Working Toward a Paperless Office

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When you automate a mess, you end up with an automated mess.
Organize; Then Automate

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1. Introduction

In AD 105, the Chinese court official, Ts'ai Lun, (if we are to believe the chronicle recording the claim) invented papermaking from textile waste using rags. This can be considered as the birth of paper as we know it today.

> **Livery of Seisin:** The ceremony, at common law, for transferring the possession of lands by a grantor to the grantee. The transfer was accomplished by the grantor and grantee entering upon the land, and there a clump of dirt or other symbol was delivered in the name of the whole property.
>
> **Deed:** A conveyance of realty; a writing signed by grantor whereby title to realty is transferred from one to another.

After being appointed a Chapter 7 panel trustee in 1995, it did not take me long to figure out the importance of efficiency in handling cases. It was and continues to be a significant factor in determining whether being a trustee is economically feasible. Efficiency in performing legal work is also vitally important. Insurance defense firms are faced with preparing detailed budgets on cases prior to being retained and being bound by fee guidelines. Bills are carefully scrutinized by clients. In the case of trustees and professionals employed by trustees, the compensation is scrutinized by the court and other parties.

Word processing, timekeeping, billing, accounting, case management, document assembly and litigation support are the most common functions automated in a law firm. The use of physical files (pfiles) versus electronic files (efiles) has been discussed for years, but never took off, due in large part to the lack of a standard format in which to store such documents. In the last few years, portable document format (PDF) has emerged as the standard format for electronic documents in the court systems and the business world. With a standard finally in place, efiles are becoming more common and people are starting to realize the numerous benefits of efiles. Moreover, with all jurisdictions moving toward case management electronic case filing (CM/ECF) and many states mandating efiling, attorneys have to make the adjustment from paper to digital format.

> Some changes are hard to accept. In 1829, Martin Van Buren, then the governor of New York, wrote this to the President:
>
> > The canal system of this country is being threatened by the spread of a new form of transportation known as ‘railroads.’ . . . As you may well know, railroad carriages are pulled at the enormous speed of 15 miles per hour by engines, which, in addition to endangering life and limb of passengers, roar and snort their way through the countryside. The Almighty certainly never intended that people should travel at such breakneck speed.

2. Electronic Case Filing in the Federal Court System

Since at least 1989, there has been a movement to provide public access to court records by electronic means. Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case information from federal courts.[1] PACER is a service of the United States Judiciary, provided by the Administrative Office of the United States Courts. PACER offers an inexpensive, easy-to-use alternative for obtaining case information without having to visit the courthouse. PACER allows the user to request information about a particular case or party using the Internet or through a dial-up connection using a computer and modem. The data is immediately available for printing or downloading.

Case Management/Electronic Case Files System (CM/ECF or ECF for short) is a new case management system that allows courts to manage electronic dockets. It also allows each court the ability to receive filings electronically, pursuant to local rule or order. ECF is being implemented in the Federal Judiciary for all bankruptcy, district and appellate courts. As ECF comes online in the federal courts, PACER will facilitate electronic access to dockets and case file documents for registered users.

> On March 27, 2004, NASA's unmanned Hyper-X airplane reached Mach 6.83 (approx. 5,000 mph), almost seven times the speed of sound.
>
> The Space Shuttle does zero to 17,000 mph in 8.5 minutes.

CM/ECF systems are now in use in sixty-four district courts, eighty bankruptcy courts, the Court of International Trade and the Court of Federal Claims. Most of these courts are accepting electronic filings. Almost **18 million cases are on CM/ECF systems.** And over 150,000 attorneys and others have filed documents over the Internet. Under current plans, the number of CM/ECF courts will increase steadily each month into 2005. http://pacer.psc.uscourts.gov/cmecf/

Features of ECF include:

24-hour access to case file documents over the Internet
Ability to file pleadings electronically with the court
Automatic email notice of case activity
Ability to download and print documents directly from the court system
Concurrent access to case files by multiple parties
Savings in time and expenditures for attorneys
Expanded search and reporting capabilities
Easy to use -- based on Standard Internet browser
No waiting in line or unavailable files at the courthouse

Some of the benefits include:

Replaces aging electronic docketing and case management systems in all federal courts by 2005

[1] Much of the information contained in this section was taken from www.pacer.psc.uscourts.gov .

