

# TechnoLawyer.com: How Will You Organize Your Electronic File Cabinet?®

## Introduction

Ill-deserved though it may be, lawyers have a reputation of being enemies of the forest, destroying millions of trees each year to create the paper blizzard that so typifies our profession. A change is in the works, however, that may ameliorate the profession's tainted reputation. That change is the movement toward electronic record keeping and communication in the practice of law.

This change, which is driven in part by spiraling costs of creating, distributing, and storing paper documents, may be nearer at hand than you realize. The U.S. District Court in St. Louis will soon unveil its plan for electronic case management and electronic filing, with a target date of July 1, 2003 for implementation. Ready or not, lawyers who practice in the federal court will have to be prepared to cope with the prospect not only of creating and filing electronic pleadings with the court but receiving electronic service of pleadings from other parties and electronic service of orders from the court. Perhaps not immediately, but in the foreseeable future, paper will virtually disappear from the federal court litigation process. Although the process of evolution moves much more slowly in the state court system, you can be sure that there will come a day when even the circuit courts will require electronic filing.

## Legal Filing: Then and Now

Lawyers and their support staffs are well accustomed to the task of managing paper files. In many, if not most, law offices, files are opened in the name of the client and then in some descriptive name reflecting the specific matter on which the lawyer has been en-

gaged. Within that file are separate pleading packets, correspondence files, and sub files for evidence and discovery, or, in the case of business matters, for contracts, deeds, opinion letters, etc. Those files are then usually retained with some alphabetical or numerical scheme either in the lawyer's own file cabinets or in a common file area. Every piece of paper associated with the case is directed to this file and is (in the best of all worlds) filed in chronological or other logical fashion in the appropriate sub parts of the file.

This traditional scheme no longer suffices in an electronic era. Communications occur via electronic mail, not through an exchange of written correspondence transmitted through the mail or overnight delivery services. Often, drafts of documents are exchanged from lawyer to lawyer or lawyer to client electronically and may never actually find their way into paper form. With desktop faxing, some "faxes" are only viewed on a computer monitor and may never be reduced to paper. With the move toward electronic court filings, there will no longer be an incoming envelope containing pleadings to be added to the pleading pack.

## The Electronic File Cabinet

With the prospect of this change on the horizon, it is appropriate to ask: How will you organize your electronic file cabinet?

If the lawyer's "file" is going to serve any useful purpose, these electronic documents have to be stored and cataloged in some manner to make them retrievable, now or in the future, as both a part of the working file or as a permanent record of the services performed. It is never too soon to start developing a strategy for coping with the record-keeping demands of the paperless era.

There are probably as many different approaches to electronic document filing and storage as there are law firms engaged in the practice of law. To some extent, the answer to the question posed in this article will be dictated by a variety of factors that make each law firm unique: the nature of the law practice, the way in which the computers are (or are not) networked, and the features of the software used by the law firm—and there probably are countless other factors that come into play. However, some basic approaches can serve as a starting place for your firm.

*What's important is that every lawyer and law firm have a plan of attack and have general agreement among all the team players—lawyers, secretaries, legal assistants, and computer professionals—so that everybody signs on and adheres to the plan.*

## 1. All Electronic Documents Are Printed for Traditional Filing

This approach is a blend of new and old and is starkly simple in its implementation. In this approach, the lawyer has the responsibility for printing out a hard copy of the electronic mail, the pleading, or the draft, along with some indicia of the date and time of creation or receipt, and passing that printed document on to a secretary who files it in a traditional paper file. Not much of a step toward the paperless world, but it is effective in one sense: it creates a permanent complete file.

## 2. All Documents Become Electronic Files for Electronic Filing

This approach, which works only in small firms in which only one lawyer is likely to touch a file, involves organizing the files on your hard drive by creating directories and sub-directories and sub-directories within the sub-directories for each client and matter and category of documents within that matter. Copies of the letters that you send as well as copies of documents that you receive are all kept together in a chronological order dictated by the date of document creation (or last modification) and available in some logical fashion.

This approach suffers from at least two limitations. First, it requires a great deal of discipline from the lawyer to properly “file” the electronic document in the right place on his computer; if time is short and the pressure is on to get other things out the door, it’s easy enough to forget that step. Second, not all material that comes in the door will be electronic. The answer to that problem lies in scanning incoming material to create images and then saving the images to the proper location on the hard drive. Such a step is somewhat labor intensive but unavoidable if one is to create a complete and comprehensive electronic file.



## 3. Case Management or Document Management Software

This approach relies upon the features of the case management or document management software that the firm employs. Features and organizational schemes vary widely from software package to software package, but most such programs will enforce some sort of document management regime that allows associating related documents to a particular client and matter. If all documents are saved and categorized within either the case management software or the document management software, they are retrievable. If that software allows cataloging documents that come from external sources, such as e-mail messages, e-mail attachments, or imaged documents, the file can be complete.

## Conclusion

None, all, or some combination of the foregoing methods might be appropriate for you in your law practice. The important

thing is to remember that you need to have a file management plan as the practice of law becomes increasingly paperless.

Files are important because they contain a permanent record of the work you have performed for a client. If questions arise about your client’s bill or about the quality of services performed, having that record is vital. Files also serve as the only permanent record you have when a client inevitably comes back to ask you about some matter, contract, or lawsuit that was handled several years ago. While no ethical rules specifically mandate maintaining a file, prudence and the standard of reasonable care require it.

How you go about designing your electronic file cabinet is up to you. What’s important, however, is that every lawyer and law firm have a plan of attack and have general agreement among all the team players—lawyers, secretaries, legal assistants, and computer professionals—so that everybody signs on and adheres to the plan.

From document filing schemes to backup methodology for computers, all the parts of the firm have to work together to ensure the integrity of that electronic file.

*This article originated in The Techno-Lawyer Community, a free network of e-mail newsletters through which legal professionals share information about legal technology and practice management issues, products, and services, often developing valuable business relationships in the process. To join The Techno-Lawyer Community, visit the following Web site: [www.technolawyer.com](http://www.technolawyer.com). ◆*

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