



Hardcore Scanning for Law Offices of ANY Size

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INTRODUCTION

Scanning is no longer a technology in its infancy and has matured to the point that it is reliable for everyday use. Businesses throughout the United States use existing scanning technology on a daily basis to convert paper documents into electronic files. Scanning is a major component of the paperless office, as a healthy percentage of daily communication and evidence is still received in paper format. Unfortunately, as is too often the case, the legal profession has been slow to adopt scanning technology even when it can result in positive improvements in efficiency and to the firm's economic bottom line. However, that appears to be changing.

In recent years a trend has emerged for law firms, large and small, to move toward a more paperless environment. In addition to it being “green” and affording the firm cost savings, it makes information easily retrievable to all users if documents are stored electronically on centralized media, such as a server. From an operational efficiency standpoint, scanning makes sense as the amount of paper in the practice of law continues to grow. This growing burden of paper must be reviewed, sorted and stored for later retrieval. Dealing with all this paper is labor-intensive and subject to the vagaries inherent whenever humans are entered into the process. Experience has demonstrated that the more often paper is handled the greater the risk that it will be damaged, misplaced or misfiled. Scanning inbound documents decreases these risks as the paper handling is reduced, while improving the ease of storing, locating and retrieving information represented by the scanned document. All of this is achievable using readily available hardware and software tools. Think about the space that your paper files currently occupy and what you could do with that space if you didn't have to use it for file storage. Converting your paper files to electronic format also allows you to back up all of your information which is something that is impossible to do with paper files.

Ideally, this paper will serve as a guide to help you determine what you need to begin scanning on a regular basis in your office and to establish procedures that will guarantee long-term success in converting paper documents to electronic files.

INITIAL CONSIDERATIONS

Scanning Policies/Standards

Properly implementing a scanning and storage policy is not something that you just want to jump into without prior thought and planning. The goal of implementing a scanning solution should be to improve efficiency, simplify storage and retrieval and allow for a backup methodology. Before you can implement a functional scanning workflow in your office, you should ask yourself some basic questions:

- What documents do I want to convert to electronic files?
- Do I want to capture all of my closed files and old documents (“Retrospective conversion”)?

- Do I want to capture documents from a set date and those that come into the office after that date?
- Am I going to eliminate maintaining paper copies of outgoing documents in my files so both outgoing and incoming documents are all stored electronically?
- Am I going to scan all incoming documents or only certain incoming documents?
- If I'm only going to scan a portion of incoming documents, which documents will they be?
 - Mail?
 - Letters
 - Pleadings
 - Etc.
- Discovery Requests – Scan and OCR rather than retyping to respond?
- Medical Records?
- Other Evidence?
- Will I shred all documents once they have been scanned?
- Will I keep documents with original signatures on file?
- Do I have the software that I will need? If not, what do I need?
- Do I want to be able to search the electronic files or do I only want on image of the document?
- Do I want to be able to scan a document in and then modify it in my word processor?
- Do I want everyone to be able to access these documents and if so where should they be placed?
- Am I going to use my existing electronic folder structure or do I want to implement a document management system (“DMS”)?
- How much can I spend on this project?

You should use these questions as a way to establish an internal procedure that is realistic given your existing resources. Determining what documents will be scanned can impact decisions as to whether or not you need to add more hard drive storage space, use your existing software and hardware or purchase new and whether you can use your existing electronic folder structure or implement a DMS. If you want the documents to be searchable, you'll need the capability to perform Optical Character Recognition (OCR) on them. If you own a copy of Adobe Acrobat, you already have the capability to create a searchable text layer. If you want to be able to scan in documents such as discovery requests or interrogatories and not have to retype them, then you'll need a standalone OCR program which offers more capabilities than those found within Adobe Acrobat.

📁 ► 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, TIFF) AND MAY BE USED TO STORE ITEMS SUCH AS PHOTOGRAPHS AND DRAWINGS, BUT THE MAJORITY OF DOCUMENTS WILL BE SCANNED AS PDFS. 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 ACROBAT READER WHICH CAN OPEN PDF FILES AND MANY SCANNERS INCLUDE SOFTWARE TO CREATE PDF FILES AS ONE OF THEIR OPTIONS.