Is being used enthusiastically by attorneys in pilot courts nationwide
No delays or added expenses associated with mail or courier services
Speeds delivery and allows easier tracking of case activity
Reduces physical storage space needs and document processing times
Low start-up costs -- uses Internet standard software and established "PDF" format
Secure and reliable
Court dockets are immediately updated and available

3. Electronic Case Filing in State Court Systems

Not only are federal courts moving quickly toward electronic filing, state courts are also. http://www.e-courts.org contains information on a number of state courts.

North Dakota is a typical example. On March 1, 2003, North Dakota Supreme Court Administrative Order 14 became effective. www.ndcourts.com/court/rules/Administrative/AO14.htm The order implemented a pilot project for electronic filing with the North Dakota Supreme Court. A document filed electronically has the same legal effect as an original paper document. The typed attorney or party name or facsimile signature on a document filed electronically has the same effect as an original manually affixed signature. Documents filed electronically may be submitted by e-mail. E-mailed documents must be in PDF or approved word processing format. Approved word processing formats for documents filed electronically are WordPerfect, Word, and ASCII. The order further details the formatting requirements. For those of you who know the locations and cut-off times for all mailboxes in your vicinity will take comfort in knowing you can file a document electronically up until 11:59pm on the date the document is due to be filed.

> *Thou hast most traitorously corrupted the youth of the realm in erecting a grammar-school; and where, before, our forefathers had no other books but the score and the tally, thou hast caused printing to be used; and, contrary to the king, his crown, and dignity, thou hast built a paper-mill.* Shakespeare, *King Henry VI*, Pt. 2, Act 4, Scene 7.

If a party files a document by electronic means, the party must serve the document by electronic means unless the recipient of service cannot accept documents served electronically.

While the rules of your jurisdiction may vary, the process of completing the brief and appendix will likely be close to the same. I have had two appeals where I have taken advantage of electronic filing and it works fantastic. No more scrambling to get the right color paper, binding clips, and tie up the copier all day.

The Brief: We use Microsoft Word to prepare most documents. When the brief is done and ready to print, we simply print the brief to a PDF document rather than to a printer. You can set your PDF conversion settings to automatically create bookmarks for your headings. See **Figure 1**. The brief is sent by email to the clerk's office, which constitutes filing.

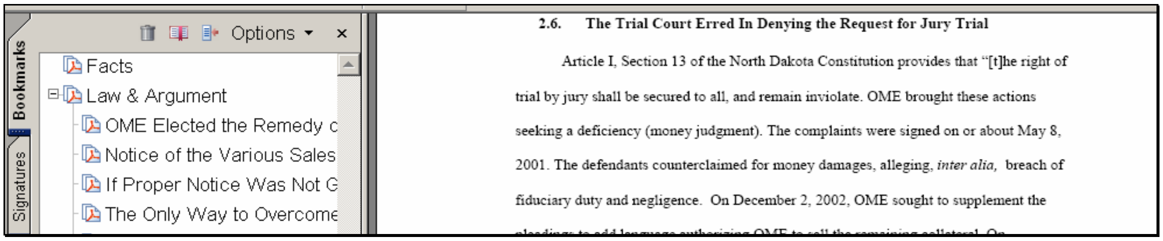


Figure 1-Bookmarks Automatically Created When Word Converts to PDF

The Appendix: After filing an appendix by email, you will realize what a complete waste of time it is to file paper copies. While I am preparing my brief, I go through the record assembling the appendix as I go. When I filed paper, I made a copy of the portion of the record I wanted and placed it in a pile which would eventually be the appendix. I still follow the same basic procedure, only now instead of making a copy, I scan the document into a PDF file (if it is not already in PDF format) and bookmark the appendix as I go along. When done, I use a program called StampPDF to bate stamp the pages. Once stamped, I create a title page and table of contents in Word, and add those pages to the PDF appendix. Email the brief and appendix to the clerk as well as opposing counsel and you are done, without making one visit to the copier or binding machine.

