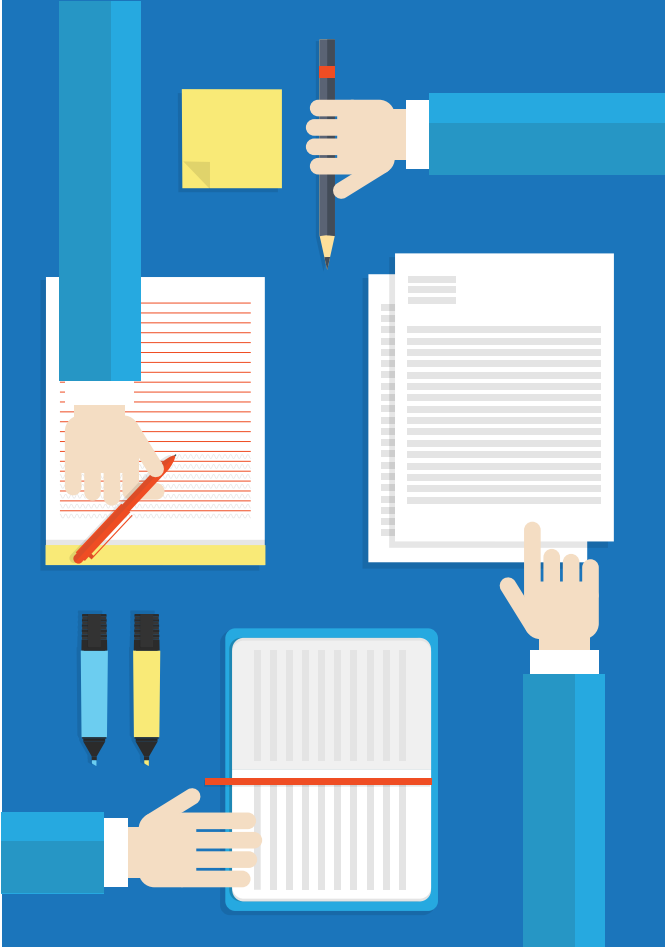# A Lawyer's Guide to Going Paperless

Ernie Svenson

Introduction

Many lawyers are discovering the benefits of having less paper to manage, and looking to transition into a paperless law practice. Other lawyers are intrigued by the prospect of a completely digital filing system, but they have concerns about embarking on a process that might be disruptive to their established workflow.

Certainly, there is no frictionless way to create a paperless practice. But with a sound approach you can eliminate the biggest challenges and minimize most of the smaller ones. By the way, most of the big challenges are unnecessary—which is why they're easy to avoid (once you know what they are).

Despite what you might fear, it's possible to create a paperless law practice in a way that's simple, sensible and smooth. And by "smooth" I mean minimally disruptive.

But before getting into the question of how to create a paperless law office, let's spend a minute talking about why you'd want to do so. It's important to have a clear understanding of the benefits of creating a paperless law practice.

Knowing the benefits will help everyone in your office stay on track during the transition phase, and—most importantly—it will help them understand and accept the changes that are taking place.

Benefits of a paperless office

So why should lawyers like you create a paperless law office? The short answer is that doing so will save time and money, and make your life much easier.

Let's quickly review some of the main benefits.

Lower your overhead

Having lots of paper locks you into paying for extra office space to accommodate the bulky file cabinets needed to store those papers—plus, you have to pay people to keep the papers properly organized. By contrast, digital storage costs are ridiculously inexpensive and getting cheaper every year.

In 2000, just one quarter of the world's stored information was digital.

Today, more than 98% of all stored information is digital.

Routine paper management is a commoditized process, one that your clients aren't eager to pay for. Obviously, you have to manage all the information that's contained in paper, but that doesn't mean you should manage that information in paper form.

When your files are digitized you can start automating many of your routine office processes, which frees you and your staff to spend time on other things that you can charge your clients more for (e.g. high-level strategic thinking). Plus, it allows you to handle more work with minimal incremental cost.

The cost of **1 GB OF STORAGE**
in 1993: **$9,000**
in 2013: **4 cents**
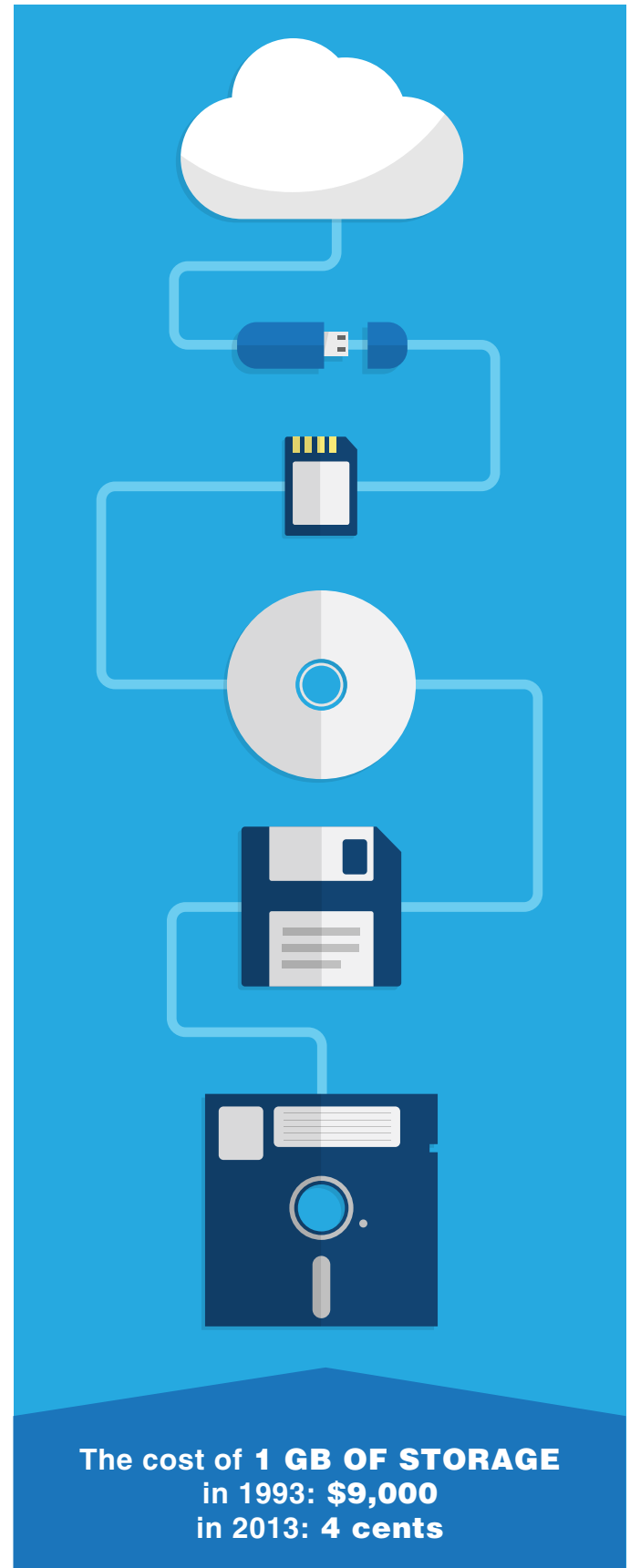
Get key information quickly and reliably

Having your files digitized and made available through the "cloud" (i.e. the Internet) means you can instantly access key information at anytime, from anywhere—even if all you have is your smartphone. Plus, if you make your documents text-searchable then you can search for documents based on the text in those documents.

Collaborate more easily

Being able to share your documents easily through the web means you can work more easily with your staff. If a weather disaster makes it hard for people to come to work one day, no problem. Everyone can keep working from home if they have to.

Having the skill of working remotely via the Internet means you'll also be able to hire part-time virtual freelancers if you experience a temporary surge in workload. Or maybe you need temporary specialized assistance on a particular case or project.

Gain tactical advantages

Imagine calmly managing your case from the counsel table using your laptop computer, while your opponent frantically rummages through disheveled boxes, to the great frustration of the judge and jury. People will perceive you as a Ninja-efficient, and your big-firm opponent as a lumbering beast trapped in quick sand.

Lower your stress

Life is a lot easier when you have a streamlined, low-overhead practice. Getting rid of your reliance on paper allows you to simplify your work life, and experience an amazing sense of freedom. It gives you flexibility and, in turn, peace of mind.

Having discussed some of the key benefits, let's examine more closely what a paperless law office looks like, and then get into how you develop one.

What does a paperless law office look like?

Contrary to popular myth, a paperless law office is not devoid of paper. First, it's completely impossible to eliminate all paper. It's also not necessary, nor desirable.

It's impossible to get rid of all paper

Some paper is incredibly useful, like toilet paper for example. No one is trying to convert toilet paper into digital form, for obvious reasons.

More significantly, lawyers have documents that are best kept in paper format. Some documents are *required* to be preserved in paper form.

Papers you must keep

Wills, promissory notes, and affidavits are typically required to be maintained in paper format in order to use them in court, or as part of a legal process. But those kinds of documents don't typically require a lot of administration, and they don't take up a lot of filing cabinet space. So the burden of managing them isn't that great.

You'll still want to scan them into your computer system so you can print copies if you need to later. And, of course, you want to be able to search for information inside of your wills and promissory notes, just as you could with any other document in your digital filing system.

Some papers you'll want to keep even if not required

There are some papers which, even though you're not required by law to keep, you want to keep nevertheless. The question you want to be asking is: will keeping a given set of papers make my life easier or harder? If keeping the original paper makes your life easier then you keep it. If you're not sure, err on the side of keeping the paper. Simple, right?

The average office worker still uses a staggering **10,000 SHEETS** of copy paper each year!

For example, let's say you're a criminal lawyer and you often get cases assigned to you in court. And typically the judge's clerk hands you a paper file right before the hearing begins. Obviously, you're not going to run back to the office, scan the file and then come back to court. First of all, there probably isn't time. But even if you had time to run back to the office, would that make your life easier? No, it would just create extra work, and stress you out more.

So, you're not even going to think about digitizing those papers. You're going to use them, and not worry about "trying to be paperless." Your main overall goal is still to shed unnecessary paper that leads to inefficiency and higher costs. But you're going to do this in a sensible way, right?

In general, it's sensible to scan every document that comes into your office, even if you plan to keep the original. And, as you get more experience scanning and managing digital documents, you'll get a keener sense of what makes the most sense—both overall, and in terms of your particular practice.

