

A PAPERLESS PRACTICE

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Spanish

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Hardy v. 11702 Memorial, Ltd., 176 S.W.3d 266 (Tex. App.—Houston [1st Dist.] Jul. 15, 2004, no pet .)

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A PAPERLESS PRACTICE

I. INTRODUCTION

Lawyers are Luddites.¹ They resist change, and are suspicious of technology. They have been skeptical of the paperless office, and not without reason.

The paperless office was oversold, on the premise that because time is money, and paperless saves time, therefore paperless makes you money. For years, the reality in most offices was that paperless technology was expensive, cumbersome, and, in truth, one proponent's toy that the rest of the office endured if not ignored. It required an investment of time and money that punished the technophiles, much less the average user.

Things have changed. First, you can hardly buy a copier that doesn't scan to PDF. Second, Adobe Acrobat is affordable and Adobe Reader is ubiquitous, so you can print anything to a PDF that anyone can read. Third, clients and courts welcome if not demand paperless documents. Finally, the technology is now easy enough for average, disinterested, even hostile users.

A solo or small law office can go paperless with just a scanner, Adobe Acrobat, and e-mail. That part is easy, and now requires almost no thought. The difficult parts are (i) the technical infrastructure (hardware, software, backup) and (ii) document management.

Technical infrastructure is critical: without a computer and some kind of network, a scanner, Adobe Acrobat, and e-mail don't work. Most lawyers should and do rely on an outside IT contractor to design and maintain their computer systems. The lawyer managing that contract needs some independent source of information. I start with Sharon D. Nelson, John W. Simek, *et al.*, *The 2010 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple*, published by the American Bar Association.

A document management system is critical. Consider the pile of paper that every paperless advocate mocks. Now make that same pile invisible: locating documents is more difficult, not easier. That's the immediate consequence of going paperless. The paper document that was lost but found once you recognized it, cannot even be recognized after it's a PDF. A document management system provides a name or a place for each electronic document so that everyone knows when they've found it.

Most lawyers should but don't rely on a professional to design and implement their document management systems. I didn't. I learned things the hard way, kept notes, and here they are: one lawyer's

model document management system. It's not ideal, because it depends on disciplines and protocols that are not intuitive, take time to teach, and require effort to audit. It works well for us, but is probably a model best reserved for firms with one shareholder that can dictate work processes to a few associates and paralegals.

Given multiple shareholders, the better solution is probably WORLDOX, an enterprise document management system which requires a dedicated workstation. WORLDOX forces users to index every e-mail they read, and every document they save or print. It compels document management participation that is only voluntary if done my way.

This paper is not a tutorial on Adobe Acrobat, much less WORLDOX. Instead, it offers a few examples and techniques for better organizing an office that is paperless or headed that direction. The emphasis is on traditional filing systems that also work well in a paperless environment, so that the firm can make a gradual rather than abrupt transition to a paperless practice.

Ross Kodner is a technology consultant whose thoughts offer something for everyone on the spectrum. His PowerPoint is presented today, with his gracious permission. His services are described at Appendix A.

II. (PAPER) DOCUMENT MANAGEMENT

Document management begins with paper management. Paper is not out of style, and will continue to arrive at your office for the foreseeable future. Even if you scan everything that comes in, you must return, retain, or destroy the originals. Retaining paper for some time before destruction remains the most common, and for most offices, the most effective policy.

Our basic document management practices were derived from Alexandra Bradley and Denise Dale, *At Your Fingertips in the Office: Information Management for the Small Business* (2000). For issues particular to a legal practice, we adapted many of the procedures found in Demetrios Dimitriou, *Law Office Procedures Manual for Solos and Small Firms* (3d ed. 2005).

A. Filing and Retrieval

In our office, all paper is coded with a file number or, in the case of reference files, a topic number. The code identifies the folder where the paper is to be filed, and varies depending whether the document belongs in a client, administrative, or reference file.

1. Client Files

Each client is assigned a unique, four-digit number. Each matter is also assigned a name and a four-

¹ Luddites were 19th century English textile workers who destroyed mechanized looms. To quell their enthusiasm, they were executed or transported to Australia.

digit number. The first matter for a client is administrative, .0000 General, which is retained indefinitely. *See* Office Filing System, App. B.

Thus, if Ward Cleaver retains us to defend a lawsuit by Edward Clark Haskell, and the prior client was number 0765, we would assign Ward client number 0766, and open files—

0766.0000 General

0766.0001 Haskell

Folders would be labeled—

0766.0000 General

0766.0001 Haskell: Correspondence

0766.0001 Haskell: Notes/Documents

0766.0001 Haskell: Pleadings

For estate planning or transaction matters, the Notes/Documents and Pleadings folders are omitted.

We refer to the combination of client number and matter number as the “client.matter” number.

Staff receives inbound documents (by mail, delivery, fax, etc.) and pencils the client.matter number on the document, which is confirmed the same day by the responsible attorney before further action or filing. Documents are annotated “P” or “N/D” to indicate filing in the Pleadings or Notes/Documents folder.

Prospective clients’ correspondence and documents are not assigned a client.matter number until the firm is retained. In the meantime, documents are dated and filed alphabetically in an accordion folder in the responsible attorney’s office. If and when the firm is retained, the documents are renumbered with client.matter numbers. Prospects’ documents are retained one year.

2. Administrative Files

Client number 0250 is reserved for the firm. Firm matters include—

0001. Formation

0002. Compliance

0003. Frost National Bank

0004. Lease

0005. Payroll

0006. Insurance

0007. Accounting

0008. Professional

0009. Correspondence

0010. Administration

...

Thus, 0250.0009 is the file code for correspondence.

Numbers 0251–0299 are reserved for each employee’s individual use.

Four-digit submatters, sub-submatters, etc., are also used, permitting detailed file coding with numbers alone.

An alphabetical filing system is more elegant, but file coding by hand quickly becomes tedious. *At Your*

Fingertips in the Office offers both alphabetical and numeric models.

Administrative file folders have blue labels to distinguish them from client file folders.

3. Reference Files

We receive a dozen or more journals and newsletters each month. Relevant articles are torn out and filed in reference folders. Instead of client.matter numbers, a topical legal index is used to label folders. *See* West Key Numbers and Topics, App. C. Each employee maintains their own reference files.

B. File Retention

1. Client Files

a. Record retention policy

When a client’s matter is finished, the responsible attorney determines the retention date, after which the file may be destroyed.

b. Record retention clause

Every engagement agreement informs the client of the firm’s record retention policies:

“The Client remains liable for the Firm’s fees and expenses after this Agreement ends, including reasonable fees and expenses of winding up. The Firm owns and will retain the Client’s file (generally correspondence and the Firm’s work product), but copies are available at the Client’s expense (including retrieval fees, copy charges, and clerical or attorney time). The Client owns any original papers and property delivered to the Firm, but when permitted by law, the Firm may retain them while the Client’s account is delinquent. Pursuant to its then current record retention policy, the Firm may destroy the Client’s file, original papers, and property without further notice. For these reasons, please keep copies of anything delivered to the Firm.”

The client is not informed of any particular retention period, which remains in the discretion of the responsible attorney. *See* File Retention Protocols, App. D.

2. Administrative Files

We do not set retention dates on individual administrative files. Instead, they are reviewed en masse each year, and culled according to the same retention guidelines applied to client files.

3. Reference Files

Reference files are destroyed at the discretion of each employee.