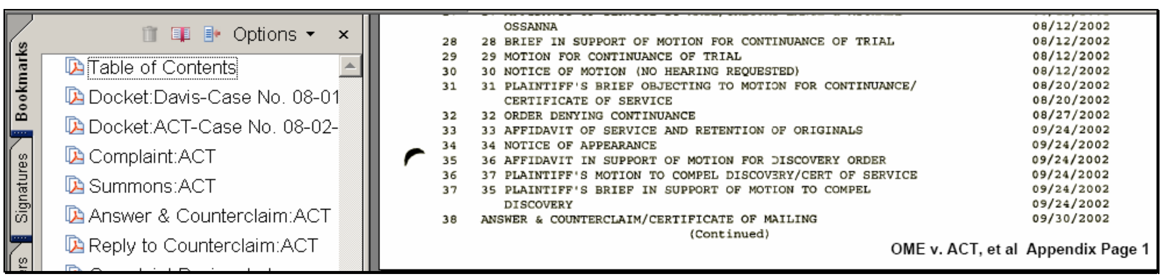


Figure 2-Appendix with Bate Stamped Page Numbers using StampPDF

4. Working Toward the Paperless Office

Our office averages appointments in approximately 80 chapter 7 cases per month. Each case generally has a minimum of 50 pages. That translates into 4,000 pages per month, or 48,000 pages per year. Combine that with some cases that have hundreds and even thousands of pages, along with a private practice, and it does not take long to fill multitudes of banker boxes even for a small firm. After considering the pros and cons of scanning documents, we moved forward on a test basis. By trial and error, we have found a number of things that work and do not work.

At approximately the same time as we started experimenting with scanning bankruptcy files, we started test scanning closed private practice files. We currently scan all closed files and are in the process of moving each area of private practice toward efiles.

The remainder of this material consists primarily of excerpts from our in-house Law Firm Policy & Procedure Manual as well as our in-house Panel Trustee Policy & Procedure Manual which indicate how we manage our efiles and organize documents within the efile. Note that some sections and portions of sections have been omitted.

Throughout the following text, you will see references to Time Matters® (www.timematters.com). We use the program as our personal information manager (PIM), including such things as appointments, todos, email, phone messages, notes, etc. There are many programs on the market which accomplish approximately the same thing. That is, you should be able to accomplish the same things I reference in this material with the PIM that you currently use.

Excerpts From In-House Policy & Procedures Manual

5. Confidentiality

All client information is confidential. Unless there is some public record that discloses it, even the fact this firm is representing someone is confidential. Breach of confidentiality may well result in immediate termination. Be careful of what you say in and out of the office.

> Opinion 92-18 of the Ethics-Advisory Committee of the Kansas Bar Association also serves as a reminder of the importance of instructing your staff about keeping the identity of the firm's clients confidential. Additionally, office design should be a consideration in this regard. A synopsis of that opinion in the ABA/BNA Lawyer's Manual on Professional Conduct at 1001:3805 states:
>
> > A law firm may use an open reception area, but should take steps to ensure that the lawyers do not discuss legal matters with clients in the open area and should caution clients against discussing legal matters amongst themselves. **The law firm should ensure that clients cannot hear the receptionist repeating the names of clients who are calling in by telephone.**

Disclosure Of Client Identity, Robert W. Martin, Jr., Eastern Region Risk Manager, 04/14/1996.

> A lawyer must adequately train, monitor, and discipline nonlawyer employees so as to guard against breaches of confidentiality. If the lawyer does not take reasonable steps to do so, the lawyer is subject to discipline for an employee's disclosure of confidential information to persons outside the firm.

Employees, Contract Workers, ALPS And Client Confidences, Robert W. Martin, Jr., Eastern Region Risk Manager, 02/14/1996.

6. Deadlines are Critical

By far, the leading cause of malpractice claims is due to the attorney missing a critical deadline. For example, if an opposing party files a motion for summary judgment asking for $100,000 from our client and, due to poor office practices, we miss the deadline to respond to the motion, the client may well lose the case simply because we did not timely respond to the motion. Courts have little sympathy for a firm that misses a deadline. It makes no difference if the error was caused by the attorney researching the statute of limitations and coming up with the wrong date or whether the administrative assistant simply neglected to put the deadline in the computer. The result is the same. Accordingly, it is absolutely critical that deadlines be entered right away and completely accurate.