For more information about what papers you must keep, or should keep, visit: **http://bit.ly/paperstokeep**

What scanner should you get?

To create a paperless law office you'll need to buy a scanner. And, as you'd imagine, there are many choices as to scanners. Fortunately, the top choice for lawyers is clear.

Get the Fujitsu ScanSnap scanner

The Fujitsu ScanSnap iX500 desktop scanner is far and away the best option for use in the modern law office. Here are some of the key features:

- Costs around $420 at Amazon, and comes in one model that works with both Macs and PCs

- Easy to set up, and operate (there's one big button to push)

- Holds 50 sheets in the automatic feeder, and scans 25 pages per minute

- Scans in color, or black & white if it detects the absence of color

- Scans both sides of a page in one pass (duplex) and ignores blank pages.

- Automatically rotates pages fed in upside down, and straightens crooked pages (i.e. "skewed" pages)

- Handles letter and legal sized pages, even if inter-mixed

- For PC users, it comes with Adobe Acrobat Standard (a $300 value); Mac version of Acrobat is not provided, unfortunately.

- Incredibly reliable (rarely jams or misfeeds), and takes up very little desk space

It is absolutely crucial that you eliminate bottlenecks in scanning incoming paper. Therefore, you'll need to put this scanner on the desk of everyone in your office that will be expected to scan documents.

The cost of the scanner is very reasonable, especially when you consider that it comes with Acrobat software (which is indispensable software for working with PDFs in a paperless office).

For a more detailed explanation of why the Fujitsu ScanSnap is the best scanner for lawyers visit: **http://bit.ly/scansnap4law**

Now, let's talk about what happens when you scan documents into your computer system.

PDF software & skills

When you scan paper you'll be creating a PDF file ("portable document format"). A decade ago, there might have been discussion about what format to scan to, but that's no longer true.

Lawyers deal with PDFs anytime they file in federal court, because all pleadings are required to be e-filed in PDF format. State courts that adopt e-filing are also requiring the PDF format. Discovery documents are increasingly being produced in PDF format. And judges are starting to ask lawyers to file electronic briefs with hyperlinks, and guess what format those are being filed in? If you guessed PDF you're right.

By now, most lawyers are familiar with opening and reading PDFs.

And they understand that PDFs look like paper documents, but displayed on a computer screen.

So, you'll be scanning all your documents to PDF format. And the good news is that you aren't boxing yourself into a weird corner by doing so. Because, after you scan your paper to PDF you can still print it out later, and it will look exactly like the original paper. Think of PDFs as basically "digital paper."

You can appreciate that PDFs have all the benefits of paper. But you might not realize that PDFs have other powerful features that paper doesn't have, features that will save you money, help you find information faster, and make your life easier.

For example:

- you don't need bulky file cabinets to store PDFs

- you can highlight PDFs, and then click to jump to any page with highlighting

- you can digitally sign PDFs, but without having to print out paper to sign, or scan the signed paper to send (just attach to an email and send it).

- you can bates-stamp thousands of pages in PDF format in a matter of minutes (as opposed to hours or days, with paper).

- you can create bookmarks, which are like little sticky tabs on paper; but you can click the bookmark and instantly jump to the page it points to.

- you can easily fill in PDF forms, and create them just as easily. In fact, you can take a paper form, scan it in as a PDF, and Adobe Acrobat will detect all the places that should be form fields in a few seconds.

- you can redact sensitive or confidential information in PDFs easily, quickly, and reliably (Acrobat will even automatically find social security numbers or telephone numbers in text-searchable PDFs).

- you can password protect PDFs, so they can only be opened by someone with the password (great for sending confidential documents to a client if you're not 100% sure that transmitting an email is secure).

- you can search a PDF for a key word or phrase, or you can search a bunch of PDFs for that word or phrase. Search results come back almost instantly.

Even if you weren't planning on creating a paperless practice you'd be well served by learning more about how to work with PDFs. However, since you want to create a paperless practice you'll want to be more purposeful about acquiring better PDF-handling skills.

So, what's the best way to quickly learn the PDF skills that will serve you most in your day-to-day law practice? A great starting point is the e-book *PDF Essentials for Lawyers*, which focuses on key skills that you can learn to apply using even the free Adobe Reader program. The *PDF Essentials* book is in PDF format, so it's easy to learn the skills right inside the book, as you read it. For more information visit: **http://bit.ly/pdfessentials**

For more advanced PDF skills such as bates-stamping, redacting and tagging pages with bookmarks, you'll need to learn to use Adobe Acrobat. And the best way to do that is to get the ABA published book *Adobe Acrobat in One Hour for Lawyers*. For more information about that book, and to download a 40 page PDF sample, visit: **http://bit.ly/acrobat4lawyers**.

File-naming tactics

Now let's talk about managing your digital files, which—again—will mostly be PDFs.

You should have a well thought-out system for naming the files in your paperless law office. You probably have a system for naming your word processing documents. And if that same system works for your PDF files, then great. But it may not, or you might want to tweak your system to accommodate PDFs that you are gathering.

Transactional lawyers typically don't need to tweak their system much. It's litigators who have more challenges in dealing with PDFs, because they have to deal with discovery documents coming from multiple sources.

If you name your digital documents properly, your documents will almost organize themselves. You want something basic and simple, so that other folks that you work with can quickly learn the system too.

LAW FIRMS CAN SAVE 360 HOURS A YEAR
BY IMPLEMENTING CLEAR FILE NAMING CONVENTIONS

The ideal file-name has three elements:

1. Simple date

Begin the file name with 4 digit year, then 2 digit month, then 2 digit date (e.g. 2008-01-13…). Using this approach this will automatically make the files sort chronologically in whatever folder you put them in.

2. Normal looking date separators

You don't want list the dates like this: 20080113. You need to use a separator character between the date elements so it's easy to visually determine what part is the year, month, and day. Don't use the underscore character as a separator character (e.g. 2008_01_13). Why not?

Because when you need to print a list of your document files you'll want the list to look as normal as possible —not like a geeky technical manual. Using the dash as a separator character looks normal: e.g. 2008-01-13.

3. Basic description

Briefly indicate what the document is, who created it, and who received it (e.g. letter from J. Jones to E. Murray). Keep the description as short as possible because some computer systems will reject file names that are too long.

The description element can vary according to your needs and preferences, but the date element should follow the exact method just described: year + month + day. Overall, you want your file-naming system to be easy to remember so that you and your staff can easily create consistency.

Digital Document management

After implementing a system for properly naming files, you'll want a system for storing the files in an organized manner. Again, you're probably already doing this with your word processing files.

If your system for managing word processing files works for PDFs, then you are all set. If not, then consider what kind of folders and sub-folders you'll benefit from having. Again, you want to maintain as much consistency as possible.

For a litigation practice the folder structure might look like this:

- 01 Pleadings
- 02 Discovery
- 03 Correspondence
- 04 Trial Documents & Exhibits
- 05 Settlement Documents

The reason for the leading two digits is to force those sub-folders to sort in an order other than the alphabet characters. Whatever system you use, make sure you are consistent.

Once your law firm grows to the point that you have more than 4 or 5 computer users accessing documents, you'll need to consider buying and using specialized document management software (a "DMS"). That topic is beyond the scope of this paper, and will probably involve talking to a consultant who specializes in selling such software (including the cloud-based options).

You will want to enable access to your documents via the cloud, and there are many low-cost options out there that are easy to investigate, and set up. Among the well known choices are Google Docs, Dropbox, SugarSync, Box.com, and NetDocuments.

Prices are very affordable, and you can get as much online storage as your law firm needs fairly easily.
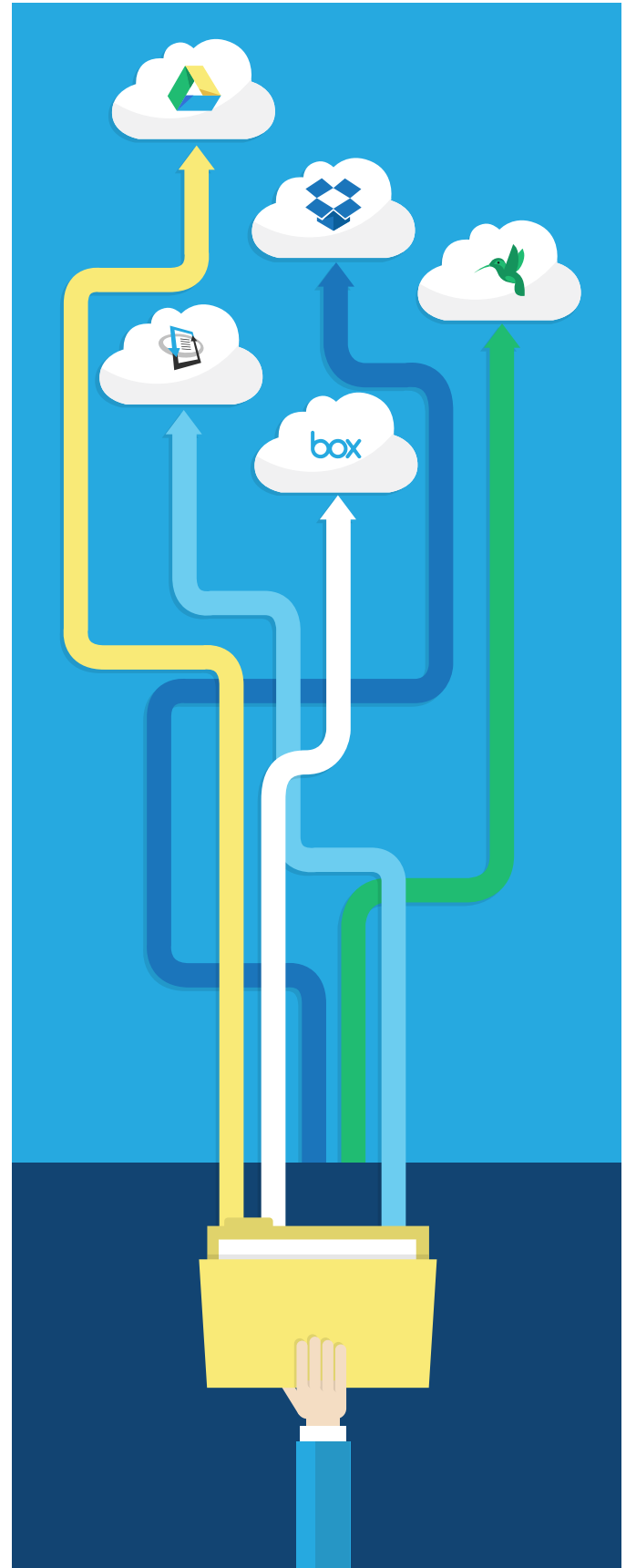
How to proceed

Now that we've talked about the basic puzzle pieces that go into building a paperless law practice it's time to talk about how to assemble the pieces. You want to proceed by employing a proven method that's simple, sensible and smooth.

