks like*



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Connecting Emails to the Electronic Case File

The screenshot shows the Microsoft Outlook interface with the Worldox application integrated. The Outlook inbox displays several emails, including one titled "Final paperwork is ready for signature" dated Tue 10/11/2005 2:56 PM. A Worldox window is open, showing a list of emails with columns for Description, Date, and Time. A "Drop Move Confirmation" dialog box is also visible, showing details for an email titled "Final paperwork is ready for signature".

Description	Date	Time
New Jersey Client File(0009)		
New Jersey Client File(0009/0040)		
Autumn rate forecast	8/20/2005	11:00 PM
Order property exterior photograph	8/23/2005	02:00 PM
Client questions on deductibility of point interest	8/23/2005	03:56 PM
Final paperwork ready for signature	8/23/2005	03:58 PM
Fin: Are you going to be at the Fall session this month?	8/24/2005	07:20 PM
Inspection issues that need to be resolved	8/21/2005	02:05 PM
Henry's thoughts on the liability issue	8/20/2005	06:38 PM
Lender Liability opinion commentary	8/20/2005	06:37 PM

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 Drag and Drop E-mail Profiling without leaving Outlook

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Drag and Drop Emails on the Electronic Matter Folder and Worldox does the rest

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What about Outbound Email? Worldox Reminds you to Organize it

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Transforming Your Practice

- ◆ Generate a Plan! Don't represent yourself *pro se* on your own technology issues!
- ◆ *Review your current file organization and file-naming conventions*
- ◆ Add a document manager – Worldox – to your system (again, no *pro se* winging it, use a pro)
- ◆ *Think through the process – who scans and when, what about the mail handling process?*
- ◆ Commit to training and expect gradual results: emphasize non-traditional, hands-on training
- ◆ *Next step – connect your electronic file cabinets to a practice management system*
- ◆ Avoid technology “Band-Aids”: equipment accumulation does not equal practice changes or give you a competitive edge--only employing a process will!

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The Electronic Case File and Running Your Law Practice as a Business . . .

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Cost Justification and the Electronic Case File . . . An Economic No-Brainer!

- ◆ Thinking of technology as an expense is backwards mentality - technology, implemented well, **MAKES MONEY!**
- ◆ What if each of your lawyers were to recover as little as 15 minutes of billable time, per day, every day - the time spent spinning their wheels chasing paper files?
- ◆ What is immediate access to a client's file worth when they're on the phone expecting a "quick case status" (and not having to say "I'll have to get back to you"?)



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Cost Justification . . . REAL NUMBERS!

The facts:

- ▶ You save 15 minute a day . . .
- ▶ You bill \$200/hour . . .
(even if you're mostly flat fee, your time still has the same value, or even more than hourly billers)
- ▶ You can bill/work another \$50 a day (even if you're in-house, of flat-fee contingent fee billing)
- ▶ That's \$250 a week!
- ▶ That's about \$1000 a month!!
- ▶ ***That's \$12,000 a year!*** Per lawyer!!!
- ▶ In a five lawyer firm, that's ***\$60,000 a year*** in "found" billings!
- ▶ And that's not even considering the impact on staff time!



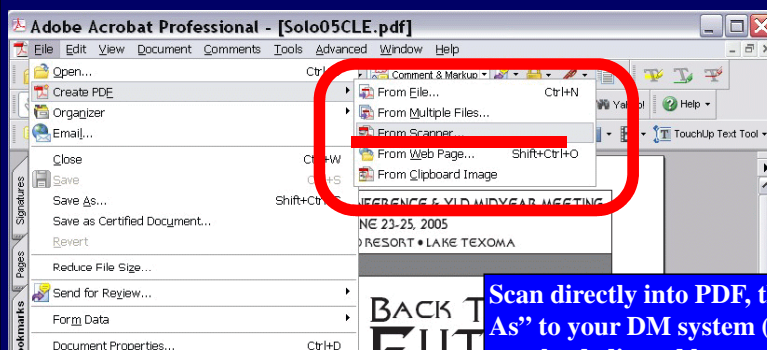
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The Cost of being Paper LESS . . .

- ◆ It can be as simple or elaborate as your budget permits
- ◆ From a “least cost” perspective, one can add as little as a document manager (about \$475 per seat) or the DMS functions inside of case managers like TimeMatters, individual image scanners as little as \$400 per seat and throw in some cost for “the plan” and “the training” and *voila*, you can be Paper LESS™!
- ◆ Of course, this presumes, you have a system structure consisting of the “right stuff” in terms of networking, workstation hardware and application software

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Getting Scanned Received Documents into Your Document Manager is a Breeze . . .



