

Chapter I

The Advantages of Using PDFs and Adobe Acrobat DC

Introduction

When lawyers and their staff were forced to work at home because of the global pandemic, those who had previously resisted loosening their dependence on paper learned the value of annotating and editing tools such as Adobe Acrobat. They quickly learned the answer to the most common questions we are asked when we teach courses on Adobe Acrobat: “Why do we need Acrobat?” and “Why do we need Acrobat Professional?” Our answer, prefaced by the disclaimer that we don’t work for and are not compensated by Adobe, is that as lawyers and paralegals, we should use products that enable us to accomplish more and to do so efficiently. While many products have some or most of the features in Acrobat Professional, none has all of the features, and none works as well with as wide a range of products, including Microsoft Office, many case and document management products, and numerous other programs. As a result, law firms that need to use Bates numbers need Acrobat Professional, firms electronically filing court documents need Acrobat Professional, and so do most firms, merely because of the program’s ability to create indexes and to automate so many tasks. Acrobat has other benefits:

- **Improved Workflow:** By using Acrobat, you can standardize many processes. For example, by using an “action,” Acrobat can OCR (make readable and searchable) multiple documents at one time and then create a searchable index so that all users can search a virtually unlimited number of documents at one time and view the results quickly and with just a mouse click.
- **Increased Productivity:** By using Acrobat, you can save time and be more effective with many tasks. For example, numbering an appellate court record, which used to take considerable time, can be done in seconds using either Bates numbering or adding headers/footers. Similarly, the index

feature allows lawyers to locate critical information during depositions, trials, and other proceedings without the distraction of having to page through countless paper records with the hope of finding information that Acrobat can display in a split second.

- **Reduced Use of Paper:** Acrobat is one of the essential products needed to be a paperless or “less paper” office. Lawyers and staff can review documents without the need to print them, can annotate the documents to highlight critical information, and then print only the necessary pages rather than every page. Similarly, by storing all documents electronically, law firms can produce documents electronically, saving the time, the paper, the copier or printer toner, and the postage it would require to produce hundreds or thousands of pages of paper documents.
- **Better Client Results:** Using Acrobat’s features, such as its indexing and search capabilities, produces better results, and quicker results, than having to review paper files and search for highlighting or “sticky notes” or other more traditional annotations. Acrobat’s ability to store comments allows your entire staff to share the information in an easy-to-read and universally accessible way.
- **Fewer Ethical Dilemmas:** By utilizing Acrobat’s various features, law firms should improve productivity and can reduce the possibility of errors that could lead to malpractice claims or ethical transgressions. Acrobat helps avoid ethical issues in many ways:
 - ❖ **Metadata:** Metadata is information about a document that is not visible as part of the document but can be reviewed easily with either metadata analysis software or, in many cases, the software used to create a document. Metadata may be relatively innocuous information such as the author or title of a document, but it may also reveal comments, tracked changes, and other information that could assist an opposing party. The ABA and many state bar associations have opined that the disclosure of metadata may be an ethical violation.

Converting documents, spreadsheets, and other items from their native format to PDF format allows lawyers to retain control of the documents’ content and eliminates the probability of transmitting the files’ metadata. (Removal of PDF metadata is discussed in Chapter 15.)

- **Loss of Documents/Comprehensive Retrieval of Information:** Traditional paper documents can be lost, damaged, or misfiled. As a result, attorneys can lose the documents or mistakenly fail to include such documents during discovery. By converting all documents to PDF format and storing them in a central location, law firms will avoid this problem.
- **Preservation of Email:** Lawyers have always saved copies of all correspondence in a client file, but many do not treat email with the same importance. Because a client file is the property of a client, lawyers should

preserve all case- or matter-related email and attachments so that (1) they may be produced should a client request a copy of the file, and (2) they have a record of all communications should a dispute arise between the lawyer and client.

- **Collaboration by Email:** Users can email a document in PDF format and take advantage of Acrobat's collaboration tools such as comments and marked changes.
- **Compatibility:** Many companies create add-ins that allow Acrobat to perform additional functions. For example, there are add-ins (some users call them plug-ins) that work with Microsoft Office, LexisNexis CaseMap, and other products. Many of the most helpful add-ins work only with Acrobat and not with other PDF creation software. Thus, if you purchase another product, you may not be able to use add-ins that are of particular value to you.

What Are PDFs?

The portable document format (PDF) is a computer/electronic file format that can preserve all of the fonts, formatting, colors, and graphics of any source document, that is, the document or other electronic item from which the PDF is created (for example, by scanning the document or converting the document from Word or a web page), regardless of the application and platform used to create the original document. Anyone using any PDF reader is then able to view, navigate, comment on, and print a PDF file using any PDF reader product, of which there are many. In many cases, users can fill in and sign PDF documents electronically.

When printed, PDF documents look the same as the source from which they were created and have appropriate margins and page breaks. PDF files can also be password-protected or have other security features to prevent unauthorized changes or printing or to limit access to the documents.

There are two types of PDFs: text-based PDFs and image-based PDFs. Whether a PDF is text- or image-based depends upon (1) how it was created and (2) whether (in the case of image-based PDFs) the PDF was converted to a text-based (or searchable) format. Text-based PDFs are created by programs such as Microsoft Word and Excel, and, during the conversion process, the text or content of the original file is used to create the PDF version. An image-based PDF is created from scanning (or even from a photo taken on a phone), that is, from a product that makes a picture of the original. A user may convert an image-based PDF into a text-based PDF by using text recognition/optical character recognition (OCR). When possible, legal professionals should always use text-based PDFs because the increase in productivity is dramatic. Users must still be mindful, however, that photographs and poor-quality original sources do not lend themselves to being used as text-based PDFs.