In other words, you want to minimize disruption, and eliminate unnecessary challenges.

Here are some key recommendations:

● **Don't scan closed files**

Those files have no (or little) value, and so it's not worth the time and expense of scanning them.

● **Make the initial transition slowly**

Learn to scan and manage digital documents by working with a brand new case. That way you can work out kinks slowly, without too much pressure. Once you get the hang of it, apply your skills to a new matter. Ramping up slowly is also good for getting your staff to buy in on the process.

● **Make sure everyone has solid tech skills**

Invest in regular training on all of the software you already own, and most often use (e.g. Word, Outlook, Excel). Skills in one type of software usually translate to other software. Knowing how to set preferences, for example, is crucial.

● **Switch to web-based faxing**

Eventually fax machines will become completely obsolete, but many lawyers still use them and some courts require fax-filing. But relying on a traditional fax machine limits you and makes your life harder. With web-based faxing you'll receive faxes as PDFs by email, and you can easily forward them or store them in your new digital file system.

● **Improve your PDF-handling skills**

The more adept you are at working with PDFs the more options you'll have for handling client information and doing a better job on your cases (and with less stress).

● **Get a digital signature and learn to use it**

When you can "sign" PDFs quickly from any computer or smartphone you'll make your life much easier. No more stressing out when you arrive at the hotel on a trip, only to see an email with a document attached that you're expected to sign and return immediately. Being able to digitally sign PDFs is one of the core skills you'll want to develop.

There are other things you can do to develop your paperless law practice, but those are beyond the scope of this document. For more information on how to proceed in a way that's sensible and smooth, visit our website: PaperlessChase.com.

Click to watch our companion video

⌄

HOW SMALL FIRM
LAWYERS CAN

▶

SMOOTHLY CREATE
A PAPERLESS OFFICE
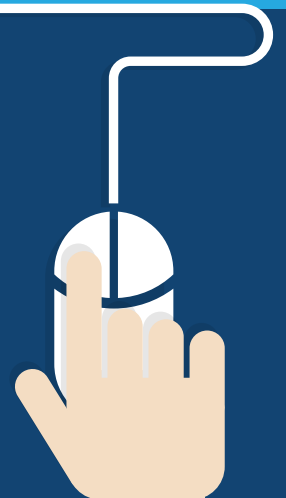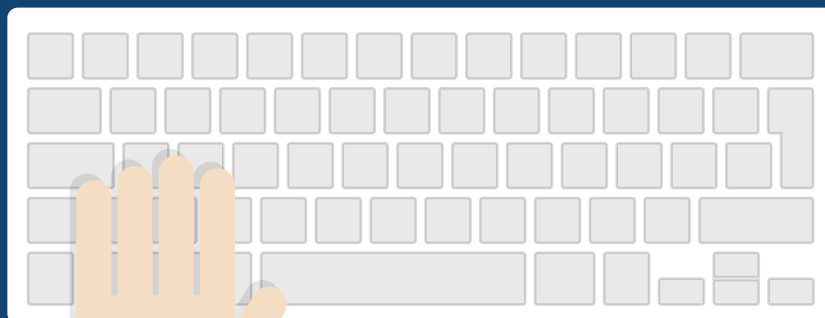
Ernie Svenson

Ernie Svenson is a New Orleans commercial litigator who transformed his practice by embracing technology. Once dependent on bulky paper files, and the paralegals and secretaries that helped manage them, he eventually figured out how to become paperless. Shortly afterwards he left his large firm to start a Ninja-efficient, solo practice.

He is the co-founder of PaperlessChase.com where he helps lawyers in small firms automate their mission-critical workflows by using their computers more effectively—even if their current technology skills are limited to reading and responding to emails.

What You Should Know About Document Management

by Craig Bayer

Introduction

Managing digital documents is commonplace in today's world. In fact, the very premise of the "Information Age" is that we will process most, if not all, of our information in digital form.

The question for businesses that are transitioning away from managing documents in paper form is simple: what are the best tools and processes for managing digital information? And every business has certain kinds of information that it tends to process more, and also certain methods that have been developed to process the common information that the business deals with regularly.

Since this discussion is focused on professional service firms, the more precise question is: what are the best tools and processes for users who need to manage their digital information?

How Professional Service Firms Organize Documents

Firms of all sizes have always managed their files by focusing on two things: **(1)** who is the customer or client, and **(2)** what is the matter, project or job that's being handled?

In common parlance of consultants, the phrase that everyone falls back on is "matter-centric."

In other words, firms organize their cases by matter, job, or project. But, they group those items together based on the client.

Lawyers have to pay precise attention to the client because ethics rules dictate that lawyers can't work for clients if there is a conflict of interest. There are many ways that conflicts of interest can arise, and those ways would only be of interest to lawyers.

Financial Service Firms whether they or Broker Dealers or an RIA also have some strict rules on how they manage their client documents by keeping them in WORM (Write Once Read Many) - compliant Cabinets. The simplest way to do this is to maintain a Client Structure.

Engineering firms don't have as many strict requirements, but the nature of their work causes them to store documents by Customer / Job.

The key point for our purposes is simple. When a user takes on a new job she will have to define exactly who she is representing. And she'll have to continue to keep tabs on who the client is during the representation, and possibly for several years after the representation is over.

Clients who come to a firm for one matter will often wind up hiring the firm to handle other matters. So users will continue to organize their case information by client and matter / customer and job. And that's going to be true regardless of whether the information is paper-based or digital.

Document Management Systems

For years now large organizations of any kind have purchased and used document management systems. These systems are known by the commonly used acronym 'DMS.'

In the world of digital information management a DMS is sometimes viewed as the equivalent of folder in file cabinets stored in a document repository. But this is flawed analogy.

The DMS systems used today are capable of far more than simply storing documents in the manner of paper-based storage systems. DMS systems can be configured to suit the needs of different types of businesses, obviously.

And perhaps, just as obvious by now, a DMS used by a firm will need to work with the client-matter/customer-project hierarchy that is fundamental to the legal system. That is, digital files will be organized by matter, grouped by client.

Here's a ridiculous, but simple, example to illustrate how a DMS would be organized:

LAW FIRM

Tom Jones	Client: JonTom
Entertainment Contract	Matter: 13-0545
Divorce from 1st Wife	Matter: 12-0023
Franchise Business	Matter: 12-0516

ENGINEERING FIRM

Honda	Customer: Honda
Alabama Plant	Job: 0001
Tokyo Plant	Job: 0002

FINANCIAL SERVICE FIRM

John Doe	Client: DoeJoh
Financial Planning	Project: 0001
Insurance Planning	Project: 0002

In a paper-centric office one would note that the brown accordion folders used to hold documents would be labeled with the client-matter number. Using only numbers is easier than writing names, but also helps ensure confidentiality of the lawyers' client information.

Now that we rely on computers and word processors to create the majority of their documents, it makes sense for them to use a document management system. And every firm who can afford a DMS should use one.

DMS becomes affordable

In the past owing a DMS was a huge barrier to adoption by smaller firms. They couldn't afford to buy a server-based DMS system, and they couldn't afford the ongoing IT work needed to maintain the server even if they could muster the money to pay for it in the first place.

With the increasing proliferation of cloud-based services and the drop of in price of hardware, it's no longer impossible for firms to find a DMS that's affordable. Many small firms have yet to learn about these systems, but it's inevitable that they'll gravitate towards them once they do find out.

Many firms are using generic cloud storage services like **Dropbox**, **SugarSync**, **One Drive** or **Google Drive**. The reason is that they crave the convenience of being able to access their data easily while outside of the office, and of being able to do so from any kind of device.

The cost of storing 50 Gbs of data is less than $100 per year, and that's certainly a major attraction. But the real motivator seems to be the

DMS is no longer an issue (at least with cloud-based services) these recurring problems are what will drive users to use services such as **NetDocuments** or **Worldox** in place of Dropbox or Google Drive.

convenience of services like Dropbox, and the fact that Dropbox is well known. Dropbox, however, is not geared towards professional service firms. And, while one can cobble together a client-matter hierarchy in Dropbox by using nested folders, it's not set up to address the heightened confidentiality requirements of most lawyers.

Users can easily afford to spend $20 to $40 per month to obtain online storage that does meet their particular needs and so it's probably just a matter of time before firms gravitate towards online DMS services geared to meet their special needs.

What problems does a DMS solve?

Small firms who use services like Dropbox, or even those who simply use nested folders, regularly encounter problems. Since cost of a

What sorts of common document management problems does a DMS solve? Problems like these:

- Misfiled documents (which equals "lost" in most cases)

- Inadvertently deleted documents

- Inability to monitor who is accessing documents, and to restrict access by user, or category of user

- Inability to easily notify users of the arrival of a new document, if it's relevant to a matter they're working on.

- Inability to easily manage email related to a client-matter

- Difficulty managing different version of documents ("version control")

- Inability (or difficulty) to access documents remotely

Any user would want to have the ability to do these kinds of things. And for a long time corporations were the only ones who did have that ability because only they could afford it.

Now small firms are able to afford DMS systems as well. And the cost will continue to go down. So, it's not hard to see that soon every professional service firm will be using a DMS.

Functions of DMS

Now it's time to delve a little deeper into the functions of a DMS, and how such systems work in general.

Save

The first thing that a DMS should do is take over the save function of every software application that users use to for their work. Ideally, the DMS would integrate at a root level with every type of software application, especially those that are used to create or edit documents.

Microsoft Office applications, for example, will always integrate with a DMS. And once a DMS is installed, a lawyer or secretary in a law firm who is trying to save a document will be forced to save it through the DMS.

Gone are the days of navigating through a series of nested folders on the "H drive," or whatever the shared network drive might be called. The DMS decides where to store the documents. The only choices that the users make (and these are important choices that they'll need to be trained to make well) are: what will the document be named, and what kind of document is it (i.e. correspondence, pleading, legal research).