C. File Storage and Destruction

1. Client Files

Client files are reviewed for irreplaceable documents, then sent offsite for storage pending destruction. The actual procedure was once quite tedious, and tended to wait until a batch of files is ready for storage. *See* File Closing Checklist, App. E. Paperless files have become much easier to close.

We send closed files to Safesite, <http://www.safesite.cc/>, a records management company, which holds them until destruction is requested, often years later. Safesite destroys entire boxes rather than individual files, so we box files by retention date.

We do not destroy client files on site, though each office does have a shredder to dispose of confidential documents, e.g., Will drafts, that need not be filed in the first place.

2. Administrative Files

Administrative files are generally stored on site until destruction. Safesite is cheap enough, though, that we did send boxes of administrative files off-site recently pending an office move. Also, boxes of administrative files sometimes go to Safesite for immediate destruction, rather than attempting to shred in our own office.

3. Reference Files

Reference files are thrown away at each attorney's discretion.

III. ELECTRONIC DOCUMENT MANAGEMENT

Document management organizes paper. Electronic document management organizes outside paper that was scanned to PDF, inbound and outbound e-mails, and in house work product (Word, Excel, Adobe).

Document management software indexes electronic documents, regardless whether they were scanned from paper or never printed in the first place.

All software applications and operating systems include some document management functions, ranging from Save and Save As, to advanced search features. Document management software goes several steps beyond, though, by indexing documents *before* the user searches, and by offering management and analysis functions way beyond the scope of most utilities.

Enterprise document management software can be web-based or a network installation, and is generally compulsory for all users and all supported applications, e.g., WORLDOX, mentioned above.

Single-user document management software can be equally sophisticated, but is designed for individual

users or small groups, rather than everyone in the office.

It is not necessary to use document management software at all in order to organize electronic documents. It is possible, and often practical, to save electronic documents in folder and subfolders with the same organization that document management software provides, though without the management and analysis functions.

Here then, is an overview of electronic document management, first, without any management software, second, with an enterprise product, and, finally, with a single-user application.

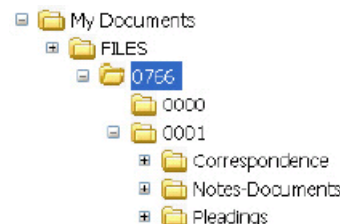
A. Management without Management Software

1. Without a Network

My law practice began as a solo attorney in an executive suite, without any support staff. I had one computer, and was the sole user.

a. Client and administrative files

For electronic documents, I created folders on my computer corresponding to my client and administrative folders. Thus, Ward Cleaver would have computer folders corresponding to each folder described at II.A.1, above.



The firm's 0250 folders would also have corresponding folders and subfolders on the computer too.

Every electronic document identified to a particular client.matter number would be saved in the corresponding computer folder, also known as a directory.

For example, searching folder 0766 for all documents would reveal—

```
S:\My Docs\FILES\0766\0000
|-- Engagement.doc

S:\My Docs\FILES\0766\0001

|-- S:\My Docs\FILES\0766\0001\Corresp.
|-- Client 01.doc

|-- S:\My Docs\FILES\0766\0001\Notes-Docs
|-- Local Rules.pdf

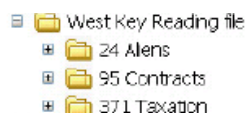
|-- S:\My Docs\FILES\0766\0001\Pleadings
|-- Clerk 01.doc
|-- D answer.doc
|-- Pleadlog.doc
```

If anyone had picked up the corresponding paper folders, they would have found—

- o an engagement agreement in Ward's 0766.0000 General folder (annotated 766.0),
- o a letter in his 0766.0001 Correspondence folder (annotated 766.1),
- o an answer, cover letter to the clerk and pleading log in the 0766.0001 Pleadings folder (all annotated 766.1 P), and
- o the court's local rules in the 0766.0001 Notes/Documents folder (annotated 766.1 N/D).

b. Reference files

Reference files were similar, i.e., a computer folder for each paper folder—



c. Data security

Fernando Delgado of Speedpro Systems built or configured all our computers. He installed dual hard drives, so that our data was simultaneously recorded two different places (mirrored), albeit both onsite. For offsite backup, I subscribed to Connected TLM, now Connected Backup/PC, published by Iron Mountain, <http://backup.ironmountain.com/>.

2. On a Network

This scheme worked equally well when I graduated to a network. Instead of saving data on individual computers, Fernando moved all my data to the server, and mapped an S: drive for use by all users. Thus, from my perspective, my data simply moved from my C: drive to my S: drive. Mirror hard drives were employed on the server, as well as Connected Backup. In addition, Fernando installed Microsoft Exchange Server 2000, to better exploit Microsoft Outlook public folders, and to enable remote access. Individual machines no longer mirror hard drives or use Connected Backup, since all data now resides on the server.

My network and backups are now managed remotely by Truewater, <http://www.truewater.com/>.

3. Paperless

I ran a network for several years before attempting a true paperless practice. I took the plunge after I'd already assembled all the necessary hardware and software, and without much more planning or procedures than that described above. The key additions: (i) a guide to Adobe that showed me what to do with all those PDFs, and (ii) a better file-naming convention, that I could rely on to identify documents long after they had been created.

a. The setting

The rule of 3 suggests you replace 1/3 of your technology every year, so it turns over completely every three years. I'd gone considerably slower, but finally installed Microsoft Exchange Server 2003 (in 2009). At the same time, I upgraded my own workstation, and began using dual 22-inch monitors with UltraMon. I used Adobe Acrobat 9.0, but only to print my own work product, and not to collate others' or to organize my own.

I treated paper with equal or greater dignity than electronic documents, and frankly, preferred paper. Litigation was the only area where I was paperless, with the benefit of CaseSoft, which was great for document production, but not suited for paperless correspondence.

b. The epiphany

Last year I read the ABA's David L. Masters, *The Lawyer's Guide to Adobe Acrobat, Third Edition* (2008). Written for lawyers with some, but not a lot of enthusiasm for technology, it explained the handful of features most helpful to a law practice. I was educated rather than overwhelmed. It made me realize I had all the pieces in place for a paperless practice. Once I bought into the idea, I soon discovered it worked, it reduced my stress, increased my productivity, and was finally a tool rather than a toy.

The key was a document management system, that, in my case, involved little more than adding descriptive filenames to the procedures I already had in place.

c. File names and directories

When only a few documents are associated with a client.matter, further identification is not necessary: one can simply open all to find the one needed. However, further information is essential whenever a matter has more than a few electronic documents. That information must be consistent if multiple users are to efficiently share work and edit common documents.

File-naming conventions are critical to paperless documents. Ours are set out at Appendix G. Before developing your own, read Masters, *id.*, ch. 16 (Acrobat in the Paper-Free Office).

i. Draft correspondence

For draft correspondence we identify the recipient in the filename. Hence, letters might be named *Client 01.doc*, *Title Company 01.doc*, *Seller 01.doc*, etc. These are saved in the client.matter *Correspondence**Drafts* directory.

ii. Actual correspondence

Drafts are printed to Adobe and collated with enclosures before being sent. The final work product is saved with a filename that identifies the date sent, au-

thor, recipient, and subject. Thus, a draft saved as *Client 01* in the *Correspondence\Drafts* directory might become *20100225 ltr RWH MAG – Status report.pdf*, and would be saved in the Correspondence directory.

Typically, we don't scan the signed correspondence, so the saved document is an unsigned facsimile . . . like an old carbon copy. Saving a document in the Correspondence folder is a representation that the document was actually sent.

If sent via YouSendIt or fax, the receipt or confirmation might be printed to the Correspondence directory as *20100225 ltr RWH MAG – Status report – receipt confirmation.pdf*.

