Legal Technology - The Best of What's Out There

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1. **LEGAL TECHNOLOGY TRENDING UP**: Here are a few of the technologies and practice management concepts that are growing in popularity.

    A.   Document Automation or Assembly:

    i.   **Document Assembly Defined**:   Most document assembly programs integrate with your word processor and enable you to create sophisticated templates.   Those templates typically generate an interview (series of questions) presented to the user.   Upon answering the questions, a customized document is instantly generated.   In addition to simply filling in blanks, document assembly programs support conditional logic (i.e., include the guardianship paragraph if the client has minor children or adult disabled children), infinite lists, and the ability to calculate text, numbers and dates.

    The on-screen interview is quite powerful because the template designer can control everything about the sequence and content of the interview. With practice, you can reproduce your entire decision tree in the template and build in safe-guards that walk even novice users through the assembly process.   An example of how an interview looks is shown below:
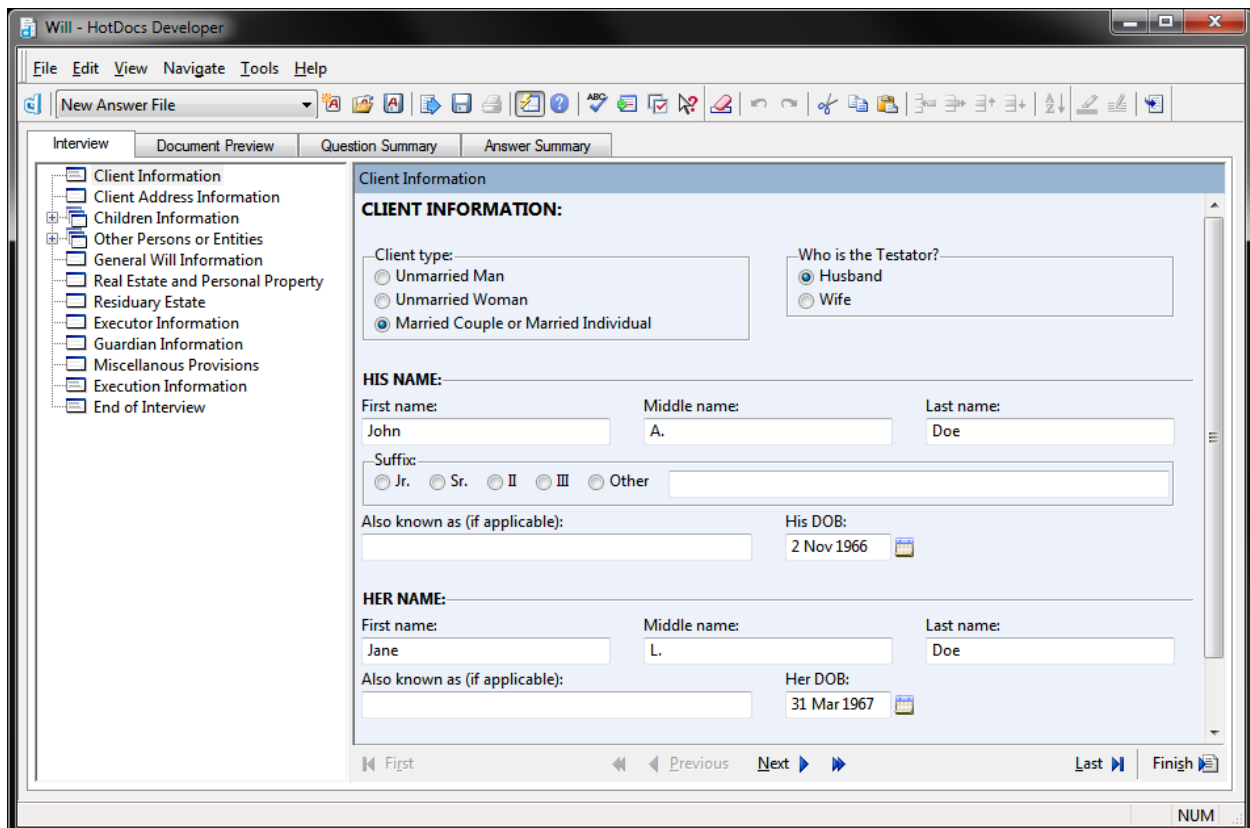
ii. **Benefits of Document Assembly**: The short story is that document assembly can take complex drafting assignments and make them exponentially faster while simultaneously increasing accuracy. For example, assume an estate planning lawyer is taking 10 hours to get a set of estate planning documents drafted and ready to sign. The lawyer charges a flat fee of $2,000 which means that she's achieving an effective hourly rate of $200/hour. If that set of estate planning documents were automated, the time necessary to get documents ready to sign could easily be reduced to 1.5 hours. By charging the same fee ($2,000), the lawyer is now earning an effective rate of $1,333/hour.

Document assembly also allows you to take much of what you and your colleagues collectively know about a practice area and perform a "brain dump" into an expert drafting system. For example, assume you have 5 lawyers in your real estate department and they collaborate to build a drafting system for leases. New associate Jim needs to draft a lease in which your firm represents the landlord of a strip mall and the proposed new tenant is a restaurant. The drafting system could skillfully guide Jim through the process, making sure that he a) is using the latest and best form your firm has prepared; and b) addresses all issues that should be addressed in a lease of this type (strip mall, food service tenant, your firm is representing the landlord, etc.). Review by the partner takes minutes instead of hours because the first draft was so well done, even by a relative rookie. The drafting system ensures that the firm's collective knowledge is utilized in every deal.

iii. **Significant Document Assembly Players**:

a. **HotDocs** - www.hotdocs.com (dominant market leader)

b. **TheFormTool** - www.theformtool.com

c. **Contract Express** - http://contractexpress.com

d. **Pathagoras** - www.pathagoras.com

e. **Perfectus** - www. perfectussolutions.com

f. **ActiveDocs** - www.activedocs.com

g. **Exari** - www.exari.com

B. **Security Upgrades and Technical Competency Training**: In 2013, the American Bar Association made some modifications to the Rules of Professional Conduct ("ROPC") that are often referred to as the "technology" changes. So far, 31 states (including **Virginia**), have adopted them and they impose new duties and

standards of care when dealing with client data and confidentiality. In response to those rule changes, many law firms are upgrading their digital security and rolling out technical competency training. In fact, the Florida Supreme Court has gone so far as to require 3 hours of technology-related CLE credits per reporting period in response to these changes[1]. For the specifics, see Virginia Rule 1.1, Comment [6], Rule 1.6(d), and Rule 1.6 Comments [19] through [21][2].

i. **Who Bears Responsibility for Mistakes**: Of course, lawyers are responsible for their own violations of the ROPC. I'll spare you from a full recapitulation of Rules 5.1 and 5.3, but briefly, those rules make the partner or supervising lawyer responsible for the mistakes (such as disclosing confidential data) of subordinate lawyers and "nonlawyer assistants."

ii. **Technical Competency Training**: Many ethics experts have expressed the opinion that the Rule 1.1 Comment 6 new language makes technical competence a subset of professional competence. Certainly it eliminates the ability for a lawyer to disclaim responsibility for knowing how to use the technical tools necessary to practice law. This means that lawyers need to understand things such as how to remove metadata from a Word file they're emailing opposing counsel, or how to redact a social security number from a PDF pleading being filed in federal court. Further, a lawyer who insists on being analog and slow in a digital world arguably also risks violating ROPC 1.3's requirement that a "lawyer shall act with reasonable diligence and promptness in representing a client."

iii. **Security Upgrades**: Lawyers must make reasonable efforts to prevent the disclosure of confidential client information; and act competently to safeguard client information. They are further required to take reasonable precautions to prevent client information from falling into the wrong hands when transmitting a communication. The exact meanings of "reasonable efforts," "act competently" and "reasonable precautions" may be subject to debate. However, it's hard to argue that doing nothing to protect client data would meet the standard. Specifically, lawyers should encrypt email, PCs, and any tablets or phones that contain or have access to client data. Public Wi-Fi connections should also be encrypted via VPN service or other method if client data is being transmitted. Finally, it is recommended that all lawyers employ a password manager so that you can use and remember very strong passwords for all logons.

