

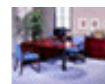


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REGULAR FEATURES

Paper trail hits dead end in some law offices

By Beth Dalbey

Paperless systems allow attorneys to work more efficiently and reduce their off-site storage costs

The rental truck stalled and its tires flattened under the weight of legal documents retrieved from the basement of the downtown building housing the Law Chambers of Nicholas Critelli during the floods of 1993

The files were unspoiled, but the experience got Critelli, a Des Moines trial lawyer, thinking about the colossal paper trail - and not a very useful paper trail at that - he had created in 34 years of practice. The cartons of legal files contained documents that would help him and the other two lawyers in his practice prepare open cases, but finding the exact file needed was another matter. "You are trying to find a needle in the haystack," he said.

Two years ago, Critelli implemented a paperless office system. The distinction between a paperless and a paper-free office is found in the suffix. Lawyers won't ever be able to completely escape paper, Critelli said, but they can look at only the most relevant documents in that form.

"The way I originally thought it would operate is probably not the way it is operating," Critelli said. "I had a vision there would literally be no paper and everything would be on the screen. What I ended up with is paper, but the paper we deal with now is really more useable; it's compilations of stuff."

Now, everything from the daily mail to evidence reports is scanned upon receipt in the office and stored on a CD-ROM, and lawyers use the cut-and-paste tool on their computers in much the same way they used yellow highlighters to flag important passages in the past. Important points can be culled and several documents can be



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distilled into one.

"In order to have the same degree of functionality we have with digital, we would have to have 50 copies," Critelli said. "It got to the point we were making multiple copies of things for different purposes, and it didn't make sense anymore to keep burning forests of paper and not have it be useful."

Because Critelli's paperless system uses the Internet, case files can be viewed from remote locations, which allows lawyers to work at home and eliminates the need to check multiple boxes of files at the airport when cases require travel. Lawyers using electronic systems can make more efficient use of their time than those who don't, Critelli said.

The system also allows several lawyers to look at the same document at once and add their own annotations. "You're always doing a 'Who's got the file?'" said David Beckman, a Burlington lawyer who headed the Iowa State Bar Association's technology committee for three years and whose firm is implementing a paperless system. "If it's electronic, it's always there, and three people can use the file at one time."

An electronic filing system is especially helpful at trial, he said, when it's easier to check the veracity of a statement made by a witness on an electronic file than to sort through boxes of papers. "You know that same witness, in a deposition or a document, said just the opposite," Beckman said. "You can search and find those statements much easier."

"We do things that go beyond paperless, things that cannot be done in a paper world," he said. "There are only so many ways you can organize these pieces of paper, but they can be organized electronically in a number of ways."

Following Critelli's lead, the James Law Firm of Des Moines also implemented a paperless system. "You have to jump in and decide you are committed to doing it completely," said Dwight James, one of the partners. "You can't do it partway. If you do it partway, you're missing half of your documents."

Once a case is closed, paper documents can be shredded. Critelli still has a basement full of old files, but the James firm is taking the paperless system a step further. Documents in closed files are being scanned and then destroyed. The law practice spends hundreds of dollars each month for off-site storage and "we will be able to eliminate that," James said.

Critelli thinks a paperless system may be the eventual answer for Iowa's judiciary. A proposal to consolidate some county clerk of court offices was met with opposition from lawyers, and with good reason, Critelli said. The extra miles lawyers would be forced to drive to file documents would be passed on to clients in the form of billable hours, he said, but he believes the Iowa Communications Network provides a perfect pipeline for electronic filing.

"We've got to get ourselves into the 21st century," he said.

Electronic filing is already exclusively used in the chambers of U.S. District Judge Robert Pratt, who sits on the bench for the Southern District of Iowa. Documents filed in civil cases, and to a lesser degree in criminal cases, are electronically scanned and stored.

"Other judges are still getting paper copies, but frequently look at things on the [electronic] system," said Jim Rosenbaum, the clerk of court. "The primary advantage is, you don't have to worry about a file being lost."

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