In most successful scanning projects, all inbound documents regarding a file or matter are scanned. If scanning everything, you can quickly and easily see those documents that need to be saved and dispose of those that you have no need to retain. This does require discipline on the part of the staff person or attorney who is making that determination. But it also has the benefit of being reviewed either in or out of the office as long as personnel can access these electronic files. If it is unreasonable to scan everything coming in, then determine what is most critical and scan only those documents.

Whether you decide to scan everything coming in or only select documents, you need to assign staff to scan the documents and store or route them to the appropriate users for review. Make sure that there are formal written procedures for staff to follow so that all documents are handled and saved consistently. Be sure to address what happens to original paper documents (e.g. Shredding, provided to the client, placed in file or only original signatures kept on file).

Outbound documents are rarely an issue, as most are generated electronically. However, there should be consistency in how documents are saved within your file storage system, so that all documents may be quickly found and retrieved.

A great example of a file storage system using tools that every office already has 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.

HOW TO CHOOSE THE RIGHT SCANNER FOR YOUR PARTICULAR LAW PRACTICE.

Hardware:

It goes without saying that you will need one or more scanners in your office. The real question is what type of scanner and what features should it have? The best way to determine that answer is to consider the following:

- **Volume.** What is the estimated daily volume of paper you believe will be scanned? All scanners have a "duty cycle" that indicates the maximum number of scans they can realistically process. For instance, the Fujitsu Scansnap is an excellent desktop scanner product with a duty cycle of about 750 pages/day. In contrast, a small Canon ImageRunner digital document center can easily scan 4,000+ pages/day. Will the daily volume of documents being scanned justify one or more digital document centers or will desktop scanners suffice? If your copier is near the end of its life cycle anyway, then a digital document center may be your best bet. If not, and your volume is fairly low, one or more decent desktop scanners may be the best value.

- **Speed.** The slower the machine, the more time it will take your staff to scan documents. The flip side of that is, the more pages per minute (ppm) a scanner is capable of processing, the more expensive the machine will typically be. Once you determine the average volume you will process per day, calculate the amount of time it will take to scan those using different PPM rates and determine what speed you feel to be the best value, given your volume and staff resources.
- **Features.** What features are important on your scanner(s)? For example, will you need double-sided scanning, color scanning, or oversized document scanning? Would the ability to scan to file, to email or to a document management system right from the scanner make a significant difference to your staff's efficiency? Do you want to be able to upgrade or add functionality to your scanner to turn it into a powerful document distribution tool with products like eCopy ScanStation or automatically run through OCR for keyword searching using PRISM DocRecord or similar product?

📁 ► **MOST SCANNERS, WHETHER DESKTOP OR DIGITAL DOCUMENT CENTER, CAN GENERATE AN IMAGE ONLY PDF FILE. HOWEVER, AN IMAGE ONLY PDF HAS LIMITED UTILITY AS THE ONLY WAY TO LOCATE THE DOCUMENT IS BY THE FILENAME AND NOT ITS CONTENTS. BY CREATING A SEARCHABLE PDF I.E. CREATING WHAT IS KNOWN AS A “TEXT LAYER” IN THE PDF USING OCR, THE FILE AND ITS CONTENTS ARE NOW FULLY SEARCHABLE BY MOST DESKTOP SEARCH ENGINES AND DOCUMENT MANAGEMENT SYSTEMS. THIS IS ACCOMPLISHED BY THE OCR CHANGING WHAT IS ONLY AN IMAGE INTO MACHINE READABLE TEXT. THIS LAYER IS INVISIBLE TO THE EYE BUT IN FACT EXISTS AS A LAYER OVER THE IMAGE.**

Types of Scanners

Flatbed

Flatbed scanners look similar to a small copier. They allow you to lay pictures, odd sized papers, books, and other objects on the glass platen over a scanning element. Each page or picture must be individually placed on the platen and then removed so that you can scan the next page. This type of scanner is ideal for pictures, the occasional odd sized papers or books that do not lend themselves to a sheet feeder. Examples of flatbed scanners include:

Epson Perfection
Canon Canoscan
Visioneer OneTouch



Figure 1
Visioneer OneTouch

Sheetfed

Sheetfed scanners scan individual sheets and can either handle one sheet at a time or multiple sheets of time depending on its capabilities. Ideally, you should be looking for sheetfed scanners which feature automatic document feeders (ADF) similar to those found on copiers or digital image sensors. ADF capacity varies from model to model and you need to consider your scanning volume and potentially largest scan jobs in determining whether or not the ADF is sufficient for your needs. If you routinely scan discovery or other trial documents that may total hundreds if not thousands of pages, a sheetfed scanner with a 25 page ADF will result in frustration as compared to another scanner or digital image Center that can take 100 or more pages at a time. Examples of sheetfed scanners include::