Our correspondence is largely paperless now, and U.S. mail used only when necessary to transmit a demand, an original acknowledgment (e.g., contract or deed), or a pleading in a jurisdiction that is not paperless.

iii. Notes and documents

My own handwritten notes might be scanned and saved in the client.matter *Notes-Documents* directory as *20100225 notes RWH – Initial interview.pdf*.

If I did anything in Excel, it could be saved as *20100225 notes RWH – Open account reconciliation.xls*. Note that .xls reflects I didn't print to Adobe.

If the client brings me an old will, it's scanned and saved, e.g., *19880923 doc – Last Will and Testament of J.J. Smith.pdf*. If that same client brought me a stack of documents, I might drop them in a *Notes-Documents* subdirectory, e.g., *Notes-Documents\20100225 docs JJS RWH – Prior attorney file\19880923 doc – Last Will and Testament of J.J. Smith.pdf*.

iv. E-mail

Some e-mails and attachments are worth printing to Adobe and saving. Most are not, and yet no file is complete without them. I use SimplyFile, an Outlook add-in, to save e-mails to a client directory within Outlook. I don't bother segregating by matter. Thus, all J.J. Smith e-mails (Inbox and Sent) might be found in an Outlook folder *SimplyFile\0885 J.J. Smith*, regardless whether they concern matter 0885.0001 Estate plan or 0885.0002 JJS Probate.

v. Litigation

Like correspondence, litigation drafts are saved in a subdirectory, e.g., *Pleadings\Drafts\D answer.doc*. When a pleading is actually filed and served, whether by this office or another, it is saved in the client.matter *Pleadings* directory, e.g., *20091223 pldg MAG – Defendant's Original Answer.pdf* or *20100221 pldg JF – Plaintiff's Motion for Summary Judgment.pdf*.

We no longer maintain paper pleadings, and now shred others' pleadings once they are scanned and

saved. In paperless jurisdictions, our own pleadings are never printed to paper.

vi. Estate planning

FlexDraft is our estate planning document assembly program. It only allows eight-character filenames, inadequate for casual identification of documents, drafters, and draft versions, so we resort to codes. Those are included in Appendix G.

vii. eFax and YouSendIt

Our inbound and outbound faxes are routed through eFax, via e-mail. We send and receive large files via YouSendIt, which e-mails us upload and receipt confirmations.

In both cases, the e-mail records of these activities are preserved by saving the e-mails to the client's Outlook directory under SimplyFile, just as with correspondence e-mails.

Failing that, to locate fax records, Outlook must be searched with the other party's fax number. For unfiled YouSendIt records, Outlook must be searched with the other party's e-mail address.

d. PrintFolder Pro

No Nonsense Software, Inc., <http://no-nonsense-software.com/>, publishes PrintFolder Pro, an inexpensive utility that displays and prints directories, subdirectories, and file names, sizes, dates, etc. The ability to display multiple directories and filenames at once is unique. When I have generated many electronic documents, I will copy the list to an Outlook journal entry, so the client can see some evidence of my labors, particularly legal research. PrintFolder reports are also helpful in locating the occasional lost document.

e. The paperless directory

Look at III.A.1.a, above. The filenames there are descriptive, but don't include information about the author or date. Under our current system, those same filenames might now look like this—

```
S:\My Docs\FILES\0766\0000
|-- 20070523 ltr BG RWH - Engagement
agreement.pdf
```

```
S:\My Docs\FILES\0766\0001
```

```
-- S:\My Docs\FILES\0766\0001\Corresp.
|-- 20070522 ltr RWH BG - Engagement
agreement.pdf
```

```
-- S:\My Docs\FILES\0766\0001\Corresp.\
Drafts
|-- Client 01.doc
```

```
-- S:\My Docs\FILES\0766\0001\Notes-Docs
|-- 20070523 wb Clk RWH - Local
Rules.pdf
```

```

|-- S:\My Docs\FILES\0766\0001\Pleadings
|-- 20070523 pldg BG - D Original Answer
.pdf
|-- 20070523 pldg BG - D Original Answer
- cover to clerk.pdf
|-- 20070523 pldg BG - D Original Answer
- Confirmation.pdf
|-- 20070523 pldg BG - D Original Answer
- Proof of Service.pdf

|-- S:\My Docs\FILES\0766\0001\
Pleadings\Drafts
|||-- Clerk 01.doc
|||-- D answer.doc

```

Note the difference: draft correspondence and pleadings are saved in draft folders, with simple names, but as they leave the office, they are printed to Adobe, and saved with more detailed names.

As filing and service receipts come in, they too are printed to Adobe, and saved with similar file names. The result: a pleadings log is no longer necessary, and all pleadings and receipts appear in date order.

B. Document Management Software

The procedures described above work fine in a small office, where one person (me) can dictate by fiat. But it requires a significant amount of documentation, cooperation, training, and verification. In a firm where each partner works independently, it's improbable such an ad hoc system will be greeted with universal joy, much less compliance. Thus, the value of WORLDOX, an enterprise solution that forces every user to participate to some extent.

For litigation document management, I use CaseSoft. It's not an enterprise product. It's designed to manage a single litigation file, not the entire office, but it's too useful not to mention.

1. WORLDOX

World Software Corporation, <http://www.worldox.com/>, publishes WORLDOX GX2, which seems to be the most practical enterprise document management system for the small law office. It is a closed system, i.e., once installed, every user of every supported obligation is obligated to enter mandatory information when saving documents. Each document's profile includes, among others—

- Profile Group
- Profile Fields (Client, Matter, etc.)
- Document Description
- Owner's Initials
- Security Classification
- Comments

Perhaps to mitigate the data entry burden, of the Profile Fields, only Client and Matter fields are mandatory. WORLDOX creates directories and subdirecto-

ries for each Client and Matter, which in turn determine where the document is saved.

WORLDOX hardware requirements include a dedicated machine to index each document and its contents. One cannot install WORLDOX without buying an additional computer.

When I grow up, I'll use WORLDOX.

2. CaseMap

Even if I used WORLDOX, I'd keep CaseSoft, <http://www.casesoft.com/>, a suit of case analysis tools that includes document management, database, and reporting functions. It is designed for litigation, and I use it with Adobe Acrobat, to Bates-label and analyze discovery documents and workproduct that will be served on opposing counsel, presented to the court, or offered into evidence before a jury.

Given time and attention, CaseMap lets me turn a stack of unorganized documents into a digital file with detailed document descriptions, timelines, etc. The effort is more than I want to make on most matters, but necessary for litigation. A sample screen print appears at Appendix F.

IV. CONCLUSION

The technology for a paperless office is already in everyone's office. For most of us, a document management system and the motivation to change is all that is necessary. The techniques described here make for a robust system for the solo or small law office. A larger office may find an enterprise document management system necessary, but even then, the do-it-yourself techniques described here will allow individual attorneys to go paperless as they wait for the rest of the office to catch up.



Legal Technology Consulting

MicroLaw's Legal Technology Review

Our client relationships are, first and foremost, consulting relationships and many start with **MicroLaw's Legal Technology Review** - that's step one. For as little as \$1000, independent and experienced MicroLaw Legal Technology Professionals will evaluate your practice's existing technology, how well it serves your needs, where there are bottlenecks, how to better use your present systems and strategize for a practical and cost-effective technology future. Direct, independent, practical and based on 20 years of experience - capabilities no other technology company in Wisconsin, Illinois have - and very few across North America.



