Folder Structure for Organizing Files

Hi:

For litigation cases, what structure of folders do you have for organizing your case file? This can be either in hard copy or on the computer.

On the computer, I have folders entitled things like "discovery", "proofs of service", "endorsed copies", "orders", etc. I also name my electronic files consistently using the format of [CLIENT NAME] - [description of the document] - [DATE]. However, even with these, I sometimes struggle to find a particular document because the folder on my computer has, in essence, turned in to a gigantic bucket that I just toss all documents in to.

My system works pretty decently for cases lasting up to 9 months or a year.

For litigation cases going beyond that, however, my system falls on its face pretty hard. Someone a while ago posted that they use Evernote to organize documents in chronological order which I've done with some success, but I want to get out of the "Andy searching through a gigantic cavernous bucket" scenario.

Thanks!

When I was still in law school I clerked for a family law practice.

There were two really great legal secretaries, and they filed things completely differently from each other. One had a file structure based on clients, with a directory ("folder") for each, containing all the docs generated for that client. The other had a file structure based on type of document, petitions, responses, so on, with each having all such documents by all clients.

I favored the latter method, but only just barely. Both of these folks were amazing, any lawyer would be lucky to have either working for them, and so I cannot say either filing method was better than the other. Both worked, and both worked for sharp people.

Moral of the story? Filing systems might be like diets, where better than shopping for "the best" it is more beneficial to pick one you like and work it for all it is worth.

ymmv

Robert Link, California

I've always done date first at firms I've worked at that did not have case manager software.

I prefer the 2018.05.01 - format but some people do other variations. This is the easiest way to open a folder and see all the documents in that particular folder in date order.

not an attorney

Julia Taylor

LTR

PLDG

  Working

   Docket

CLIENT DOCUMENTS

DISC

  Incoming

  Responding

   Depositions

PROOFS

RESEARCH

EMAILS

MEMOS

Everything dated

Roger M. Rosen, California

Put the date first and the documents will at least be in order. We use the format YYMMDD to begin file names. In cases that span years, we have yearly folders, e.g., 2018, 2017, 2016, for each category of documents (Pleadings, Orders, Proposed Orders, Corres, etc.)

David Masters, California

I have a model client folder which contains useful sub folders; when I open a new file, I duplicate the model folder and rename it with client's name and place it in the appropriate court folder. I have a separate court folder for each court I practice. Every document I get is scanned into appropriate folder named date brief description, e.g. 2018.05.02.motioncontinue.pdf so everything in that file is in chronological order. File structure might look like Federal Court/John Doe/Motions/2018.05.02.motioncontinue.pdf for an active case. Once case is closed, I move entire client file to Former Clients file to get it out of the way.

Duke Drouillard, Nebraska

Get X1.

I've got halfway decent filing system, but it's not perfect; yeah, it tends to be a 'bucket', but if I want to find a doc, X1 finds the dang thing. Word processer docs, pdf docs, email, doesn't matter.

https://www.x1.com/

Ronald Jones, Florida

Each case has their own docket folder, listed by docket number and document type. ie. 1.Petition, 15.Obj.Cl.Wells

Each case has separate folders for each major motion or objection we have to deal with, another section for client docs. When I no longer need those docs, they go in an "old client docs" folder.

Hope that helps.

Corrine Bielejeski, California

Like Duke, I also use the "Model Folder"

I call it the AAA HotFolder- Practice Area

AAA always sorts to the top

Michael J. Sweeney, Connecticut

I use the exact date format that Julia posted -- makes finding a particular document much easier because I will usually at least have a pretty good roundabout idea of the day/month of the document I'm searching for. I always make sure to use the date that is listed in the document rather than the date I received/sent it/scanned it etc. for obvious reasons. I'm still trying to find the best (or even just a good) way to structure my physical files. I try to mirror my computer file structure (see below) all inside of one big manila jacket/accordion folder for each client, but it just doesn't lend itself to being able to easily thumb through and find what I'm looking for. I'm thinking of switching over to 3-ring binders with tabs/flags... but maybe there's a better folder type out there for legal case management??? I'd love to hear suggestions. Blumberg Excelsior's little catalog has some decent options, but nothing all that enticing, IMO. In any event, I break my computer file structure down as follows and in conjunction with MS OneNote, which is structured almost identically:

CRIMDEF:

Last, First #[file number]

  - *Case Notes*

  - *Correspondence*

  - *Pleadings*

  - *Client Records*

  - *Discovery & Evidence*

  - *Law (statutes/case law)*

PERSONAL INJURY:

Last, First #[file number]

  - *Case Notes*

  - *Correspondence*

  - *PIP or MedPay [usually MVAs only]*

  - *Medicaid/Medicare*

  - *Liens*

  - *Insurance Documents*

  - *Records Requests*

  - *Medical Records*

  - *Billing Records*

  - *Pleadings*

    - *D1 Discovery Docs*

    - *D2 Discovery Docs etc.*

    - *Depositions*

    - *Exhibits*

FAMILY LAW

   - *Case Notes*

   - *Correspondence*

   - *Pleadings*

   - *Records Requests*

   - *Records*

      - *Spouse Records*

      - *Child Records*

      - *Client Records*

   - *Financial & Property Docs*

MISC CASES

   - *Same as above but varying slightly depending on the specific case

   type*

Seth Combs, Kentucky

I'm sure my prior responses to this are out there somewhere in the archives, but since I had recently updated my guide for paralegals and part-time help, here's how I do it.

With the message going out as plain text, it's hard to read. It's formatted here:

   http://www.RickRutledgeLaw.com/documents/FilingGuide.pdf

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I.   The Case Folder

A.   Tab 1: Client Confidential

The topmost page (this tab is normally inside the front of the file) should be face-down. Pages should be stacked oldest to newest. If the top page is duplexed, insert a blank sheet to keep the contents private. If the volume of the file justifies it, insert section tabs to sort these categories; for most clients, this will be relatively small, so just stacking them chronologically should be fine.

1.   Engagement / Contracts

2.   Client Correspondence

3.   Billing / Invoices / Statements

4.   Work Product

If you pull it out of context, do your best to describe the context in which it was found (e.g., attached to deposition exhibits, attached to a case law decision, etc.).

B.   Tab 2: Correspondence

Generally, sort chronologically, newest on top, sorted by the sending party (if to me), or the first addressee (if sent by me). If it's not to or from (or cc'd to) me, it's not "Correspondence," it's Research or Discovery.

A "party" is the named party and all of its agents, unless the agent is a named party itself. Anyone else is a third party.

1.   Demand Letters

2.   Correspondence with OC

3.   Correspondence related to Discovery

C.   Tab 3: Pleadings (filed with the Court)

These should be sorted chronologically, newest on top. For most cases that actually stand a chance of going to litigation, please tab each pleading or set of pleadings. Stick-on tabs are fine.

D.   Tab 4: Discovery Pleadings

1.   Correspondence / Covers / Demands are normally attached to the back of the document they came with, even though they typically arrive on top; they are not, for most purposes, a material part of the document. They should be reviewed, however, for dates, deadlines, additional requests or off-line responses.

2.   Requests

3.   Responses & Objections

4.   Motions to Compel

5.   Third Party, e.g., Subpoenas, Correspondence for Informal Production

Arrange chronologically, separated by party propounding.

a)   Subpoenas / Requests

b)   Responses

E.   Tab 5: Discovery Production

1.   Responses to items in D above.

F.   Tab 6: Research

Separate by Issue / Subject, etc. E.g.:

1.   Statutes

2.   Case Law

3.   Other Sources, such as documents provided by client

4.   Profiles

a)   Descriptions from Client

b)   Criminal and Civil Background Checks

c)   Web Pages

d)   Facebook (or other social media) Pages

Separate by party they represent or are expected to lean in favor of.