Fujitsu ScanSnap and fi series

Kodak ScanMate and i series

Xerox Documate



Figure 2
Fujitsu ScanSnap S510

You can also find sheetfed scanners that incorporate both an ADF as well as a flatbed platen although, for production level machines, you'll generally pay a premium for this capability for a desktop unit or the unit will have fewer capabilities such as slower scan speeds or no duplex scanning. Examples of these combination scanners include:

Fujitsu fi-6230

Xerox Documate 632

Visioneer 9650



Figure 3
Xerox Documate 632

If you only have an occasional need to scan a book or something else that will not properly scan through a sheetfed scanner, you may wish to consider one of the flatbed scanners mentioned in the Flatbed scanner section above.

Multifunction

Multifunction scanners typically incorporate a copier, printer, fax, sheetfeeder and flatbed scanner in one machine. Multifunction machines generally break down into SOHO (Small Office Home Office) level machines and SME (Small and Medium-sized Enterprise) level machines that are reminiscent of full-size copiers.

For small offices you may be able to do away with a number of devices in favor of a SOHO class all-in-one device; however, these combination machines make compromises in functionality usually in



Figure 4
Lexmark X651DE

the form of slower scan speeds or limited paper handling (i.e. no duplex scanning as compared to a dedicated desktop scanner). If you select a SOHO level machine, select a model at the higher end of this market segment. Examples of these types of SOHO multifunction devices include:

Brother MFC

HP MFP

Lexmark Multifunction Laser

For offices that need greater capabilities, an SME machine, such as a digital document center, may make more sense. As noted earlier, these devices usually have more robust capabilities and do not compromise features or function due to cost, as in SOHO multifunction devices. Each feature in an SME multifunction device has the same feature set that you would have if you had separate devices for each function. Examples of these SME multifunction devices include:

Canon ImageRunner

Xerox WorkCentre

Ricoh Aficio

Konica Minolta BizHub



Figure 5
Canon ImageRunner Model 2830

Portable

Portable scanners are great tools for road warriors to quickly scan paper documents while out of the office. They are quite small and typically feed only one piece of paper at a time. Modern portable scanners use a USB connection and some offer duplex scanning. The trade-off for this portability is slower scan speeds and the need to feed documents through one sheet at a time in most instances. Fujitsu has recently introduced the ScanSnap S300 which is a portable sheetfed scanner which includes an ADF that will hold up to 10 pages. Examples of portable scanners include:

Fujitsu S300

Visioneer Strobe XP 300

IRISCan 2



Figure 6
Visioneer Strobe XP 300

📁 ► **GENERALLY, A COMBINATION OF BOTH LARGE AND SMALL SCANNERS REPRESENTS THE BEST SOLUTION TO IMPLEMENT A LONG-TERM SCANNING SOLUTION. IN THESE INSTANCES, THE DIGITAL DOCUMENT CENTER IS USED FOR LARGE SCANNING JOBS, WHILE SMALLER INDIVIDUAL SCANNERS ARE USED TO SCAN LOWER VOLUME JOBS SUCH AS INCOMING MAIL.**

HOW TO MAKE THE MOST OF THE SOFTWARE THAT COMES WITH YOUR SCANNER

Scanning Software:

In order to make the most of your scanned documents, they will need to be fully text searchable. You may also want to convert some of them to word processing documents. Software is the key component to these and many other tasks. Ask yourself which components are critical and when budgeting for scanner implementation, factor in software as well as hardware.

