

Document Management Software: Never Practice Law Without It

By Bruce E. Jameson, Esquire

My law school torts professor said that anytime the term “constructive” appeared in front of another word, it meant that the second word was a lie. A constructive trust, for example, was not a trust, but the law treated it as one anyway. Similarly, the “paperless office” should be called the constructive paperless office. Paper is still (and will remain) very much a part of my practice. When in-depth legal review and analysis of documents is required there is no substitute for reviewing, comparing, and marking paper versions of complex documents. A more accurate term for what lawyers should hope to achieve is a paperless filing system. The main benefits of storing documents electronically are the reduced time required to locate documents and the reduced risk of misplaced or lost documents. Those benefits can help lawyers avoid missteps in complying with their ethical and professional obligations. Despite those benefits, the 2014 ABA Legal Technology Survey Report reported that only 35% of solo practitioners and 47% of lawyers in firms of 2-9 lawyers reported that document/records management software was available to them. This article is intended to encourage and help those in the majority begin the process of implementing document management software.

Document Management v. Case Management Software

Document management software is different than case management soft-

ware. Case management software allows you to track information about a case, such as billing information, staffing, filing deadlines, settlement offers, and similar information. Document management software tracks and organizes information about documents. Good document management software allows you to easily search for and locate all documents your law firm has ever created or retained. It should also allow you to incorporate documents you receive in paper form from other sources and that are scanned into your system. If an attorney needs to write a motion to compel, document management software should allow her to find all prior motions to compel that she drafted or that were filed in her cases that involve similar issues. Some case management programs contain their own document management software, but many do not.

The most basic approach to electronically storing documents is using Windows or MAC folder structure. A folder can be created for each client matter with sub-folders for “Docket Entries,” “Discovery,” “Research,” etc. Sub-folders can also exist within sub-folders. While that system is cheap (since it is included if you have a computer), it is only marginally better than a paper-based filing system.

A step up from using Windows folders is Microsoft Sharepoint. Sharepoint, which is included with Microsoft Office 365 subscriptions, allows you to index your documents using columns and tags. (For a short article discussing Sharepoint as a document management tool, see <http://abovethelaw.com/2014/07/why-sharepoint-is-the-most-underutilized-legal-tool-that-microsoft-has-to-offer/>.) Sharepoint is a significant step up from basic folders for document management, but still lacks the most robust features of a true document management system.

The best approach to document management is to use software specifically designed for it. Document management software typically requires you to “profile” documents, meaning the inclusion of information fields such as “date created,” “author” “document type” (e.g. complaint, answer, motion, research memo, email, etc.), “client number,” etc. Software should allow users to create custom fields to suit their specific practices and needs. For example, because my firm’s practice focuses on corporation law, we have a field with predefined terms that include all the sections of the Delaware General Corporation Law (“DGCL”). In that way, it is easy to run a search for all research memoranda, briefs, or other documents that discuss any particular section of the DGCL.

There are numerous document management products available. To provide you with a starting point, I’ve listed four products commonly used by lawyers.

Worldox: It integrates with the most commonly used case management software, includes email integration, offers a cloud-based option, and is scalable based on the number of users making it generally cost effective.

OpenText eDocs: This is the system my firm uses. OpenText permits

significant customization based on your needs, although it is not the most user-friendly product from an administration standpoint.

NetDocuments: I have looked at this product and been fairly impressed. It appears to be a very cost-effective option for small to medium-sized law firms, particularly those who want to move their documents to the cloud.

ProLaw: I have never reviewed ProLaw's document management software personally, but based on what I have read, it appears to be flexible and customizable.

Whatever product you choose, any document management program is better than none, and the efficiencies gained in the location and retrieval of documents should justify the costs. ☺

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