

GETTING INTO THE CLOUD

By *Mark Kafantaris*

There are many benefits to going paperless, and one of them is that you can actually find your stuff. But how do we do it?

The first thing you need is a good scanner. We use the Fujitsu Scansnap 1500, which comes with both scanning software and the latest version of Adobe Acrobat. Don't bulk at its small size either – it's as durable as anything out there. When a mailing comes in, we scan all of its contents. We even scan the envelope itself if it has any significance. The Scansnap knows when a document is double-sided and stops if two pages are stuck together as one. An image of documents appears on the screen in PDF format. As for quality, it is as good as your copier and can even come in color if you so choose.

We can save that imaged PDF file to the client's folder with a name such as "Opposing Counsel Letter 4-29-13" or we could select certain of the pages and save them under a different name, or put them in different file folders altogether. You may want to spend some time figuring out how you wish to organize your electronic files, much as you did at one time with your paper files.

Going paperless is really as simple as that. But what you can do with it is enormous. Gone are the days when you spend half a day looking for a letter within a file. Now, the entire file is nicely organized on your computer. You can search for a document by date, name or whichever other method you use to label and organize your files. You can even search text within the scanned files themselves! Your assistant and partner could do the same thing from their desk. And if you back your files up with Dropbox or any other cloud syncing storage service, you could look at your files from home, the library or even the courthouse. Yes, you could review a file – any file – right there as you are waiting for your case to be heard.

Moreover, if you need to attach any of the scanned documents to an email, they are already available in the electronic folder, making the job easy. The same is true for faxing – and you don't even need fax machine. You could use a cloud fax service like RingCentral or E-Fax to send and receive faxes as an email attachment. You can even send and receive faxes from your smart phone or tablet.

Whether we like it or not, the paperless office is no longer an option. Both the Franklin County Common Pleas Courts and the federal courts now require electronic filing. Working with PDF documents is therefore a necessity. But it is not that big of a deal. Instead of printing the document to a paper printer, we now simply save as PDF and file the document electronically with the clerk. As for signatures, "/s/ Able Lawyer" is sufficient.

And if you feel insecure about having only electronic images of documents, you could continue to print them. You may have to do so anyway to keep the client informed – a habit that always helps in getting us paid. Beware, however, that clients can check on our work by reviewing the clerk's on-line docket. Thus, if you have asked several leaves to get

things done, your curious client will know precisely why. This transparency isn't all bad. At a minimum, we might not spend all of our time asking for more time.

The age of the electronic practice of law should be a welcome change and it makes our offices more efficient, responsive and environmentally friendly. But not everyone is enthusiastic. "What's the use in signing electronic plea forms from computers awkwardly placed in the middle of the courtroom in criminal cases," one practitioner asked. "We will have to print paper copies of the plea forms anyways for our files." Her dismay is understandable: the benefits of the Clerk's paperless docket in criminal cases are lost if she has to print the document herself when she closes her file. But the larger question was why her office required a paper copy for the file when the Clerk – the official custodian of precious court records – does not?

Growing pains are to be expected when changes take place. To be sure, we are talking about doing away with paper – the very stuff we have been dealing with day after day since grade school. The stuff that carries the court's powerful writs, summons and subpoenas. Have no fear. Those can still be on paper if you wish. But once they have served their purpose, keeping them on paper makes little sense, either to the courts or to us.

There are also economic benefits. At the very least, filing from our office computer saves a trip to the courthouse. And the filing deadline gets extended to 11:59 p.m., instead of 4:30 or 5:00. This in itself is a relief when the statute is running out.

A cloud-based office with scanned files is a dynamic office that can access information anywhere and under most any circumstance. Thus, while a paper document might elude you when you need it most during your negotiation with opposing counsel, the scanned copy in the cloud is easily accessible from a tablet device or even your smart phone because it is clearly labeled in your electronic client folder – and always will be. That same scanned copy is just as accessible when you are idly stuck at the airport and left with nothing to do. The exchange of discovery and other file transfers is similarly easier when the documents are scanned.

The virtues of accessing scanned documents anywhere are seemingly infinite. The cloud-based office converts seminar or deposition downtime into productive uptime. It frees us for more time with our families or other commitments. It improves our efficiency because documents are never lost, misplaced or burned. Storing files long-term or offsite is no longer an issue. They can be kept in multiple locations or be archived in DVDs or other media.

The bottom line is that though our business has forever used paper, it actually deals in information. Technology and the pioneering efforts of Ohio Courts have now made it possible to dispense this information quickly, seamlessly and efficiently. We should welcome the change. Our knowledge and expertise is what make us lawyers, not the paper. We are just as good – indeed far better – without it.

mark@kafantaris.com