- This objective review of your technology use and your practice's workflow is a common sense approach to technology. We evaluate your existing technology and workflow to help determine better uses for the technology you already have and provide common sense technology recommendations to enhance the efficiency of your practice.

- We are experts in helping you streamline the workflow and "info.flow" of your practice. We have guided hundreds of law practices in the area of automated **case and practice management systems** with expertise in popular systems such as Time Matters®, Amicus Attorney and PracticeMaster, among others.

We help law firms and legal departments address emerging issues such as imaging and paper management via the Paper LESS Office™ process, mobile/wireless lawyering, "techno.malpractice" prevention, HIPAA privacy requirements, Sarbanes-Oxley, electronic discovery, computer forensics and Internet use and abuse policies.

Whether a client decides to move forward with us and establish another type of relationship is entirely up to the client. Flexibility is the hallmark of our work. Ready for step two?

- MicroLaw can serve as a "Technology General Contractor", working with your IS Director to manage and coordinate an automation project. We will assist in RFP creation, vendor bid negotiations and overall legal technology management.

- We can setup, configure and implement your firm's complete automation system.

- We provide a rich range of offerings in legal-specific software, custom macros and legal-specific training services in your office, in ours or over the Internet.

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APPENDIX B

Office Filing System

2.8.1 Files and Filing System

2.8.1.1 File numbering/recording

The Firm's files are organized by a numeric system in which each client is assigned a Client Number. Each matter for the client is assigned a Matter Number and Name. Together the client and matter numbers make a File Number. (See the examples in Appendix 2.8.1.1.). Clients and matters are listed numerically in the Client-Matter List (2.8.2), located in a blue pressboard folder at the beginning of the client file cabinet. Clients are listed alphabetically in the blue Client Binder, located next to the Client-Matter List. This same information is also maintained in the Excel document "Conflicts Files" <\\server\data\My Documents\FILES\0250\0010 Administration\0005 Office Filing System\Conflicts Files.xls>.

The Client-Matter List records each client name by Client Number. Each matter number and name is also listed. A new client is assigned the next available Client Number.

Example: To open a file for Robert Smith:

0418 Jane Jones
0000 General
0001 Estate plan
0419 Southwest Widgets
0000 General
0001 Formation
0002 Lease
0420 Bellaire Medical
0000 General
0001 GE Capital Corp

Robert Smith's client number would be 0421. His first file would be labeled "0421.0000 General," and would be reserved to file the engagement agreement and correspondence not associated with a particular matter, e.g., change of address notices, Christmas cards, etc. Assuming he engaged the firm to defend a property tax collection by HISD, his second file might be labeled "0421.0001 HISD." Any subsequent files created for that client would be "0421.0002 ...," then 0421.0003 ..., and so on as other matters arise.

The blue Client Binder contains Intake Forms. A Intake Form must be completed for the initial and each subsequent Client Matter. Intake Forms are filed in alphabetical order by client name, then in numeric order by matter number.

2.8.1.2 File management

When opening new files that are going to be small matters, all documents and correspondence should be two-hole punched, with correspondence inserted on the right-hand side of a single folder and all documents and pleadings inserted on the left-hand side. Assistants are responsible for their own filing and should file all papers daily.

All larger matters, e.g., litigated matters, will have at least three folders within a file pocket. The three folders are labeled "Correspondence," "Pleadings," and "Notes/Documents." For smaller matters, a single folder may be labeled "Correspondence."

2.8.1.3 Labeling

The labels for each client always will be white. Other labels are striped:

Russell W. Hall & Associates, P.C. blue
Russell W. Hall green

Striped labels distinguish administrative and personal files from client files.

| |
|--|
| 0421.0000 General ROBERT SMITH ¹ |
| 0421.0001 HISD: <u>Correspondence</u> ROBERT SMITH |

¹ In case of multiple clients, e.g., husband and wife, use only the first client's name.

| |
|---|
| 0421.0001 HISD: <u>Notes/Documents</u> ROBERT SMITH |
| 0421.0001 HISD: <u>Pleadings</u> ROBERT SMITH |
| 0421.0001 HISD: <u>File Pocket 1</u> ROBERT SMITH |

Folder and file pocket labels for the new client and his first matter

. . .

2.8.1.8 Computer Folders and Files

Using the client number, a folder should be created on the server for each new client at S:\My Documents\FILES\ . . . For example, Mr. Smith is client number 0421, and his server folder is S:\My Documents\FILES\0421.

Using the matter number, a folder should be created on the server for each new client and matter, beginning with the general folder, in this case:

S:\My Documents\FILES\0421\0000.

Mr. Smith's first matter was 0421.0001 HISD, and its server folder is:

S:\My Documents\FILES\0421\0001.

As needed, additional folders within each matter may be created for searches, pleadings, legal research, etc. For example:

- S:\My Documents\FILES\0421\0001\Correspondence
- S:\My Documents\FILES\0421\0001\Correspondence\Drafts
- S:\My Documents\FILES\0421\0001\Pleadings
- S:\My Documents\FILES\0421\0001\Pleadings\Drafts
- S:\My Documents\FILES\0421\0001\Notes-Documents.

Thus, a complete list of Mr. Smith's computer folders might include:

- S:\My Documents\FILES\0421\0000
- S:\My Documents\FILES\0421\0001
- S:\My Documents\FILES\0421\0001\Correspondence
- S:\My Documents\FILES\0421\0001\Correspondence\Drafts
- S:\My Documents\FILES\0421\0001\Pleadings
- S:\My Documents\FILES\0421\0001\Pleadings\Drafts
- S:\My Documents\FILES\0421\0001\Notes-Documents.