- **Searchable PDF.** Converting scanned documents to Searchable PDFs is a must so that you can find your documents quickly after they are scanned. Some scanners have Searchable PDF functionality built in, while others require a separate purchase of additional software. Most digital document centers are capable of Searchable PDF, however it may be an add-on module. Ask the vendor who supplies your equipment if it is included. If your scanner does not have it built in, use a product like OmniPage, IRISpdf™ or Adobe Acrobat.
- **OCR Capability.** Optical character recognition allows you to convert scanned documents from images to editable word processing documents, with minimal effort. Popular OCR programs include OmniPage, Abby Finereader and Readiris Pro.
- **Redaction and Markup.** Some software products allow for manipulation of scanned images, including the ability to redact and markup the images. Adobe Acrobat, Redact-It, I.D. Shield and OmniPage Pro and PaperPort (by Nuance) are several examples.
- **Bates Numbering.** If you reproduce scanned images with discovery responses or as exhibits, Bates numbering may be important. Summation and Adobe Acrobat are examples of products that can do this. However, be aware that Acrobat has a security deficiency that may allow others to edit your Bates numbers if you are not careful.
- **Backup Software.** Backing up your electronic files for redundancy is key. If your paper files are gone, and you lose your electronic files, you may have a disaster on your hands. Always have at least one (if not two) backup redundancies in operation.

If you're scanning a large number of documents, immediate conversion to searchable PDF may not be possible or time efficient, unless the capability is built into the scanner itself. You have

two options that are generally available: a) batch processing of a specified folder or folders; or b) using software that monitors a dedicated folder and converts any documents placed in it to searchable PDF and/or performs OCR. Adobe Acrobat provides batch processing capabilities so that you can decide which folder or folders you want to convert and then "set it and forget it" when you leave at the end of the day. When you return in the morning, the folder or folders have been processed and converted to searchable PDFs. Solutions like OmniPage or IRISPdf™ Server with IRIS Powerscan can automatically process watched folders and create searchable files, perform OCR and export files without human intervention once is properly configured.

Examples of helpful software add-ons:

- PaperPort Pro
 - Create PDF (including searchable PDF)
 - OCR
 - Redact
 - Markup
 - Manipulate images
 - File images in logical folders
 - Thumbnail views
 - Stack/combine and split images
 - Form field recognition – convert to forms
- Adobe Acrobat
 - Create PDF (including searchable PDF)
 - Auto-form field recognition – convert to forms
 - Bates stamping (with Pro version 8 or higher)
 - Redaction (with Pro version 8 or higher)
 - Compare PDF documents
 - Create PDF Portfolios
 - Interactive Document Reviews
 - Combine and Split Documents
 - DMS Plug-ins available
 - Digital Signatures
 - Markup and commenting tools
- OmniPage Pro 16
 - Create PDF (including searchable PDF)
 - OCR and convert to word processing and spreadsheet formats
 - Batch processing and folder monitoring
 - Redaction (OmniPage Pro 16)
 - Append to existing PDF
 - Digital Signatures
 - SharePoint 2003/2007 integration
- Abby Finereader
 - Create PDF (including searchable PDF)
 - Edit PDF's
 - OCR and convert to word processing document
 - OCR and convert to word processing and spreadsheet formats

- Batch processing and folder monitoring (network edition)
- Barcode recognition
- Readiris Pro 11 Corporate & IRISPdf™
 - Create PDF (including searchable PDF)
 - Separate Batch documents
 - Batch processing and folder monitoring
 - Barcode recognition
 - Business card recognition

GREAT AND CREATIVE NEW USES FOR THE SCANNER IN THE LAW OFFICE

In addition to the common place uses for scanners listed throughout these materials, we wanted to include some less common items that may benefit your practice.

Specialty Scanners

Card Scan

Card scanners are single-purpose scanners generally designed to scan business cards and nothing else. They usually include software that allows you to scan business cards directly into Outlook or some other contact management program and capture an image of the business card. Generally these are very small units that only require a USB connection and can be handy if you deal with a large number of business cards. However, many desktop scanners also have the capability to scan business cards, so the need for business card scanners is limited. Examples of business card scanners include

PenPower WorldCard
CardScan



Figure 7
CardScan

Keyboard Scanner

Another class of specialty scanner is the keyboard color scanning combination. The cost of sheetfed scanners can be daunting to small firms or firms that need to put scanning capability on a number of desktops. Desktop space is often at a premium as well, so any solution needs to be small and cost effective, while providing the capability to scan a variety of document sizes from business cards to legal size paper. Back in the 90's Compaq and Visioneer both sold keyboards with an integrated grayscale scanner but they disappeared after a few years. This technology has been reintroduced to the market by its patent holder KeyScan with the introduction of the KeyScan KS-810 keyboard with integrated 600 DPI color document scanner. This device will scan individual pages as well as business cards and photographs and provides occasional scanning capability for users who may not have need for a full desktop scanner.



