

Creating and Managing a Digital Practice



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What is a digital practice?



YOU
ARE
HERE

Why move to a digital practice?

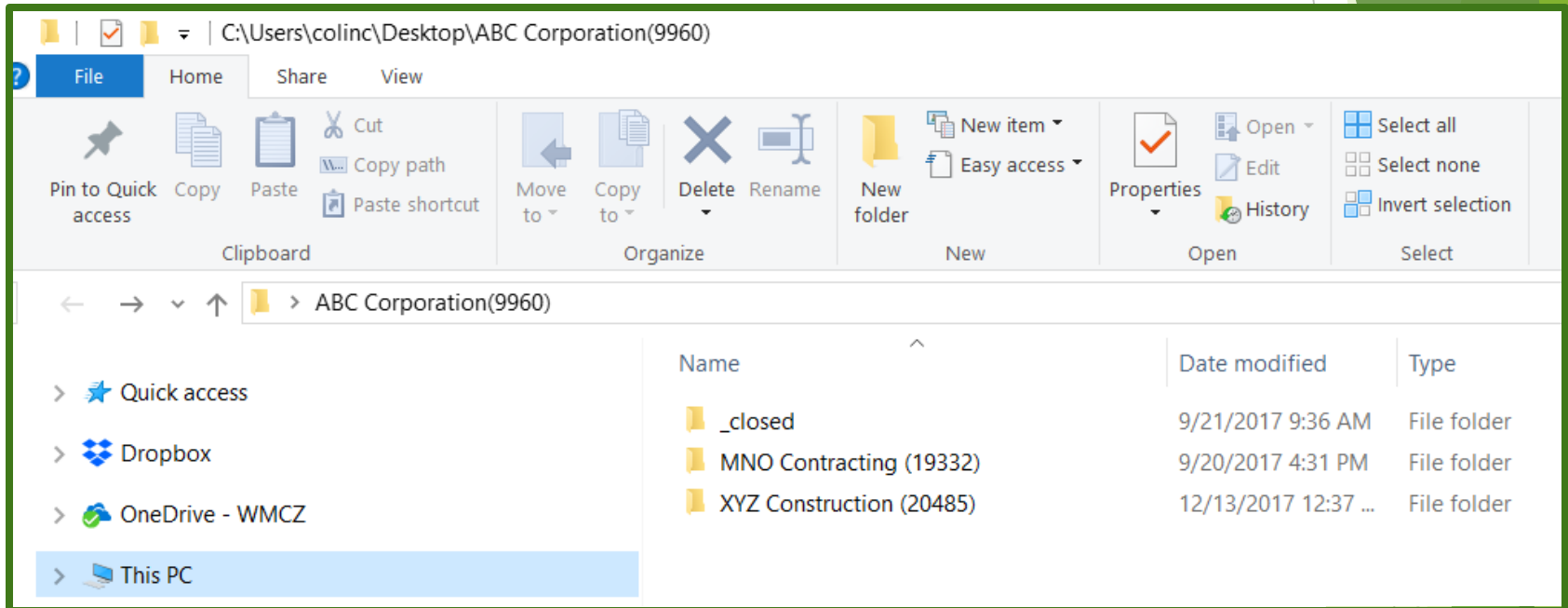
- ▶ Fewer costs (paper, storage of files, etc.)
- ▶ Better organization
- ▶ Flexibility (easily access information and files from home or anywhere else in the world)
- ▶ Ability for more than one individual to access the file at the same time
- ▶ Share file contents easily with clients or other lawyers
- ▶ Time efficiency (less photocopying & collating, etc.)
- ▶ Security of a back-up system

Basic File Structure Ground Rules

- 1) File folder names should be descriptive of their contents;
- 2) Documents should be filed on the client's file with due dispatch;
- 3) Documents should be filed in the proper subfolder;
- 4) Documents should be filed chronologically;
- 5) All subfolders on the client's matter should be kept in the same place;
- 6) The client's file should contain ALL of the information on the client's matter; and
- 7) The client's file should be accessible to everyone in the office.