The Administrative Assistant must read all incoming and outgoing communications carefully, particularly looking for deadlines. There are real deadlines, which are generally based upon a rule or statute; and there are artificial deadlines, such as a letter from opposing counsel stating such things as, “If I do not hear from you in ten days, I will file the lawsuit.” All deadlines, whether real or artificial, must be entered in the computer system.

Critical dates are broken down into two categories: Calendar/event items and ToDo items. A Calendar item is something that takes place on a specific date at a specific time. For example, a hearing on a motion for summary judgment is a Calendar item; typically our notification will come in the form of a Notice of Hearing in which the notice states something to the effect that “the hearing will take place on December 1, 2003 at 2:00pm CST”. Enter events into the attorney calendar, including sufficient information to allow the attorney to understand what the event is about. If it is a first time client or a non-client, include the person’s phone number in the description field in case our office needs to contact the person (*e.g.,* to re-schedule). If possible, link the event to a Contact and/or Matter.

A ToDo item is something that must be completed on or by a specific date, but not by a particular time on that date. For example, an objection to a motion for summary judgment is a ToDo item; typically our notification will come in the form of a Notice of Motion in which the notice states something to the effect that “if you do not respond to this motion by December 1, 2003, the court may enter order that affects your rights.” For the procedure on entering ToDo’s, see section [Omitted].

6.1. Real Deadlines

Real deadlines are deadlines governed by rule or statute. **With respect to real deadlines, unless the supervising attorney instructs you otherwise, you must use the Timetable feature in the Date Calculator module of Time Matters to calculate deadlines.** A Timetable has been created for each rule that sets a deadline for a response (*e.g.,* Bankruptcy Rule 2002(a)).

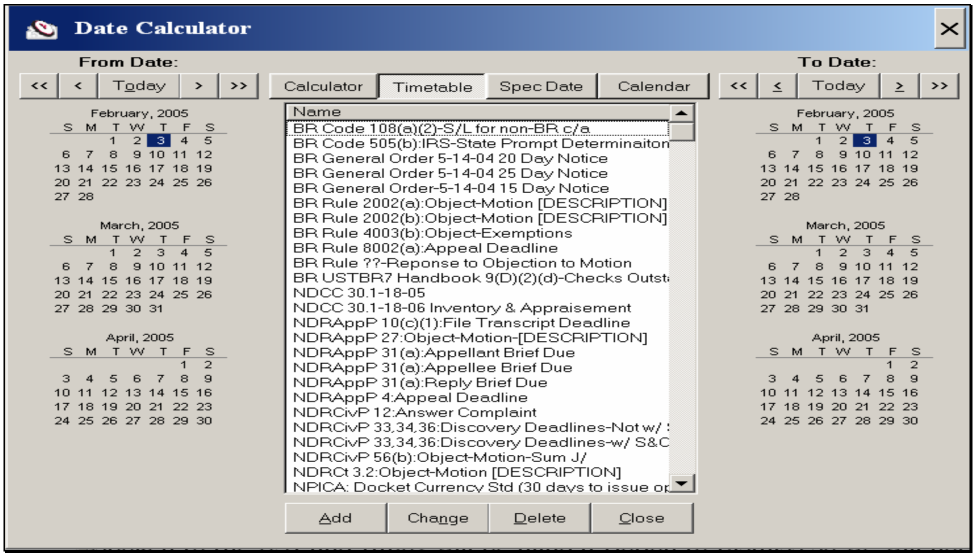


Figure 3-Time Matters Date Calculator

[Omitted Sections]

7. Opening a New File

7.1. The Numbering System

All transactions are identified by a client number (e.g., 01-500). If a client has more than one matter, the matter number is tagged to the end of the file number (e.g., 01-500-01). In that case, both are collectively called the file number and must always be used together. Time Matters Contacts (F5) may be sorted by client number and so may the Matter List (F6).

Files are generally not opened until we know the firm will be providing legal services to the client. Many times, people will call and request that we send them information. Potential estate planning clients are a good example. When the potential client requests such information, their name, address, and whatever other information available is put in Time Matters Contacts. The Classification Code is PCLI (potential client). The date the information is sent should be entered into the Open Date field and the Administrative Assistant should put a brief memo in the memo field as to when and what information was sent.