APPENDIX C

West Key Numbers and Topics

| | | | | | |
|-----|----------------------------------|------|--------------------------------------|------|------------------------------|
| 1 | Abandoned and Lost Property | 68 | Canals | 137 | Drains |
| 2 | Abatement and Revival | 69 | Cancellation of Instruments | 138 | Drugs and Narcotics |
| 3 | Abduction | 70 | Carriers | 140 | Dueling |
| 4 | Abortion and Birth Control | 71 | Cemeteries | 141 | Easements |
| 5 | Absentees | 72 | Census | 142 | Ejectment |
| 6 | Abstracts of Title | 73 | Certiorari | 143 | Election of Remedies |
| 7 | Accession | 74 | Champerly and Maintenance | 144 | Elections |
| 8 | Accord and Satisfaction | 75 | Charities | 145 | Electricity |
| 9 | Account | 76 | Chattel Mortgages | 146 | Embezzlement |
| 10 | Account, Action on | 76A | Chemical Dependents | 147 | Embracery |
| 11 | Account Stated | 77 | Citizens | 148 | Eminent Domain |
| 11A | Accountants | 78 | Civil Rights | 148A | Employers' Liability |
| 12 | Acknowledgment | 79 | Clerks of Courts | 149 | Entry, Writ of |
| 13 | Action | 80 | Clubs | 150 | Equity |
| 14 | Action on the Case | 81 | Colleges and Universities | 151 | Escape |
| 15 | Adjoining Landowners | 82 | Collision | 152 | Escheat |
| 15A | Administrative Law and Procedure | 83 | Commerce | 154 | Estates in Property |
| 16 | Admiralty | 84 | Common Lands | 156 | Estoppel |
| 17 | Adoption | 85 | Common Law | 157 | Evidence |
| 18 | Adulteration | 86 | Common Scold | 158 | Exceptions, Bill of |
| 19 | Adultery | 88 | Compounding Offenses | 159 | Exchange of Property |
| 20 | Adverse Possession | 89 | Compromise and Settlement | 160 | Exchanges |
| 21 | Affidavits | 90 | Confusion of Goods | 161 | Execution |
| 22 | Affray | 91 | Conspiracy | 162 | Executors and Administrators |
| 23 | Agriculture | 92 | Constitutional Law | 163 | Exemptions |
| 24 | Aliens | 92B | Consumer Credit | 164 | Explosives |
| 25 | Alteration of Instruments | 92H | Consumer Protection | 165 | Extortion and Threats |
| 26 | Ambassadors and Consuls | 93 | Contempt | 166 | Extradition and Detainers |
| 27 | Amicus Curiae | 95 | Contracts (includes Construction) | 167 | Factors |
| 28 | Animals | 96 | Contribution | 168 | False Imprisonment |
| 29 | Annuities | 97 | Conversion | 169 | False Personation |
| 30 | Appeal and Error | 98 | Convicts | 170 | False Pretenses |
| 31 | Appearance | 99 | Copyrights and Intellectual Property | 170A | Federal Civil Procedure |
| 33 | Arbitration | 100 | Coroners | 170B | Federal Courts |
| 34 | Armed Services | 101 | Corporations | 171 | Fences |
| 35 | Arrest | 102 | Costs | 172 | Ferries |
| 36 | Arson | 103 | Counterfeiting | 174 | Fines |
| 37 | Assault and Battery | 104 | Counties | 175 | Fires |
| 38 | Assignments | 105 | Court Commissioners | 173 | Fish |
| 40 | Assistance, Writ of | 106 | Courts | 174 | Fixtures |
| 41 | Associations | 107 | Covenant, Action of | 175 | Food |
| 42 | Assumpsit, Action of | 108 | Covenants | 176 | Forcible Entry and Detainer |
| 43 | Asylums | 108A | Credit Reporting Agencies | 177 | Forfeitures |
| 44 | Attachment | 110 | Criminal Law | 178 | Forgery |
| 45 | Attorney and Client | 111 | Crops | 179 | Fornication |
| 46 | Attorney General | 113 | Customs and Usages | 180 | Franchises |
| 47 | Auctions and Auctioneers | 114 | Customs Duties | 181 | Fraud |
| 48 | Audita Querela | 115 | Damages | 182 | Frauds, Statute of |
| 48A | Automobiles | 116 | Dead Bodies | 183 | Fraudulent Conveyances |
| 48B | Aviation | 117 | Death | 184 | Game |
| 49 | Bail | 117G | Debt, Action of | 185 | Gaming |
| 50 | Bailment | 117T | Debtor and Creditor | 186 | Garnishment |
| 51 | Bankruptcy | 118A | Declaratory Judgment | 187 | Gas |
| 52 | Banks and Banking | 119 | Dedication | 188 | Gifts |
| 54 | Beneficial Associations | 120 | Deeds | 189 | Good Will |
| 55 | Bigamy | 122A | Deposits and Escrows | 190 | Grand Jury |
| 56 | Bills and Notes | 123 | Deposits in Court | 195 | Garanty |
| 57 | Blasphemy | 124 | Descent and Distribution | 196 | Guardian and Ward |
| 58 | Bonds | 125 | Detectives | 197 | Habeas Corpus |
| 59 | Boundaries | 126 | Detinue | 198 | Hawkers and Peddlers |
| 60 | Bounties | 129 | Disorderly Conduct | 199 | Health and Environment |
| 61 | Breach of Marriage Promise | 130 | Disorderly House | 200 | Highways |
| 62 | Breach of the Peace | 131 | District and Prosecuting Attorneys | 201 | Holidays |
| 63 | Bribery | 132 | District of Columbia | 202 | Homestead |
| 64 | Bridges | 133 | Disturbance of Public Assemblage | 203 | Homicide |
| 65 | Brokers | 134 | Divorce | 204 | Hospitals |
| 66 | Building and Loan Associations | 135 | Domicile | 205 | Husband and Wife |
| 67 | Burglary | 136 | Dower and Curtesy | 205A | Illegitimate Children |

| | | | | | |
|------|---|--------|-------------------------------|-------|------------------------------------|
| 205H | Implied and Constructive Contracts | 280 | Oath | 347 | Seals |
| 206 | Improvements | 281 | Obscenity | 348 | Seamen |
| 207 | Incest | 282 | Obstructing Justice | 349 | Searches and Seizures |
| 208 | Indemnity | 283 | Officers and Public Employees | 349A | Secured Transactions |
| 209 | Indians | 284 | Pardon and Parole | 349B | Securities Regulation |
| 210 | Indictment and Information | 285 | Parent and Child | 350 | Seduction |
| 211 | Infants | 286 | Parliamentary Law | 351 | Sequestration |
| 212 | Injunction | 287 | Parties | 352 | Set-Off and Counterclaim |
| 213 | Innkeepers | 288 | Partition | 353 | Sheriffs and Constables |
| 216 | Inspection | 289 | Partnership | 354 | Shipping |
| 217 | Insurance | 290 | Party Walls | 355 | Signatures |
| 218 | Insurrection and Sedition | 291 | Patents | 356 | Slaves |
| 219 | Interest | 294 | Payment | 356A | Social Security and Public Welfare |
| 220 | Internal Revenue | 295 | Penalties | 357 | Sodomy |
| 221 | International Law | 296 | Pensions | 358 | Specific Performance |
| 222 | Interpleader | 297 | Perjury | 359 | Spendthrifts |
| 223 | Intoxicating Liquors | 298 | Perpetuities | 360 | States |
| 224 | Joint Adventures | 299 | Physicians and Surgeons | 361 | Statutes |
| 225 | Joint-Stock Companies & Business Trusts | 300 | Pilots | 362 | Steam |
| 226 | Joint Tenancy | 301 | Piracy | 363 | Stipulations |
| 227 | Judges | 302 | Pleadings | 365 | Submission of Controversy |
| 228 | Judgment | 303 | Pledges | 366 | Subrogation |
| 229 | Judicial Sales | 304 | Poisons | 367 | Subscriptions |
| 230 | Jury | 305 | Possessory Warrant | 368 | Suicide |
| 231 | Justices of the Peace | 306 | Post Office | 369 | Sunday |
| 232 | Kidnapping | 307 | Powers | 370 | Supersedeas |
| 232A | Labor Relations | 307A | Pretrial Procedure | 371 | Taxation |
| 233 | Landlord and Tenant | 307AII | Depositions and Discovery | 372 | Telecommunications |
| 234 | Larceny | 308 | Principal and Agent | 373 | Tenancy in Common |
| 235 | Levees and Floor Control | 309 | Principal and Surety | 374 | Tender |
| 236 | Lewdness | 310 | Prisons | 375 | Territories |
| 237 | Libel and Slander | 311 | Private Roads | 376 | Theaters and Shows |
| 238 | Licenses | 312 | Prize Fighting | 378 | Time |
| 239 | Liens | 313 | Process | 379 | Torts |
| 240 | Life Estates | 313A | Products Liability | 380 | Towage |
| 241 | Limitation of Actions | 314 | Prohibition | 381 | Towns |
| 242 | Lis Pendens | 315 | Property | 382 | Trade Regulation |
| 245 | Logs and Logging | 316 | Prostitution | 382I | Trade-Marks & Unfair Competition |
| 246 | Lost Instruments | 316A | Public Contracts | 382II | Statutory Unfair Trade Practices |
| 247 | Lotteries | 317 | Public Lands | 384 | Treason |
| 248 | Malicious Mischief | 317A | Public Utilities | 385 | Treaties |
| 249 | Malicious Prosecution | 318 | Quieting Title | 386 | Trespass |
| 250 | Mandamus | 319 | Quo Warranto | 387 | Trespass to Try Title |
| 251 | Manufactures | 320 | Railroads | 388 | Trial |
| 252 | Maritime Liens | 321 | Rape | 389 | Trover and Conversion |
| 253 | Marriage | 322 | Real Actions | 390 | Trusts |
| 255 | Master and Servant | 323 | Receiving Stolen Goods | 391 | Turnpikes and Toll Roads |
| 256 | Mayhem | 324 | Receivers | 392 | Undertakings |
| 257 | Mechanics' Liens | 325 | Recognizances | 393 | United States |
| 257A | Mental Health | 326 | Records | 394 | Unites States Magistrates |
| 258A | Military Justice | 327 | Reference | 395 | United States Marshals |
| 259 | Militia | 328 | Reformation of Instruments | 396 | Unlawful Assembly |
| 260 | Mines and Minerals | 330 | Registers of Deeds | 396A | Urban Railroads |
| 261 | Miscegenation | 331 | Release | 398 | Usury |
| 265 | Monopolies | 332 | Religious Societies | 399 | Vagrancy |
| 266 | Mortgages | 333 | Remainders | 400 | Vendor and Purchaser |
| 267 | Motions | 334 | Removal of Cases | 401 | Venue |
| 268 | Municipal Corporations | 335 | Replevin | 402 | War and National Emergency |
| 269 | Names | 336 | Reports | 403 | Warehousemen |
| 270 | Navigable Waters | 337 | Rescue | 404 | Waste |
| 271 | Ne Exeat | 338 | Reversions | 405 | Waters and Water Courses |
| 272 | Negligence | 339 | Review | 406 | Weapons |
| 273 | Neutrality Laws | 340 | Rewards | 407 | Weights and Measures |
| 274 | Newspapers | 341 | Riot | 408 | Wharfs |
| 275 | New Trial | 342 | Robbery | 409 | Wills |
| 276 | Notaries | 343 | Sales | 410 | Witnesses |
| 277 | Notice | 344 | Salvage | 411 | Woods and Forests |
| 278 | Novation | 345 | Schools | 413 | Workers' Compensation |
| 279 | Nuisance | 346 | Scire Facias | 414 | Zoning and Planning |

