

## Welcome to the Future: The Paperless Law Office and E-filing

By Adrienne N. Cash

**A** law practice without mountains of paperwork; is that even possible? Indeed it may be a very real possibility. A growing trend among law offices and courts is to become paperless and rely on technology instead of the old reliable paper file. "Paperless" does not mean having no paper in your office. It simply means not relying on paper as the sole means of keeping information.<sup>1</sup>

Becoming paperless is not only a growing trend and a tool to allow a law office to run more efficiently, it is also likely the way of the future and someday will likely be almost mandatory.

Courts across the country, including the three federal courts in Oklahoma, are no longer accepting paper filing and requiring attorneys to electronically file documents. This is a growing requirement and in all probability will reach the Oklahoma district courts sooner rather than later. The U.S. District Court for the Western District of Oklahoma made electronic filing (e-filing) mandatory on May 1, 2004.<sup>2</sup> The U.S. District Court for Northern District of Oklahoma made e-filing mandatory on June 1, 2005.<sup>3</sup> Finally, on Sept. 15, 2007, the U.S. District Court for the Eastern District of Oklahoma mandated e-filing.<sup>4</sup> The first state to implement statewide e-filing was Colorado. Beginning in late 1999, the Colorado judicial branch began analysis and development of e-filing, with the program being piloted in the spring of 2000. By February 2001, the program was statewide in all general jurisdiction civil, domestic relations, probate and water cases. E-filing was expanded to limited jurisdiction money and FED cases

in 2006 and by 2008, the Court of Appeals came online with civil, agency, probate, and domestic cases. Today, approximately 96 percent of all civil documents are e-filed in the district courts throughout Colorado.<sup>5</sup> Currently, e-filing is used in Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, New Jersey, New York, North Carolina, Ohio, Texas and Washington.<sup>6</sup> North Dakota currently has a pilot program in place for e-filing.<sup>7</sup> The majority of states, even those that have not implemented e-filing, have rules governing the electronic filing of documents.<sup>8</sup> Oklahoma is no exception.<sup>9</sup> 20 O.S. §3004 provides "The Supreme Court is authorized to provide for electronic filing of documents in the Supreme Court and the district courts. The Administrative Office of the Courts shall promulgate rules for the filing of documents transmitted by electronic device. Rules for electronic filing must have the approval of the Supreme Court."<sup>10</sup>

E-filing has multiple benefits to all involved. It allows the court and all other parties to have immediate access to the documents. Additionally, it prevents documents from being misplaced. It also permits those last min-

ute changes to be made with less risk of missing the filing deadline. E-filing can lead to monumental cost savings, by reducing courier and copying fees, use of paper and staff time.

Aside from putting a lawyer in a better position to adapt to mandatory e-filing when it reaches Oklahoma, the paperless office has many other benefits which are far reaching. A paperless law office increases productivity and efficiency. Time spent shuffling papers and hunting documents decreases significantly. Attorneys and paralegals are able to access and work with documents away from the office via the Internet, allowing for productivity even during travel. One of the most important benefits is protection from permanent data loss through digital copies of documents.<sup>11</sup> There is software available which permits an attorney to type in a key word and almost instantaneously access the document containing that word. Document management software has many benefits. It is an electronic system that makes use of various systems for electronic production, storage and retrieval of files. In addition to handling paper documents and text files, data management software also effectively manages data capture of video, audio, faxes, reports, e-mails, fonts, photos and various images via electronic scanning and electronic imaging.<sup>12</sup> Additionally, document management software can streamline docking with document entry. As a case progresses, prompt updates to a legal database and automated document management allows for easy access to documents and specific categorization of case materials. Deposition transcripts, pleadings, discovery and medical documentation can be maintained in the case database and cross-referenced for easy access.<sup>13</sup> While this is obviously helpful in the day to day operations of a law firm, the benefits during trial preparation and trial are innumerable. All documents are available at the touch of a button and could be easily imported into a trial presentation software without the need for hours of needlessly digging through boxes and papers. Important documents can easily be placed on a PowerPoint slide with key infor-

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mation highlighted, thus bringing the jury's attention directly to the immediate issue.<sup>14</sup>

One of the best features of becoming a paperless office is that it is relatively simple to get started. You must first obtain some basic necessities: a high quality scanner; Adobe Acrobat Pro; a document management system; a server and out of office backup. This equipment is remarkably accessible to everyone, even solo practitioners who are just starting out.