The user will also have to fill in a field with the client number, and matter number, as well as the client's full name. Once those fields have been set up initially, it's easy to automate the process of profiling documents without a lot of typing.

A good DMS makes it easy for users to quickly and properly save documents with the proper tags.

And DMS systems will allow users to easily add emails that are related to a client-matter, usually by simply dragging it into the DMS. In fact, it's the ability of modern DMS systems to manage email that make them indispensable for today's modern law firm.

In this example NetDocuments allow you to profile emails directly in Outlook.
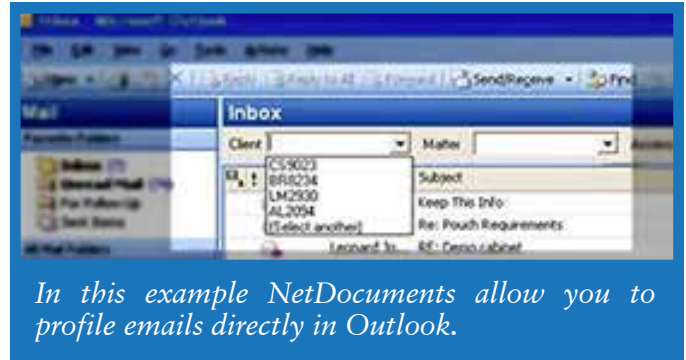
While a **Microsoft Exchange** server allows users to set up shared folders, it's not robust enough to be used as a reliable way of notifying users working on a common matters that a new email has been added to the DMS, and that they should review it.

So, the proliferation of email means that lawyers today, more than ever, need to transition to a DMS. The ease of setup and use, and the affordability, mean that lawyers in any size firm need to start using DMS systems. And you can be sure that they will.

Store

In addition to the save function, DMS systems also need to be configured with storage goals in mind. And where the storage takes place depends on what kind of DMS one uses.

As discussed above, DMS systems can be server-based or cloud-based. And we mentioned that the cloud-based systems are relatively new (and always more affordable).

Server-based DMS systems will store documents locally, on a computer server that the firm controls and manages. Cloud-based systems will store documents on servers hosted by third-parties, which are accessed via the Internet.

But these days, even server-based DMS systems offer some component that allows for cloud-based access. In short, wherever the DMS stores the documents in the first instance, it will invariably be accessible from the Internet.

Also, every DMS system will be configured for reliable offsite backup. And that also means replicating all of the stored data via the Internet to some remote servers.

Filter & Search

In addition to the primary, and supremely important, save and store functions, DMS systems will be used to find documents quickly. How one finds the documents will depend somewhat on the fields that were created to profile the documents.

In this example we search by text in file, client, matter, author, and date created.

There are two basic ways to retrieve documents from a DMS: **(1)** by filtering on key field(s) such as matter, client, type of document, or date range for creation or modification of the document, or **(2)** searching for text within the document —assuming the document has text that is searchable (e.g. images will not be text searchable, typically).

In a world where we are drowning in documents, having the ability to find information by filtering and searching text is crucial. This is another reason why DMS systems trump simple nested folders.

Searching for crucial data that's simply stored on a network drive will quickly reveal the flaws of using nested folders. One might be able to limp along with this approach if one is a solo lawyer. But in a firm of more than one, the addition of each new user adds an exponential level of chaos to the prospect of finding documents.

And you can't find a document that a user inadvertently deleted, no matter what kind of system you're using. Only a DMS can ensure the integrity of the firm's documents.

Collaboration

The last function of a DMS is often underplayed, or overlooked altogether. A DMS allows professionals to collaborate better than they would in a paper-based world, or in a digital document system built around something like Dropbox.

We mentioned earlier that users can store case-related emails in a DMS. They would do this to **(1)** create a proper archive of case documents, which emails are certainly a part of, and **(2)** to be able to easily share emails with colleagues who need to see them.

But, a DMS makes collaboration possible for any kind of document that it manages, not just emails. A DMS can notify any lawyer working on client matter 0002-00232 that a new pleading has been added, which is almost always going to be important to know. And then it makes it easy for them to quickly review that pleading.

Just like Facebook, you can follow documents and be alerted when they have been changed via email or even RSS Feed.

Most importantly, shared access to such documents will not cause the document to become corrupted. Nor will it cause a "conflicted copy" to be created, as would be the case if the lawyer were using a simplistic service like Dropbox. In a DMS instead of being overwritten, the documents would be versioned.

Conclusion

DMS systems are the only sensible, and reliable, way to manage digital documents. Professionals will continue to embrace such systems because they're increasingly affordable, and increasingly necessary.

Lawyers need to be able to find key information quickly, reliably, and remotely. A modern DMS system allows for that, and more.

Optiable, the no-fuss technology solution for savvy Law Firms, Engineering Companies, and Financial Advisors and other Professional Service Companies.

What we're all about: Productivity is in our blood. We know that competitive firms like yours need solutions that save you time and increase your output. We know that time is one of your most valuable resources, and that you're sick of wasting it on tedious issues within your management systems.

Optiable is about being productive. Efficient. Successful. Unstoppable.

Who we serve: We dedicate our time to working with professional services firms including law firms, engineering companies, and financial advisors who want to increase their productivity and free up their time to build even stronger, more successful businesses. We've worked with a lot of people in your industry, and we're familiar with what you need to get the job done.

About the Founder: Craig Bayer gets technology. After earning degrees in both History and Political Science from Loyola University New Orleans, he went to work in IT at a Law Firm and began studying for the LSAT. But practicing law wasn't as enticing as working with technology, so he became a legal software consultant and began helping professional services firms build better companies through effective tech solutions.

These days, his ability to make confusing technology topics easy to understand keep him in-demand with clients and at multiple CLE events for the Mississippi and Louisiana Bar Associations, where he frequently speaks.

Backup in the
Modern Law Firm

Backing up your digital data is crucial for obvious reasons, and yet many law firms aren't performing backups or aren't doing it properly.

Some lawyers don't back up their data because they feel lucky and believe that a hurricane, earthquake, or terrorist attack will never strike them. Those lawyers are failing to consider the high incidence of mundane catastrophes such as hard-drive failure or equipment theft.

Backing up data isn't difficult anymore, so today's lawyers have no excuse for not doing it correctly.

The Key Elements Of Proper Backup

A proper backup system will:

- Duplicate key data on all devices (not only computers)

- Export to a secure off-site location

- Continuously back up data throughout the day or as changes are made to files

In the past, IT professionals were responsible for performing backups. Today, anyone can fairly easily set up a reliable backup system that runs automatically, not only for computers but also for mobile devices.

For example, iPhone users can use Apple's iCloud service to create reliable, continuous, off-site backup for minimal cost. Android users can do the same.

Backing up computers using a cloud service is simple and inexpensive. Services like Carbonite, CrashPlan, or Backblaze allow you to back up your computer data for a fixed monthly cost, typically $50 per year. You can get business-class backup services at a reasonable cost as well.

Automatic and Foolproof

The best reason for using cloud services is that setting up an automated backup is practically foolproof. Once the backup is configured, it occurs automatically as long as the computer is connected to the Internet.

In fact, the prevalence of high-speed Internet has made it possible for reliable off-site backup to be easy and affordable. And all top-tier, cloud-based backup services offer sufficient security (i.e., encryption).

You should carefully read the terms of service of cloud-based providers before uploading client data. A great resource is the American Bar Association's cloud-ethics chart, which will help you deter-mine if your state has ethics rules regarding the use of cloud services for storing client information.

What About Dropbox?

You should also be aware that many popular cloud-data services offer backup. For example,

Dropbox users are continuously and reliably backing up their data to a secure off-site location.

Dropbox, Sugarsync, and Google Drive are often thought of as mostly file-synchronization services. But synchronization is possible because they store data in their cloud-based servers. That means data is also being backed up.

And services like Dropbox also allow you to restore files that were altered or deleted. They also permit you to easily share large files by sending an e-mail recipient a special link instead of trying to send an attachment that would likely be rejected by Internet service providers because of size.

These services have become popular largely because they solve many different problems at a low cost. Dropbox's straight-forward interface also helps explain its popularity.

But the focus here is on reliable backup, and Dropbox is another way to accomplish this, although you'll have to up-grade to the paid version ($99/year) to ethically use it to store client files. You may also want to add a third-party encryption service like Boxcryptor, which costs approximately $48/year.

Let's be clear: I'm not suggesting you should use Dropbox as a substitute for dedicated backup services.

The takeaway is that cloud services like Dropbox (or Sugarsync or Google Drive) give you extra protection, i.e., an additional backup system. And frankly, it's often easier to restore data from Dropbox because it creates an exact copy of your folder structure.

Conclusion

The prevalence of low-cost cloud data storage means that having redundant backup systems is simple and affordable.

If you're not backing up your data (or doing it properly), you should take immediate action to remedy that deficiency.

It's never been easier or cheaper to back up data than it is today. The modern lawyer has no excuse for losing data.
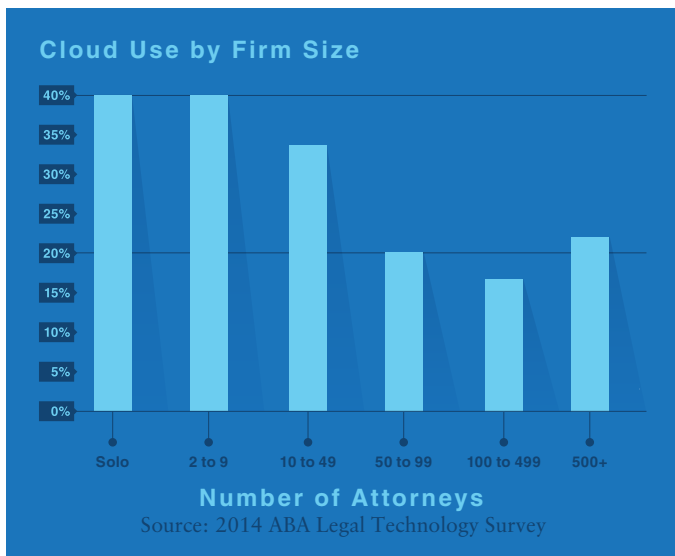
Cloud Computing
for Lawyers

What Is Cloud Computing?

Broadly defined, cloud computing is software or services that are delivered via the Internet — often through a web-browser interface.