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[1] See http://www.abajournal.com/news/article/florida_supreme_court_approves_mandatory_tech_cles_for_lawyers

[2] See http://www.vsb.org/pro-guidelines/index.php/rules/client-lawyer-relationship/

C. **Document Management System ("DMS")**: There are many choices out there for document management. However, there are only a few that can give you everything. In a nutshell, a good DMS puts you in control and imparts structure, organization, and accessibility to your documents and email. Here is what you want in a DMS:

i. **What a DMS Does**: A DMS is a _system_ or combination of software/hardware tools which streamlines and automates the process of Document Management. Document Management itself refers to the process of creating, organizing, storing and retrieving electronic files. Electronic files include word processor files, spreadsheets, any scanned documents usually in the form of a PDFs, email, attachments to email (whatever form that takes) and the like. Since DMSs only manage electronic documents, paper documents must be converted (scanned) so that they can be managed by the DMS. In simple terms, your paper "Files" are just collections of paper documents related to a particular matter. Once all of that paper is in digital form, a DMS can organize it by matter just as your paper files are currently organized.

ii. **Benefits of a DMS**:

a. **Easy Remote Access/Offline Access**: Everything in the DMS is available to any authorized user, no matter where they are (provided they have computer, tablet or phone that connects to the internet).

b. **Email Integration**: This is extremely important since most people feel crushed by email. A DMS is a full email management system (among other things). Simply having a filing system for email usually makes a big difference for people. With a DMS, all emails related to a particular matter can be easily saved along with the other matter-related documents. Important features include:

(1) Ability to save emails with attachments embedded in the native email format from within Outlook without "exporting" them or saving them somewhere else before they're moved into the DMS.

(2) Ability to save attachments separately into the DMS from a right-click save-as command or via drag and drop and seen here:
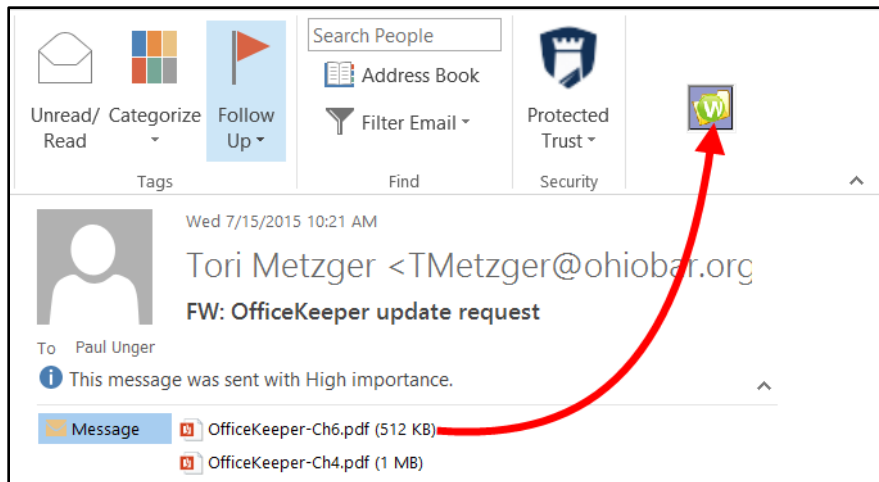
     (3)   One-click saving - people will be doing this constantly, every day. The process can't be time consuming, tedious or have too many steps. A good DMS solution will have integration with Outlook by selecting an email and then simply clicking on a toolbar button to either copy or move the email into the DMS.
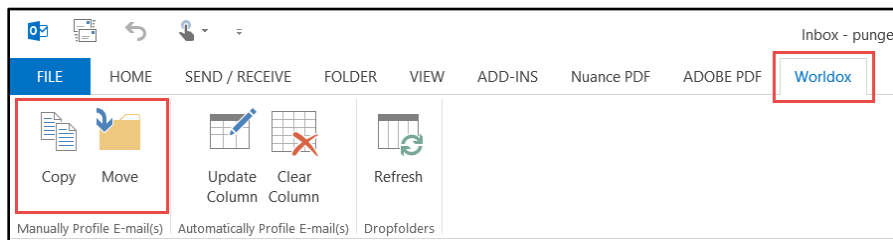
     (4)   Matter Drop Folders in Outlook – ability to drag and drop emails into "matter" folders in Outlook that will automatically deposit the email into the correct client matter folder. These drag and drop folders pictured below in the Worldox DMS solution get created automatically based on your saving history/practices.
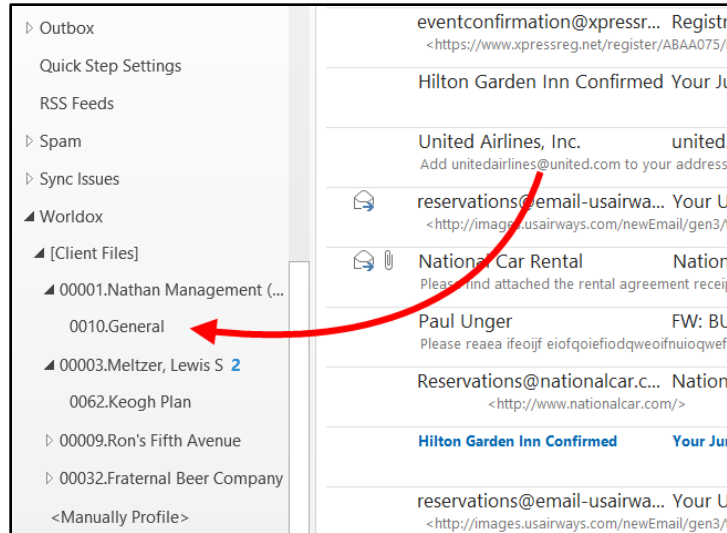
c. **Full Text and Boolean Logic Searches**: Full text searching gives users wide-open access to their documents by framing searches based on concepts rather than categories. Users can search by many criteria - words, combinations of words, phrases, words within proximity of each other, expressions, etc. Each document matching the search terms is returned as a "hit" and the integrated file viewer will highlight each occurrence of a search term in the returned documents. This is exactly like doing a Lexis-type search through your own documents. When evaluating DMSs, you want the ability to view the documents in a viewer without actually opening them, you want to be able to use Boolean logic terms (and, or, not, near, etc.), and you want the search terms highlighted in the document the system found.

d. **Ability to OCR PDFs to make them Text Searchable**: The DMS should be able to identify PDFs that are non-searchable and automatically OCR them to make them text searchable. This should happen on the back-end automatically so users do not have to waste time running the OCR process on every PDF they scan or receive via email.

e. **Ability to Save and Manage Any Type of Document**: The DMS must be able to hold any type of file you've created in-house as well as any type of scanned document (PDF, TIF or JPG) which will typically represent the documents you've received from the outside. A search must turn up all relevant documents regardless of physical location, format, and source application. For example, I have seen plenty of copier-based applications which only hold documents you scan. It does little good to have scanned documents in one system and all of the documents you've created in-house in another system. The idea is to get everything related to a matter in the same system, including documents you've created in-house, documents you've scanned, faxes, hand-written notes, email and attachments to email.