File Retention Protocols

At the time the file is closed *by the lawyer in charge of the file*, he should determine how long the file should be kept before it is destroyed. Factors to be considered include:

- Applicable statute of limitations;
- In matters involving minors, the year of majority of the minor;
- A need for information in the future (e.g., retention of copy of the federal estate tax return for at least 10 years to permit the determination of tax credits);
- Malpractice and business concerns (e.g., settlement letters, recommendations to the client concerning the acceptability of proposed settlement, warning letters, opinion letters, and other similar documents);
- Governmental- or law-imposed requirements for record retention;
- Time requirements for appeal.

No matter how successful you are in stripping the file, by discarding and transferring material to your client or otherwise, certain remnants of the file will necessarily remain. Even though these are the most important documents, even their life is “measured.” Although various retention schedules are used by lawyers, the factors listed above, your personal needs, and local jurisdictional rules should assist in determining categories in which to place files. (Recordkeeping requirements for closed files and their destruction will not be discussed.) Some firms destroy the file at the end of a fixed number of years, e.g., five years, while others keep a file permanently. Still others establish two or three categories, plus permanent retention-e.g., 5 years, 10 years, 15 years, and permanent. Depending on your practice and the variety of work done, a retention schedule can be tailored to your personal needs.

A suggested illustrative, partial, retention schedule setting forth minimum times particular files should be retained is provided in Figure 1. This schedule is for illustrative purposes only and should be used only after it has been modified to reflect the factors listed earlier.

Once the lawyer has determined how long a file should be kept, the file should be reviewed again at the time it is destined for destruction to be sure there has been no intervening event which would change its status. Each file marked for permanent retention should also be reviewed every 10 to 20 years, depending upon your destruction categories, to be sure that intervening events have not changed the need to retain it. It would be a good policy to require the originating lawyer to justify in writing why the file should be kept permanently. This would facilitate subsequent review of the file by him or another lawyer.






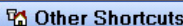
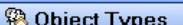
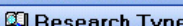
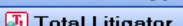
| Retention Schedule | |
|-----------------------------|--|
| Contract Action | 5 years after satisfaction of judgment; 5 years after dismissal or 5 years after filing if not brought to trial. |
| Bankruptcy Claims & Filings | 5 years after discharge or payment or after there can be no reasonable expectancy of claim to be paid, e.g., “no asset” case or discharge of trustee or receiver. |
| Dissolution (Marital) | 5 years after final judgment or dismissal, except when minor child-custody involved (then see guidelines), or 5 years after marital settlement agreement is no longer effective. |
| Probate Claims & Estates | Excluding tax, 10 years after final judgment. |
| Tort Claims (Plaintiff) | 5 years after final judgment or dismissal, except when minor involved, then see guidelines. |
| Tort Claims (Defense) | 5 years after final judgment or dismissal. |
| Real Estate Transactions | Subject to guidelines and tax needs, 5 years after termination of sale, foreclosure, or other completion of matter. |
| Leases | 5 years after termination of lease. |
| Tax | 6 years after return filed. |

Figure 1

APPENDIX E
FILE CLOSING CHECKLIST

(Summarizing [2.8.4 Closing Files](#) and 2.8.5 Closing Electronic Client Files)

1. Confirm the file's Outlook contact
 - a. uses the current Outlook Form (presently, "Custom form 1.0"); if not, create a new Outlook contact, copying all fields to the new contact (and reestablishing Contacts links by selecting contacts)
 - b. lists all folders, client property, and other items on its Intake tab
2. Update the [Conflicts Files](#) with information from the Outlook contact's Matter tab (also preparing an amended Intake Form if necessary to conform paper and electronic records).
3. Review file for sensitive dates, calendaring in statute book as indicated ([CM index](#))
 - a. Estate plans – review letter every 4 years from plan execution
 - b. Collections – lien renewal every 10 years from judgment
 - c. Assumed names – registration renewal every 10 years from registration
4. Determine a retention date, and post to the File Mgt tab ([Retention Schedule](#))
5. Review file for sensitive items, moving/delivering them as indicated
 - a. Fee agreements – to client's .0000 General file
 - b. Executed estate plans
 - i. Originals – to Firm's safe deposit box
 - ii. Copies – to client's .0000 General file
 - c. Opinion letters – to client's .0000 General file
 - d. Original documents – return to client
 - e. Client property – return to client
 - f. Judgment records (judgment, abstract, writ of execution) – to client's .0000 General file
6. Replace binders and binder clips with less bulky fasteners—
 - a. 3-ring binders –bind contents with prong paper fasteners
 - b. Binder clips – remove clips, and replace with rubber bands
7. Confirm client received a [closing letter](#), transmitting any items to be returned.
8. Review file for estate planning Board certification, and post details to Excel TBLS workbook [hyperlink to CCB's]
9. Label a storage box and post the storage box number to the Outlook contact's File Mgt tab (labels filed at 0250.0010.0005 Paper files: SafeSite). Write the box number outside the box' lid.
10. Group closed files within storage box by retention date (so destruction is not delayed by a single, longer retention date).
11. Copy the client.matter directory and sub-directories to a CD (group with other files in same storage box). Use the storage box number to name and label the CD; tape CD to storage box inside lid. Post the CD name to the File Mgt tab.
12. Schedule file pick up by Safesite, and post the storage date to the File Mgt tab.
13. Prepare a Closed File Sheet
 - a. Merge the Outlook contact to S:\Microsoft Templates, common\Closed File Sheet\Closed File Sheet - merge from Outlook.
 - b. Review the file to complete the sheet (see [Closed File Sheet, completed example](#)) (post CM info at 31.)
 - c. Save the Closed File Sheet to S:\My documents\FILES\<client no.>\ —
 - i. . . \0000\Closed file sheet <client no.>.<matter no.> <matter>.doc
 - ii. . . \<matter no.>\Closed file sheet <client no.>.<matter no.> <matter>.doc
 - d. Print and file the sheet in folders —
 - i. <client no.>.0000 General
 - ii. <client no.>.<matter no.> <matter>: Correspondence
 - iii. Firm's Closed File Folder
14. Update the Excel spreadsheet [Closed Files](#)
 - a. Doublecheck against Outlook contact view Custom-closed files
 - b. See the screen prints [closed files & Outlook](#) for comparison
15. Present all to the responsible attorney for confirmation (and to delete duplicate Outlook contacts)
16. Deliver files to Safesite.
 - a. Complete their furnished form Records Transfer Authorization ([example](#)) (a triplicate form)
 - i. List all box numbers
 - ii. Describe box content, e.g., client files, office records
 - iii. Record retention date (use longest retention date of the folders in that box)
 - b. Enclose in the storage box a list of the files there (print from Outlook, using view Custom-Closed files, filtered by box) ([example](#))
 - c. Retain pink copy of Records Transfer Authorization, signed by Safesite, and file in folder 0250.0010.0005 Paper files: SafeSite