Figure 8
KS810

Where and How Will All Documents be Stored and Retrieved? If you are serious about storing all documents electronically, then it is highly recommended that you look into a document management system (DMS). Not only will a DMS organize your documents in a highly logical fashion, but it will force consistency amongst your users. That means that users cannot circumvent the DMS to store documents outside of the appropriate file structure, and documents are automatically filed based upon the information a user “profiles” on a document (e.g. client, matter, area of practice, author, document type, etc.)

Additionally, a DMS will index all documents so that you may find them within seconds. Assuming the documents are saved as searchable PDFs or in other text searchable formats (such as word processing documents, spreadsheets, etc.), it will also allow you to conduct full text searches on all of your documents. Many document management systems, such as Worldox and Interwoven can also integrate with legal case management software programs, for added flexibility and accessibility.

Should you opt to make do without a DMS, the firm should establish a formal procedure for file saving, and **enforce** it. This procedure should include how to properly store documents in a logical and consistent file structure, with appropriate nomenclature that everyone uses. One such naming convention may be to put the date at the beginning of the file name (e.g. 2008-12-14 - Letter to Clerk filing Motion to Compel). This allows files to be sorted by title and remain in chronological order.

If you are not using a true document management system, there are a variety of search tools that you may install to aid in searching for documents. Some are even free, such as Google Desktop. Fee based products include Copernic, X1 and dtsearch®.

Google Desktop

Copernic

X1

dtsearch®

Scanner Add-Ons

Digital document center add-ons such as E-Copy Scanstations or IKON Docsend are incredibly useful tools. Essentially these units are workstations with touchscreen monitors and compact keyboards that attach to your scanner (typically a digital document center). Users can walk up to the scan station and scan directly to a variety of locations with a few quick instructions on the screen and/or keyboard. The following are examples how scan stations may be used:

- Connectors may be purchased for specialty applications to allow for scanning directly to that software. This allows for direct integration with document management products, as well as litigation support products. Below is a partial list of connectors currently available:
 - Worldox
 - iManage/Interwoven
 - Open Text/eDocs
 - Summation
 - Time Matters/LNTPA
 - Captaris RightFax
- If connecting with a litigation support product, such as Summation, you may assign Bate numbers as you scan.
- The scan station allows you to preview your document as you scan it and change the page order, straighten, and perform other common clean-up tasks.
- In addition to the add-on connectors available, these products typically come with the ability to scan directly to Microsoft Outlook or other email applications, as well as the ability to scan directly to a variety of pre-programmed folder locations.

The average cost for an add-on scan station ranges from \$4,000 to \$6,000 (depending on which/how many connectors you purchase), but may provide a fairly quick return on investment if you scan large volumes of documents. Most copier vendors will bundle the scan station in with the cost of the lease or purchase, thereby making it easier to budget.



Figure 9
Ecopy ScanStation



Figure 10
Sample Ecopy Connectors

DEMYSTIFY THE OCR PROCESS SO THAT YOU CAN CONVERT A HARD COPY INTO A WORD PROCESSING DOCUMENT YOU WON'T HAVE TO SPEND HOURS CLEANING UP!

What is OCR?

OCR stands for Optical Character Recognition, which means the electronic translation of an image into editable text. Advancing technology has made some OCR software applications up to 99% accurate, but the accuracy is largely determined by the quality of the original document being converted, and the quality of the scanner.

For instance, if you have a faded copy of a document, you will almost certainly have less accuracy on OCR than you would if you had scanned in a freshly printed image.

OCR technology can be incredibly useful in the legal arena, particularly when it comes to discovery responses. In years gone by, when litigation firms would receive a set of discovery requests from opposing counsel, they had to task a transcriptionist with retyping the requests into a word processing document, so that the answers could be inserted.

Now it is easier to scan in the original discovery requests and OCR them to Word or WordPerfect and add your responses thereafter. There are tips and tricks to doing this and obtaining good results, some of which we will share with you below.

How To Use OCR

Typically you will need an add-on piece of software to convert your scanned document to a word processing document. Each software option has different steps that need to be taken to OCR, so it is impossible for us to list a step by step guideline for all of them. However, below are examples of hints that may give you better accuracy when OCRing discovery requests within Paperport.