f. **Forced User Compliance**: In our professional opinion, the system must require user compliance. In other words, if a user wants to save a file from within any program you use (Word, WordPerfect, Acrobat, Excel, etc.), it must be saved into the DMS (or it cannot be saved at all). The DMS can be configured so there is no back-door

or way to circumvent the system. This will absolve anyone in your office from having to police usage of the system and it will ensure the success of the project. In our experience, if you make using the DMS optional, you'll have a lot of people opt out. Frankly, if only some of the people are using the system, then you'll never get full return on your investment. Having said all of that, there may be legitimate business reasons for saving a file outside of the DMS and for those occasions, people can be given the as-needed ability to do so.

g. **Integration With Other Programs You Already Use**: In order to be convenient to use and force user compliance, the DMS must integrate with Word, WordPerfect, Acrobat, Excel and any other program in which you save documents or files. When someone clicks the Save or Open button in Word, the DMS must intercede and ask the user to save the document in the DMS, or find the document within the DMS.

h. **Date Range Searches**: Although it isn't a field that users fill out when they save a document (date created), it's important that users be able to search on date created or date last accessed.

i. **Fast Searches**: People will be running searches every day, all day so the process needs to be fast. This might not seem like a major point, but if you have to wait on a system to catch up every time you use it to look for something, you'll want to stop using it.

j. **Security**: Document security involves documents, users, and groups of users. The DMS must give the saver of the document the ability to assign rights and permissions to documents based on individual users, groups of users, and the roles in which users serve within the organization. For example, documents saved in the administrative cabinet would likely not be available to all users. Those documents can be secured by user, user group or by role. You would also have the ability to secure an individual document that otherwise would be available to everyone.

k. **Check-In/Check-Out Capability**: The DMS must handle documents the same way a library handles books. When you "check out" a document, the system locks it and won't let someone else have the original. Instead, the DMS will notify the second person that you have the document checked out (if they try to open it) and that they can have a read-only copy of it. Of course, once you check the document back in, then it is available for someone else to check

out. This prevents accidental over-writes of documents when multiple people are working on it at the same time.

Check-In   Check-Out
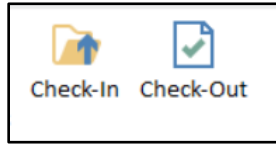
l.   **Archiving Old Files**: Archiving is a means to move dated or unused files off the main storage medium to secondary storage. The DMS ensures that users can still search for information in the archived files and that there is a ready means to restore it. Many DMSs will allow administrators to set "triggers" in the document profiles that enable automated archiving. For example, it may be desirable to set internal memos to be archived automatically after say, 24 months.

m.   **Metadata Searches**: In the realm of document management, metadata is the additional information stored about the document (other than the file name). For example, when I search for a document, I get the following search screen:
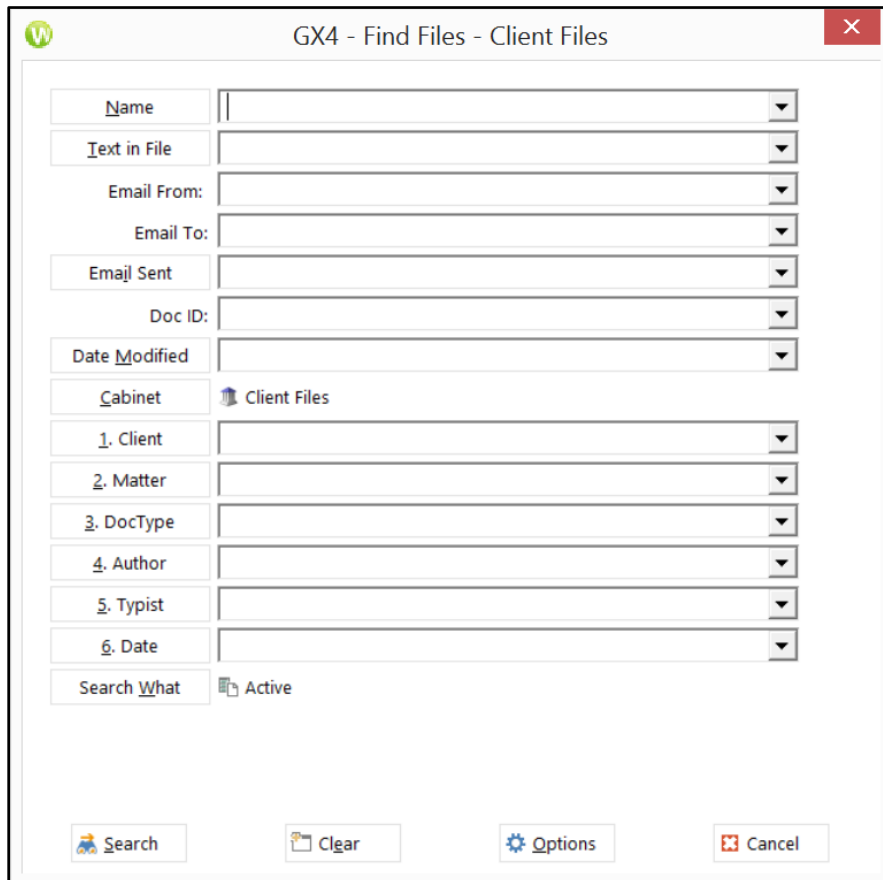
Metadata includes, but it is not limited to, the information you can see above like:

(1)   Name
(2)   Text in File
(3)   Email From
(4)   Email To
(5)   Email Sent Date
(6)   Doc ID
(7)   Date Modified, Created or Accessed
(8)   Cabinet
(9)   Client
(10)   Matter
(11)   DocType
(12)   Author
(13)   Typist
(14)   Date or Date Range
(15)   Active/Inactive

This search capability ensures continuity and a smooth transition when someone leaves or joins your office. For example, if someone unexpectedly left your office, it would be pretty difficult to determine exactly what they were working on before they left. However, if a document management system were in use, it would be quite easy to find every single document or email that person touched in the last 90 days (for example). It's one thing to have a log or list of documents they were working on; it's quite another to actually be able to find those documents. Furthermore, the searches can be narrowed down considerably. For example, I could easily find every pleading (document type), containing the phrase "motion for summary judgment" (text in file), created by a particular employee (author), between 11/1/2008 and 11/1/2009 (date created range), for any matter having to do with the Jelson Electric, Inc. (client name). I imagine that it is presently impossible for anyone in your office to even contemplate a search like that.

n.   **Version Tracking**: The DMS must be able to keep multiple versions of every document. This becomes very important when a document is undergoing revision and is being passed back and forth between attorneys. Most DMSs will keep over 100 versions of every document along with a detailed audit trail noting who did what to the file and when. When a document is saved within the system, it will prompt the user with the option to save it as another version, as see here:
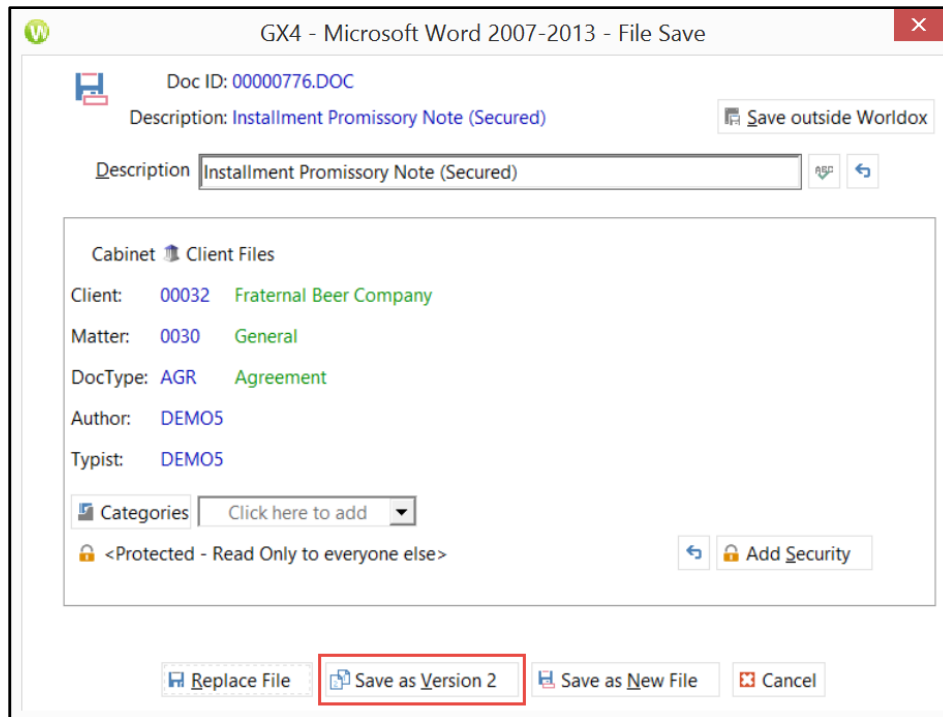
Once saved, whenever that document appears in a search result or list, the DMS indicates that there are multiple versions available of that document, as seen here:

o.   **Tagging/Filtering**: The DMS should give users the ability to create database tags on a matter-by-matter basis so you can organize a file at a more granular level and search or filter based on those database tags.

	Description	Doc ID ▾	Ver#	Categories
	📤 Client Files - Client: 00001 (Nathan Management (Inc.))	..		
	📁 Client Files\00001 - Matter: 0010 (General)	.		
☐	RE: 51st Annual Meeting Confirmation Details	00001230.msg		🚩 - Privileged
☐	Settlement Agreement	00001223.docx		🚩 - Privileged
☐	Email to Joe re Settlement	00001221.msg		🚩 🛡 - Privileged, Produced by President's Office
☐	Settlement Agreement	00001220.docx		🛡 - Produced by President's Office
☐	Confi Agree	00001218.docx		
☐	Accepted: Worldox Demonstration - Rubin Levin -- Rubin Levin - Worldox - 20109-014	00001216.msg		🛡 - Produced by President's Office
☐	Company Overview	00001132.pptx		
☐	Trustee's Resignation Letter	00001063.rtf		
☐	Certificate of Incorporation	00001062.doc		🚩 🛡 - Privileged, Produced by President's Office
☐	CalPX Told To Release Confidential Trade Data To ..	00000943.msg		🚩 - Privileged
☐	Fwd: Portland Consultant's Investigation Finds California Has Capacity for Electricity Needs	00000942.msg		🛡 - Produced by Paula Jones

p.   **Ability to Compare Documents**: Related to version tracking, users must also have the ability to compare different versions of a document or compare one document to another. In order to compare documents, some people use the compare features built into MS Word while others use 3rd party applications like CompareDocs or Workshare Compare (fka DeltaView). Since all of the documents being compared to one another will be stored in the DMS, the DMS must integrate with these functions in Word or 3rd party programs. Not all DMSs incorporate this functionality which is why this is an important question to ask up front.

q.   **Scanning Integration**: Scanned documents must be easily added to the DMS so that they are included in the document store and can be associated with matters, clients, and the like.

r.   **Consistency**: The system must ensure that documents are consistently labeled and stored. This means that profile fields are drop-down lists and people don't have to manually type document types, client and matter identification numbers, etc.

s.   **Audit Trail**: The DMS must be able to keep automatically audit all transactions related to a file saved within the system so it is easy to determine with files were first created, see everyone who touched it, and determine things like when files were copied, printed, emailed or deleted from the system.

GX4 - Audit > File

Audit   Project

View   Find   Refresh

Cabinet: Client Files   Events from: 90 Days Ago | 4/19/2015
Profile Codes: <any>   thru: Today | 7/18/2015
Doc ID: 00000776.DOC
Description: <any>
+ Users: <any>
+ Events: <any>

4 Events

Events

Date/Time ▼	Event	Doc ID	Ver#	Description	User
Sat 7/18/2015 04:04 PM	Saved	00000776.doc	1	Installment Promissory Note (Secured)	PJU
Sat 7/18/2015 04:04 PM	Launched	00000776.doc	1	Installment Promissory Note (Secured)	PJU
Sat 7/18/2015 04:04 PM	Viewed	00000776.doc	1	Installment Promissory Note (Secured)	PJU
Mon 6/15/2015 12:11 PM	Renamed to	00000776.doc	1	Installment Promissory Note (Secured)	000000

t. **Training Must Be Included**: The DMS will likely be the most used program in the office. Therefore, it is critical that everyone knows how to use it for saving scanned documents, email, attachments and word processor documents; how to search; and how to use it for workflow management (like tracking the status of a contract). Therefore, it is imperative that you get hands-on, on-site training on how to use the system.

iii. **Significant DMS Players**: There are many more than this, but this is a short list of the programs most dominant in the legal world.

a. **NetDocuments**: NetDocuments provides a document management via the web, so you store your documents on their server and pay a monthly fee for the utility of the software. Since you pay by the user, this solution can work for a single lawyer up to thousands of users. For more information, go to http://www.netdocuments.com/en-us/. Many lawyers may scoff at the idea of storing all of their documents in the cloud, but you need to see this service to fully appreciate how sophisticated and secure it is.

b.	**Worldox by World Software Corporation**: WORLDOX's unique SQL-free software is installed in more than 2300 companies worldwide, 2000+ of which are law firms and legal departments. It is a "SQL-free" document management system. For the law firm, the total cost of ownership, especially over the long haul, is considerably less. For more information, go to http://www.worldox.com/.

c.	**iManage Work (fka WorkSite)**: iManage Work is a SQL-based integrated application suite that combines document management, collaboration, portal access, knowledge management, workflow and business process automation in a single solution on a highly scalable and secure Internet platform. WorkSite tends to work better in larger law firms (200 users+). See https://imanage.com/product/imanage-work/.

d.	**Laserfiche**: Although not terribly common in the legal world, Laserfiche is a legitimate offering and contains all of the functionality you would want in a document management system. See https://www.laserfiche.com/.

e.	**OpenText Document Management eDOCS Edition**: This product can work in any sized organization. For more information, see http://tinyurl.com/hchc69q.

D.	**Case/Matter Management Software**:

i.	**Case/Matter Management Objectives**: This is a short list of what one should want in terms of case/matter management organization and workflow.

a.	**Case/Matter Information Available Electronically**: You need to be able to ascertain the status of any particular matter without having to find and interrogate the responsible lawyer. For example, if your office handles estate planning, anyone in the office should be able to instantly (electronically) access where it is in process, what the next step is, what documents are being drafted, and contact information for the client. You should also be able to see any memos to the file, document or email communications, how much time has been billed/accrued, and all past or future appointments and tasks. Making all of that information available electronically is central to what case/matter management programs do.

b.	**Sharable Task Management System Used By Everyone**: Losing track of tasks can result in unhappy clients, stress and malpractice

actions. Ideally, any task related to a matter is findable by anyone in the firm by looking at the electronic case file. Your task list should be available to you on any smartphone, tablet or other computer that you use. For example, assume the next task to be completed on an estate plan is to follow up with the client who recently received drafts and see if they have any changes. You should be reminded of that task by the system you're using. Others who might want to know the status of the case should be able to find it without asking you. You shouldn't have to be reminded of the task by a secretary or someone else. Finally, the only evidence of that task shouldn't be something written on a sticky note, legal pad or paper calendar.