| 0746.0001 GE Healthcare - LexisNexis CaseMap | | | | | 47 Records | |
|---|--------------------------------------|-------|------------------|--|------------|--|
| Objects - Documents | | | | | | |
| Main Shortcuts | Linked File | Pages | Date | Full Name | | |
|  Facts | S:\My Documents\FILES\0746\0001\N | 1 | Tue 12/19/2006 | Docket sheet | | |
|  All Objects | ..._0221123739_001.pdf - (Windows I | 44 | Mon 12/11/2006 | Plaintiff's Original Petition | | |
|  Documents | ..._0221123739_001.pdf - (Windows I | 23 | Tue 08/29/2000 | Master Maxiservice Agreement, Exh. A | | |
|  Issues | ..._0221123739_001.pdf - (Windows I | 3 | Fri 02/18/2005 | Assignment and Assumption Agreement, Exh. B | | |
| | ..._0221123739_001.pdf - (Windows I | 3 | Mon 01/31/2005 | Guaranty No. 1, Exh. C | | |
| | ..._0221123739_001.pdf - (Windows I | 3 | Mon 01/31/2005 | Guaranty No. 2, Exh. D | | |
| | ..._0221123739_001.pdf - (Windows I | 1 | Mon 05/08/2006 | Demand, Exh. E | | |
| | S..._0221123747_001.pdf - (Acrobat) | 6 | Mon 12/11/2006 | KPW Dec 11 2006 cover to clerk | | |
| | S..._0221123803_001.pdf - (Acrobat) | 2 | Thu 12/20/2007 | Citation on (served Jan 02 2007), and return (filed) | | |
| | S..._0221123838_001.pdf - (Acrobat) | 2 | Thu 01/11/2007 | Defendant's, , Original Answer | | |
| | S..._0221123859_001.pdf - (Acrobat) | 1 | Thu 01/11/2007 | File-stamped RWH Jan 10 2007 cover to clerk (CMRRR), cc client | | |
| | S..._0221123957_001.pdf - (Acrobat) | 3 | Thu 01/04/2007 | Affidavit of Service on Metroplex, return, cover to clerk | | |
| | ...Pages from _0221123957_001.pdf - | 6 | Thu 01/04/2007 | Affidavit of Service on SchmidtM, return, cover to clerk | | |
| | S..._0221124135_001.pdf - (Acrobat) | 5 | Wed 01/24/2007 | Defendants' Original Answer to Plaintiff's Original Petition [and requests for | | |
| | S..._0221124149_001.pdf - (Acrobat) | 1 | Wed 01/24/2007 | D-MES cover to clerk, cc KPW | | |
| | S..._0314103248_001.pdf - (Acrobat) | 1 | Wed 03/14/2007 | HV Mar 14 2007 fax to RWH (Rule 11 extending Pl. discovery responses u | | |
| | S..._0314134117_001.pdf - (Acrobat) | 2 | Tue 01/10/2006 | RWH Jan 10 2007 cover to clerk (CMRRR), cc client | | |
| | S..._0314134151_001.pdf - (Acrobat) | 2 | Wed 01/11/2006 | RWH Jan 10 2007 cover to KPW (fax; CMRRR), cc client [actually served | | |
| | S..._0314134220_001.pdf - (Acrobat) | 4 | Wed 01/11/2006 | Defendant's, , Request for Disclosure to General Ele | | |
| | S..._0314134302_001.pdf - (Acrobat) | 7 | Wed 01/11/2006 | Defendant's, , Interrogatories to General Electric Cap | | |
| | S..._0314134336_001.pdf - (Acrobat) | 5 | Wed 01/11/2006 | Defendant's, , First Request for Production to Gener | | |
| | ...156990600003 Certificate and docu | 5 | Wed 01/10/2007 | Secretary of State, Metroplex documents (certified) | | |
| | ...156990600005 Certificate and docu | 32 | Wed 01/10/2007 | Secretary of State, General Electric Capital Corporation documents (certifi | | |
| | ...156990600007 Documents.pdf - (Ac | 32 | Wed 01/10/2007 | Secretary of State, Imaging & Medical Diagnostic Specialists, P.A., docum | | |
| | ...2006Jan270220PME-mail.pdf - (Ac | 1 | Fri 01/27/2006 | e-mail to | | |
| | ...2006Jan271250PME-mail.pdf - (Ac | 2 | Fri 01/27/2006 | e-mail to | | |
| | ...2006Jan271252PME-mail.pdf - (Ac | 2 | Fri 01/27/2006 | e-mail to | | |
| | ...2006Jan271252PME-mailAttachmer | 2 | Tue 11/15/2005 | Unsigned consent | | |
|  Main Shortcuts | ...2006May04 E-mail fm S to | 1 | To Be Determined | e-mail to (00167 redacted) | | |
|  Other Shortcuts | ...2006May040426PME-mail.pdf - (Ac | 3 | Thu 05/04/2006 | e-mail to | | |
|  Object Types | S:\My ...Engagement.pdf - (Acrobat) | 3 | Tue 01/09/2007 | Engagement | | |
|  Research Types | S..._0315101428_001.pdf - (Acrobat) | 2 | To Be Determined | Discovery and Docket Control Order (unsigned) | | |
|  Total Litigator | S..._0416105647_001.pdf - (Acrobat) | 1 | Tue 04/10/2007 | HV Apr 10 2007 cover to RWH (transmitting discovery resps) | | |

SPECIAL INSTRUCTION 4**DOCUMENT MANAGEMENT**[\(Special Instruction Index\)](#)

Save each version of Wills and Ancillary documents the firm creates, including *FlexDraft* data files, to leave a record of all our workproduct on the server, in the client's ...\

Also, scan documents to preserve client signatures, attorney notes, and other data not originally saved on the server, so that everything in the client's paper folder is also saved to the server. It is not necessary, however, to print hard copies of all documents to the client's paper folder. In other words, the server will have a complete record of all documents and document versions, though the paper folder will not.

