

Digital Workflow: Developing the Paperless Habit

Written by
Ernest Svenson &
Nerino Petro

Presenters
Ernest Svenson
Nerino Petro

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Introduction

Becoming paperless isn't something that happens overnight. Even if you're just a solo attorney with no employees there are significant challenges in becoming paperless. And the more people in your organization the greater the challenges. Still, many of the challenges have gotten a lot easier to deal with. The technology required to become paperless, for example, is cheaper and easier to set up than it was several years ago. The main challenges are not technological, but ones rooted in human nature.

The hard part about becoming paperless is that it requires office workers to think about things they currently do naturally, without any thought whatsoever. It requires people to change rather deep-seated habits. And people don't change habits (especially deep-seated ones) easily, or without good reason. Becoming paperless requires discipline and consistency which can often be difficult to instill and maintain. So allow us to offer some very good reasons why you might want to make a strong commitment to becoming paperless.

Knowledge workers 'R us.

We hear a lot about 'knowledge work' these days. Who are these knowledge workers that everyone keeps referring to? Look in the mirror. If you're a lawyer then you are, almost by definition, a knowledge worker.

Lawyers are the ultimate knowledge workers because laws are nothing more than rules written down in casebooks and statutes. We spend most of their time reading, writing and analyzing legal information. In short, we are 'information processors' and most of what we process is embedded in paper. That's how it's been up until recently.

Like everyone else, we now have to deal with digital information: email (with attachments), spreadsheets, PowerPoint presentations, PDFs and digital audio and video files. So, today we not only have to manage an unprecedented amount of

paper, but also an increasing amount of digital information. Fortunately, we know how to handle paper, even if we can't keep up with it. We have systems for dealing with paper that have been around for many years, systems that everyone understands and uses. In fact, if you have paper files, then you've already implemented such a system in your own office. Perhaps you use alphabetical ordering by last name, while the attorney in the next office prefers a numeric or alphanumeric system. The bottom line is that while the way each of us implements these systems varies from office to office, they all share a primary feature: they make sense to you.

But digital information (in its many forms) is new, and there are no default methods for how to manage it. To compound the problem, there are more options for handling digital information than exist for paper. Figuring out which system is best is a real challenge and, even after determining the best option, you'll still have to teach your staff how to use this new system on a day-to-day basis.

While it's tempting to avoid headaches and just put off developing a news system for managing digital information, this is not very realistic. You're going to have a headache either way. So the best course is to make the transition to where the world of knowledge work is headed anyway. The problem isn't so much the transition, as something else.

A main problem is that most office workers today aren't adept at handling digital information. People who know how to handle digital information already have a large advantage over those who do not. So how to you transition your workers from ignorance to knowledge?

Transition to a paperless practice gracefully, not frenetically

The main rule of transitioning to a digital practice is this: 'first, do no harm.' If you follow the KISS principle (Keep it Simple and Stupid) you will greatly increase the chances for success. There are some options that should be avoided, even if they seem promising and are touted by seemingly tech-savvy consultants. Remember, picking out software is easy; training your office staff to adapt to a new workflow is

hard. Hence, the second rule is: focus on strategy and training above all else. Training, training and more training. That's the key.

First thing we do: eliminate all (or most) of the paper

The method for becoming paperless is easy to describe: (1) keep digital information in digital form; and (2) convert the paper information into digital form. In other words, don't print out your emails and then file them in physical file cabinets (that would be going against the grain). And don't print out letters, which can be sent by email, just to sign them; put a graphic image of your signature in your form business letter. Then you after you create it you just the final copy as a PDF by email. Lastly, get a scanner and learn how to scan paper to PDF so that you can store your 'papers' in digital form.

That's all there is to it. No big cost, no fancy method. But, of course, there will be challenges. So, let's take a look at where the challenges lie and how they are overcome. Let's talk a little bit about what 'workflow' is.

Workflow doesn't require any thought

Any business, including a law firm, naturally develops some pattern for handling incoming and outgoing information. This pattern is called 'workflow.' If you look at different businesses you'd probably find similarities in how they process their paper.

But 'processing' means more than just filing. If all that was required with incoming paper was to file it then developing a good workflow system would be easy. But it's not that easy. Why not? Well, consider how an office typically processes incoming mail.

Mail is delivered in the morning, and then sorted and distributed to various people. Secretaries review mail and then prioritize it for their bosses. Copies might need to be distributed to other folks for them to take some immediate action. And this, my friends, is where the tension arises.

That is, there's often tension between: (1) the long-term goal of storing the information reliably, and (2) the short-term goal of re-routing the information for immediate use. EVERY workflow system faces this tension; an effective system is one that balances this tension automatically, with near perfect reliability. The paper-based system you have now does this automatically. A new digital-based system will not.

So, where do I start?

Well, you'll obviously need a scanner (We recommend the Fujitsu ScanSnap which comes with a full version of Adobe Acrobat). The long term goal of reliable storage requires that you scan EVERY single piece of incoming paper. Right away. No exceptions. Otherwise your 'capture system' will become unreliable.