Scan directly into PDF, then “Save As” to your DM system (Worldox) or use the dedicated buttons in case managers like Time Matters

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The Paper LESS Lawyer - Not Just for Litigators!

- ◆ The Paper LESS Office process is equally suitable for transactional lawyers as it is for litigators
- ◆ Trusts & Estates lawyers can organize property-related documents
- ◆ Elder lawyers and estate planners can organize financial documents, tax information, etc.
- ◆ Corporate lawyers can maintain all corporate records electronically and communicate with corporate officials electronically
- ◆ Bottom line - ALL lawyers should go Paper LESS!

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The Paper LESS Office at Age 15

- ◆ Lawyer “multi-tasking” on client files is greatly facilitated - innate increase in client service
- ◆ Document drafting time reduced due to absence of paper markups - recycling older work product is much easier for the lawyer - shift of some primary document generation to the lawyer and “finishing” work to the staffer
- ◆ Trial prep changes for any litigation part of your practice – even for will contests - far better sense of where all documents and material information are located
- ◆ “Work away” and “collaborative” capability dramatically changed with full access to entire case file from anywhere--home, on the road, etc.

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The Paper LESS Office at Age 15 (cont.)

- ◆ Enhanced ability of working with experts and co-counsel; ability to e-mail electronic versions of entire case files and not have to send or FedEx paper files
- ◆ Staff Perspective - they prefer the electronic file approach so they only have to file papers once and it doesn't get lost since it rarely leaves the file; they can always find the file since it's on the system; and the ability of staff to telecommute if needed as well

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The Plan

- ◆ Use readily available PC hardware and software, integrate it and maximize the human resources and intellectual capital to the maximum degree
- ◆ The beauty of the concept is that it IS just a concept - a blend of the most common, and least costly, “canned” software applications
- ◆ The mix of canned applications = more than the sum of the parts - this is not some “pie in the sky” megabuck solution only affordable by a few large firms . . .

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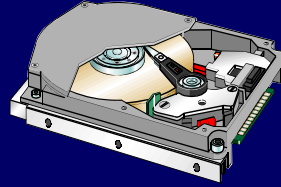
So How Much Space do All These Images Require?

◆ Scanned images used to take up an ENORMOUS amount of hard drive space

...

◆ Today, scanning software uses all sorts of ultra-sophisticated compression techniques so it's a virtual non-issue today

◆ Even if you were tight on hard drive storage space, it still is FAR more economical today to just add more hard drive space than to take even a MOMENT of human time to cull through your documents and try and delete or archive files to reclaim space

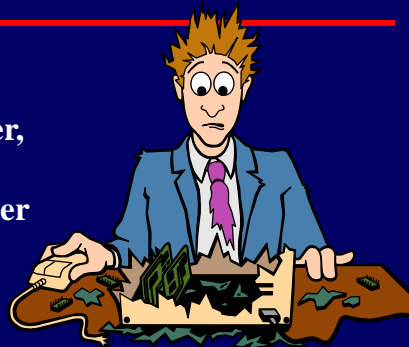


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Do We Really Need a Document Manager? Can't We Do This With Windows Explorer?

◆ Um . . . sure . . . but think about this...

◆ Do you REALLY want your partner, the one whose VCR at home flashes "12:00, 12:00" to spend half of his/her day in the single most potentially destructive Windows utility of all time?



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Work Any Time, Any Place . . .

The busy lawyer or staffer can telecommute from anywhere to dial into the office network (from anywhere, anytime) to access client files, calendars, read and reply to e-mail.

Code	Description
719743	DORSCHNER
9.000	GRE- General Matters
9.001	Alden v. American Heritage
9.002	Helmer v. Tower Insurance Company
9.003	Dorner v. Best Built, Inc.
9.004	Yang v. Hassel Material Handling
9.006	Ly v. Blue Cross & Blue Shield, et al.
9.007	Baye v. Allouez Catholic Cemetery
9.01	Champeau v. Hillcrest Homes
9.02	Dorschner v. Kitz & Pfeil Hardware
9.03	Rendfleisch v. Heritage Foods



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Now Go Out and Get Paper LESS™ And Banish Those Piles!

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**For help building complete
electronic case files . . . I'm
happy to help!**



Ross Kodner

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