When scanning documents or saving documents the firm creates, generally save to the ...\

<YYYY><MM><DD> <General description: notes | doc | ltr> <creator | source> <recipient, if any> - <Specific description>.pdf

e.g.—

\\server\data\My Documents\FILES\0735\0001\20071011 ltr RWH CAN - Draft estate planning documents.pdf

Until the firm is retained, there is no need to scan anything. However, once retained, the file should be reviewed and material from the Initial Conference scanned.

Filename examples for common scans and documents—

Initial Conference

| | |
|---------------------------|---|
| Tax calculator | ...\ <mil -="" 1.01>\notes-documents\20070901="" calculator.xls<="" notes="" rwh="" tax="" td=""> </mil> |
| Getting Started responses | ...\ <mil 1.01>\notes-documents\20070901="" can="" doc="" getting="" responses.pdf<="" rwh="" started="" td="" –=""> </mil> |
| Attorney notes | ...\ <mil 1.01>\notes-documents\20070901="" initial="" interview.pdf<="" notes="" rwh="" td="" –=""> </mil> |
| Proceeding letter | ...\ <mil 1.01>\correspondence\20070901="" can="" estate="" ltr="" plans.pdf<="" proceeding="" rwh="" td="" with="" your="" –=""> </mil> |
| Client prior Will | ...\ <mil 1.01>\notes-documents\19980113="" and="" can="" doc="" last="" td="" testament.pdf<="" will="" –=""> </mil> |
| Client notes | ...\ <mil 1.01>\notes-documents\20070901="" can="" client="" explanation.pdf<="" notes="" rwh="" td="" –=""> </mil> |

Firm Retained

| | |
|--------------------|---|
| Applicant reminder | ...\ <client applicant="" can="" ltr="" no.>\correspondence\20071001="" reminder.pdf<="" rwh="" td="" –=""> </client> |
| Signed engagement | ...\ <client agreement.pdf<="" can="" doc="" engagement="" no.>.0000\20071011="" rwh="" td="" –=""> </client> |
| | ...\ <client agreement.pdf<="" can="" doc="" engagement="" no.>.0001\correspondence\20071011="" rwh="" td="" –=""> </client> |

Set Up *FlexDraft*, Assemble Drafts

Save *FlexDraft* answers to ...\

File Title: “0N <Client_last_name> Plan <MIL 1.02>”, e.g., 00 Murphey Plan 06

File Name: “0N Ans<DRAFTER’S_INITIALS>”, e.g., 00ANSCAS.df

Note: *N* represents the ordinal number of the answer file's Title and Name (i.e.). *N* will advance by 1 for each draft, regardless whether the attorney or assistant prepared subsequent drafts, i.e.,

00 Murphey Plan 06 (and 00ANSCAS.df),
01 Murphey Plan 06 (and 01ANSRWH.df),
02 Murphey Plan 06 (and 02ANSCAS.df), etc.

Because *FlexDraft* only accommodates eight-character filenames, save assembled documents according to following conventions—

husband Will document - 0NWLHRWH.WP
husband Will summary - 0NWLHRWH.SUM

wife Will document - 0NWLWRWH.WP
wife Will summary - 0NWLWRWH.SUM

individual Will document - 0NWLIRWH.WP
individual Will summary - 0NWLIRWH.SUM

Ancillary Documents - 0NADSRWH.WP Husband and wife have joint ancillary documents, which
Ancillary summary - 0NADSRWH.SUM *FlexDraft* assembles to a common file. Thus, there will just
be one set of files, not two, for husband and wife.

husband Burial Agency – 0NARHRWH.DOC
wife Burial Agency – 0NARWRWH.DOC
individual Burial Agency – 0NARIRWH.DOC

Draft Documents Cover document - 0NDDCRWH.WP
Draft Documents Cover summary - 0NDDCRWH.SUM

Note: 0*N* represents the ordinal number of the *FlexDraft* answer set used to draft the document (i.e. 00 = staff's initial data entry, 01 = first draft, 02 = second draft, etc.). *N* will advance by 1 for each draft, i.e., 01WLICAS.WP, 02WLIRWH.WP, 03WLICAS.WP, etc.

Amend Drafts

| | |
|--------------------|---|
| Client letter | ...\<MIL 1.01>\Correspondence\20071026 ltr CAN RWH – Client changes.pdf |
| Transmittal letter | ...\<MIL 1.01>\Correspondence\20071102 ltr RWH CAN – Second draft estate planning documents.pdf |
| Final Drafts | ...\<MIL 1.01>\Notes-Documents\20081212 notes RWH – Signing conference documents.pdf |

Signing Conference

| | |
|---|--|
| 3-month tickler | ...\<MIL 1.01>\Correspondence\20071201 ltr RWH CAN – Tickler.pdf |
| Exit memos and signed docs ¹ | ...\<MIL 1.01>\Correspondence\20071201 ltr RWH RSG-KG – Executed estate planning documents.pdf |

¹ Scan each document separately, collate into a single .pdf, bookmark, and update the .pdf initial view. See [Executed documents PDF example](#). [Special Instructions/Executed documents PDF example.pdf]. [Executed documents PDF example \(single individual\)](#). [Special Instructions/Executed documents PDF example (single individual).pdf]. The cover letter and memos need not be scanned, but may be taken from the final drafts PDF. This makes for a smaller file, and looks better.

APPENDIX H

WEB SITES AND RESOURCES

| <u>Site</u> | <u>Page</u> | <u>Comments</u> | <u>URL</u> |
|----------------------|--|--|---|
| ABA Web Store | Home | The place to order— (i) Sharon D. Nelson, John W. Simek, et al., <i>The 2010 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple</i> , (ii) Demetrios Dimitriou, <i>Law Office Procedures Manual for Solos and Small Firms</i> (3d ed. 2005), and (iii) David L. Masters, <i>The Lawyer's Guide to Adobe Acrobat, Third Edition</i> (2008) | http://www.abanet.org/abastore/index.cfm |
| Amazon | At Your Fingertips in the Office | Paper <u>and</u> electronic information management. | Search http://www.amazon.com for 0968572715 |
| CaseSoft | Home | CaseMap is a relational database for litigators. CaseSoft suite is great for organizing facts, documents, depositions, research. | http://www.casesoft.com/ |
| eFax | Products | Internet fax to e-mail service | http://www.efax.com/products/internet-fax |
| Iron Mountain | Connected Backup/PC | Off-site, incremental, internet data backup (not optimized for Outlook or Exchange Server, but fine for simpler setups) | http://backup.ironmountain.com/ |
| Microlaw | Home | Legal technology consultants | http://www.microlaw.com/index.html |
| No Nonsense Software | PrintFolder Pro | Inexpensive utility to display and print directories | http://no-nonsense-software.com/printfolder/ |
| Safesite | Home | Off-site records storage | http://www.safesite.cc/ |
| Shauna Kelly | Making the Most of Word in Your Business | MS Word Styles and other mysteries revealed | http://www.shaunakelly.com/word/index.html |
| Tech Hit | SimplyFile | SimplyFile is an Outlook utility that files e-mail | http://www.techhit.com/SimplyFile/ |
| Truewater | Home | Managed IT services for Microsoft Exchange Server and other networks, including optimized Outlook backups | http://www.truewater.com/ |
| YouSendIt | Applications | YouSendIt and YouSendIt Express work together to transfer files too large for e-mail | http://www.yousendit.com/cms/applications |