Many lawyers have been using cloud computing without realizing it. For example, if you use Westlaw or LexisNexis for legal research, then you've been conducting legal research in the cloud. Similarly, if you've ever used a web-based email platform, such as Gmail, Hotmail or Yahoo mail, then you've used a cloud computing service.

Still, many lawyers are confused about the cloud. One thing is clear - use of cloud services is on the rise amongst lawyers, which mirrors the **trend across all businesses.**

Cloud Use by Firm Size

40%	
35%	
30%	
25%	
20%	
15%	
10%	
5%	
0%	

Solo · 2 to 9 · 10 to 49 · 50 to 99 · 100 to 499 · 500+

Number of Attorneys
Source: 2014 ABA Legal Technology Survey

Cloud computing can be confusing for many lawyers, and one reason is that there are many ways to explain what it is. But here's a question that will help you understand cloud services quickly, by using a simple frame of reference…

Do You Want to Own and Manage Your Own Server? (hint: probably not)

Many law firms have servers that host their email service (e.g. Microsoft Exchange servers for using Microsoft Outlook). Or, they have servers to manage their documents (e.g. Worldox) or practice management software (e.g. Amicus, PCLaw, ProLaw, Time Matters etc.).

The upfront cost of installing and configuring a typical server is at least $5,000, and can easily run up to $8,000. On top of that there is the cost of maintaining that server. Keeping a server running is not for amateurs, so you'll have to hire an I.T. professional and that means more money.

Even if you find a good I.T. person to manage your servers, you'll have problems from time to time. And then you'll have to call the I.T. guy and pay him more money to solve the problem. If he's busy (and good I.T. people usually are busy) you'll have to wait.

If the problem is critical, you'll have to scramble to find a substitute I.T. person who can come help. They'll charge a premium for emergency service, and they'll have a hard time getting up to speed on your system quickly.

The way to avoid the headaches of running your own server is to use a cloud-based solution that accomplishes whatever you're using as a server for now. At this point, pretty much every type of software that used to require attorneys to pay for and maintain their own servers can be handled by a cloud-based provider.

There are concerns about putting your data in the hands of a third party, and we'll address those in a bit. But for now, let's just take stock of the fact that cloud-based solutions are the wave of the future.

Actually, they're the wave of the present.

(Also worth reading: North Carolina attorney Lee Rosen's blog post **Now Is The Time To Ditch That Server**)

Powerful Benefits from Cloud Computing

The benefits of cloud computing go beyond just doing away with server management. That's just the tip of the iceberg.

Think about storing documents. If your documents are in paper form, then your cost of storage will be rising. But if you scan those documents and turn them into digital files, then you can leverage the power of low-cost cloud storage.

Sure, you could scan them and store them on your server, but…we already explained one reason why that's not a great idea. But, an even more powerful benefit that comes from cloud storage is the ability to access those documents anytime, anywhere—even from out of the office.

And not only can you access those documents from anywhere, anytime, but you can do it from any kind of device, including smartphones or tablets. Think about that for a second.

By using cloud storage for your documents you can be anywhere in the world that has Internet access (which is pretty much everywhere these days) and you can pull out your iPhone and access your documents.

You can do this even when you're on a plane at 30,000 feet. Because these days most modern airplanes now offer Wi-Fi access. You can even access the Internet from a sailboat at sea.

Okay, that's all highfaluting, but lawyers don't spend most of their time in planes or on sailboats. What about some more common, everyday scenarios?

Can you envision being in court and suddenly an issue comes up where you need to examine a document in a case you're working on that you didn't expect to have to look at? If your documents are accessible via a cloud storage provider then you can pull it up quickly on your computer (or iPhone if you have to).
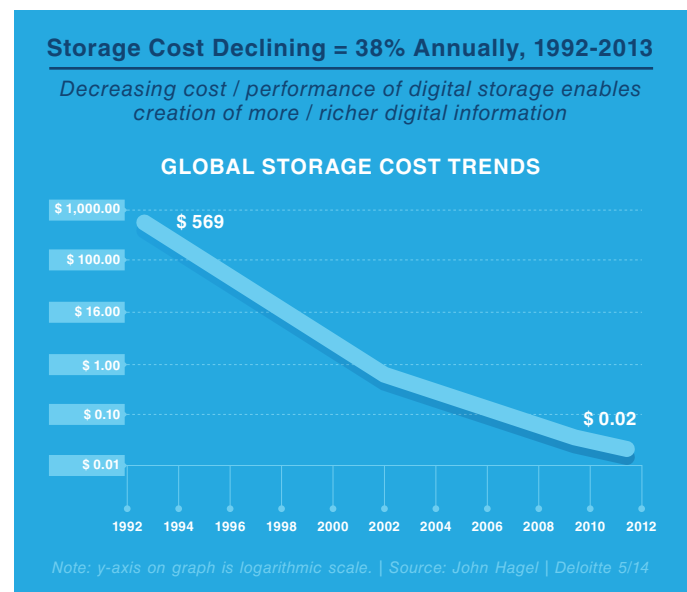
Most courts now have Internet access. But even if they don't, it's no big problem.

Important Factor: High-Speed Cellular Internet Service

Many lawyers now pay for a super fast cellular internet plan such as LTE service from AT&T or Verizon. All cell phone carriers now offer reasonably priced high-speed Internet. And modern lawyers are taking advantage of these services for obvious reasons.

If you have your documents digitized and available through a cloud service then you'll want to sign up for high-speed cellular service — if you're not doing so already.

And if you haven't started scanning your paper documents you'll want to start doing that too. Because, again, the costs of storing data in digital format are plummeting.

Storage Cost Declining = 38% Annually, 1992-2013

Decreasing cost / performance of digital storage enables creation of more / richer digital information

GLOBAL STORAGE COST TRENDS

$ 1,000.00
$ 569
$ 100.00
$ 16.00
$ 1.00
$ 0.10
$ 0.02
$ 0.01

1992 1994 1996 1998 2000 2002 2004 2006 2008 2010 2012

Note: y-axis on graph is logarithmic scale. | Source: John Hagel | Deloitte 5/14

Here's another fun factoid: In 1993 the cost of storing 1 Gigabyte of data cost $9,000. Twenty years later in 2013 the cost was a mere $0.04.

You want to leverage that trend, if for no other reason than to decrease the amount of money you have to pay for office space to store documents. But, you also want the ability to access your documents from anywhere, anytime.

And you don't want to be paying for servers and for expensive tech assistance to make those servers accessible from the web.

Web Security Is Important But Hard to Achieve

Yes, you can probably make the servers you have now accessible via the Internet. But you better know a lot about digital security (and you almost certainly don't). Or your I.T. guy better know a lot (and odds are he doesn't know as much as you'd like him to if you understood the risks of making data accessible via the Internet).

It's at this point that many lawyers wave their hands and say "well I just won't put my data on the web." And while that sounds noble, it's not realistic.

Are you using email? Well, then you're putting your data on the web. Email passes through the web and your email server has to access the web for email to work.

Are you hosting a website? Okay, then your web pages are on the Internet and your web server is accessible by any hacker who knows how to automate an attack on your system.

If you want to ensure that you never succumb to a digital hacker, then there's only one thing you can do.

Disable all internet access for your computers, cell phones, and tablet devices. You simply don't have the expertise to properly avoid automated attacks and carefully-crafted ploys. Your I.T. guy has the awareness that there will be problems, but he knows he can't even begin to guarantee that his skill set can keep you safe. That's why he will discourage you from switching to cloud services.

But you're already are using those services, right? If you want to be safe from hackers with your current system, you have to stop using email. You'll have to go back to mailing everything out via the postal service. And, you'll have to do all of your banking by trudging down to the nearest branch. And, you'll be using FedEx to get expedite delivery of important documents. But, that's not going to happen.

Going back to old school ways of doing routine daily tasks will cost more, take more time, and probably chase away clients who have come to depend on modern technology, and assume their lawyers will be using it too.

So, let's be realistic. You need to figure out how to use the cloud securely so you can leverage its benefits but also have your data protected. And here's where you'll learn something that your I.T guy won't tell you.

Cloud Providers are (Generally) Super-Powerful at Securing Data Online

The top-tier cloud providers are exceptionally proficient at securing their servers. After all, any downtime of their services that is caused by foreseeable threats will affect their bottom line quickly. And tarnish their reputation.

So, cloud providers like Google, Amazon, Microsoft, Apple, Dropbox etc. are employing the most well-trained, highly knowledgeable techno-wizards and they're taking precautions with the data you entrust to them at a level that rivals whatever the NSA or the C.I.A. are doing.

For example, watch this short video that Google created to explain how secure their data centers are.

CLICK THIS LINK:
https://www.youtube.com/watch?v=cLory3qLoY8
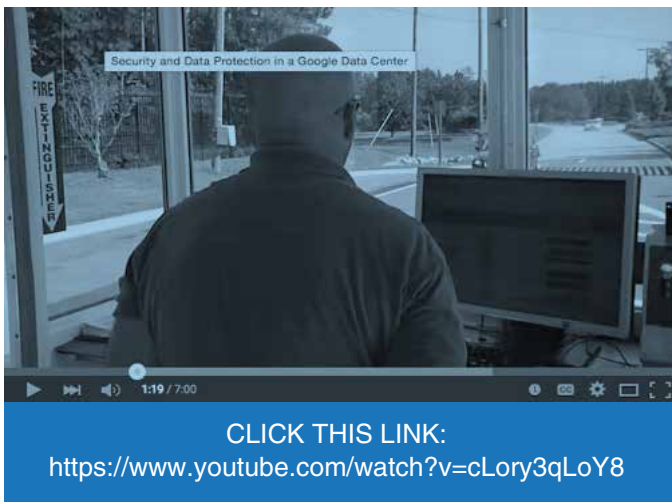
After watching that video, it should be clear that if you host documents on Google's servers they are most likely more secure and reliably available than on almost any other server you'd put them on. Certainly you could never achieve this level of security and reliability with servers you own and maintain.

This level of security is offered by other top-tier providers like Microsoft, Amazon and Apple.

The second tier cloud storage providers like Dropbox, SugarSync, Box.com, or any of the cloud-based services offered specifically to lawyers are not that much behind what Google offers. But they are certainly far beyond what any small firm (or even large firm) could achieve on its own.

So, cloud services are reliable and secure as far as the companies that provide them are able to control.

Users Are The Weak Link in The Security Chain

The way that hackers get access to your data online is through the weakest link in the security chain: the End User. What does the typical end user look like?

Answer: an easy target for even semi-skilled hackers.