The immediate goal of 'information sharing' will exert a strong pull against the long-term goal. Obviously, your new system will need to address this goal—but not at the expense of immediate capture and storage.

Scanning doesn't take any longer than copying. Or it shouldn't if done right. The problem, at first, is that scanning is unfamiliar, i.e., not AUTOMATIC. So people will tend to revert to the old paper-handling system when they face pressure to distribute the information quickly. Hold your ground; don't let this happen. You must be disciplined and consistent; if you are, the odds in favor of your making a successful transition from paper to digital significantly improve.

You have to make a total commitment to capturing ALL paper, and doing so IMMEDIATELY when it arrives (or departs). This is the main challenge you will face in shifting to a paperless system. After that, everything will be fairly easy, and painless.

Old files

Scanning old files is the classic example of trying to digitally capture useless information. Old files don't generate revenue and you rarely need the information contained in them. There's a name for this process, it's called "Retrospective

Conversion.” and while there may be long term benefits from reducing storage costs for old paper, there is no immediate benefit to you or your practice. In fact, there is an immediate negative impact as retrospective conversion siphons resources away from your primary goal of making your practice more efficient by focusing on what is generating new revenue for your practice. So when you are starting out with digital workflow you should work on new cases first. Those are the easiest to start with, and the information they present is the most valuable.

After a few months of scanning all incoming information in your new cases you’ll suddenly see dramatic improvement in your information handling. And you’ll grasp more readily the futility of scanning old files. At this point, you can begin scanning open files that were started before you began your new scanning workflow.

The easy way to become paperless

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

Once you’ve made the decision to go paperless and have decided how you will organize your folders and files, map out your proposed workflow. Create a written plan (OK, call it a policy) on how you will name files and where and how to store them. Then, all you and your staff need to do is follow it, to the letter. This is where our earlier comment on discipline and consistency come into play.

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

The law firm should have a digital letterhead instead of specially printed stationery, and lawyers should have their signatures in digital format—pre-loaded into their standard form letter. Lawyers and attorneys should know how to ‘print documents to PDF’ which means creating a digital PDF (as opposed to actually printing a document) by using a special print command.

At this point, we need to reinforce the use of PDF in your move to a digital workflow. The de facto (if not de jure) file format used to store electronic files is the Portable Document Format (PDF) created by Adobe. Other file formats exist (E.G. JPG, GIF, and TIFF to name a few) and may be used to store items such as photographs and drawings, but the majority of documents will be scanned as PDF. PDF is recognized as the appropriate standard by the United States Federal Courts and other governmental and legal entities. As such, unless noted otherwise, it is presumed that you will store all of your documents in PDF format. Adobe provides the free Adobe Reader which can open PDF files and as noted earlier our recommended scanner includes Adobe Acrobat. Many other scanners include other software with which you can create PDF files.

Lawyers should become familiar with Adobe Acrobat and how to manipulate PDFs in commonly needed ways. That is, they should be able to switch views to zoom in on a document, and also be able to tag important pages and highlight key language. They should also be able to split a PDF into smaller PDFs or merge several PDFs together (this is helpful in doing electronic filing in federal court).

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

A great example of a digital workflow and storage system using tools that you already have in your office can be found in The Lawyer's Guide to Adobe Acrobat by Atty. David L. Masters from the ABA under "The Digital Filing System". Atty. Masters uses nothing more than the tools found in Windows Explorer, a dual folder system and Adobe Acrobat to manage his almost totally paperless practice.

Concrete steps to take before you get ready to switch

You can make small changes every day. Start by ordering that RAM. Go to www.crucial.com and use their software to scan your office computers see how much each one can hold. Order the maximum amount and then install it (or pay someone to do it for you). It doesn't cost much, but it will make the office computers a lot faster. Also, the faster the processor on the computer that is doing the scanning and conversion, the faster the process will work. Scanning and digital conversion are memory and CPU intensive task; making sure that your computers are as up to date as possible is important. The faster the scanning and conversion process is, the less likely your staff will become frustrated by the time it takes to scan and convert which interrupts their other task. This improves the "buy-in" for your new process. Then when you've got that done, address these things in order:

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

Going beyond merely paperless

Being paperless is a first step. Many amazing choices will become available to you once you learn to capture and process information in digital form. You can use case management programs like CaseMap, or even the simple note-taking features of Adobe Acrobat to filter and leverage your information.

Searching digital information can be much easier and done from the desktop

using the correct tools for the job. Desktop search engines will index every word in digital files that contain text as well as file names, search email and attachments. There are a variety of these search tools that you may install to aid in searching for documents. Some are even free, such as Windows Search or Google Desktop. Fee based products include Copernic, X1 and for larger offices ISYS and dtSearch®. If you and your staff can find information faster and easier using electronic files, then you are more likely to follow your paperless workflow and adopt it permanently.

Always look for new ways to leverage your digital information. You'll do a better job for your clients and you'll enhance your stature as a lawyer.