Basic File Structure

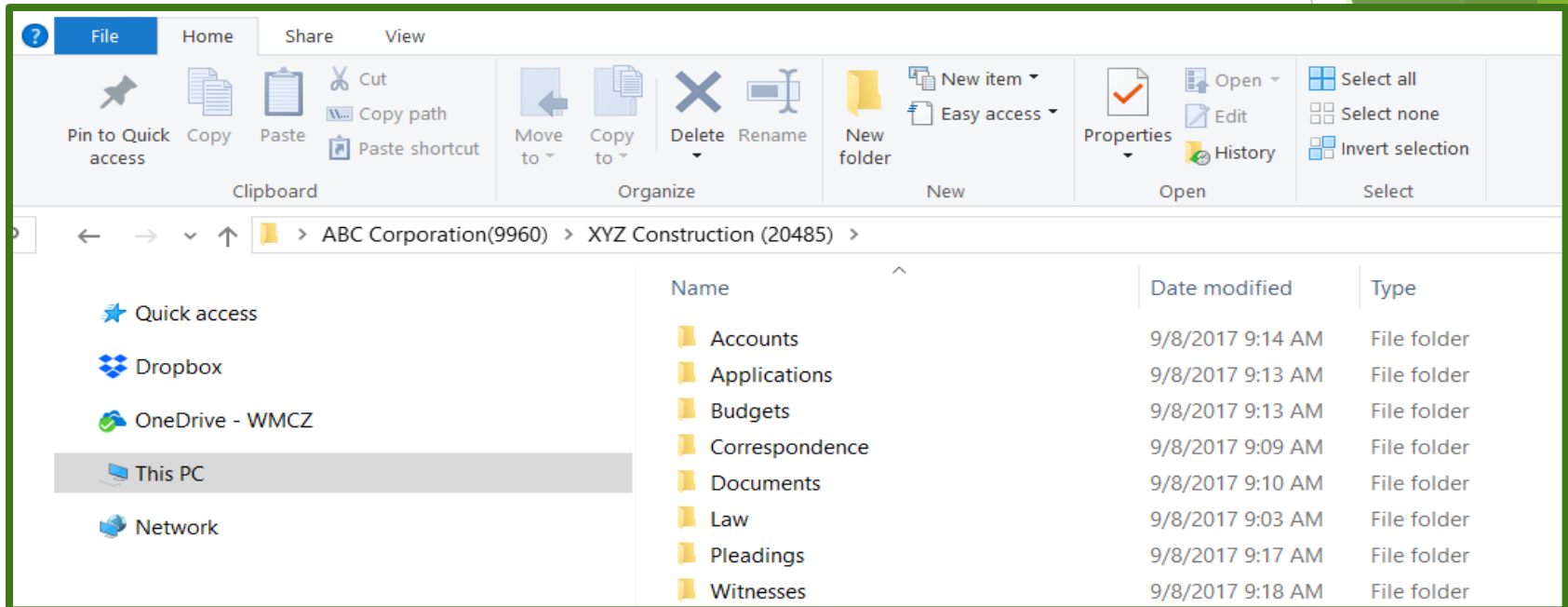
Figure 1



- ▶ Client Name (Client #)
 - ▶ _closed
 - ▶ Matter Name (Matter #)
 - ▶ Matter Name (Matter #)