c. **Sharable, Redundant Calendaring System Used By Everyone**: If there are 3 appointments on your calendar related to a particular matter over the next 2 months, those appointments should also be recorded in the electronic case file (without someone double-entering them). Others should be able to look up all future calendared items related to a matter - regardless of whose calendar those items are on. Deadlines should calculate and calendar themselves. Group calendaring should be easy; and you should be able to set up firm-wide calendars for things like statute of limitations expiration dates. The calendaring system should sync with Outlook and be available on any smartphone, tablet or computer you use.

d. **Sharable Firm-Wide Contact Database**: As soon as anyone enters new client contact information into your system, it should be available to everyone in the firm. With Outlook alone, most users maintain their own, private contact database. So if a team of 4 users will be working on the same case, they'll often all enter the exact same contact information in their own Outlook contacts database over and over. This is obviously a lot of redundant effort. Further, if contact information changes, it's not likely to be updated for all users since private Outlook contacts can't be centrally administered. However, if someone wants to enter a private contact into the system (such as one's personal physician), there should be a way to keep it hidden from everyone else.

e. **Easy Time Capture Tool**: Users tend to spend all day in a matter management program and since they're working out of it, it's important to be able to <u>bill</u> out of it. A good matter management system makes it easy to bill things as they occur. For example, calendared appointments, tasks, email and documents should all

be billable with one or two clicks. There should be timers to help track time; and ideally the system would remind users to bill events as they occur.

ii.   **Matter Management Software Defined**: Matter Management software allows you to achieve the foregoing objectives and track all important case information electronically.   The terms Matter Management, Case Management and Practice Management Software all mean the same thing. Key elements include:

a.   **Electronic Case Files**: Electronic files which contain all key information related to a matter, people/entities involved and the roles they play, phone calls, emails, tasks, appointments from everyone's calendar and the like.

b.   **Office-Wide Contact Database**: This is a contact database (any person or entity you deal with) which is shared by everyone. However, private contacts can be made so within the larger database. The contacts are linked to the electronic files they are related to.

c.   **Office-Wide Calendaring System**: Calendaring system (same as Outlook) which links to the case files.

d.   **Phone Messaging**: The ability to journalize phone calls and phone messages; and store them with the cases they're related to.

e.   **Task Lists**: Task lists, each item of which can be associated with a particular matter.

f.   **Reporting**: The ability to run reports on matters, time entered, calendar information, tasks, custom data for each matter and the like.

g.   **Document & Email Management**: Sometimes this is a feature built-in and sometimes the matter management software will integrate with a more powerful third-party document management system like Worldox.

h.   **Time Tracking and Billing**: Most matter management programs don't produce bills but they make it easy to capture time because you can generally one-click bill an appointment, task, email or phone call.

Matter Management Software is a collaborative tool. It's like Outlook except that everything revolves around and is linked to matters (a concept

Outlook doesn't possess). The electronic case file runs parallel to the paper file you already have for a particular matter and contains the key information you would otherwise have to look up in the paper file. Related phone calls and emails are journalized there, the status is listed, and electronic memos to the file are included. It gives you a way to see everything that happened and everything that is yet to be completed in one click.

iii. **Software Options You Install On Your Computer**: The following are options for software you install on your computer rather than access it via the web. Web-based options follow this.

a. **AbacusLaw** by Abacus Data Systems, Inc. - 800.726.3339; www.abacuslaw.com

b. **Amicus Attorney** by Gavel & Gown Software, Inc. - 800.472.2289; www.amicusattorney.com

c. **Case & Point** by Corporate Legal Solutions - 800.597.4361; www.caseandpoint.com

d. **Case Management Groupware** by Legal Files Software, Inc. - 800.500.0537; www.legalfiles.com

e. **CaseTrack** by Economy Analysis Group, Ltd. - 207.367.2950; www.case-track.com

f. **Client Profiles** by Client Profiles, Inc. - 866.720.5005; www.clientprofiles.com

g. **CLS/Summit** by Computer Law Systems, Inc. (now merged into RainMaker Software, Inc.) - 800.328.1913; www.clssummit.com

h. **EsqWare Case Management** by EsqWare, Inc. - 800.568.7996; www.esqware.com

i. **LawBase** by Synaptec Software, Inc. - 800.569.3377; www.lawbase.com

j. **Legal Edge Law Firm Suite** by Legal Edge Software - 610.975.5888; www.legaledge.com

k. **Needles** by Chesapeake Interlink Ltd. - 410.363.1976; www.needleslaw.com

l. **Perfect Law** by Perfect Law - 800.749.6200; www.perfectlaw.com

m. **Perfect Practice** Case Management by ADC Legal Systems - 407.843.8992; www.adclegal.com

n. **PracticeMaster** by Software Technology, Inc. - 402.423.1440; www.stilegal.com

o. **Prevail** by Practice Technology, Inc. - 407.228.4400; www.prevail.net

p. **ProLaw Ready** by Thompson/West - 800.977.6529; www.prolaw.com

q. **RealLegal** Practice Manager by law.com - 888.584.9988; www.reallegal.com

r. **Time Matters** by LexisNexis - 800.328.2898; www.Time Matters.com

s. **Trial De Novo** by De Novo Systems - 800.755.9744; www.denovosys.com

t. **TrialWorks** by Lawex - 800.377.5844; www.trialworks.com

iv. **Web Based Options**: These options are all web-based and you pay rent per month, per user.

a. **ActionStep**: www.actionstep.com

b. **AdvologixPM**: www.advologix.com

c. **Amicus Attorney Cloud Edition**: www.amicus-cloud.com

d. **Clio**: www.goclio.com

e. **Credenza**: www.credenzasoft.com

f. **Houdini Esq**: http://houdiniesq.com/esq.html

g. **MyCase**: www.mycase.com

h. **Rocket Matter**: www.rocketmatter.com

i. **Total Attorneys**: www.totalattorneys.com

E. **Paper Reduction Systems**: It's usually impossible to eliminate all paper in a law office, but it can almost always be *reduced*. Almost every law office has scanners and would like to reduce paper. Few actually achieve it. If I had a nickel for every

time a lawyer told me they were frustrated because they feel buried in paper, I'd be retired by now. Anyway, the reason paper reduction isn't achieved is typically because one or more of the following requirements aren't met. Briefly, the elements necessary for a successful paper reduction initiative are as follows:

i.   **Redundant Backup Systems and Security**: Hopefully you have this issue addressed already.

ii.   **Hardware**:

    a.   **Desktop Scanners**: Consider models such as the Fujitsu ScanSnap iX500, the Fujitsu fi-7160 or fi-7180. Desktop scanners have proven to be a critical key to reducing paper. Trying to rely solely on copiers never seems to work.

    b.   **Dual Monitors that Rotate**: One of the objectives is to stop injecting paper into your workflow. So that users can more easily review documents on screen without having to print them, we strongly recommend dual (or triple monitors) which have the capability of rotating to portrait. Since most monitors are landscape, you can't see the whole page of text at once. By rotating to portrait, not only can you see the whole page of text, but it's much larger than it would be if printed (assuming you're using a monitor 20" or larger).

    c.   **Notebooks/Tablets**: You must have a way to take your digital files with you to court, client's office, your own conference room, etc. This means that you need a notebook, ultrabook[3], tablet or other device. Today's super-light notebooks with touch screens blur the distinction between tablets and notebooks (the Dell XPS 13 2-in-1, for example). So it's pretty easy to standardize on one device if you want to.

iii.   **Scanner Software That Creates Searchable PDFs**: Most copiers and scanners create image-only PDFs which are not searchable by text contained inside them because they don't *have* any searchable text within them (unlike PDFs created from Word or WordPerfect, for example). So that you can use a search program or document management system to locate existing files based upon words they contain, all scanned PDFs must be converted to searchable PDFs.