The computer directory should reflect this approximately, but may differ slightly, as we may have voluminous cases that are not as simple to arrange the same way on paper, or information sources that do not lend themselves to printing (e.g., audio and video files).

I'm trying to make it a practice of keeping/moving the Word files to a subdirectory from the working/filed versions, to avoid confusion about which was final, etc., and

to make it less confusing if I save versions with various dates as I develop them. In some older client directories, I had a sub-folder just called "Drafts"; as noted above, I'm trying to standardize that with Word Documents and Drafts. Those would include any word documents, whether draft or final, and any interim, preliminary, or draft versions of documents that were not final (including text scratch files and PDF copies, such as those sent to the client for review and confirmation). A PDF that is a draft should say so in the name. A PDF with no qualifier in the name is presumed to be "the" document, but without any signatures or stamps (if I produced it), and the official version of the document if it came to us (since it is presumably neither a draft nor is it un-stamped, etc.). The exception to this generalization would be things like draft iterations of a settlement agreement that's going back and forth; because those could have several versions within a day, I will typically add "Version 01" to the end of the name.

II.   The Computer Folder

Part of my philosophy on naming conventions and file organization is to use the file name as data that is more reliable than the "metadata" in a file. This is especially useful when we manipulate a file. The date and time stamp on a file is changed when we scan documents, run OCR, separate files into smaller pieces, etc. But putting clear, unambiguous information into the file name, the directory listing within a client's folder becomes useful for 1) verifying that paper has been scanned, and digital files printed (but only when necessary), 2) quickly reviewing a chronology of a case (e.g., the Pleadings directory), and 3) matching and confirming entries in Amicus. As such, when you consider the file name (and its location) to be actual data, it is important to ensure that it is correct.

A typical client's folder (in a litigation matter) should look something like this:

\SMITH John

\Accounting

\2014 ADA Violation

\Correspondence

\Discovery

\Depositions

\JONES Bob

\SMITH Barney

\SMITH John

\Word Documents and Drafts

\Pleadings

\Word Documents and Drafts

\Research

\Client Documents

\2015 Estate Planning

\Word Documents and Drafts

\Jones Corporation, Inc.

•   Errors in the spelling of the client name cause documents to sort out of chronological order and unnecessarily prompt concern that something is missing. Extra or missing spaces can also lead to this problem.

•   Errors in the formatting (or completeness) of a date cause confusion (or alarm!) in addition to causing files to sort out of order. To ensure that files sort naturally chronologically, dates in file names should always be formatted YYYY-MM-DD. If time is critical (this is rare), it can be added to the file name after the date as HH:MM using a 24-hour clock.

o   In most cases, the only date on a file will be the date it was Filed (if date stamped by the clerk) or Served, Sent, or Created (in decreasing order of relevance). Sometimes, when the document is produced on one date, but specifically relates to another, such as a Notice of Hearing or Calendar Request, the date of secondary importance may be added as part of the description. E.g.:

☐   SMITH John 2015-08-27 Cale Req for MTC for 2015-09-14 Filed.pdf.

☐   SMITH John 2015-03-15 EEOC RTS Ltr Postmarked 2015-03-18.pdf

☐   In the latter case, the postmark date is important because of the presumption that a letter is mailed the day it is written and dated, and we use that date to determine a deadline. Where we can prove it was actually mailed later, the deadline shifts from the date of the letter to the date of mailing.

•   Whenever filing documents after scanning, review the directory for existing files of level-date, to ensure that what you're filing is not a duplicate. If the new file is exactly the same as an existing file, except that the latter is file date stamped, replace

the original and update the file name to add "Filed" at the end; the earlier file adds no value unless, e.g., a copy was mailed to someone before the file was recorded; in that case, add something to the name of the earlier file to distinguish why it's being kept. What does its existence prove? (In this example, it proves what the file we mailed, looked like.) Common distinctions include (but are not limited to…): Filed, Execd, and wMarkups. If the notation refers to a later version of the file, because that date of filing or execution is different from the native date of the document (e.g., a fee agreement sent on Friday the 26th, but signed by the client on Tuesday the 30th), add the date to indicate when the document was "changed" to distinguish it from the original, e.g., SMITH Robert 2015-06-29 IC Ltr Execd 2015-06-30.pdf.