Basic File Structure

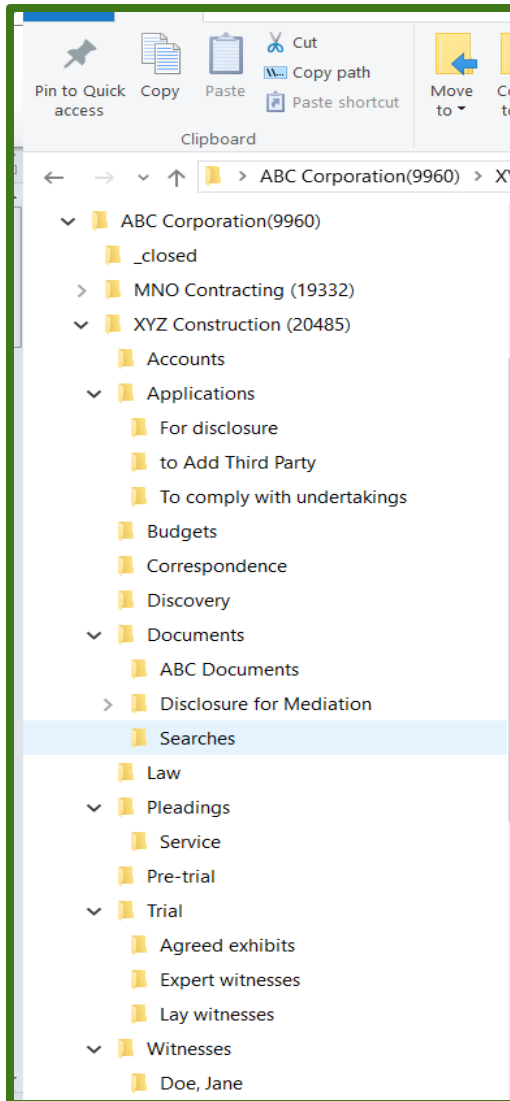
Figure 2



- ▶ Client Name (Client #)
 - ▶ Matter Name (Matter #)
 - ▶ Accounts
 - ▶ Applications
 - ▶ Budgets
 - ▶ Correspondence

Basic File Structure

Figure 3



- ▶ Client Name (Client #)
 - ▶ _closed
 - ▶ Matter Name (Matter #)
 - ▶ Matter Name (Matter #)
 - ▶ Accounts
 - ▶ Applications
 - ▶ For disclosure
 - ▶ To Add Third Party
 - ▶ To comply with undertakings
 - ▶ Budgets
 - ▶ Correspondence
 - ▶ Discovery
 - ▶ Documents
 - ▶ ABC Documents
 - ▶ Disclosure for Mediation
 - ▶ Searches
 - ▶ Law
 - ▶ Pleadings
 - ▶ Service
 - ▶ Pre-trial
 - ▶ Trial
 - ▶ Agreed exhibits
 - ▶ Expert witnesses
 - ▶ Lay witnesses
 - ▶ Witnesses
 - ▶ Doe, Jane

Basic File Structure

Figure 4

The screenshot displays a Windows File Explorer window with the following structure:

- Navigation pane (left):** Quick access, Dropbox, OneDrive - WMCZ, This PC (selected), Network.
- Address bar:** > ABC Corporation(9960) > XYZ Construction (20485) > Pleadings >
- File list (table):**

Name	Date modified	Type	Size
Service	9/8/2017 9:03 AM	File folder	
Defence to Third Party Claim.pdf	8/23/2016 4:41 PM	Adobe Acrobat D...	236 KB
Notice Amended Third Party Claim..pdf	7/5/2016 4:42 PM	Adobe Acrobat D...	192 KB
Notice of Third Party Claim.pdf	2/18/2015 2:09 PM	Adobe Acrobat D...	175 KB
Statement of Claim.pdf	3/3/2015 11:22 AM	Adobe Acrobat D...	321 KB
Statement of Defence (XYZ).pdf	3/3/2015 11:22 AM	Adobe Acrobat D...	148 KB
Statement of Defence of (ABC).pdf	4/6/2015 2:18 PM	Adobe Acrobat D...	162 KB
Statement of Defence of ABC.docx	4/6/2015 2:13 PM	Microsoft Word D...	17 KB

Basic File Structure

Figure 5

The screenshot shows a Windows File Explorer window with the following components:

