

PDF or Text Editable?

In the electronic age, it has always been my practice to send drafts of documents to clients in pdf form, and frequently password protected, to make sure that what I send out does not get revised without my knowledge. It started years ago when a client called my office in my absence, and asked my secretary to make a change in a document and send it out without my seeing it, telling her, "I need it sent right now, and Henry won't be concerned about this change" or words to that effect. Thankfully, my secretary said no, and she was right. Under the circumstances, it was not a change I would have agreed to make.

Today, I was reamed by a client for sending a pdf rather than a Word file. He said he deals with dozens of attorneys each year and I am the only one who won't send a text editable Word file. So I ask the firm, am I the only one?

No, you are not the only one. However, I will say that it often depends upon the document that I am sending and the use it will be put to. For example, I often send out discovery to clients in an editable format, because I **expect** them to edit it. (Of course, I also tell them to type in all caps so I can see their changes.) However, I would probably not do that with a whole contract or estate plans, asking them to tell me what sections need adjusting and sending only those in an editable format.

However, all lawyers are different and some may choose to handle things differently depending upon the client, content, etc.

Good luck,

Frank J. Kautz, II, Massachusetts

You are not alone. I very rarely send out the underlying word file for the very reasons you noted.

Timothy A. Gutknecht, Illinois

You could always send both, that way you have a record of what was sent.

Dan X. Nguyen, California

Almost always PDF only. If a client wants a Word file it's because they want to make changes, or that they want to re-use your work for other situations. In either case this would be something that must be priced in to the product and dealt with appropriately. There are certain business clients where we collaboratively work on a document, but that is either done through a collaboration tool (preferred) or using track changes. In certain practice areas clients are more apt to reuse attorney products for other situations.

Your client may be used to getting Word documents from other attorneys. Many attorneys either do not know or do not care about the potential problems that may arise.

I think you should stand your ground.

Roger Traversa, Pennsylvania

They can copy the text from the PDF, or run an OCR if you send it as an image, then copy the text. I usually send a word file to my clients, unless it is just something they have to sign, then I send it as a PDF. If sending something to be signed to non-clients, I will generally only send a PDF.

Michael A. Blake, Connecticut

Clients get to see drafts in PDF format only (well, I might send them paper if they're still in the last century).

David Masters, Colorado

I, too, only send pdf files to clients and to other parties. If I am collaborating with other attorneys, I will send both pdf [to show how it should look] and Word-compatible files, since I work natively in WordPerfect, but use LibreOffice and can save from LO or WP into Word format files.

Miriam N. Jacobson, Pennsylvania

If you rely on PDF to assure that your client has not made changes, your reliance is misplaced. Anyone with Acrobat (Pro?) can edit a PDF or export the PDF to Microsoft Word. On the other hand, using the compare feature of Acrobat or your word processing software shows any changes whatever you send your client.

The specific circumstances, including the client, dictate the method I use. My clients are usually business people. I send drafts to clients in Microsoft Word or WordPerfect, depending on what the client uses (a lot of my clients are lawyers, and some of them still use WordPerfect) because I want them to edit the document to their heart's content. I do the same with adversary counsel because they usually insist on a word processing file, as I do. Some clients and adversaries use track changes on their own, others don't. Either way, I run document compare because my responsibility includes knowing and approving the document's content.

I send documents for execution to clients in PDF format because Acrobat prints outs look exactly the same regardless of the printer. WordPerfect frequently changes pagination depending on the printer. Microsoft Word, less frequently, can make more subtle printer-based changes in the document's appearance.

Steven Finell, California

Thanks for your input, and the rest received so far. No, I do not rely on PDF as a guaranty. And of course, I was asking a general question; not indicating an absolute. But for me, generally a PDF instead of Word or WordPerfect document gives me comfort and indicates my intent if the question is raised, and where concerned, I send a password protected document. Maybe my ability to bypass passwords, etc., is what gives me pause. In any case, if what I send ultimately is copied, pasted, and revised, so be it. I know what I sent out of my office.

Henry R. Reckler, Colorado

Furthermore, to the PDF skeptics, one needs to be a pretty high level expert at document formatting to convert a PDF into a DOC or WPD, make some alterations, and convert it back into PDF without the conversion being pretty glaringly obvious. I'm pretty good at that stuff, and that would generally take me a few hours of concentrated effort. Really, what it takes is the equivalent of scraping down to the bare metal: removing everything other than straight ASCII text, then formatting afresh and tweaking to match the original document.

I agree with Dianne Reis that clients can turn your watermarked PDFs into editable documents, but that's going to take some significant expertise, and I would be willing to bet money that their result will be easily distinguishable from what you sent them.

Sure, if you're collaborating and looking for changes and revisions, sending an editable document and doing a comparison when you get it back is the way to go.

But for most purposes, I prefer the preserved formatting and higher level of security of PDFs.

Michael A. Koenecke, Texas

If you are concerned about sending something to a client, having them change it, and then it going out, then I think you have more of a client issue.

I send items for review in Word form so the client can review, comment, edit if needed, and return to me. I also will send a PDF because they are easy to make and makes sure the client can review it.

Discovery needs to be edited by client and I will often add comments, or notes, to the client about the.

Word will compare two versions of a document and show the changes. If you have "trust" issues with a client then you can compare the returned document with the one sent. This is also good for when the client does not know how to turn on the Record Changes function, or use the document review tools in Word.

If a client were to make edits to a document that I prepared and did not tell me to try and get it sent out, or tried to convince an assistant to do so without telling me I would be dropping the client.

Phil A. Taylor, Massachusetts