• Whenever possible, scanned documents, such as discovery responses, should not be broken into parts unless they are problematically large, or the division corresponds to a logical subset of the documents. An example might be where a specific document is requested and produced, say, an original contract and a bunch of statements, where we asked for the original contract and then asked for "any documents purporting to prove that Defendant made purchases." In that case, the specific documents should be identified by what makes them stand alone. Viz.:

o SMITH Robert 2015-06-15 P's Resp to D's RFP 01 Original Contract BATES P000001-P000006.pdf

o SMITH Robert 2015-06-15 P's Resp to D's RFP 01 Additional Docs BATES P000007-P000347.pdf

• Note in the example above the reference to Bates numbers. Try to be diligent in numbering what is sent out in production, I find that larger firms are very good about it. Smaller firms and solos, not so much. If we get unnumbered documents, we should number them for reference going forward, especially when they are numerous. It will make it easier for me to reference them going forward. If your version of Acrobat cannot do that right now, let me know, and I will number them before they go out. [My convention for documents I produce is to use a six-digit Bates number with a P or D prefix to indicate whether it was produced by Plaintiff or Defendant. Most others just assign a number, and they vary on the length.]

Naming the Client Folder:

• Natural Person: LASTNAME FirstName

[Include middle name for common names or duplicates; capitalize last name.]

- Legal Entity: Some Company Name LLC

  [Leave out punctuation in the name; used mixed case.]

Naming Client Files:

- The client name should occur in every file, ensuring that misfiled documents readily be found.

- Nearly all files will have a date in the file name.

- The file name should describe the contents. Common abbreviations are fine

- The file name should reflect whether the document is a draft [DRAFT], final [FINAL] or [], executed, etc.

- The date should reflect the date of the draft, the date of filing, the date of execution, etc. Typically, only the most important date is reflected, e.g., "Filed" documents need not say "FINAL."

- Thus, the default name structure for simple documents:

o HANCOCK John 1776-07-04 Declaration of Independence DRAFT.docx

o HANCOCK John 1776-08-02 Declaration of Independence Execd.pdf

- If a document carries more than one key date, e.g., "RCVD" and "DUE," put both in the name. Effectively, a file listing should be serve as a chronology of the matter:

o WASHINGTON George 1777-12-23 Valley Forge Action SCHED 1777-12-24.pdf

o HOOVER JEdgar 1965-01-01 Ds ROG01 DUE 1965-02-01.pdf

o TRUMP Donald 2018-01-15 Notice of Hearing 2018-02-23.pdf

- Remember that the file name is intended to function as stable metadata, because the access dates in the file system can change if you open a file to borrow sample text, etc. Metadata is data; it must be accurate:

o   Ensure that the file name does not contain extra spaces, run-on words, or punctuation, as these can affect sorting and searching files.

o   Check for spelling and typographical errors, as these can result in misplaced or duplicate files, and will affect sorting.

o   Confirm the spelling of names with clients; this is especially critical in litigation, where a misspelling or misidentification (e.g., LLC vs. INC.) can lead to protracted, expensive efforts to collect on a judgment.

Richard J. Rutledge, Jr., North Carolina

I also use a template folder that I copy for new clients; the folder names are formatted as "1. Intake Documents", "2. Correspondence", and so on. To me, it seems more natural to simply number folders than to add letters in an effort to force a certain order. Also, like some have mentioned, I begin all filenames with YYMMDD, which automatically orders the files chronologically.

Andrew C. McDannold, Florida