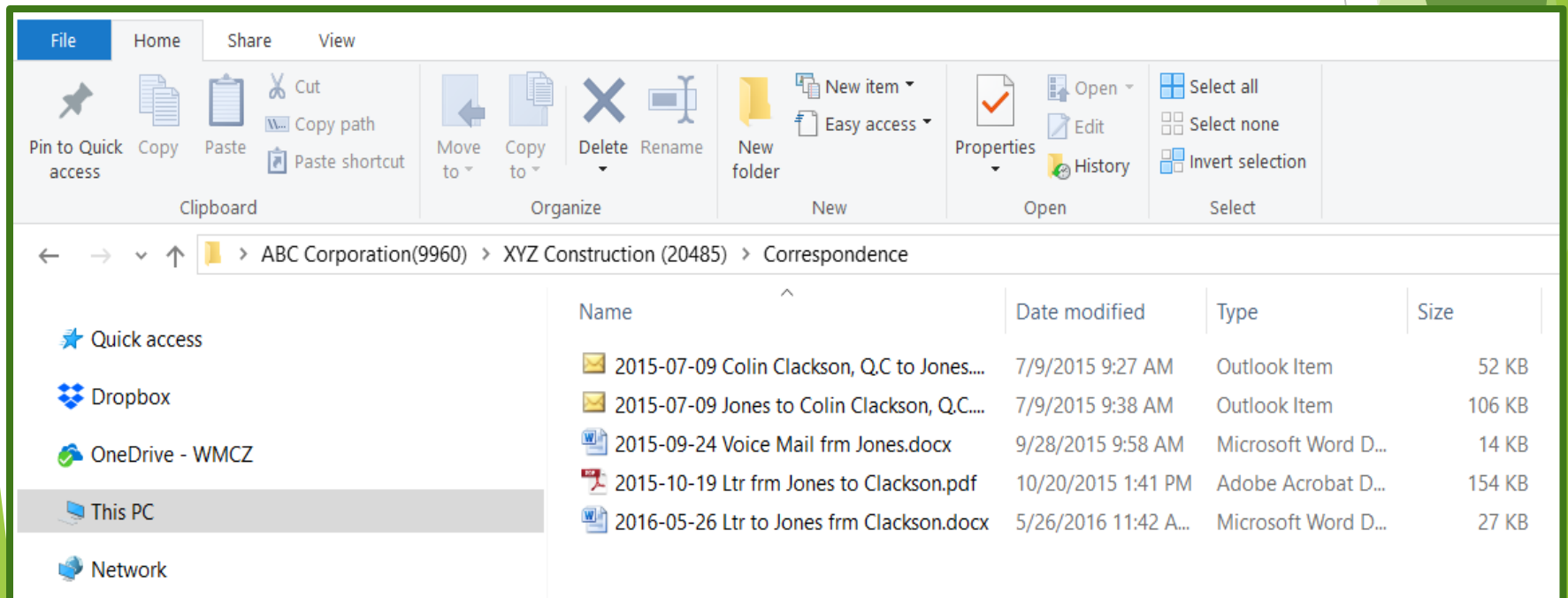
- Command Bar:** Includes tabs for File, Home, Share, and View. The Home tab is active, showing groups of icons for Clipboard (Pin to Quick access, Copy, Paste, Copy path, Paste shortcut), Organize (Move to, Copy to, Delete, Rename), New (New folder, New item, Easy access), Open (Properties, Open, Edit, History), and Select (Select all, Select none, Invert selection).
- Address Bar:** Shows the path: > ABC Corporation(9960) > XYZ Construction (20485) > Correspondence
- Navigation Pane:** Lists locations: Quick access, Dropbox, OneDrive - WMCZ, This PC (selected), and Network.
- File List:** A table with columns for Name, Date modified, Type, and Size.

Name	Date modified	Type	Size
 2015-07-09 Colin Clackson, Q.C to Jones...	7/9/2015 9:27 AM	Outlook Item	52 KB
 2015-07-09 Jones to Colin Clackson, Q.C...	7/9/2015 9:38 AM	Outlook Item	106 KB
 2015-09-24 Voice Mail frm Jones.docx	9/28/2015 9:58 AM	Microsoft Word D...	14 KB
 2015-10-19 Ltr frm Jones to Clackson.pdf	10/20/2015 1:41 PM	Adobe Acrobat D...	154 KB
 2016-05-26 Ltr to Jones frm Clackson.docx	5/26/2016 11:42 A...	Microsoft Word D...	27 KB

Digital File Ground Rules

Document Dates

- ▶ Date is always the first part of the document name
- ▶ Format is always “YYYY-MM-DD”, using leading zeros for single digit months or days, to ensure the list will always sort in chronological order



The screenshot shows a Windows File Explorer window with the following details:

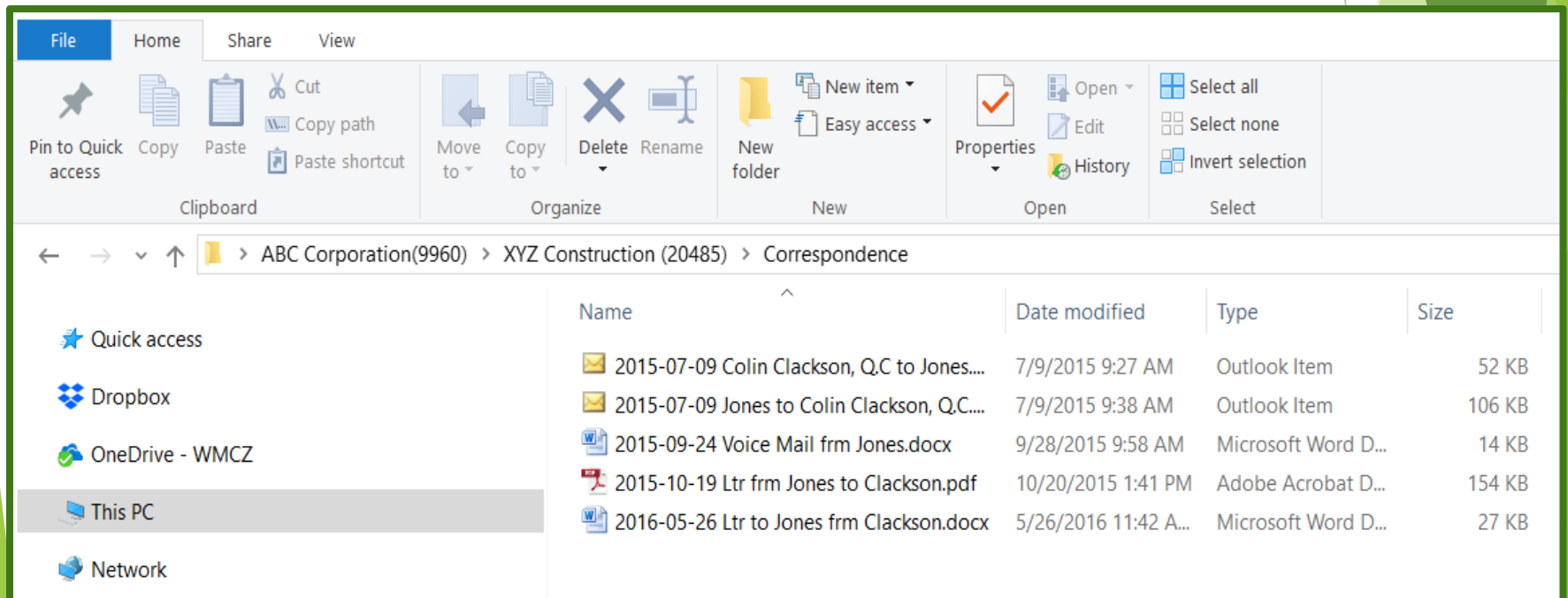
- Navigation pane:** Shows 'This PC' selected, with 'Quick access', 'Dropbox', and 'OneDrive - WMCZ' also visible.
- Address bar:** Displays the path: > ABC Corporation(9960) > XYZ Construction (20485) > Correspondence
- Command bar:** Includes tabs for File, Home, Share, and View. The Home tab is active, showing groups for Clipboard, Organize, New, Open, and Select.
- File list:** A table of files in the 'Correspondence' folder, sorted by Name. The files are:

Name	Date modified	Type	Size
2015-07-09 Colin Clackson, Q.C to Jones...	7/9/2015 9:27 AM	Outlook Item	52 KB
2015-07-09 Jones to Colin Clackson, Q.C...	7/9/2015 9:38 AM	Outlook Item	106 KB
2015-09-24 Voice Mail frm Jones.docx	9/28/2015 9:58 AM	Microsoft Word D...	14 KB
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Digital File Ground Rules

Document Names

- ▶ Adopt a consistent naming convention, especially if abbreviations are used
- ▶ As descriptive as possible using the least amount of characters



The screenshot shows a Windows File Explorer window with the following elements:

- Navigation pane (left):** Quick access, Dropbox, OneDrive - WMCZ, This PC (selected), Network.
- Address bar:** < Back > > ABC Corporation(9960) > XYZ Construction (20485) > Correspondence
- Command bar (top):** File, Home, Share, View. Groups include Clipboard (Pin to Quick access, Copy, Paste, Cut, Copy path, Paste shortcut), Organize (Move to, Copy to, Delete, Rename), New (New item, Easy access, New folder), Open (Open, Properties, Edit, History), and Select (Select all, Select none, Invert selection).
- File list (right):**

Name	Date modified	Type	Size
2015-07-09 Colin Clackson, Q.C to Jones...	7/9/2015 9:27 AM	Outlook Item	52 KB
2015-07-09 Jones to Colin Clackson, Q.C...	7/9/2015 9:38 AM	Outlook Item	106 KB
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Practice Tips

- ▶ The Law Society's Rules and Code of Ethics apply equally to both paper and electronic practices
- ▶ When creating or maintaining a digital practice, ensure that:
 - ▶ Electronic records are securely and reliably stored;
 - ▶ The software used to access the electronic records is well supported;
 - ▶ The electronic records are readily accessible to those entitled to view them; and
 - ▶ The electronic record is a COMPLETE record of the client's matter

Word Processing and Document Exchange

- ▶ Choose programs that are common and widespread
- ▶ Microsoft Word should be your first choice
- ▶ When sharing an editable document, such as an MS Word file, use the “prepare for sharing” tool to remove all metadata
- ▶ When sharing a document that is not to be edited, convert the document to portable document format (PDF)

E-mail Programs

- ▶ Use an e-mail program that is ubiquitous and well supported for storing, archiving, and sharing purposes
- ▶ Synchronize the e-mail on your smart phone or tablet to your office e-mail account so all devices will have a complete record of your e-mails
- ▶ Avoid Hotmail and Gmail
- ▶ Microsoft Outlook is recommended
- ▶ Third-party applications to automate storing e-mails are recommended

File Format Compatibility

▶ Images

- ▶ .jpg
- ▶ .tiff
- ▶ .bmp
- ▶ .pdf

▶ Text

- ▶ .pdf
- ▶ .docx
- ▶ .doc
- ▶ .rtf

▶ Audio

- ▶ .wav
- ▶ .mp3
- ▶ .mp4

▶ Video

- ▶ .avi
- ▶ .mov
- ▶ .flv
- ▶ .wmv
- ▶ .mp4

Scanners

- ▶ Recommend 3-in-1 printer/scanner/copier
- ▶ High-speed scanning of 50 pages or more
- ▶ Optional colour scanning
- ▶ Optional optical character recognition (OCR) so your scanned PDF documents can be text searched

Computer Equipment

- ▶ At a minimum, electronic files should be stored on a central server capable of being accessed by any other computer in the network
- ▶ Your operating system (Windows, Apple, or Linux) and networking software should be in common usage and well supported

File Management

- ▶ If fully implemented, the electronic file will be the only complete record of the client's matters
- ▶ Reliable storage and back-up of digital records is critical
- ▶ Hard disk redundancy systems (RAID systems)
- ▶ Back-up of accounting data and client matters should occur at least daily and be automated
- ▶ Back-ups should be stored both on-site and off-site
- ▶ If considering remote back-ups using secure cloud sites, attention needs to be paid to the physical location of the file servers

Wetware

- ▶ An electronic filing system relies on human input
- ▶ Devise protocols for creating and maintaining the digital practice and follow them consistently
- ▶ Identify the causes of inefficiencies in your paper system and devise protocols for addressing them BEFORE implementing the electronic system

Law Society of Saskatchewan

- ▶ Permit the user to produce an entire client file upon request
- ▶ Provide accurate financial accounting
- ▶ Permit the Practice Advisor to enter into practice and access all records without the assistance of the lawyer who was in charge of the matter

Practicing Lawyer

- ▶ Should satisfy the Law Society's requirements
- ▶ Free the lawyer from the need to manage and store paper
- ▶ Free the lawyer from the need to practice from the same location as the paper

Additional Information

For further reading, the Law Society has published a paper entitled “Digital File Management - Practices Tips”, created by the Law Society’s Electronic Office Working Group.

The document can be located here:

<https://www.lawsociety.sk.ca/media/394324/digitalfilemgmtjan2018.pdf>

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