

The Paperless Future

By C. Jesse Green

A decade before World War I, an eccentric English instructor from Hopkins, Missouri traveled to London and sifted through hundreds of thousands of pages of obscure, archaic, and all but illegible legal documents looking for bits and pieces of the lost history of William Shakespeare.

The Office of Public Records in London was, and is, a repository of tens of millions of often arcane records dating back to the fifteenth century. We Americans are often characterized as litigious, but the miles of shelved legal documents examined by the obsessive Charles Wallace and his wife, Hulda, revealed that the British of Shakespeare's era were no less so. The Wallaces painfully made their way through a sea of ancient but mundane legal records: plea rolls, exchequer memoranda, litigation rolls, property deeds, pipe rolls, conveyances, and other public documents that would not be unfamiliar to a modern attorney.

After 18 years of meticulous searching in this marvelous, if musty, archive, the Wallaces had discovered an astounding 24 heretofore unknown records involving the renowned playwright. Plus they unearthed a

real gem: the sixth and final (so far) Shakespeare signature extant.

This modern Shakespeare story took on a new poignancy earlier this year as Google Vice President Vince Cerf warned the American Association for the Advancement of Science of a potential “digital dark age” caused by hardware and software obsolescence that could result in the eventual loss of pretty much *all* our saved digital data.

As we rush collectively toward paperless offices, e-filing, and digital-only photos and documents, most of us feel we are being conscientious about our files: backing up our hard drives and maintaining our cloud storage. We are confident that opposing counsel and local courts are doing the same. We have faith in Google. We trust Apple and Western Digital.

But experts like Cerf warn us that CD-ROMs and DVDs/Blu-Rays start deteriorating almost immediately. The U.S. National Archives estimates all such discs have a life of between five and ten years. Hard drives fail and are only designed to last between three and five years. Depending on whom you ask, flash drives might last ten years, subject to the numbers of write cycles and care. But they are also notoriously fickle and might last much less.

Meanwhile, the crisis that Cerf and others posit casts a much longer shadow than mere deterioration of media. In the best possible circumstances—say, your digital media are uncommonly hardy and rugged and have been stored and cared for under archival conditions—over time we still lose the ability to *read* digital files.

Both hardware *and* software become obsolete.

Imagine discovering you possess priceless information saved on an old floppy disc found in the back of an office drawer, a file that means the difference between winning

or losing a case or saving a life. Do you have a machine in your office with a floppy disc drive? If so, do you have software capable of deciphering the file? Our hypothetical is flawed, though. Floppies are a fairly recent technology. Push this hypothetical out to a 50-year-old technology and consider the outcome.

Recall, too, we are peering through the rosy lens of the *best* possible circumstances. Over the course of human history, wars and natural disasters are almost a certainty. Imagine if the diary of Anne Frank or gnostic gospels or the recovered works of Aristotle (not to mention obscure records of William Shakespeare's landlord's legal battles) had only existed in fragile, proprietary, technology-dependent form. Would they have been lost forever? Almost certainly.

So we must ask ourselves: is it inherently irresponsible to trust digital files alone to do the job we have always trusted to physical artifacts?

As Cerf, a co-founder of the modern Internet, noted, “Historians will tell you that sometimes documents and transactions [and] images and so on may turn out to have an importance which is not understood for hundreds of years.”

Will any of our currently stored digital information exist in a recoverable form in hundreds of years? It isn't likely.

Does that matter? We may not find out for certain until it is far too late. ■

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