Speed dominates when shopping for an office scanner. In order to be most productive you'll need a scanner that processes at least 20 pages per minute with an automatic document feeder (adf) that takes a minimum of 25 pages at once.<sup>15</sup> A quality medium or high-speed scanner will prominently display its page per minute (ppm) scanning speed. Scanners that are very fast, high volume, can run several thousands of dollars, but in reality most small to medium size offices do not need that kind of speed. Locating a scanner that will be a perfect fit for your practice is not nearly as daunting of a process as one may think. In fact, in a matter of minutes I found a scanner that has a speed of 25 ppm with an adf of 50 pages for less than \$800 from Hewlett Packard.<sup>16</sup> While a scanner with adf is essential, it cannot process all of the documents which need to be processed. Some documents, such as legal-size documents and photographs, require a flatbed scanner. These too can be picked up relatively inexpensive.

Adobe Acrobat is available online through Adobe.com or available at most office stores such as Best Buy, Office Max or Office Depot. The software varies in price from around \$450 for the pro version to \$300 for the standard version. There are a multitude of benefits to the pro version; it not only allows you to access and view pdf documents, it will allow you to edit the documents, create form-filled pdfs and bates label documents all electronically.

A document management system is essential to operating a paperless law office. A simple Google search will turn up numerous options. Some of the software will do more for you than

just managing your documents, it is essentially an assistant in a box.

One of the most critical features of a paperless law office is storage. An internal server as well as an external backup source are essential to ensuring the safety and integrity of your documents. There are numerous companies that perform backup services both in hard form and online for a nominal fee.

While the thought of giving up the trusty old red rope folder, boxes, stacks of paper in the corner and the frantic law clerk running to make the filing deadline before the court doors close may sound like a work of fiction or a nightmare, depending on your personality, it is definitely advantageous and the way of the future.

1. Tom Stasiuk, "3 Advantages of a 'Paperless' Office," <http://planet10tech.com/2008/03/3-advantages-of-a-'paperless'-office/>. March 6, 2008.

2. Jim Calloway, "The Brave New World of E-Filing," *The Oklahoma Bar Journal*, May 15, 2004, Vol. 75 No.15.

3. [www.oknd.uscourts.gov/okndpublic/announce.nsf/0741ebdfb8f559f186256b4500186662/17c6c63ec2c93bff86257116005f1832/\\$FILE/GO%2005-08.PDF](http://www.oknd.uscourts.gov/okndpublic/announce.nsf/0741ebdfb8f559f186256b4500186662/17c6c63ec2c93bff86257116005f1832/$FILE/GO%2005-08.PDF).

4. [www.oked.uscourts.gov/](http://www.oked.uscourts.gov/).

5. [www.courts.state.co.us/Administration/Program.cfm/Program/21](http://www.courts.state.co.us/Administration/Program.cfm/Program/21).

6. Electronic Filing Resource Page found at [www.abanet.org/tech/ltrc/research/efiling/](http://www.abanet.org/tech/ltrc/research/efiling/).

7. Administrative Order 14 – "Electronic Filing Pilot Project" [www.ndcourts.com/court/rules/administrative/ao14.htm](http://www.ndcourts.com/court/rules/administrative/ao14.htm).

8. Electronic Filing Court Rules found at [www.abanet.org/tech/ltrc/research/efiling/rules.html](http://www.abanet.org/tech/ltrc/research/efiling/rules.html).

9. 20 O.S. §3004.

10. *Id.*

11. Tracy Adams 120, "More Law Firms Latch on to Paperless Trend," *The Daily News*, 120:245 (December 2005), [www.memphisdailynews.com/editorial/Article.aspx?id=29307](http://www.memphisdailynews.com/editorial/Article.aspx?id=29307).

12. "Benefits of Document Management Solution" (May 2010) [www.articlesbase.com/national-state-local-articles/benefits-of-document-management-solution-2359674.html#ixzz0uqkVKbpF](http://www.articlesbase.com/national-state-local-articles/benefits-of-document-management-solution-2359674.html#ixzz0uqkVKbpF).

13. Christina L. Koch, "Document Control and Litigation Support" (January 2010) [www.paralegalgateway.com/2010/01/25/document-control-and-litigation-support/](http://www.paralegalgateway.com/2010/01/25/document-control-and-litigation-support/).

14. *Id.*

15. Richard Keyt, "A Simple Inexpensive Way to Create a Paperless Law Office," (December 1999), [www.keytlaw.com/tech/paperless.htm](http://www.keytlaw.com/tech/paperless.htm).

16. [www.hp.com](http://www.hp.com).

#### ABOUT THE AUTHOR



Adrienne N. Cash is a 2003 graduate of the University of Tulsa College of Law. She is admitted to practice before the Oklahoma Supreme Court and the U.S. District Court for the Northern District of Oklahoma, Western District of Oklahoma, Eastern District of Oklahoma, Western District of Arkansas and Eastern District of Arkansas. She is a member of Phi Delta Phi legal honors fraternity. Her practice focuses primarily on insurance law with the firm of Gibbs, Armstrong, Borochoff, Mullican & Hart, PC in Tulsa.



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