Government Law Office Document Management Solutions to Suit Any Budget
By Catherine Sanders Reach

Managing voluminous digital documents is one of the biggest challenges for government law offices; and given today's enormous budget constraints, effective solutions are more important than ever. Electronic versions of documents are stored on local drives, network drives and thumb drives. Documents are attached to emails, leading to version-control issues as well as inefficient collaboration. Finding documents can be daunting, if not impossible. Below are a number of techniques for harnessing and controlling digital information to suit any government law office budget

DIY (Do It Yourself)

File Naming Conventions

The least expensive method of sharing and storing electronic documents is to use network drives, a series of folders and file naming conventions. It starts with a strategy that includes all lawyers and staff in the office. A small group of end users, representing everyone who creates, edits or locates documents for the office, must sit down and create a standard naming convention for folders, subfolders and file names. This should be easy to follow logical even to outsiders, and checked for quality control on occasion. A "quick guide" to the structure should be created and shared with everyone who uses the system. For this method to work effectively, all documents must be saved in a shared folder on the network.

Although folder and subfolder names will vary depending on the type of government law office in which the system is being used, there should be a logical basis for the system's continued expansion. For example, if the office identifies work by client, then that is one logical structure that will grow and expand nicely within each client folder there will be subfolders far matters, and within each matter subfolder, there will be subfolders for various types of documents. From the beginning though, the government law office should address certain questions. For example, if a top-level folder is identified by client, then what is the naming standard? last name? First name?

An office should examine its paper-based filing system. Can it be effectively replicated electronically? By scanning incoming paper and filing it electronically in the "file cabinet," an office may be able to eliminate the paper and reduce filing things twice.

Keep in mind a few pointers when naming files. Although a computer knows a lot about an electronic file — file name (sampledocument.doc), date created, date last modified, file location (C:/mydocuments/articles/xxx.docx), and much more — this information is created by the computer, and it can be automatically changed by the computer depending on a variety of factors. Thus, users should counter those automated fields by applying some consistent and human logic. One suggested convention is to start all file names with a "ycarmonthday" number so that files within a folder can be sorted by oldest to newest (or vice versa) without being dependent on the automated date field. Also, users should add the document author name, which may differ from the system-applied document author field. For instance, a file could be named 2O110621.jonas_leftertcjsmitharnoreclosure, which identifies the date that the file was created, the author, and the subject of the document. Presumably, this file would be in a client

folder under a matter subfolder.

Furthermore, understand that different operating systems deal with symbols, spaces and uppercase letters differently. To avoid problems, use an underscore for a space and avoid uppercase letters.

For smaller offices, a file naming convention system may work. Since the system depends on users consistently and properly employing the conventions, however, human error sometimes intervenes to prevent it from working efficiently.

Full Text Search Engines

A full text search engine will increase the efficiency of a simple DIY system, and there are a number of fairly low-cost tools available. Although Windows XP does have a free add-on full text search engine, it is difficult, if not impossible, to have it index network drives. Those with a Windows 7 operating system will find an effective search tool built into the system. Indexing and searching network folders is relatively easy, and the users have the ability to search locally Ion the laptop or desktop) and to search network-shared folders. The search is fast and efficient but somewhat limited in the types of files it will index. For instance, it will not create a full text index of WordPerfect document files.

Google Desktop[1] is a free full text search index tool that was initially plagued with problems due to the way it indexed shared files. However, those problems were resolved, and there is now an enterprise version that can be installed, administered and configured by an IT department — and it is still free! This version also indexes Lotus Notes emails. Also available is an add-on to index WordPerfect files.

Two other hill text index tools that are very functional and work on a network are Xl and Copernic. Although Copernic does have a free desktop search tool for home use, Copernic Professional is the search tool to use for indexing and searching network drives. Copernic Professional[2] is about $40 per license, though there are discounts for more than 20 licenses and enterprise environments. Copernic Professional indexes more than 150 file types, including Word Perfect and Lotus Notes. The search is fast and efficient, and the results feature keywords in context, showing search results in a viewing window so that it isn't necessary to open the document or file. Xl,[3] a major competitor of Copemic, indexes more than 500 file types and lets users view and manipulate text from files in the view pane even if they don't have the software to open the file. For this reason, it is also being touted as an e-discovery tool. Needless to say, it indexes network files, offers add-ons[4] for searching Microsoft SharePoint, and has an app for iOS[5] (iPad, iPhone). Xl costs about SSO per license and consistently receives rave reviews. Both Xl and Copernic have free trials, so users can get a feel for whether the product would be useful in their government law office environment.

Email

Email itself is frequently a record, and often documents and their versions attached to the email may never be saved to even the most carefully constructed DIY document management system. Although manual in most cases, there are a number of ways to share important emails in a shared document repository. One way would be to have the IT administrator create group folders in Microsoft Outlook or Lotus Notes so that the users can drag/drop emails that need to be shared into one folder. Users can also save individual emails as a .msg or html in the appropriate folder in the file/folder structure on the network. Users with the full version of

Adobe Acrobat or similar "convert to PDF" functionality can save the emails to a PDF format.