What Is Adobe Acrobat?

Adobe Acrobat is a computer software program that works in virtually every operating system (including Windows and Mac/iOS). Acrobat allows users to do many things, including create, edit, manage, and search PDF documents. It can also create forms, redact information, number pages, compile complex documents, and perform numerous other functions. In addition, Acrobat permits attorneys and others to add security to their PDFs, and it provides alternative methods of preserving email (rather than either printing the email or creating additional folders in Outlook).

Acrobat works/integrates with most other programs (such as Microsoft Office) to create documents as PDFs (portable document formats) so that all documents appear the same regardless of the operating system used to view them. In many cases, Acrobat installs an add-on that allows it to integrate with other programs. In addition, many third-party products provide their own plug-ins for Acrobat. As a result, Acrobat has become an essential program in most law offices.

With the advent of electronic filing in many courts (including the increasing requirement that lawyers file papers in PDF/A format), the increase in electronic discovery, and the transition of most law firms to a “less paper” environment, a program like Acrobat has become essential. With Acrobat, users may perform a wide range of functions on almost any document, regardless of how or on what operating system it was created, improving their workflow and their ability to analyze information efficiently.

The Differences between Acrobat Reader, Acrobat Standard, and Acrobat Professional

- **Acrobat Reader:** This free product does not contain most of the features discussed in this book. However, many people, including clients, use the free Reader, and it remains the global standard for viewing PDF files. With Reader, you can open all PDF documents, as well as search, digitally sign, print, and collaborate on PDF files without having Acrobat Standard or Professional installed on your computer. Acrobat Reader can also view PDF Portfolios and display media content, including video and audio files, in their native (original) formats.
- **Acrobat Standard:** This paid product contains many of the features discussed in this book, although the vast majority of the legal-specific features are only available in the Professional version. Both Standard and Professional versions allow users to edit and produce PDF documents, as well as incorporate form fields and interactivity into files produced from any application that can print. Acrobat Standard is *only* available for Windows, *not* Mac computers. If you have a Mac, you will only be able to use Acrobat Professional.

- **Acrobat Professional:** This paid product contains all of the features discussed in this book. We believe that the Professional version is essential for legal professionals because of legal-specific features such as redaction, OCR, side-by-side document comparison, Bates numbering, indexing, and the ability to automate many helpful features through “actions.” The Professional version also offers print production tools and other features designed for the graphic design industry (we do not discuss those features in this book). Law firms that redact, produce, or review documents electronically, as well as firms that aspire to be paperless, should purchase Acrobat Professional. Although the cost is greater, the increase in productivity will more than pay for itself.
- Of note, with the introduction of Adobe Acrobat 2020, Adobe now fully differentiates between the perpetual desktop version (Acrobat 2020) and the version enhanced with Document Cloud services (Acrobat DC).

Why You Should Use Electronic Documents

Advantages of Using Electronic Documents

Using electronic documents is crucial to having a paperless office and has other advantages:

- **Easy Access:** Any person can access an electronic document, not only in the office, but also remotely if the office permits remote access. As a result, lawyers and staff can retrieve electronic documents instantly and then share them as desired.
- **Searchable Text:** After a document is OCRed, you can search the document, and you do not even have to have the file open to do so. This converts ordinary files into databases of information that can be used to improve productivity and results.
- **Cost Savings:** Businesses save money by using electronic documents. By storing documents electronically, whether onsite or in the cloud, firms do not need as many filing cabinets (and thus, file rooms) and can reduce or eliminate file storage costs. In addition, because files are accessible from any computer, there is less time wasted getting up to retrieve a file and locate a document, and the need for file clerks is reduced. Finally, digital storage (computer hard drive) space is far less expensive than traditional storage methods.
- **Security:** Securing confidential information is simplified when files are stored digitally. In addition, electronic documents can be encrypted with a password or other method of authentication, decreasing the possibility that the documents will be disclosed to or seen by unauthorized persons.

- **No Lost Documents:** Once a document is stored electronically, it is preserved, often forever, particularly when files are backed up regularly. As a result, it is easy to locate electronic documents, and the chances of “losing” them are dramatically reduced. Also, the common problem of having an attorney or a staff member mark up or write notes on the only original is eliminated. You don’t need to fear not having a “clean” copy again.
- **Easier Document Markup:** Using comments and other features, lawyers can mark up documents, highlighting critical information, while retaining the ability to produce the documents without disclosing the comments. This is far easier than trying to produce a document that contains highlights and comments on the original document.

Why Lawyers Should Use Adobe Acrobat Professional

Acrobat DC or 2020 Professional provides all the features a law office needs—integrated e-signing services, redaction, Bates numbering, commenting, and so much more—including the ability to manage documents easily in the cloud. In addition, Acrobat includes the capabilities lawyers expect and need in a PDF program, ranging from compliance with PDF/A and PDF/X standards to the Send for Signature and Fill & Sign features, which allow users to sign documents, to its ability to edit PDFs and scanned documents almost exactly as you would in a traditional word processor.

Plus, users who purchase a subscription to Adobe’s cloud services have access to the e-sign services, which allow them to sign and send documents from any device and use the Fill & Sign feature to convert most documents into a fillable form, which clients and others can fill in on virtually any device.

Finally, when you use the “Document Cloud” version of Acrobat, known as Acrobat DC, Adobe regularly updates features, including many that are featured in this edition of our book. In many cases, these additional features are incremental enhancements that make the program even better.