WHAT A MESS - THERE ARE DOCUMENTS EVERYWHERE!

A Practical Guide To Navigating The Changing World
Of Managing Legal Documents

John Becker – President – Fort Docs

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Background for John Becker

- San Francisco native
- A.B. Vassar College
  - *First person to write a thesis on a personal computer at Vassar (1982)*
- M.B.A. Columbia University
- Marketing executive at Clairol, Levi Strauss & Co.
- Purchased Fort Docs in 2000
- Speaker, workshop leader and consultant on document imaging and management on 5 continents

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Outline

- Paper Storage
  - *Most "comfortable" option*
  - *Least risky option*
  - *Lowest hard costs in the short-run*
- Digital Document Management
  - *Converting to a "Less Paper" Environment*
  - *Tips for Managing Digital Documents*
  - *Capturing Digital Documents*
  - *Transmitting Digital Documents*
- Applicable Rules and Regulations
- Key Takeaways

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Hard Costs Versus Soft Costs

- A definition
  - *Hard costs are specific dollar costs associated with an action (anything that requires a check)*
  - *Soft costs are the "hidden" costs of everything that goes into supporting that same action*
- For example, when you send out a package of documents via Fed Ex
  - *The hard costs are the Fed Ex charges*
  - *The soft costs include making a copy of the documents, preparing the transmittal documents, putting together the Fed Ex package, setting up the pickup or driving it a drop-off location, tracking it, billing the charges to the Client, making sure you have supplies for the next shipment, etc.*

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Managing Paper Documents

- Lowest hard costs
- Lawyers as a group seem to be very happy with paper documents
  - *They understand the workflow*
  - *One can spread out multiple documents on a desk and compare them in real time*
  - *In 2019 most original documents are still found in paper form*
- A breach of paper documents has a much lower footprint
- Paper has downsides (in today's "I need it 5 minutes ago" environment)
  - *Especially when the request is coming from multiple parties in multiple locations anywhere in the world*
  - *And with more and more digital documents entering the fray, managing mixed media becomes a significant hurdle*

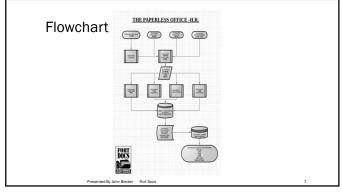Presented By John Becker   Fort Docs   4

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Converting to a "Less Paper" Environment

- It costs significantly more upfront to go digital
  - *Year 1 costs typically 25x higher for imaging a box than storing it*
- It is not about the time it takes to scan a page, it's everything else
  - *Document preparation, data entry/indexing, quality control*
- Requires rethinking and documenting new workflows and processes
- You want some "nerdiness" in-house to help you overcome a litany of technical issues
- Metadata is the 800 # elephant for legal imaging

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Standard Operating Procedure

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SUBJECT: Change TR Email Message for Invoices
Invoice Email Message (HC OPS 42)

SOP#: HC OPS 042.001	
Effective date: 10/12/2017	Written By: John Becker
Revision date: 11/05/2019	Reviewed By: John Becker
	Responsible Manager:
Last full review:_ 11/05/2019	
Next full review:_ 11/05/2019	

Purpose: This procedure establishes the process for changing the message that is automatically created when an invoice is emailed from TR

Persons affected: This procedure applies to all **Document Storage Employees**

Procedures:

1. In Total Recall, go to: System – Language
2. Double click on the first line – English (U.S.)
3. Scroll down to line 2846 & 2847
4. 2846 is email subject
5. 2847 is email body
    5.1. 250 character limit
    5.2. Hint – copy the current message into Word and edit it there. Then paste it back in.

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Flowchart

THE PAPERLESS OFFICE -H.R.

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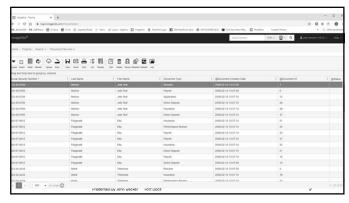Presented By John Becker   Fort Docs   7

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Digital Document Management Tips

■ Retrieval – It's what it's all about
   – *Make sure this is the # 1 objective for every decision you make*
■ Folders versus a database
   – *Everyone is comfortable with folders but they are extremely inefficient (at best)*
   – *A database is the preferred format for efficiency and effectiveness*

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Capturing Digital Documents

- You will receive documents in both digital and paper formats requiring multiple workflows
- Digital documents include emails, email attachments, Word documents, spreadsheets, PDF's and many others
- Look for software that allows you to efficiently add documents to your "database" through multiple means
- You must setup a <u>consistent</u> indexing (naming process) that includes items such as:
  - *Client Matter #*
  - *Client Name*
  - *Document type (correspondence, pleading, judgement, work papers, etc.)*
  - *Topic*
  - *Date*
  - *Author*
- Remember, <u>it is all about RETRIEVAL</u>

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Capturing Digital Documents (con't)

- Capturing paper documents requires more tools, but the processes are in some ways easier to manage for consistency
- Spend your money on software that makes the process more efficient and <u>consistent</u>
- For a small operation any dedicated document scanner with a paper feeder will be able to scan faster than you can prepare and data enter the documents
- There are excellent scanning apps for your cellphone that give you always available scanning capabilities
  - *Instantly transmit a signed document from anywhere you can get a cell signal*
  - *Excellent for capturing receipts for expenses, etc.*

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Transmitting Digital Documents

- Area of greatest potential: benefits and risks
- Benefits include speed, very low comparative hard costs and tracking (metadata)
- Risks include confidentiality, comparative ease of mistakes, scale of potential mistakes, requirements for secure procedures and systems and regulations
- Regulatory Example – HIPAA
  - *Any document including PHI must be handled in a secure fashion*
  - *Standard email does not meet this threshold (faxing does)*
- Standard Operating Procedures (SOP)
  - *To protect yourself you need to develop, document and follow Standard Operating Procedures for all aspects of your digital document management*
  - *Start with the transmission process as this is your area of greatest risk*

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Three Key Takeaways

- Costs - In the short-run paper is always going to have the lower hard cost, but digital wins out when you consider soft costs and flexibility
- Retrieval – It's what it's all about
- Consistency - Develop processes that enforce consistency, document them and review them regularly

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