1. Scan your document to a central folder location that is being monitored by Paperport (this assumes PaperPort has been configured to watch certain folders that you would normally scan to).

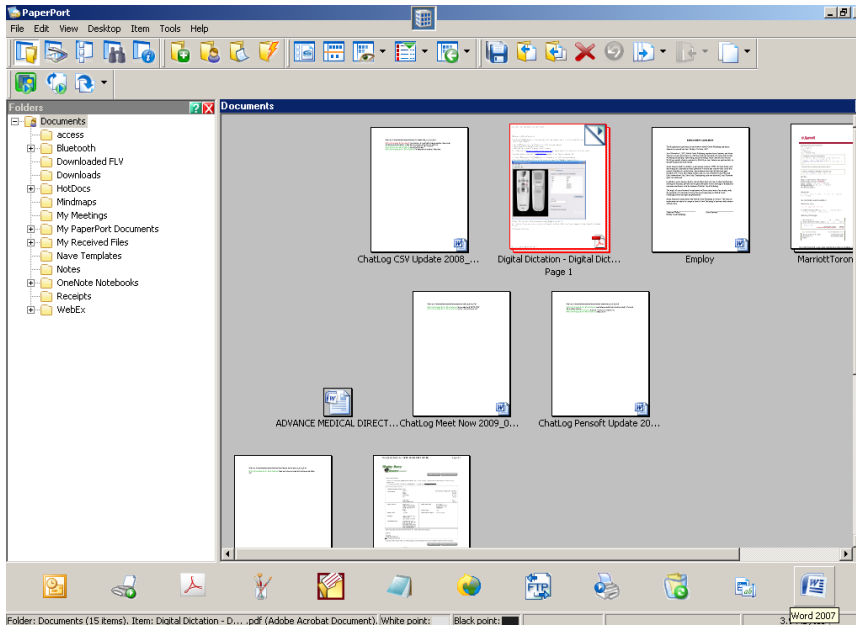


Figure 11

2. Make sure to use the Straighten Page feature if the document did not scan properly. PaperPort also offers other features such as Despeckle, if you have random dots or marks on your document. Making sure the document is a clean scan will go a long way to better character recognition.
3. If the document contains pleading lines, handwritten signatures, etc., you may want to remove them using the deletion tools available in PaperPort, as these types of items will result in strange characters on your OCR copy otherwise.