iv.   **Filing System**: You can store your electronic documents in a folder system which every Windows and Mac computer provides or you can acquire a

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[3] See http://www.ultrabookreview.com/2796-ultrabook-definition/

Document Management System ("DMS"). A DMS is a software program that creates a highly sophisticated electronic filing system for your files and provides functionality far beyond what your computer offers natively. For more information, see paragraph 1.C.i. above.

v. **Requirements if You Do Not Buy a Document Management System**:

a. **Search Utility**: You'll need a sophisticated search utility which allows you to locate any file, regardless of location or type, by the words contained inside it. Ideally, you'd be able to use Boolean logic (and, or, not, w/5, etc.) when conducting searches. For Windows computers, consider something like Copernic Desktop Search (www.copernic.com); and for Mac computers, consider something like HoudahSpot (www.houdah.com). The search utilities built into the operating systems are simply insufficient.

b. **Establish Uniform Folder Structure**: You cannot allow users to maintain their own folder structure for the matters they work on. Just like your paper files, there needs to be a single electronic bucket for all documents related to a matter. If your paper file is a red-rope containing labeled sub-folders for types of documents, then your electronic system should mirror that. For example, under the folder **x:\client matters\probate\Gallant, Howard**, I would have the following sub-folders which would contain everything in the parallel paper files:

> \Appraisals
> \Correspondence
> \Death Certificate
> \Email
> \Expenses
> \Pleadings

c. **Establish File Naming Conventions**: If you would like everything sorted by date (which is what most lawyers like), simply precede every file name with a date, year first. If you enter the date month/day/year, then all of the January files (for all years) are lumped together, all of the February files are together, etc. Our file naming convention:

> 2014-10-30 - Letter to Bill Biviano re billing system.doc

The date indicates the date the document was mailed out if it's a letter; and the longer description makes it clear what this document contains without even opening it. If you are scanning a

document you received, then the date should be the date the particular document was received.

vi. **Digitize All Documents**: In order for this to work, your electronic file must contain everything the paper one does. Therefore, you need to begin scanning everything not already in electronic form. This includes all incoming documents, faxes, notes and the like. If you already have a document in electronic form, then you don't necessarily have to print it and scan it unless you absolutely want a digital copy of the document as it looked when it left your office. Ultimately, if your electronic file is incomplete or even suspected of being incomplete by users, then it won't be relied upon and you'll never achieve meaningful paper reduction.

vii. **Store Email Outside of Your Email Application**: First, it is pointless and counter-productive to print your email and stuff it into your paper files. Instead, start adding those emails electronically to your electronic file. This is easily accomplished by opening an email and saving it as a PDF. If you have a PDF program that integrates with your email program (like Acrobat and Outlook), then creating PDFs from emails will also capture their attachments in the same PDF.

viii. **Collaborative Technology**: You must be able to share electronic documents securely and collaborate with others. You can use file sharing technologies like ShareFile[4] or Dropbox[5]. Web meeting services are also important such as Join.Me[6] or GoToMeeting[7]. You can also send very large files with encryption programs like Protected Trust[8] (aside from the fact that they allow you to easily send encrypted email and attachments).

ix. **Write Down Your Scanning Protocols**: Once you've determined the way you want this system to work, it needs to be reduced to writing and added to your operations manual.

x. **Provide Training for all Lawyers and Staff**: Don't skip this step because it's the most important one. These systems don't work (particularly if you decide to forego a DMS) unless everyone is doing the same thing and rowing in the same direction. If users go rogue and start making up their own protocols, the whole thing will go off the rails pretty quickly.

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[4] See https://www.sharefile.com/

[5] See https://www.dropbox.com/pro

[6] See https://www.join.me/

[7] See http://www.gotomeeting.com/

[8] See https://www.protectedtrust.com/

F. **Speech Recognition Software**:   When this technology first hit the market, many people tried it. However, it took a long time to "train" the software to recognize one's voice and even after training, the recognition wasn't always so good. I talk to people regularly who tried it at one point and wrote it off as not ready for prime time.   Well, those days are over.   Speech recognition software has definitely arrived, it costs less than it used to, the accuracy is amazing.

i. **Who Should Consider It**: Of course, this technology is great for anyone who doesn't like to type or feels they are slow at it. However, it's also great for people who can type and are relatively fast. The bottom line is that most people can speak 180 words per minute but almost no one can type that fast. So even if you're a pretty good typist, this could still be a game changer for you.

ii. **Uses**: Speech recognition software can be used for the following tasks.

a. **Transcription**: Dictation is fast and convenient for the lawyer, but transcription is often slow and laborious for the support staff person who is charged with that task.   By using digital voice recorders (which are available everywhere), speech recognition software can be used to transcribe dictation without human intervention. Once transcribed, a support staff person would only have to proofread it and address any formatting issues that are present.   Since payroll is always the highest cost in any firm, eliminating the need for people to transcribe dictation is a huge cost savings. The speech recognition software can also transcribe dictation much, much faster than a person can.

b. **You Talk, It Types**: Of course, the technology can also be used for people to speak time entries, emails and documents. Take time entries for example. In many firms, the lawyer will write down their time entries and give them to someone else to enter into the billing system. This is an incredibly expensive way to track time. If the lawyer currently writing down time entries by hand simply spoke them directly into the billing system, it would take less time for the lawyer and would eliminate the non-billable cost of redundant time entry by the staff.

c. **Operate Your PC Hands Free**: Speech recognition software can also be used to launch programs, print, send emails and anything else that a person might do with the keyboard and mouse. Of course, there are more commands to learn but for people with any sort of physical challenge that makes using a PC via keyboard/mouse difficult, this technology can really help.

iii. **Software Options**:

a. **Dragon NaturallySpeaking** (DNS): Dragon NaturallySpeaking is owned by Nuance (see www.nuance.com). Nuance sells the software direct, but you can get a better deal by shopping around a bit.

    (1) **PC Versions and List Prices**:

        (a) **Dragon Home** (for home and student use): $75 - Have fun and get more done on your PC using your voice. From students who are looking to complete homework assignments or struggle with writing, individuals who want to write their personal blog or complete everyday to-dos, Dragon Home captures your thoughts as quickly as you can speak them.

        (b) **Dragon Premium** (for personal productivity): $175 - If you are looking for more flexible features, like the ability to dictate using a Bluetooth headset, Dragon Premium will let you get through computer tasks with greater freedom and flexibility. Dictate documents, your to-dos, send email or surf the web to get more done in your busy day by voice instead of typing.

        (c) **Dragon Professional Individual** (for professional productivity and small business): $300 - With powerful customization features, Dragon Professional Individual is ideal for professional individuals or small business owners. Create and transcribe documents, use simple voice commands to short-cut repetitive steps, like inserting your signature, or customize the vocabulary. Synchronize with Dragon Anywhere professional-grade mobile dictation, and get paperwork done anywhere.

        (d) **Dragon Professional Individual Wireless** (for professional productivity and small business): $400 - Same as Dragon Pro Individual above, except it includes a wireless Bluetooth headset.

        (e) **Dragon Legal Individual** (for legal professionals and small practices): $500 - With a specialized legal vocabulary, Dragon Legal Individual is the fastest

way to streamline legal documentation and improve costs, simply by speaking. Whether buying for individual use or your small practice, legal professionals can save time creating contracts, briefs and other legal documents, reduce transcription costs, and improve overall practice productivity—all by voice.

(2) **Mac Versions and List Prices**:

    (a) **Dragon Professional Individual for Mac**: $300 - Whether you're creating documents, spreadsheets, presentations, sending emails, filling out forms or simply looking to reduce typing stress, the all-new Dragon Professional Individual for Mac drives new levels of productivity at work or wherever your job takes you. Dictate and transcribe documents with a fully customizable experience that optimizes speed and accuracy.

