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Popular Threads on Solosez

Protecting "Security" of Legal Documents

A recent incident, where someone attempted to slip a doctored page into their deceased parents trust, has raised security issues with me. While anything we both draft and administer will be double checked, if someone else was to administer one of our estate plans, fraud such as the situation described above could be possible. I realize this must be something all of us have to deal with, and I wonder what solutions have been found. So to this extent, has anyone tried placing a watermark on their legal documents? If so, how expensive was it and do you have any recommendations? Or, has anybody come up with another solution? I can't imagine taking anti counterfeit measures to the extreme (printing on bank paper, using special ink, etc), but taking some measure seems prudent.

An embossing stamp would probably cover it. Maybe odd paper, I'd particularly like to see a document printed on that stuff people get at Staples for their Christmas letters that has a border of snowmen and Christmas bulbs.

Steve O'Donnell

Thanks for the embossing stamp idea, we are looking into having one custom made as I write. It would be perfect, because if nothing else it gives my receptionist something to do on down times rather than sending instant messages.

As to the Christmas Paper... unfortunately I have a contract attorney who handles employment law who is Jewish. He has expressed that this may constitute a hostile work environment and religious discrimination. Of course this brought our resident Con Law aficionado into the discussion, and everything went down hill from there. To avoid disputes, I have decided to print all legal documents on Thanksgiving Paper to avoid offending the greatest amount of people possible

Jeb Burton

I asked some friends of mine who do this sort of work as a speciality what they do. Their answer was that they number the pages Page 1 of X, Page 2 of X etc. Then they have all the people initial each page of every document. Cheap, easy & effective.

D.Z. Kaufman

I appreciate the feedback.



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We considered doing this, but our estate plans are extremely customized and often involve business succession, multiple trusts, etc. Even the basic plans run upwards of 100 pages, and more complicated ones can run double that. Even if we just have the clients initial their living trust and wills, we are still talking about 50-60 pages. I am concerned that that many initials will be unacceptable to our clients.

While we do print on specialty paper (granite, high weight), individuals wishing to commit fraud can obtain the paper with a little work. Although, I do have to admit it was the difference in the papers weight that tipped me off originally that something was up with the document (I believe I would have found the fraud anyways).

Instead, what we looking into another solosez idea of using an embossing stamp with our logo. I can have my receptionist work on it during off times and I believe it will be very difficult to duplicate.

Jeb Burton

As a second-level safeguard, you could scan each estate plan after it is completed. Burn the scanned plan to a CD-R with a label that can be written on. Have your notary notarize the CD as a true and correct copy of the estate plan.

It's awfully difficult to "slip in" another page or alter a page on a write-once optical device.

Aaron Rittmaster

you might try the type of product provided by places like <http://www.surety.com/> which encrypts and "numbers" each page of a particular printout, so that any "foreign" insertions would not match.

also, i thought laser printers now print a code on each page of output that is not visible to the naked eye but enables identification of the printer. if that is the case, then any inserted pages would also be susceptible to detection since they are unlikely to be printed on the same printer as the legit pages.

Yee Wah Chin

Some, not all. Our most current list is at <http://www.eff.org/Privacy/printers/list.php>

(It's funny that this has been in the news very recently, because one of our staff technologists made the discovery a few years ago.)

James S. Tyre

thanks for the clarification. nonetheless, then why in such cases shouldn't one make sure to use a printer that does print a code, so that any inserted

paper would not have the code and therefore be revealed as an interloper?

Yee Wah Chin

Good question.

One reason is that many people don't know about it. For the issue addressed by this thread, though, probably it is a good idea.

The other reason is that many don't want printers that reveal their identifications. In some cases, of course, it does have to do with criminal activity. But in others, it has nothing to do with that. We set out to test and expose the printers that do reveal their codes so that people who value their privacy will know what they're getting, or not getting.

It's just another example of a technology that can be used, or misused, for multiple purposes. As long as the user is educated about what's going on, then it's up to the user to decide which technology she will use and how.