Here's what the typical modern computer user looks like:

- They have an **easy to guess password**
- They use the same password for every online account (email, banks, financial services)
- They don't update their software (and, therefore, don't get the latest security patches)
- They never update their passwords (and have no idea about using **password managers**)
- They open email attachments from people they don't know
- They aren't aware that their friends' email accounts can be hacked to send out emails with attachments that will compromise their data
- They don't know about the perils of visiting websites run by hackers
- They have never heard of the **Cryptolocker** virus

Modern Computer Users Need to Be Trained in Internet Security

The solution to the problem of Internet security threats is not for law firms to avoid leveraging cloud services. The solution is to educate their lawyers and staff on how to spot common online risks, and how to avoid those risks—preferably by using as many systems and automated tools as possible.

Leading Cloud Precautions '12-'14

| 2012 | 2013 | 2014 |

Source: 2014 ABA Legal Technology Survey
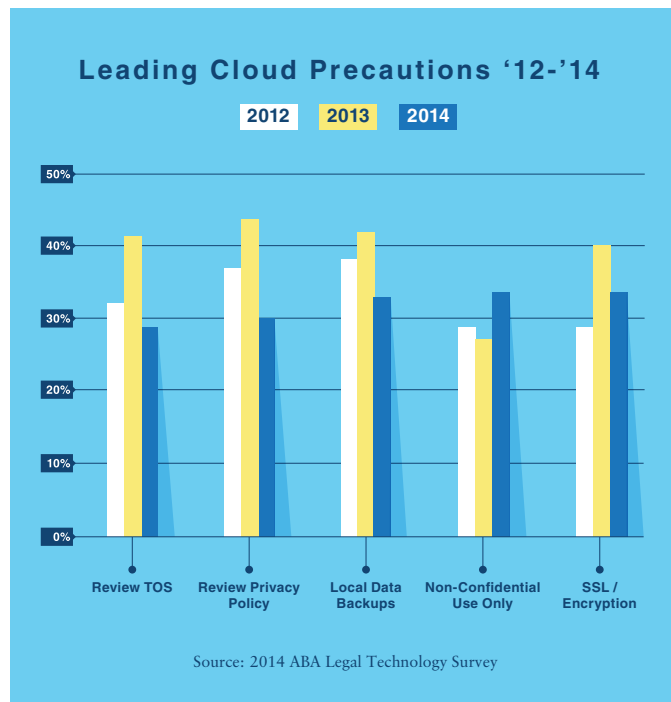
Cloud Services: An Overview of Useful Ones for Lawyers

We have primarily talked about document storage as the main cloud service. But what all can lawyers do with cloud services?

The American Bar Association surveys lawyers annually about the features that they most want from cloud services and these are the five most sought after benefits:

- Centralized case/matter management
- Document management (including remote access)
- Time and billing
- Scheduling/Calendaring
- Contact management & Conflict checking

Let's delve into each of these a bit more.

Document Storage & Remote Access

Cloud-based document storage used to be available only to well-heeled players, which is to say companies with lots of money. Now low-cost document storage is available to pretty much anyone with a computer and internet access.

The most popular online storage service is probably Dropbox. They offer reasonable prices for Gigabytes, or even Terabytes, of data. As of this writing, the cost of storing a terabyte of data is about $100. Google charges the same for its cloud-based storage system (Google Drive, also called Google Docs)

Dropbox may not be suitable for lawyers in its raw form, but it provides a good model for discussing the kinds of features that cloud-based storage offers. (And by the way, according to a recent ABA survey **almost 60% of lawyers use Dropbox**).
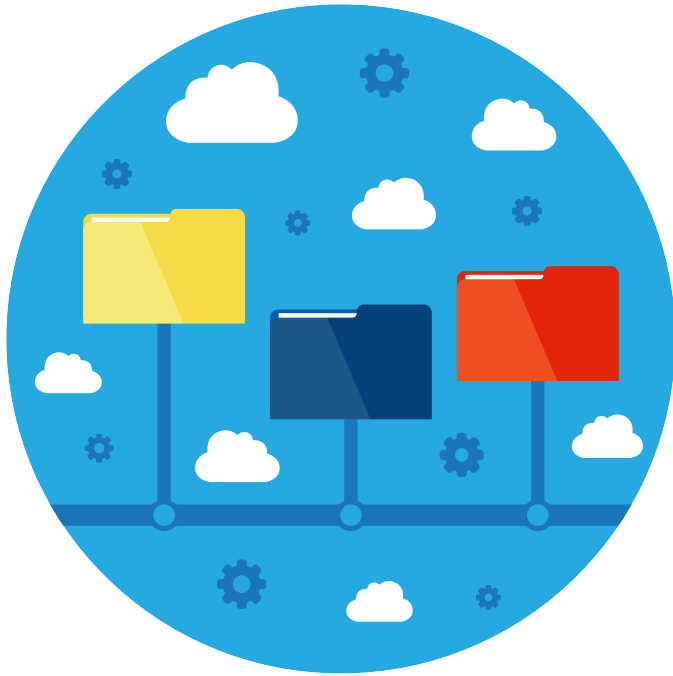
Here are some of the benefits that you get if you use Dropbox:

- **Backup:** your data is replicated on Dropbox's cloud servers. That means that if your computer blows up or suffers a hard-drive crash you can buy a new computer and restore all your data quickly, easily and for free (as part of the normal cost of using Dropbox)

- **Synchronization of data:** if you have more than one computer connected to your Dropbox account, then you will have data on either machine synchronized instantly as long as the machines are connected to the Internet.

- **Mobile Device Access:** you can install the Dropbox app on your iPhone or iPad (or Android device) and have the ability to instantly pull down any document you need to see.

- **File-sharing:** you can easily share any file, or folder of files, with another person. This is particularly helpful for sharing data that is too large to transmit as an email attachment.

- **File-version restoration:** you can restore a prior version of a file that you modified, or even restore a file you deleted, by logging into Dropbox's web portal and viewing the document history and selecting the prior version that you want to restore.

For more information about using Dropbox, read the article by attorney Sam Glover at Lawyerist.

Besides Dropbox, there are other good online document storage services including the following:

- **SugarSync:** basically equivalent to Dropbox, and offers the same features at the same price.

- **Microsoft Office 365:** Microsoft's cloud storage. Cheap and comes with Office 365.

- **Google Drive (or Google Docs):** same price basically for storage as Dropbox, and many of the same features. The main benefit is that it's part of the Google ecosystem, so if you use Google for your email service, for example, then this is an easy way to integrate your online document storage services. Google Docs is uniquely suited for simultaneous editing of documents, and other collaborative document writing and editing.

- **Box.com:** an enterprise-class cloud document storage service. Because of its enterprise-class it faces less resistance from I.T. professionals. Many businesses use Box.com, but to be fair to Dropbox, they are now offering business class services as well. The main benefit of "business class service" is the easy administration of multiple users of a cloud storage service, because each user can be assigned their own password and different levels of permissions.

- **NetDocuments:** this is a truly serious business class document storage service that rivals any of the server-based document

Practice Management Tools

Storing documents in the cloud is one important benefit. But the cloud can be used for lawyers that want a full-featured practice management solution as well.

There is a plethora of server-based solutions. We have already talked about why running your own servers is undesirable, so let's talk about cloud-based equivalents many modern lawyers use.

- **Clio:** a cloud-based service that has been around for many years and has emerged as the dominant player for lawyers who want a cloud-based practice management system. Clio offers a simple document storage component, but it also connects to Dropbox. The main benefit is time & billing services, as well as case management and collaboration, as well as calendaring.

- **RocketMatter:** similar to Clio, and similarly priced. Has been around as long as Clio and offers roughly the same features. But, because there is a tight competition between RocketMatter and Clio, it makes sense to closely compare both services to see if there are any desirable features unique to one that you would like to have.

- **MyCase:** a newer entrant into the cloud-based practice management world, and a lower priced one. The interface is very user-friendly, but the feature set and level of development is not as robust—which is understandable because it's a newer service. Still, it's worth investigating because new features are always being developed and the company is committed to serving small law firms.

- **LexisNexis FirmManager:** costs about the same as Clio & RocketMatter, but integrates with Lexis research tools. Otherwise offers a similar feature set to the above.

management systems currently used by law firms. This is a solution for firms with more than 2 users and will probably require a consultant to get your firm up and running in order to use it. For more information about using NetDocuments **visit Optiable**, a site run by law firm consultant Craig Bayer

- **Evernote:** is a popular online tool for storing reference information. Many people who use it extensively refer to it as their "digital brain" because it's an easy place to store information you'd need to access quickly such as receipts, personal documents, and medical records. The service now has over 100 million users and has rolled out business class services because of its popularity among business owners. It's not appropriate for use as a law firm's document management service, but it is worth checking out, and certainly is useful for storing any kind of personal information.

There are a few other lawyer-focused ones that are in the "also ran" category, such as **Advologix**, **GoMatters**, **HoudiniESQ**, and **Credenza Pro**.

There are cloud-based project management services that are not law-specific that many small law firms can use and benefit from. Without getting into any detail about the various features, here is a list of popular cloud services that allow teams of remote workers to collaborate easily:

- Basecamp   ● Asana   ● Trello

Cloud-Based Time & Billing Services

If you can get time and billing services as part of an overall practice management service, why would you consider getting time and billing as a stand-alone option? The answer is that for many lawyers, the time & billing sophistication of practice management solutions like Clio aren't good enough.

Some law firms have complex reporting requirements, or they've simply developed a system that is so intricate that they can't shift to a cloud-based time & billing system.