    (b) **Dragon for Mac Medical**: $1,000 - Dragon for Mac Medical, version 5, is a flexible speech recognition solution that enables the clinician to capture comprehensive clinical documentation into the EHR—quickly and accurately—to improve clinical documentation and productivity. Supports OS X Mavericks, OS X Yosemite or OS X El Capitan.

(3) **Dragon Anywhere**: This is an app for any iOS or Android phone which allows you to dictate into your phone and have it automatically transcribed. According to their website[9], Dragon Anywhere professional-grade mobile dictation makes it easy to create documents of any length and edit, format and share them directly from your mobile device—whether visiting clients, a job site or your local coffee shop.

    (a) Continuous dictation and no word limits

    (b) 99% accurate with powerful voice editing and formatting

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[9] See https://www.nuance.com/dragon/dragon-anywhere.html

<blockquote>

(c)   Access customized words and auto-text across all devices

(d)   Share documents by email, Dropbox, Evernote and more

The app is free for a week trial, $15/month or $150/year (17% savings over going month-to-month).

</blockquote>

b.   **BigHand**: BigHand has several speech recognition products that merit consideration.   See   http://www.bighand.com/en-us/products/voice for more information.

c.   **Recommended Software**: We recommend that you consider Dragon Professional Individual at a minimum. If you dictate a lot of case & statutory citations and you use a Windows PC, then it would be worth getting Dragon Legal. Otherwise, you can easily teach Dragon Professional to correctly spell any legal words you use that the Professional version doesn't understand out of the box.

G.   **Cloud Everything**: The most popular of these include the following.

i.   **Software As A Service**: Rather than purchasing and installing software on a computer or server, SaaS is simply accessed via a web browser. Your data is stored in the vendor's servers in a data center rather than in your office. There are a ridiculous number of definitions of SaaS, but I think this one sums it up succinctly without using 15 more acronyms requiring definitions:

> "Generally speaking, it's software that's developed and hosted by the SaaS vendor and which the end user customer accesses over the Internet. Unlike traditional packaged applications that users install on their computers or servers, the SaaS vendor owns the software and runs it on computers in its data center. The customer does not own the software but effectively rents it, usually for a monthly fee. SaaS is sometimes also known as hosted software or by its more marketing-friendly cousin, 'on-demand.'"[10]

To be clear, this means that you do *not* have the software installed on your computer - it is accessible only via a browser on the Internet. Further, your

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[10] *Software as a Service (SaaS) Definition and Solutions*, by Meridith Levinson on May 15, 2007, www.cio.com, see http://tinyurl.com/24cofbx for full article.

data and/or documents are located on the vendor's servers and not on your computer or server.

    ii.   **Hosted Servers also known as IaaS or Infrastructure as a Service**: In most cases, this means renting access to a server located in a data center. The server provides processing power and electronic storage, both of which are accessed via the Internet. The server is available on-demand and the provider is usually responsible for maintaining the server, providing backup and technical support.

    iii.   **Client Portal**: I know Wikipedia is not a reliable source for everything, but its definition of Client Portal is accurate and well-stated:

> "A client portal is an electronic gateway to a collection of digital files, services, and information, accessible over the Internet through a web browser. The term is most often applied to a sharing mechanism between an organization and its clients. The organization provides a secure entry point, typically via a website, that lets its clients log into an area where they can view, download, and upload private information."[11]

So you are using a client portal when you book a flight or hotel online, when you log into your bank's website or even when you use Facebook. Law firms are using these to communicate and share documents with clients and others more efficiently and securely.

2.   <u>**UTILITIES, GADGETS, TIPS AND TRICKS**</u>: I thought I would start this with a few lighter things that I really find to be valuable. As Julie Andrews once sang, these are a few of my favorite things.

    A.   **WordRake**: Many lawyers are revisiting the language used in their documents to try and clean out the legalese and make them more understandable to a layperson. If you use Microsoft Word and would like to see how the language in your complex documents might be streamlined, consider WordRake (http://www.wordrake.com/). WordRake integrates with Microsoft Word (not WordPerfect, sorry) and will use Word's "track changes" feature to suggest changes to any document you would like it to review. At that point, you can accept or reject each change using Word's built-in features for that purpose. WordRake for Word is $129/year and WordRake for both Word & Outlook is $199/year.

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[11] See http://en.wikipedia.org/wiki/Client_portal

B. **Grammarly Premium Grammar Checker for Word and Outlook**: This is THE BEST grammar checker and puts the one built into Microsoft Office to shame. Want to seriously improve your writing? See https://www.grammarly.com/premium.

C. **PerfectIt Pro by Intelligent Editing**: This is designed specifically for legal writers and editors to improve the process of editing and proofreading legal documents. It:

    i.   Enforces language and usage guidance from the legal writing experts;

    ii.   Catches consistency errors that arise from collaborative efforts or the use of form documents; and

    iii.   Searches for common errors that may arise from autocorrect, spellcheck or dictation or talk-to-text tools.

Consistency Checker scans your text for: hyphenation inconsistencies, numbers that are both spelled out and appear in digits, spelling variations, compound words, and abbreviations in two forms.

It's easy to forget to define an abbreviation the first time it appears. However, even one undefined abbreviation can break a reader's concentration and make a document frustrating to read. It doesn't have to be that way. With Abbreviation List, you can make sure that every abbreviation in your text is defined; and you can automatically generate a Table of Abbreviations that will make your document more accessible to everyone. Abbreviation List checks for abbreviations that are: not defined, used before they are defined, defined two ways, defined the same way twice, spelled out after they're defined. Abbreviation List produces a list of items to check that appears next to your document. You can use that to insert a Table of Abbreviations, as well as to search for, and quickly fix, any errors that it finds.

D. **Contract Companion by Litera Microsystems**: See http://bit.ly/2PFz5IS. Artificial intelligence isn't just the future; it's already in use in hundreds of firms around the world. Contract Companion® is a Microsoft Word toolbar that allows you to ensure your documents meet your firm's strict quality standards and your clients' expectations. Correct hard-to-see errors such as brackets, spacing and incomplete items. Ensure accurate and consistent definitions, numbering, phrases, cross references, dates, addresses, company names, monetary values, credit card numbers, and more. Speed up the identification and review of document errors by up to 90 percent. Rely on real-time updates to avoid rescanning of documents. Assess the "legal health" of a document with one click. Complete a more precise review that is difficult to achieve manually at the 11th hour. Reduce liabilities for clients and your firm by finding contract language errors.

E. **RightSignature Digital Signature Service**: If you're interested in trying a digital signature service, we have been the most impressed with RightSignature out of all that we tried. As their website indicates, RightSignature is the easiest, fastest way to get documents filled out and signed online. Test drive a free trial and you'll see what I mean. See https://rightsignature.com/ for more information. Digital signatures are authorized by:

   i.   The Electronic Signatures in Global and National Commerce (E-SIGN) Act , Pub. L. No. 106-229, 114 Stat. 464 (2000) (15 U.S.C. §§7001-7031);

   ii.   The Uniform Electronic Transactions Act (UETA), as approved by the National Conference of Commissioners on Uniform State Laws in 1999 (7A Pt. 1 U.LA. 211, 211-99 (2002)); and

   iii. Many state laws modeled after UETA.

   iv.   Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5).[12]

   v.   The Electronic Information and Documents Act, 2000 being Chapter E-7.22 of The Statutes of Saskatchewan, 2000 (effective November 1, 2000) as amended by the Statutes of Saskatchewan, 2002, c.18.[13]

   vi.   C.C.S.M. c. E55 - The Electronic Commerce and Information Act (Manitoba).[14]

F. **ShareFile Secure File Sharing Service**: For sharing files securely with clients, witnesses, co-counsel or anyone else, it's pretty hard to beat ShareFile for ease of use and robust functionality. Even their least expensive plan offers custom branding so the portal will look like part of your website. Impressive service with great technical support. See https://www.sharefile.com/ for more information.

