

File Management

Good Afternoon All,

The "Morning Routine" thread got me wondering about other practices/routines that you all have at work. Specifically, today as I was scrambling to find docs, files, etc to put together a new case file, I started wondering if I was doing this all wrong. Somehow, I never feel that I am organized enough (and if any of you would look at my desk right now, you would all agree!). Got me thinking..... what do you find works best for you all when starting a file for a new case? Checklists? If so, what is included? Keep in mind, I am a newbie and have had very little exposure to any of this so forgive my question if it seems way too basic.

Warmly,

What type of case are you talking about? It sounds like litigation but the first step no matter what is a written fee agreement and a paid retainer before moving forward.

For litigation, I use what I learned as a paralegal: folders (on my computer and if necessary physical ones as well) for client documents, correspondence, discovery, pleadings, and for invoices.

Ricky S. Shah, California

I have a mix of online and paper copies of stuff. I do indexes for each category (correspondence, pleadings, etc.) The left column only has numbers for the stuff that I have physical copies for. The ones that are blank there are stored electronically only. Since I store the files electronically year-month-date in the same categories, it's pretty easy to tell what I have.

Thus, my physical correspondence file is basically only my notes from phone calls and maybe copies of letters while the emails are electronic only. My pleadings file is a bit more duplicative. For non-litigation small projects, I sometimes don't even have a physical folder at all.

I've been at this a year and this set up is probably my fifth system I came up with. Older closed cases are likely organized completely differently and I don't care to change it. You'll have to figure out something that works for you.

Ricky S. Shah

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Matthew - I am also trying to make sure that I have a "paper-less" set up. I have inner conflicts about this daily because I am the type of person who likes reading tangible papers as opposed to docs on a screen, but I know that being paperless will be to my benefit in the long-run. My old-school habits get the best of me sometimes lol

Ricky - Some of my matters are litigation and some are not (contracts, demand letters for various things, etc) so I am trying to get this as systematic as possible. I have folders (computer and tangible) as I tend to be hyper-compartmentalized with everything. My trouble has been the initial set up, meaning I dont have a set system in place yet because I am not sure where to even start! I guess this is what the beginning is all about...

I appreciate everyone's comments and recs. Thanks!

Sahar Malek, California

I've struggled with this issue for a long time. I came up with my own idea of a "perfect" system. It's kind of labor intensive. But, there is a method to the madness. Put this down in the "food for thought" category. I expect that many people will disagree with me. Still, here goes:

First, there are three reasons to keep files: (1) reference materials/information about the case; (2) a record of what was done; and (3) to manage the process of getting the work done.

Rather than use a series of nested folders on the hard drive, I have one folder for the client. Inside that folder is a single folder for source documents - Word, Excel, etc. (called "Source Files"); a single folder for documents given to us by the client - original wills, past deeds, etc. (called "Client Docs"); and a separate chronological file for each engagement (called "Chron"). That folder holds everything that is produced or received during the course of the engagement. As a general rule, documents created prior to the engagement go in the Client Docs folder and documents created during the engagement go in Chron.

Now, that solves the "what happened" function. It partially solves the "reference" function, but I want to go the next step. It turns out that there is not very much "pure" reference material in a case. Most of the reference material has to be processed in some fashion. As a general rule, that process is also the workflow of the case.

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To be more concrete and less abstract, suppose I'm doing an estate plan. There are certain facts that I have to review before I can begin drafting. I need a copy of any prior estate plan documents; I need a copy of their prenup, if any; I need a list of kids; I need information about any other beneficiaries; I need to know what they own; and, so on.

So, I create a document in Word. It's just a master checklist and series of cover sheets for each document. Each cover sheet contains the title of the document and check-boxes for "Received," "Complete" and "Confirmed N/A."

When a new document arrives, it is scanned and then placed in Client Docs or Chron, as appropriate. Then, it is copied into the appropriate master document and placed behind the cover sheet, which is marked "Received." When we have all the documents necessary to do a particular step in the workflow, the file clerk emails the master document to the responsible person who now has all of the information in front of him/her in order to do the work.

The idea is that the attorney never sees the documents until we have everything necessary for the attorney to do actual attorney work. We don't waste any time on attorneys looking at incomplete information.

Also, because of the "Confirmed N/A" check-box, we can track what we do and don't have. Most filing systems don't give you a good picture of what you don't have. And, most filing systems don't give you any way of knowing whether a document is missing because you don't have it or it's missing because it doesn't exist.

We make this work using Acrobat's comment and markup features.

To create the system, you need to make a nested outline of everything you need to do in a case. Under each task, list any sub-tasks and/or any information you need in order to do that task. Think in terms of dependencies. You can't do X unless you have Y document in your possession. The nested outline can easily be converted into a series of nested checklists. I would recommend highlighting any item on the checklist that is significant enough that you could be sued for doing it wrong. In my world, each of those highlighted items is a separate master document.

The rationale is this: you will always be able to document what information you relied on in making X decision, drafting Y document or giving Z advice. You'll be able to point to the checklist and the documents you relied on in doing the step. It will be in a self-contained master PDF. More importantly, if your checklist properly reflects the legal standard of care, it's very hard to commit malpractice. In other words, you did it correctly, and you can prove it.

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It also deals with versioning problems that we see in paperless offices. Suppose, for example, that you give advice in May based on the document you have in front of you, and then you discover a different version of the same document in July. My system documents that the advice you gave in May was based on the version of the document that you had in May, not the document discovered later.

Again, this is intended as food for thought. Hopefully, it has served that purpose. I can be adapted for a solo with no staff, but it really takes a staff to make it work properly - (pronounced "profitably").