Among the popular cloud-based time & billing systems that lawyers use are:

- **QuickBooks Online -** The undisputed leader in the business field. Lawyers should probably use this as well, given it is supported by more accountants than the other alternatives.
- **Freshbooks -** simple and easy, and inexpensive. A good place to start if you're not sure where to begin and have simple needs.
- **Xero -** a totally cloud-based accounting system that is growing rapidly and has integration with many practice management systems (including Clio).
- **iTimeKeep** (for attorneys)
- **Bill4Time** (for attorneys)
- **CosmoLex**
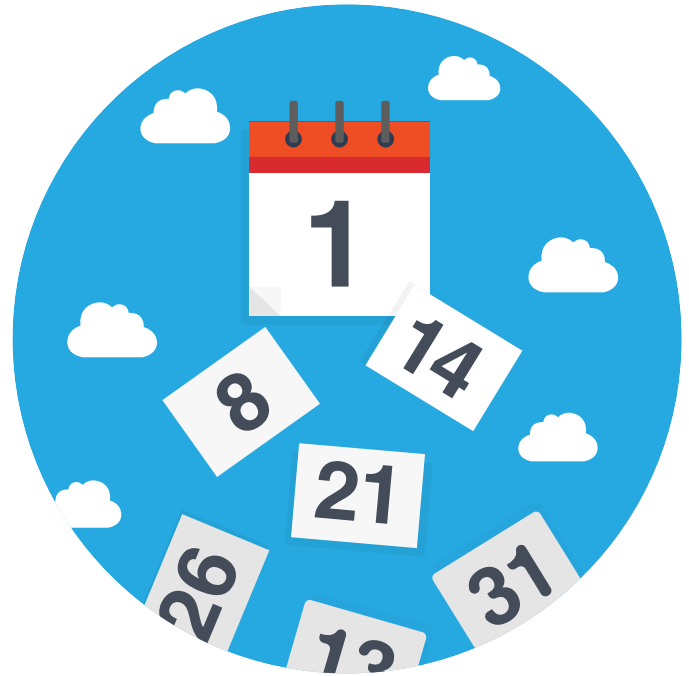
Cloud-based Scheduling & Calendaring

Keeping your calendar in the cloud allows you to share it with other members in your firm, or on your team. It also allows your assistants to book appointments for you remotely, with your calendar being instantly updated on every device, including your smartphone. Here are some of the popular cloud-based calendaring tools.

- Microsoft 365   ● Google Calendar
- Doodle   ● ScheduleOnce

There are many other cloud-based tools to calendar, or to do other useful things. And the list of useful cloud tools is growing exponentially. So, there is no doubt that you want to continue to pay attention to cloud services, and find ways to leverage them.

Lawyers also need to consider online security, especially as it relates to preserving confidential information. And that brings us to the next important topic.

Ethics Rules & Guidelines for Using Cloud Services

As of this writing, 19 states have issued advisory opinions on the use of cloud computing by lawyers.

For a complete up-to-date list of states with a summary of the key provisions of each state's opinion visit the ABA Website page entitled **Cloud Ethics Opinions Around the U.S.**

In general, the thrust of the opinions, taken as a whole is this: lawyers should be reasonable, not paranoid. Here are some guidelines for lawyers weighing the use of cloud services.

- **Do Your Due Diligence:** before committing to using a particular cloud service determine if the company is reputable and trustworthy. Obviously, you shouldn't entrust your data — or more importantly, your clients' data — to a company that you've barely heard of and know little about. If the company is well known (e.g. Google, or Dropbox) that's a good sign, but you should probably still read the terms and conditions of service.

- **Make Sure You Have Unfettered Access to Your Data:** will the provider hold your data hostage if you don't pay a fee or meet some requirement they impose? Will they quickly provide your data in a usable form if you decide to discontinue use of their service? What kind of format will the provider give you the data in, and is that something that you'll be able to easily use? These are the questions you need to ask.

- **Consider Password Protection & Enhanced Security:** the service obviously needs to be password protected, but what kind of additional protection is provided? Multi-factor or dual-factor authentication is now becoming prevalent on sites such as Google and Dropbox, so you should see if it's available on cloud services that you use. If it is, then use it.
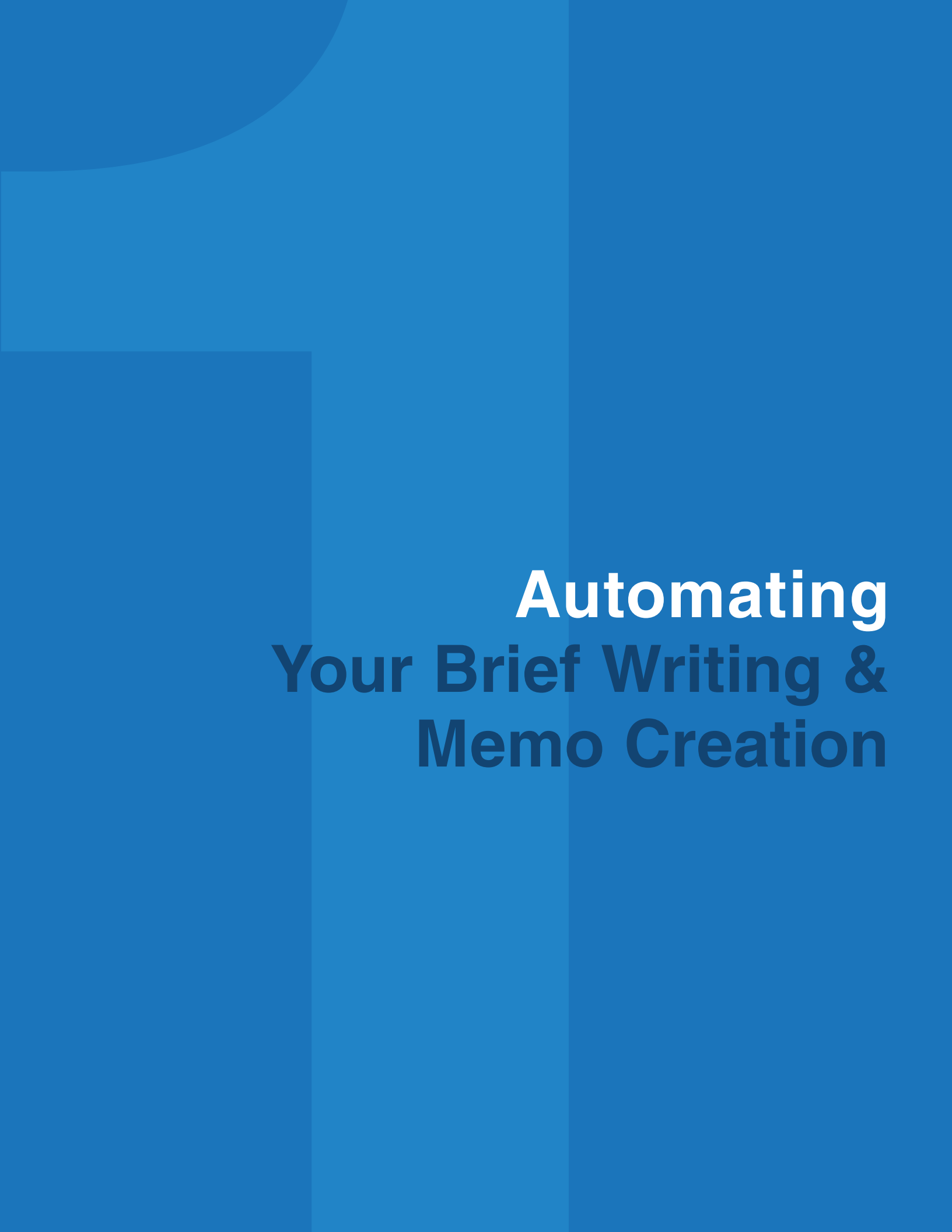
- **Consider Data Confidentiality:** What happens if the cloud provider is served with a subpoena for your data? Will they roll over and quickly provide the data? Will they even notify you before they do? Also, who has access to your data at the company? If your data is particularly sensitive you can often opt to encrypt it on your end before it gets uploaded to the cloud provider's servers. For example, if you need to encrypt data you upload to Dropbox, SugarSync or Google Drive, you can use a service like **BoxCryptor** (free for basic service, or about $50/year for enhanced service).

- **Consider Backup Redundancy & Failsafe:** Does the cloud provider maintain backup data centers that can be deployed quickly in case an unforeseen disaster strikes their main data center? The top-tier providers have the wherewithal to provide this service, but many lesser companies don't. It's not a deal-killer unless the data you are entrusting to them is mission-critical and you would suffer greatly if you didn't have access to it for several days or weeks.

Conclusion

The efficiency and low-cost of cloud services will continue to drive more lawyers to use those services.

Lawyers need to be mindful of which cloud services are best suited to lawyers, and they must beware of potential pitfalls in using the internet to store information.

Most of the potential pitfalls can be avoided (or at least drastically minimized) by sensible use of cloud-based technology.

Automating
Your Brief Writing & Memo Creation
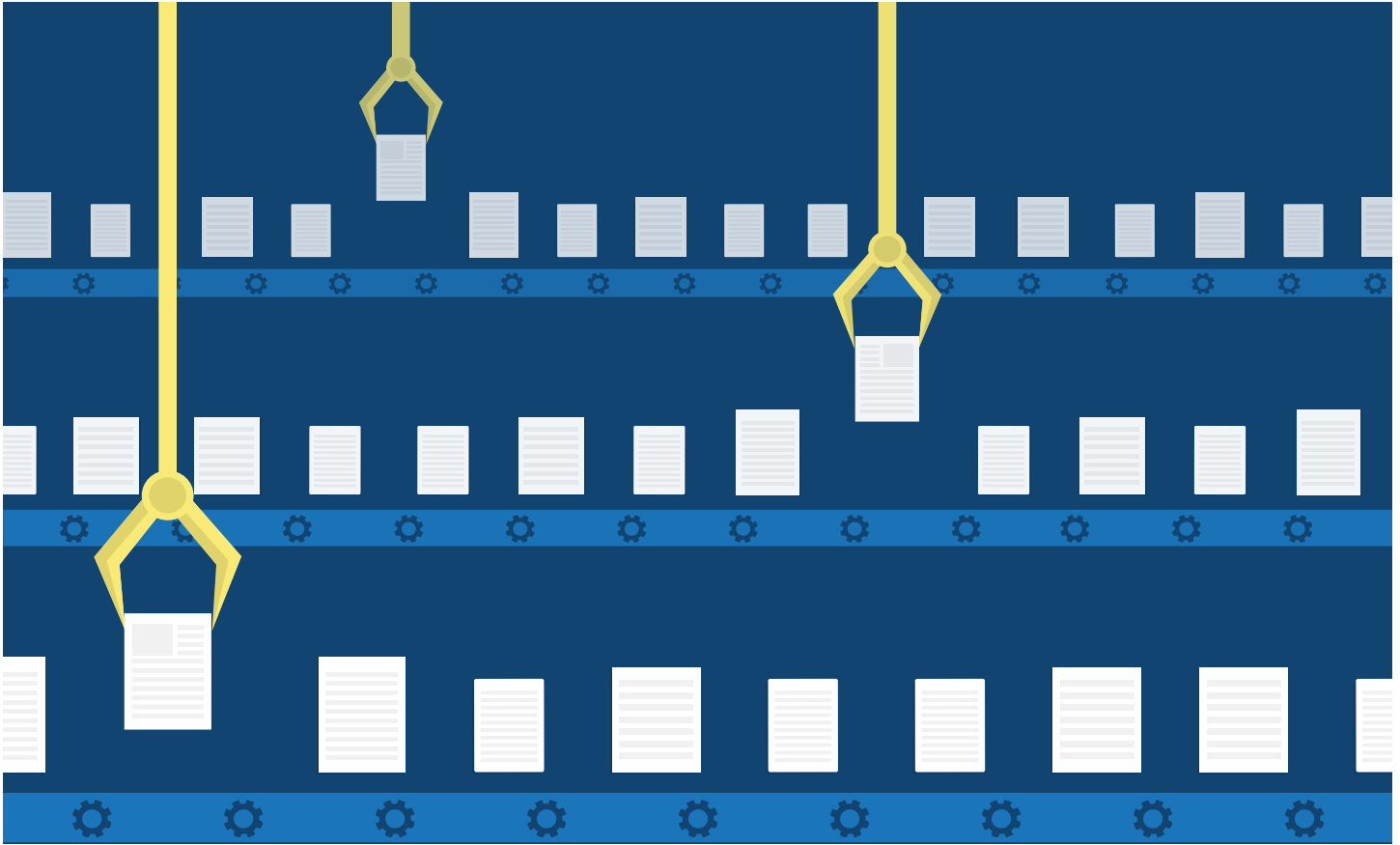
Modern lawyers can easily harness the power of computers to automate many aspects of their practices, but unfortunately many are not aware of how to tap the power of digital automation. Whether it's done mechanically or digitally, automation is obviously beneficial for many reasons.