G. **Asus MB169B+ Portable External Monitor**: Like many lawyers, I use dual monitors at the office (and at home for that matter). However, I'm often on the road and find it extremely annoying to be limited to the single 14" screen of my laptop. I have tried other external monitors, but they all had lower resolution than my laptop which made things look fuzzy and bad. However, the Asus MB168B+ is high-def (1920 x 1080) and 15.6" so everything on it looks great and it's a little larger than my laptop screen. It also gets all of its power from the USB cable so I

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[12] See http://laws-lois.justice.gc.ca/eng/acts/p-8.6/

[13] See http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/E7-22.pdf

[14] See http://web2.gov.mb.ca/laws/statutes/ccsm/e055e.php

don't need to cart around an extra power brick. I bought mine on www.amazon.com for $188.

H. **Print or Make PDFs of Articles on the Web Without The Clutter**: I do a lot of research and I often find articles on web sites that I want to keep copies of as PDFs. However, those articles are often on pages with ads, banners and a lot of extraneous stuff that I don't want in my PDF. To solve this problem, I use the free website http://www.printfriendly.com/. PrintFriendly takes any URL and renders the resulting page in a clean, condensed format. Further, it allows you to easily remove anything you want to remove from the article (like photos) before you create a PDF.

I. **Best USB/Bluetooth Speakerphone**: We have a VoIP phone system which allows me to use any headset or speakerphone I can plug into my laptop. For an extremely high-quality Wireless Bluetooth speaker for a VoIP softphone or mobile phone, try the Jabra SPEAK 510 which costs $80. It is compact, connects via USB or Bluetooth and has incredible audio quality.

J. **Office Web Conferencing System**: If you want to make your office conference room fully capable for web conferences, consider the Logitech Group Video Conferencing Bundle with Expansion Mics. You'll need a TV or projector (which you probably already have), a web meeting subscription (like https://www.zoom.us/ which has servers in the US and Canada and costs only $14.99/month), and a laptop (which you probably already have). The Logitech system has a part number of 960-001060 and costs US$1,165 or CDN$1,824 on amazon. See below for a photo of everything included:

K. **Protected Trust Email Encryption**: Email encryption services allow you to send email and attachments which can't be opened by another other than the intended recipient. This is usually handled by means of a password that the sender creates at the time they send the email. Having tried *many* of these services, my clear favorite was Protected Trust (see https://protectedtrust.com/). Their service called Compliant Email Encryption has a free trial and only costs $7.20/month/user thereafter. They have a great integration with Outlook although Outlook isn't required to use the service. Most jurisdictions do not require that lawyers encrypt email, but that doesn't mean that you shouldn't if the data is very sensitive.

L. **Best Password Manager**: You need a password manager to keep track of the dozens and likely hundreds of logons and passwords involved in a modern law practice. Our favorite is Dashlane (https://www.dashlane.com/) which only costs $3.33 per month.

M. **Copy2Contact Outlook Utility**: If you've ever created a new contact in Outlook, then you know that there are a *lot* of little white boxes to complete. Copy2Contact allows you to select an individual's contact information at the bottom of an email and with one speed-key, it populates all of the fields in a new contact card in Outlook. I think it saves me 5 minutes every time I use it. Check it out at http://www.copy2contact.com/. Copy2Contact Pro is $49.95/year.

N. **Reply All Monitor for Outlook**: Reply all is an email function that streamlines the process of getting fired. If you're trying to avoid this – this add-in is for you. See http://www.sperrysoftware.com/Email-Tools/product/reply-to-all-monitor/ - $15.

O. **Zoom Email Windows Outlook Utility**: Automatically zoom your Outlook windows to your specified zoom percentage. Now you can set your preferred zoom percentage to be able to clearly see all your Outlook windows. See http://www.sperrysoftware.com/Email-Tools/product/zoom-email-windows/

P. **Best Online Dictionary**: Whether you need to quickly look up medical terms, legal terms or one of those pesky acronyms littering almost every article you read, my favorite resource is http://www.onelook.com/. OneLook searches 1,061 dictionaries simultaneously, contains powerful search tools, and includes a reverse dictionary so you can enter a definition of a word you can't think of and it will tell you words that mean what you described.

OneLook
Dictionary Search

Word, phrase, or pattern: [   ] [Search]

Example searches

bluebird	Find definitions of *bluebird*
blue*	Find words and phrases that start with *blue*
*bird	Find words and phrases that end with *bird*
bl????rd	Find words that start with *bl*, end with *rd*, with 4 letters in between
bl*:snow	Find words that start with *bl* and have a meaning related to *snow*
bl*:adjective	Find any adjectives that start with *bl*
*:snow or :snow	Find any words related to *snow*
*:winter sport	Find words related to the concept *winter sport*
winter	Find phrases that contain the word *winter*
expand:nasa	Find phrases that spell out *n.a.s.a.*

Q. **iTimeKeep Mobile Time Entry**: This is a mobile app that works on any iOS or Android device and will connect to many legal accounting programs. It's likely that you can enter time faster and easier on iTimeKeep than you can using your

accounting program directly at the office. See http://tinyurl.com/mm6lzu5 for more information. It links to:

Elite® Enterprise, Elite® Webview, Elite® 3E, Aderant®, Rippe & Kingston LMS, CarpeDiem® / TimeKM®, DTE, Juris® LexisNexis, ProLaw®, Omega®, LawBase®, Total Office (Former Client Profiles), Client Profiles Financial, TABS3®, Amicus®, LSS®, Versys®, ProVantage®, PCLaw®, Time Matters® & Equinox®.

R.   **Monitor Rear View Mirror**: My office is configured so my back is to the door when I'm working on my computer. The problem this caused was that people would walk into my office without me knowing it and unwittingly scare me to death when they spoke. Tired of being snuck up on, I found a rear view mirror that clips onto my monitor for $17 on www.amazon.com. It works great and I'm no longer startled 5 times a day when people enter my office.
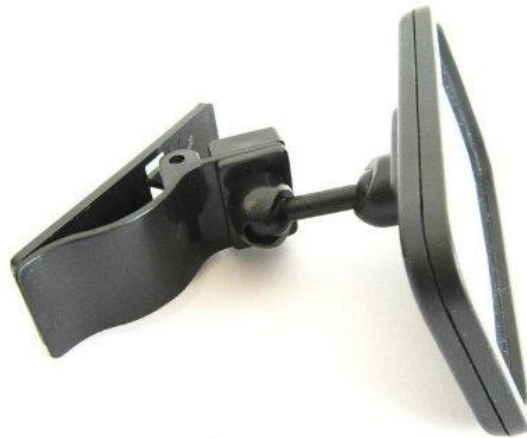
3.   <u>**LEGAL TECHNOLOGY TRENDING DOWN**</u>: I don't have time to waste on talking about what is not hot. So here's a short list:

A.   Anything analog and slow - paper files, typewriters, etc.

B.   Drafting documents via dictation & human transcription. Advances with speech recognition software is rendering this antiquated, expensive and slow.

C.   iOS and Android tablets because you can buy hybrid PCs that do far more than a traditional tablet

D.   WordPerfect

E.   Lawyers who are 100% reliant on support staff to produce work product because they refuse to learn how to use the technological tools necessary to practice law

F.   Hourly billing in transactional practices

G.   Reliance upon paper client files

H.   Doing it that way just because that's the way you've always done it

I.   Copiers (being replaced by individual scanners and printers)