But what about the attachments? Attachment problems can be avoided by sending internal email recipients a file path instead of an attachment. The file path will take the recipient directly to the document on the server without creating a new version. This helps with version control and helps ensure that the document location and file name conform to the standards. When users receive a document attached to an email, they should make a habit of "right" (alternate) clicking on the document and choosing "Save As" to save it under the appropriate name and folder right away. A simple add-on for Outlook called EZDetach[6] from Tech-Hit automates the process of saving and categorizing attachments. The product is $39.95 per user, though bulk licensing and site licensing are available.

Cloud Computing, Confidentiality and Professional Conduct Rules

Due to the vast technological changes that are confronting the profession, including cloud computing and social media, the ABA Ethics 20/20 Commission was tasked with reviewing the ABA Model Rules of Professional Conduct. The commission is proposing rule changes on confidentiality-related ethics issues arising from lawyers' use of technology. Specifically, the commission is proposing amendments to the comments to Model Rules 1.0(k) (Definition of Screening) and 1.1 (Competence) and to the black letter of Model Rules1.6(c) (Confidentiality of Information) and 4.4 (b) (Respect for Rights of Third Persons).

Model Rule 1.0(k) describes the procedures for an effective screen to avoid the imputation of a conflict of interest. Comment 9 elaborates on this description and notes that one important feature of a screen is to limit the screened lawyer's access to any information that relates to the matter giving rise to the conflict. Proposed changes to Comment 9 explicitly note that when a screen is put in place, it should apply to information that is also in electronic form.

Model Rule 1.1 requires a lawyer to provide competent representation, and Comment 6 specifies that to remain competent, lawyers need to "keep abreast of changes in the law and its practice." The commission concluded that in order to keep abreast of changes in law practice, lawyers necessarily need to understand basic features of technology, and that this aspect of competence should be expressed in the comment.

Model Rule 1.6 (c) requires a lawyer to make reasonable efforts to prevent the inadvertent disclosure of, or unauthorized access to, information relating to the representation of a client. Comment 16 explains that a lawyer has a duty to protect a client's confidential information from inadvertent disclosure or unauthorized access, but the commission proposes to identify in that comment several factors that lawyers should consider when determining whether their efforts in this regard have been reasonable, including the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, and the cost of employing additional safeguards.

Model Rule 4.4 (b) requires a lawyer who inadvertently receives information or material relating to a client to notify the sender. The changes clarify the forms of information (not just a written document but also electronic information), and the comment expressly states that metadata is included within the scope of the rule.

For more information about the proposed model rule changes, visit www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20.html.

Case/Practice Management Systems

A class of software specifically designed for lawyers is commonly referred to as practice management software. This software helps manage all aspects of a law practice and is often divided functionally between "front office" and "back office." Front office functions include document assembly, docketing and calendaring, email management, document management, conflicts checks, contracts management, time tracking/billing, and task management. Back office functionality includes trust accounting, general ledger and accounting (obviously) some of this functionality may not be needed for a government law office.) The document management in most practice management software allows users to save a document

or email in the centralized database. Users assign a case/client and matter to the document, which is stored with all the work regarding that matter The software often installs add-ons to common office suite software, making the process of saving the documents directly to the system easier. Likewise, the work flow can be initiated from the case/practice management software itself

Choices abound for practice management software. Many applications, such as Time Matters,[7] Amicus Attorney[8] and Abacus Law,[9] are standard-installed desktop software available on a licensed model. Newer entities to the field are the so-called cloud based or web accessible programs such as Rocket Matter,[10] "MyCase"[11] and Clio.[12] The principle behind the cloud is leveraging the internet to provide access to computing power and storage. Users can access files on a remote server rather than relying on an on-site physical storage medium. Many users of the internet may be using a form of cloud computing without realizing it. Those who use web-based email such as Gmail, Hotmail or Yahoo or online backup such as Mozy or Carbonitere are using the cloud. Cloud based applications require no installation or IT support and are available as long as the user has access to the internet These applications charge per user, per month. Most of these applications have a trial period.

In many government law offices, this type of software may have its uses but if the primary focus is document management, then the extended functionality may be overkill, i.e., return on investment will be nil. If this type of software en1s like a possible option, a government law office should request a demo, follow up with questions. and then request a trial period during which representative users can test the features and functions.

Document Management Systems

Document management software is designed to save all documents, including email, to a central storage space on a server. In many cases, the system "forces" users to save documents Lo the system, though users can mark certain documents private. When the user saves the document, the software invokes a screen that requests information about the document, for example, client and matter number, keywords, folder structure, and other information designated by the administrator at setup. This structure ensures that all documents are organized, categorized and available for full text searching. The system also provides for version control and check-in/check-out of documents and is fully integrated with the primary office suite. Some additional functionality may include records management, which offers automated file destruction based on rules set up by the administrator.