James S. Tyre

Actually, we do use printers with the "secret code". I don't see the practicality with this technology in standard trust administration situations, however. If a trust goes to probate court, this might become an issue (depending on how much money is at stake and whether it is worth hiring an expert). I would be shocked to discover that ANY law firm checks these codes as a matter of principle before administering a trust or reviewing business documents. So in practice, these codes offer almost no security to the documents. I have the same concern over the www.surety.com service, fine in principle but I don't see other attorneys checking for this.

However, I think I am going to use a combination of Solosezzer ideas in creating our finalized estate plans. I will start with embossing our "granite" paper. I will then continue by including a Notarized CD, with the relevant documents (we already include a CD and this will keep my paralegals busy). On the CD I will include information describing the code for the printer used.

Anybody see a problem with this, other than it is overkill?

Sincerely-

Jeb Burton

Unless there has been a recent development I do not know about, I believe the coding you are talking about is just on color printers (they print small yellow dots that people do not see with the naked eye. The dots identify the machine the papers came out of. However, I certainly am no expert....

J. William Norton

When dealing with documents that have translations we use a document number that applies to the entire package of documents in addition to the simple page numbers of the separate documents. Generally this is used to correlate one translated page to its corresponding original.

We refer to the document page number as an accession number. It's the same principle as a bates number. By using a code rather than the actual accession number the documents can be verified by using a key. Unless the forger had the key to the accession number code they would be unable to insert a new accession number. The fault is that the key must be safe kept and accessible. There are various means for ensuring escrow of the key and you just need to be certain that the key is available to the heirs.

Roger Traversa

I thought the printer trick only occurred with color printers, and only on color prints . . . or at least that's all we know about.

Steve O'Donnell

Just order paper with a custom watermark. Or, print one on the document when you print it.

Marc Stern

That is really useful actually... One of the main networked printers in the office is a HP 2840 (Color Laser), we usually use it to print out our trust documents because it handles the higher weight paper better than our other two printers. We don't print in color, I had assumed that any document coming out of the printer had the code (not just the color printings).

I will have to look into this more, or else just print something in color on each page (could get really expensive).

Jeb Burton

Sing the watermark was our original idea. We have been unable to find someone who can make watermarks specialty paper (we use a heavy weight granite paper), and I am concerned that actually printing a watermark ourselves will detract from the look of the document.

Jeb Burton

What about just using a non-standard font?

Steve O'Donnell

I've been following this thread without comment but just had an idea. IIRC, Crane papers contain a hidden watermark that shows the production

batch. Go the the Crane website, or Google around, and I bet you can find a company that puts hidden serial numbers in at least some of its papers.

David L. Masters

While this might produce more annoyance for a potential fraud committer (anybody know the future tense of defraud?), OCD technology and the internet make duplicating any font possible.

Jeb Burton

Lots of good ideas. Overkill, I fear.

I'd append a line--maybe on each page--that says something like.

THIS DOCUMENT MAY BE AUTHENTICATED BY COMPARISON WITH AN ELECTRONIC ORIGINAL COPY ON FILE. A DISK WILL BE SUPPLIED WITHOUT CHARGE.

It would take serious balls to attempt forgery over that. You might incur some risk but nothing compared to the efforts you are considering.

John Page

I am on a role this week. I mean OCR Technology (Optical Character Recognition).

Jeb Burton

If you use a color laser printer, you may already be "stamping" your printouts, albeit unknowingly. Apparently, almost all color printer manufacturers are printing a *tiny* dot pattern in yellow dots that identify the printer (you need 60X mag to see it): <http://www.eff.org/cgi/search-proxy.py?q=printers&sa=Search+EFF>. Perhaps you can adopt a variation of this, i.e., initials, in yellow, in the tiniest font you can find or, perhaps, interspersed with your firm info in a page footer. You could also have a "dithered" character somewhere on each page. HHH. Good luck. Russ Carmichael

There have been a couple times where I've seen someone use a font that I really liked and have tried to find it to no avail. OCR doesn't work at all, and I've not found a utility that could 'read' a picture of a font and either recreate it or locate it.

Steve O'Donnell

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