Cheers,

David Allen Hiersekorn, California

Great thread. Think about this issue often. It could also be titled "How to Get Organized".

Regards,

Amy Long, Virginia

I'm designing my own piece of practice management software at the moment.

Although I have something of an idea on how my workflow will go, this thread has become very helpful. Thanks!

Conor Malloy
Soon to be sworn in

David, thank you for your insightful email message! You hit upon the fundamental flaws of most folder/file structures in Windows.

two questions:

1. What does "Confirmed N/A" mean; that is, what is "N/A"?
2. You set up the folders in Windows 7; then you store the individual files in Word, Excel, or other formats.
-- Re the nested outline/system, you use the master document (a separate tracking document) in Adobe Acrobat, in order to add the mark-up/comments about individual files?

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-- Those separate tracking documents are kept for each client matter and they really matter to add mark-up/comments for files that are "Confirmed N/A" --- right?

Roberta Fay, California

"Confirmed N/A" means that we have confirmed that there is no such document. For example, not every client has a prenup. But, we still have a cover page for a prenup. When we first start the case, we don't have a prenup. But, that might be because the client hasn't given us a copy of the prenup, or it could be because they don't actually have one. Eventually, we will learn that they do not have a prenup. At that point, we check the box for "Confirmed N/A." It's analogous to "This Page Intentionally Left Blank."

The nested outline was intended to be a suggestion to assist in designing the system. Once the system is complete, the outline isn't necessary any more.

Let me give you an actual example. As part of our estate planning process, it is necessary to transfer the client's real property into the trust. We created a document in Word. The cover pages is a master checklist that lists every step in the process. Behind that page, there are cover pages with the following titles, one per page:

1. Original Deed;
2. Appraisal;
3. Current Mortgage Statement;
4. Homeowner's Insurance Policy;
5. New Deed;
6. Preliminary Change of Ownership Statement; (Required when filing deeds in California)
7. Due on Sale Waiver;
8. Homeowner's Insurance Certificate; (Adding Trust as additional insured)
9. Correspondence

We saved the Word document as a PDF. When we start a new case, we copy that master PDF into the folder on the hard drive. Then, when a new document arrives, it is scanned. We then copy the pages from that document into the master PDF. For example, we send a letter to our title service requesting the original deed. The Word document is stored in Source Files. The signed version is scanned and saved in the Chron file. Then, the pages are copied into the master PDF and placed behind the Correspondence tab. Then, when the deed arrives, the scanned pages saved to Client Docs and the pages are copied and pasted behind the Original Deed tab. Suppose the property is owned free and clear. We would go to the Current Mortgage Statement and Due

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on Sale Waiver tabs and check the boxes for Confirmed N/A. That let's the reviewing attorney know that we don't need to worry about mortgage issues.

The purpose of the document is to have a single PDF that the attorney can use while performing some step in the process. When the step is completed, it becomes a record of the process. Rather than having several PDFs open at once, we have one document that contains everything. We can feel free to mark it up and add notes, etc., because the pages are just copies.

Also, if I'm going to court for a motion, then I only need that one document on my iPad. In one document, it has every page that the judge might possibly ask me about.

That's it in a nutshell. I hope it makes sense.

Cheers,

David Allen Hiersekorn

Thanks for the excellent example. I do mostly family law so will have to think about such a system for family law. It would certainly help when in court to immediately be able to see the relevant documents instead of digging thru a physical file or trying to locate it in various nested folders.

Pat

Patricia L. Dennis, Illinois

Try not to think of your documents as digital OR paper. It really isn't an either/or proposition.

If you have the digital copy, you can always print a copy out to read or whatever. However, the opposite is NOT true. If all you have is the paper copy, then you will need to scan it before you can work with it digitally. If you are not physically where the paper and a scanner are, you will have to wait.

So, to me a digital document contains within it "delayed printing" capability no matter where its location, while a paper document does not contain within it "delayed scanning" capability unless I am physically in the same place as the document and a scanner.

So as a rule, I digitize as much as possible and print only when necessary/convenient.

Nancy Duhon, Georgia

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David that was so helpful!! I don't mind labor-intensive for the sake of organization so your system sounds brilliant to me. I can't thank you enough for your insights and methods. Much appreciated!!

Sahar Malek

I am currently with MyCase and like it well enough, but I have yet to explore all of it. Also, it does not have the proper capabilities to connect to my Outlook for calendaring, which makes it difficult in that respect. I have been thinking about moving over to Clio because of the praise Clio receives by so many Sezzers. Any chance you have tried MyCase? If so, why do you prefer Clio?

Sahar Malek

Just wanted to jump in and make sure that you're aware of our free Outlook plugin<<http://support.mycase.com/customer/portal/articles/13436-sync-mycase-calendar-with-outlook>>, which provides real time 2-way sync of calendar events and contacts between the MyCase web app and Outlook.

Also, if you'd like to explore MyCase more in depth, we now offer "MyCase 101--Getting Started with MyCase" webinars. You can sign up for one of those here <<http://www.mycase.com/support/webinars>>.

And, please know that happy customers are our highest priority, so if you ever have any questions at all, don't hesitate to contact customer support at (800) 571-8062 or support@mycase.com. We're always available to help you and, of course, you can always find me here!

I hope that helps and if you have any other questions, just let me know.

Nicole Black, New York

For all important administrative procedures, pretend you would have an employee to whom you would delegate the task. Write up a procedure on how they should perform the task. Now, follow the procedure yourself.

Collect the written procedures in an 'office manual' and review them as steps should change.

If you use practice management software, turn the procedures into a schedule chain template or equivalent. Each time you open a case, create a new series of events from the template.

Barry Lippitt