First, automation provides consistency. A workflow that's automated will provide the same output every time. If a lawyer automates routine document creation workflows, the result will be pleadings or contracts that have a similar look and structure. The automated process will yield documents with the same fonts, same typography, and same layout. This is important when trying to comply with the strict formatting requirements imposed by many courts.

Automation also provides efficiency because less time is spent setting up formatting that's the same

for a certain type of document. If the structure of the document is the same, then that can be automated and time can be saved there as well. And if the document is a form with common fields that need to be input, those fields can be set up to auto populate across the entire document simply by entering each unique variable input one time.

Automation provides reliability. Once you have the automated process correctly set up you can be one hundred percent certain that it will yield exactly the same output every time. For example, creating a table of contents or table of authorities in a brief is an intricate and laborious process. It's also tedious and boring, and that's why humans will invariably make mistakes in performing those tasks.

Automation also provides cost savings. Obviously, it's cheaper for you to "pay" your computer to do a task than to pay a staff member to do it. Clients appreciate the cost savings, and benefit from the efficiency in getting work done faster and more reliably. And the time that staff members previously spent on low-value, commoditized tasks can now be spent on more high-value tasks that clients are more willing to pay for.

Obviously, automation doesn't eliminate the need for manual review and quality checking. But it makes the manual review process faster and less onerous because the most mundane aspects of the workflow in question have already been done automatically.

Also, it goes almost without saying, that setting up automation can take time. But it's the old adage, sometimes you have to take one step backwards to take two forwards. Except that with digital automation it's more like you have to take several steps backwards (in terms of spending time setting things up properly) so that you can take several hundred or several thousands steps forwards.

Types of Automation

A common type of automation is the simple form, whether it be a paper form or a digital form. We mentioned spell check already, and that's a powerful type of automation that many lawyers don't take enough advantage of.

Other types of common automation include: keyboard shortcuts, predictive search (i.e. autocomplete), and macros like the ones used in Microsoft Excel or Word.

Advanced Automation

Advanced automation is everywhere, and the possibilities are constantly growing. Lawyers used to pay paralegals to tag documents with by hand with a mechanical device called the bates-stamp. Today, a PDF file can be quickly bates-stamped by a computer. Redaction of digital documents can be automated to some extent, at least if one is looking to obscure common text strings like phone numbers or social security numbers.

The most sophisticated form of automation is probably "document assembly" using software like **HotDocs**. The power of automation that's possible using tools like HotDocs is mind-blowing, but leveraging those kinds of software tools requires a keen understanding of how computers work.

In other words, advanced automation is basically a form of computer programming. Most lawyers don't have the skill or patience to leverage advanced automation without some assistance from consultants or other folks who do possess the requisite skill.

Lawyers create lots of documents, and those documents often require complex formatting and complex structure. Modern word processing programs like Microsoft Word are powerful automation tools.

Lawyers, and their staff, are surprisingly unaware of features in Word like Styles (which automates the application of uniform formatting). They also don't take advantage of the ability to automatically generate Tables of Contents, or Tables of Authorities.

Besides word processing tools, here are some other resources that will help streamline the process of creating pleadings, briefs, memos and contracts.

Form Creation

The Form Tool is a plug-in for Microsoft Word that makes it very easy to create powerful forms. The plug-in works only on Windows, but it's so incredible that many Mac users install Windows just so they can take advantage of it.

If you have, say, a sales agreement that has multiple parties of different sexes, you can enter values for the name and gender and the program will populate fields for proper nouns as well as pronouns. All you have to do is open an old form and then quickly create a question and answer table for each piece of information in the form, such as buyer's name, seller's name, date of signing, and price. Then you go through the document flagging the fields where each value will be inserted.

You can also specify the format you want for each field value, so for example, if you want the buyer and seller's names to be in uppercase letters, you can make that specification and the program will apply the proper formatting.

If you need the price to be spelled out in words in one part of the document, but then appear as numbers in another part it's simply a matter of selecting that option as you apply the fields to the document. The date format can also be varied according to many options.

In the event you discover a misspelled name, simply go to the Q&A Table you created and fix it there and the document will be automatically updated to reflect that change—quickly and reliably.

Online Forms

FindLegalForms.com is an online repository of hundreds of commonly used legal forms, and it's perfect for the small law firm that needs to quickly get a template that can be used to jump-start the process of creating a commonly used legal document.

Every form you purchase is provided in several formats: Word, WordPerfect, RTF, and PDF. The forms vary in price depending on which type of document you want but the prices are reasonable, and there are volume discounts if you buy a package of forms.

Text Expansion

Sometimes you just need to drop in a chunk of text, and using a full-blown form would be overkill and probably even inefficient. Text macros can often do the trick, but they only work in the program you set them up in (e.g. Microsoft Word).

A text-expansion program like TextExpander (Mac) or Breevy (Windows) can solve this simple problem with efficiency and elegance. These programs can be synchronized to work across multiple computers so that you can share your "snippets" with others in your firm.

Common uses for text expansion include snippets of text like:

- Email addresses
- Home address or office address
- Phone numbers
- Dates (in any format)
- Email blurb to explain that you're busy and can't answer right away
- Pleadings such as interrogatory responses: "the allegations in Paragraph __ are denied" etc.

Although the most common use is small text snippets, these programs can generate hundreds of words of text if necessary. And skilled users of these programs have created complete forms, with fillable fields.

The way it works is like this: you type a small "trigger text snippet" such as ',@pc' and the program expands that snippet to '**ernie@paperlesschase.com**' . The expansion takes place when you hit the trigger key after typing the short snippet, which can be something like simply hitting the space bar.

What trigger you use is up to you, and is entirely configurable. The short snippets are also something you can configure to your preference (and ability to remember).

Dictation Software

"Typing text" with a text expanding program is powerful and fast, but it's not going to work for text that you are creating for the first time. But who says you have to type that text?

Dictating text is faster than typing it, and that's why lawyers used to dictate to their secretaries. Later they dictated into a tape cassette recorder and their secretaries typed their recorded dictation and then produced a paper document.

Nowadays modern lawyers are more apt to use dictation software that allows them to dictate into a computer and have the transcription happen immediately inside the computer. If you haven't used **Nuance's Dragon Dictate** lately, then you should give it a whirl. You can easily blast out text at over 100 words per minute, even with minimal training.

Dictation software will not misspell any words, but it will misconstrue the meaning of your dictation and thereby substitute in a completely inappropriate word. So, you have to learn to proofread those documents in a different way. It's not hard to do, but it's just something you have to get used to. In fact, the whole process of digital dictation is something that requires an acclimation period. Which is apparently why many attorneys have not adopted it, even though the efficiency gains are exponential and mind-boggling.

Folks who own one of the latest models of iPhone or Android, have gotten a taste of digital dictation by using the "**Siri**" function (or whatever the Android equivalent is).

Not only are you able to dictate text, but you can also issue forth commands and request information from the Internet. If you've ever tried this you've probably been amazed. And guess what? It will only get more amazing, more accurate and easier to use.

Simple but Powerful Word Processing

If you have to create a document using plain old hands-on-the-keyboard, there are options that will improve your efficiency here as well.

Scrivener is a low-cost document assembly program that doesn't so much do automation (although it does some) as it does create a template in which you can define chunks of text, such as sections of a brief, and then easily rearrange them, or put them into "draft mode" so that they aren't sent into the final document.

The idea is that it's best to work on creating document structure first, and then save the formatting until the last step. The options available when you decide to output the final document are many, and that's the only place that tends to trip up new users of Scrivener.

Bottom line: if you have a chance, you should at least get to understand what Scrivener can do,

and then learn to use it for those documents that have a lot of structure, but which you are currently fighting Word to create.

WordRake is a plug-in that works with the Windows version of Microsoft Word to check your grammar and language style. Merely letting WordRake offer suggestions is enough to help even seasoned writers blitz through the editing process, but it's something you have to try and get used to really appreciate its power and how it can help.

Typography Guidebook for Lawyers

Typography for Lawyers is a concise little paperback book that will teach you the principles of typography that should be used in formatting legal documents. The author (Matthew Butterick) was a Harvard educated designer who then went to law school and discovered to his dismay that lawyers were using modern word processing programs to create horrendous documents that routinely violated the most commonly agreed upon typography "rules."

The point of the book is not to finger-wag, but to quickly explain why certain typography rules exists, and then offer step-by-step instructions on how to "automate the rule" by setting the preferences in your word processing program of choice.

Every lawyer should read this book, and give it to anyone that works in his or her office. If you want your pleadings and contracts to look like they were formatted by a master typesetter then you want this book. It's available on Amazon for under $30 - bit.ly/TypographyLawyers.