

My Digital Practice

I wasn't sure how much depth everyone was looking for in this synopsis of my electronic practice. I hope this document doesn't fall into the sleep-inducing category.

I practice exclusively in the area of civil litigation so my electronic practice has been designed specifically for that area. I think that the principles are still very portable and can form the basis for any legal practice.

My electronic practice grew out of a frustration with chasing paper, which I knew existed but couldn't find on the file, usually because it was somewhere in transition between my desk and the paper file. In 2006 I decided that I would make my practice as close to paperless as I could. Yes, we still maintain a paper file on each client matter but it's now a rare occurrence for me to look at it. In June of 2006 I instructed my assistant that hence forth all communications relating to a client matter would be scanned and/or stored electronically. The electronic records exist on an office server, which is regularly backed up both onsite and offsite so that all of the information is easily restored in the event of a loss at one location or another.

The basics of the electronic file structure starts with a folder for the client. In figure 1 below the folder entitled "ABC Corporation" is a description of the client. Some clients have multiple matters upon which they are consulting a firm so each matter is assigned a new folder under the client folder. In this case there are two matters for ABC Corporation; Corporate Reorganization and John Doe.



figure 1.

The John Doe matter is a litigation file and so subfolders that are typical at the commencement of litigation have been created as well: figure 2.

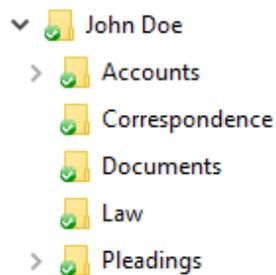
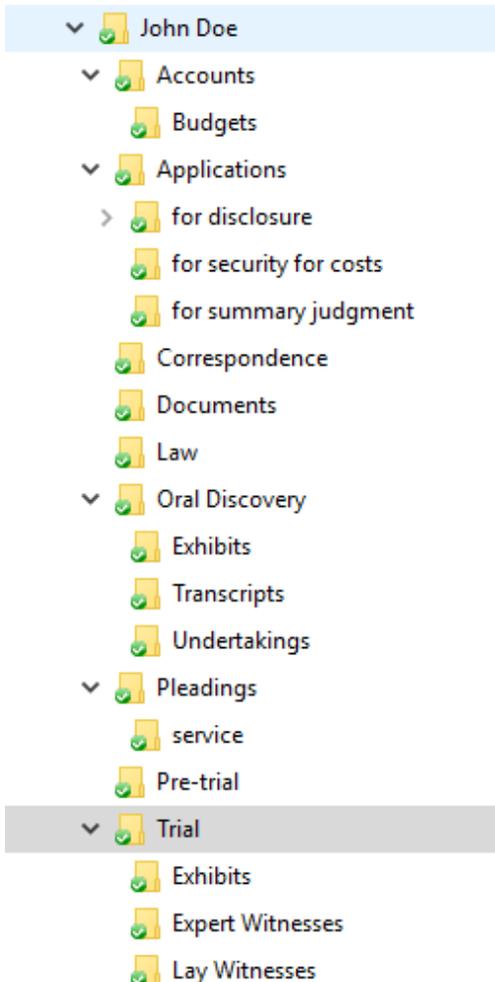


Figure 2

As the litigation progresses additional subfolders are created to capture new steps in the litigation such as court applications, oral discovery, pre-trial and trial. Some of those folders, such as “Applications” may have additional subfolders within them relating to a specific application. As a matter moves close to trial the directory tree for the electronic file may look something like this;



While the correspondence subfolder could have subfolders for each correspondent I have not found that to be a useful approach. My electronic correspondence folder works much the same way as my paper correspondence folder worked: all correspondence is placed on the file newest to oldest because I typically only looked at the newest pieces of correspondence to determine the next steps to be taken on the file. All correspondence is handled according to these rules;

Paper correspondence is scanned into PDF format and the filename assigned should be short but descriptive of its contents. For example;

Name	Date modified	Type
2016-02-17 Retainer Ltr Signature Page (Signed)-	2/19/2016 9:41 AM	Adobe Acrobat D...
2016-04-13 TA on John Doe	4/18/2016 10:17 AM	Adobe Acrobat D...
2016-05-16 Fx from Bob Smith to Colin Clackson	5/16/2016 5:23 PM	Adobe Acrobat D...
2016-06-23 Fx from CUMIS	6/24/2016 2:17 PM	Adobe Acrobat D...

Electronic Correspondence is stored in its original format and by its original name unless it conflicts with an existing name in which case it will be assigned a numbered suffix

When I first started my electronic practice handling emails was a pain, principally because there were so many of them in a day. I now use a commercial program that almost automates getting emails from my inbox or sent folder to the correspondence folder in the electronic file. Naming convention for all emails is <yyyy-mm-dd sender “to” first recipient>” and the commercial program has been set to automatically create this filename as part of the saving process. In fact, 90% of the time it even guesses the right folder in which to save it. 😊

I use the “YYYY-MM-DD” naming convention because it allows me to quickly organize the correspondence in the electronic file from newest to oldest. While electronic files can be ordered by using the “date modified” column in windows explorer I found that it was unreliable because the “date modified” flag can be reset on some documents simply by opening them and in the case of emails opening an email and then replying to it or forwarding it.

The true benefit of an electronic file is extreme portability and easy access. If I need my file (and often even if I don’t) for a meeting I simply copy it to the hard drive of my laptop and every piece of information on the file is available to me and easily recalled. In addition, although this requires a little more technical know-how, I can access my client files from anywhere in the world through a VPN connection over the internet. Want to work from home because you have a cold? No problem! 😊.

Colin