The document management software commonly used by the legal profession includes Worldox,[13] Autonomy WorkSite[14] and Open-Text's eDOCS[15] (formerly DOCS-Open) Of these, Worldox is by far the most appropriate for a smaller office environment, and it provides concurrent licensing (concurrent licenses are shared by all users of the system, in contrast to individually licensed software requiring each user to have a 1icense. An alternative option is NetDocuments," another web-based application that has been in the market for over a decade. Like other web-based applications, this is priced per user and has the benefit of being available anywhere whenever there is an internet connection. Net-Documents[16] also provides a "local" copy so that if the internet is down, the product still works.

Document management systems are remarkable tools for managing, collecting and searching documents and email for an entire office or group within an office. They are robust but often relatively expensive software. Considering the benefits that such systems provide,

however, the cost may be justified.

Project Management Systems

For some government and public sector law offices, project management software may be the best solution. Traditional project management software, such as Microsoft Project will not necessarily solve the problems of lost documents, version control and other problems associated with poor management of electronic documents. However, web-based applications such as Basecamp[17] and Zoho Projects[18] add structure to ensure effective completion of a project, aiding in task assignment, deadline enforcement and collaboration. A project is assigned a date for completion and split into milestones. Each milestone is then separated into tasks, and assignments are doled out to different individuals. Documents can be uploaded into the system for review and versioning and can be checked in and out for updates users can track time in the system as well.

The best way to determine if project management software would work for a particular office is to try it out ma small project. Although this will require some forethought about the project itself— regarding the milestones, tasks, participants, etc. — it will be worth the effort to test the effectiveness of the system before purchasing it. After logging in, users are presented with a "dashboard," a common interface used now by many applications that shows recent updates, other projects being worked on, and additional information. A systemwide search, "white-boards" for loose notes/brainstorming and a messaging system organize threaded discussions specific to the project. Users can set up email alerts to be notified when there are changes to the project that affect them, such as a new document or new task.

Most web-based project management tools are relatively low-cost. For instance, Basecamp's most expensive package is $149 per month for unlimited users and unlimited projects with 25GB of storage. For $200 per year, Zoho Projects offers unlimited users, unlimited projects and 15GB of storage.

Collaboration Challenges

Although all of the above methods will help provide a central storage of electronic documents, a few problems exist that have yet to be completely and effectively solved. One is real time collaboration on a document. To retain the look and feel of a formatted document and allow multiple people to do real-time editing, the only tool that this author has found that actually works is Google Docs.[19] Because of the terms of service of the free Google Does, some lawyers have determined that it is inappropriate for confidential information. However, if the information is not confidential, this is an excellent tool to share a document and allow multiple authors to edit, at their leisure or simultaneously. Many tools purport to provide multiuser collaboration on a shared document; but after testing, many did not work as advertised. Hopefully, this type of functionality will continue to improve.

Cloud Versus On-Premises Software

In the above examples of case/practice management and document management, distinctions were made between cloud and web-based applications and between downloaded and traditional software. Lawyers should understand the benefits and potential risks of software in the cloud. The benefits of the cloud model include reductions in reliance on IT staff and a significant reduction in the time and complexity to install and configure new software. The cloud

model also reduces the need to purchase, maintain and back up expensive servers and other peripherals while providing remote access to users Expenses for cloud applications are generally annualized (monthly fee) versus a large capital outlay for new systems. The potential risks with the cloud model include saving confidential information with a third party (the cloud application provider), subpoenas issued to the cloud provider for data without notification to the data owner, consequences of data retrieval if the cloud application provider goes out of business, and ownership versus access issues. In many cases, these risks can be seriously mitigated by asking the right questions and taking steps to maintain locally a duplicate copy of the data

Conclusion

With diligence, planning and a few add-ons, any government law office, regardless of budget constraints, can implement an efficient document management system. The time spent up front to determine the best system for a particular office will be well worth the immensely improved management and control of office documents.

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Endnotes

1. *See* http://desktop.google.com/enterprise/index.html.
2. *See* www.copernic.com/en/products/agent/professional.html.
3. *See* www.x1.com.
4. *See* www.x1.com/products/x1-formicrosoft-sharepoint.
5. *See* www.x1.com/products/x1-mobile-search-for-iphone.
6. *See* www.techhit.com/ezdetach/outlook_attachments.html.
7. *See* www.lexisnexis.com/law-firms/practice-management/specialized-law/time-matters.aspx.
8. *See* www.amicusattorney.com.
9. *See* www.abacuslaw.com.
10. *See* www.rocketmatter.com.
11. *See* www.mycaseinc.com.
12. *See* www.goclio.com.
13. *See* www.worldox.com.
14. *See* www.interwoven.com.
15. *See* www.opentext.com/2/global/products/products-opentext-edocsproducts.htm.
16. *See* www.netdocuments.com.
17. *See* http://basecamphq.com.
18. *See* www.zoho.com/projects.
19. *See* https://docs.google.com.