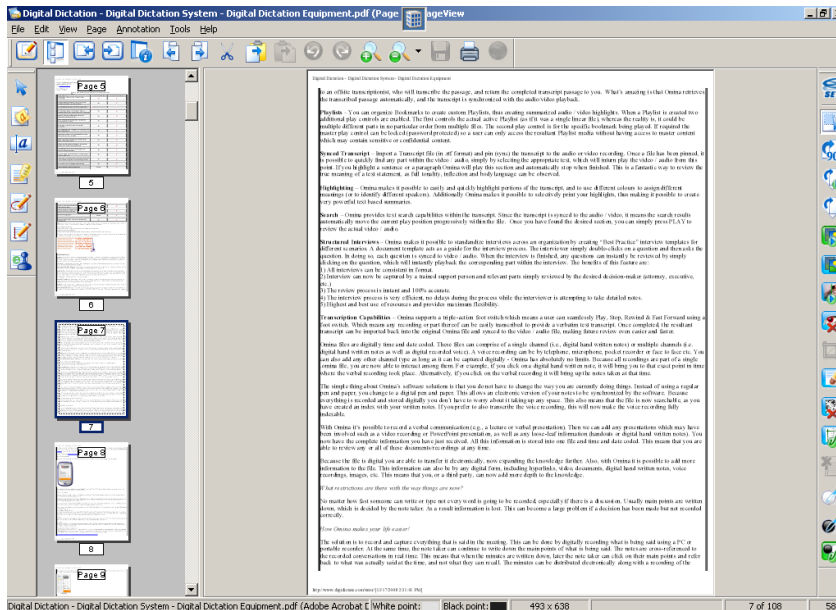


Figure 12

4. You do not have to OCR all pages of a document. If discovery requests contain a lot of superfluous paragraphs that are not part of what you need to edit in your word processor, then only OCR the portions that matter to you. In PaperPort you can delete or separate pages, delete sections of text, etc. before you OCR.
5. If you are using a document assembly product, harness the power of it to create the shell of your discovery responses (including the caption, opening paragraph, signature block, certificate of service, etc.). This will format your document properly. Then after you OCR the discovery requests, copy and paste the text of the questions into your shell document. If you are using Word, be sure when you paste to use the paste options available for “match destination formatting”. You may even want to set that as your Word default when pasting text.
6. PaperPort offers two ways to OCR. The first option is to highlight the document on your PaperPort desktop and then click on the word processor icon on the Send To menu bar. This will immediately OCR the entire document you selected and open it automatically in your word processor as a new document. The second option allows you to highlight sections of text on your document within PaperPort and then right-click and select Copy Text. You may then paste that text into any document you desire.
7. Best results occur when you use a clean original with text that is 10 to 14 points in size.
8. The OCR engine built into PaperPort is not as accurate as some other products, however the editing and manipulation tools in PaperPort are excellent. If desired, you can combine PaperPort with OmniPage (both products are made by Nuance), and have the best of both worlds.
9. Many users complain that OCRing changes the formatting of the text. If you are not creating a shell to copy and paste into, as described above in Tip #5, then learn to use Word styles to control how your text appears after it is OCR'd.
10. PaperPort also allows for some formatting options on OCR. If you right-click the Word icon on the Send To bar and select Send To Options, then Settings, you can give the program some guidance as to how you wish formatting to be interpreted.

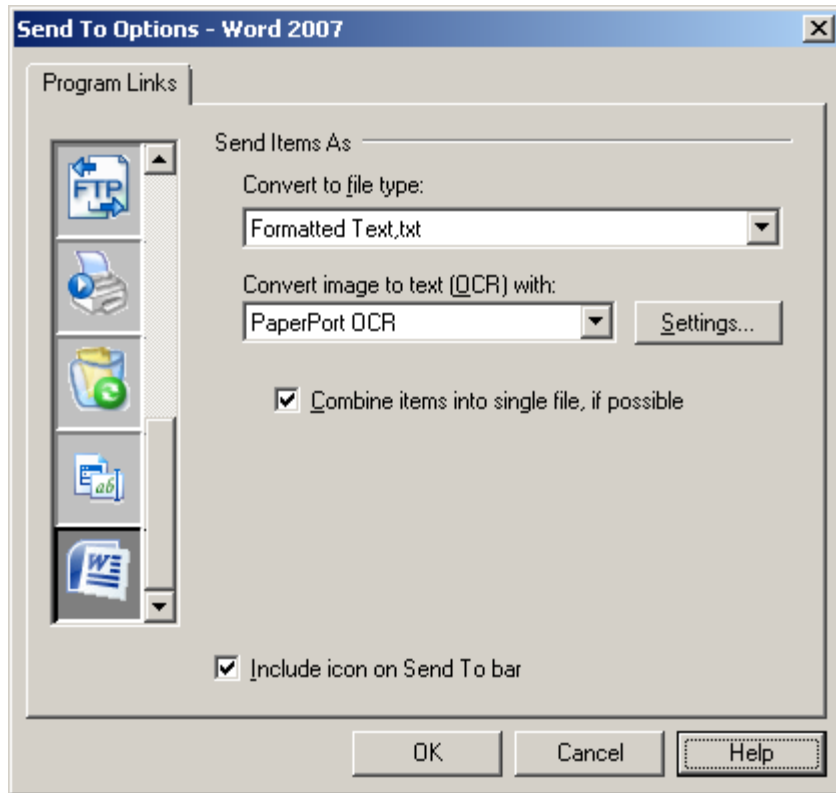


Figure 13

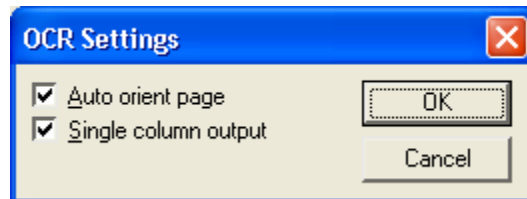


Figure 14

Conclusion

While it may not be possible to eliminate all paper from your office, it is completely realistic to shoot for a reduced paper environment. Scanning offers many advantages, such as faster access to your documents, no physical storage costs, and ease of searching. Just be sure to think about all of the elements above and plan carefully before taking the plunge.