Every client will have a Matter record. The matter may be estate planning, litigation, adoption, or any number of different things. When a Matter record is created in Time Matters, a trigger is fired to create an Open File ToDo. See **Figure 4**. The Memo field of the ToDo contains a list of the various items that need to be performed in order to properly open a file, along with who has authority to complete such item (Attorney, Legal Assistant, File Clerk, Administrative Assistant). As you perform a task to open a file, go into the memo field of the ToDo and update the information to show what you have done. Be sure to place your initials next to the description of the task you performed. Note also that the Memo field of the ToDo contains information about whether the file will be a physical file (and if so, whether to use a regular or large size folder). The person requesting the file be opened should indicate the type of file it will be. As you complete a task in the memo field, replace [DATE] with the actual date you completed the task; also remove any text inside brackets [] and replace with actual information on the file. When you are done, there should be no brackets left. Once all items in the Memo field have been completed, the last person to complete the last task shall check the ToDo done and archive it.

If we know the referral source, indicate the source in the "Thank you letter to referral source" line and link the referral source Contact record to the Client Contact record. If there is no Contact record for the referral source and if the Matter is estate planning and the referral source is another professional in a field related to estate planning, create a contact record.

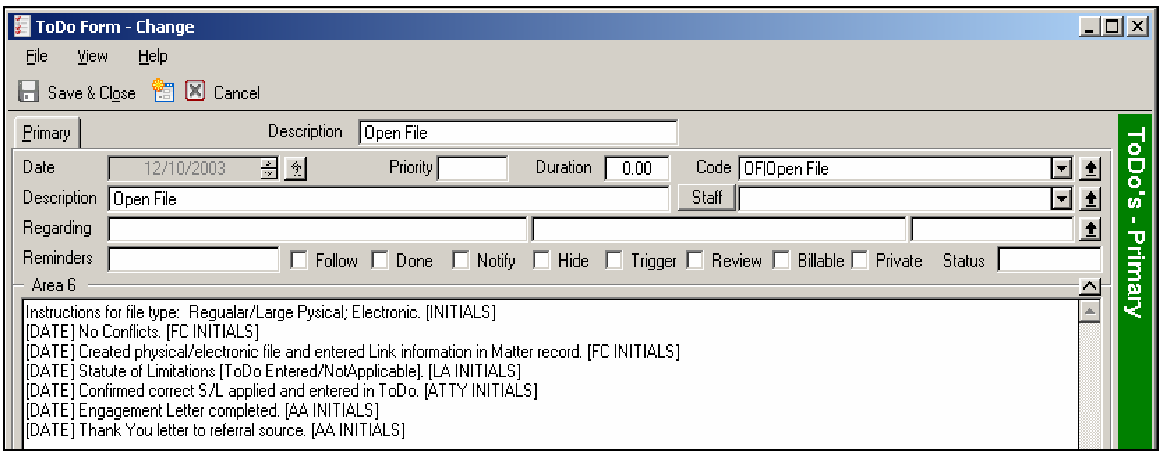


Figure 4-Time Matters Open File ToDo

7.2. Conflict Check

Before accepting a new client, the firm must perform a conflict of interest check to make sure representing the potential client will not create a conflict of interest. There may be a conflict of interest with another client in the firm, or a member of the firm, including an attorney or staff. Our insurance carrier stated:

> We trust that all ALPS insured attorneys understand the importance of making sure that the employees in your offices do not have any conflicts of interest with your clients. You should do a conflicts check before you hire a new employee and insure that conflicts are checked throughout their employment. Obviously, your lawyer/employees should be well aware of the need to avoid such conflicts. However, it may be necessary to remind your non-lawyer/employees that they should immediately advise you of a situation where they have a personal or business conflict with a new client or a new matter. You should inform all personnel in your office whenever a new client or new matter is undertaken.

Employees, Contract Workers, ALPS And Client Confidences, Robert W. Martin, Jr., Eastern Region Risk Manager, 02/14/1996. Accordingly, it is important to follow the conflict of interest procedures and maintain strict confidentiality with respect to client matters.

Check Time Matters and BMS [Trustee case management software] for possible conflicts.

[Material Omitted]

7.3. Start Creating a Contact Record

First, check to confirm a Contact record does not already exist (including the archive Contact records) for the client. If one does, do not create a second one. For every client, there is generally one Contact record; there may be many Matter records, depending upon how many matters we have opened for the client.

[Material Omitted]

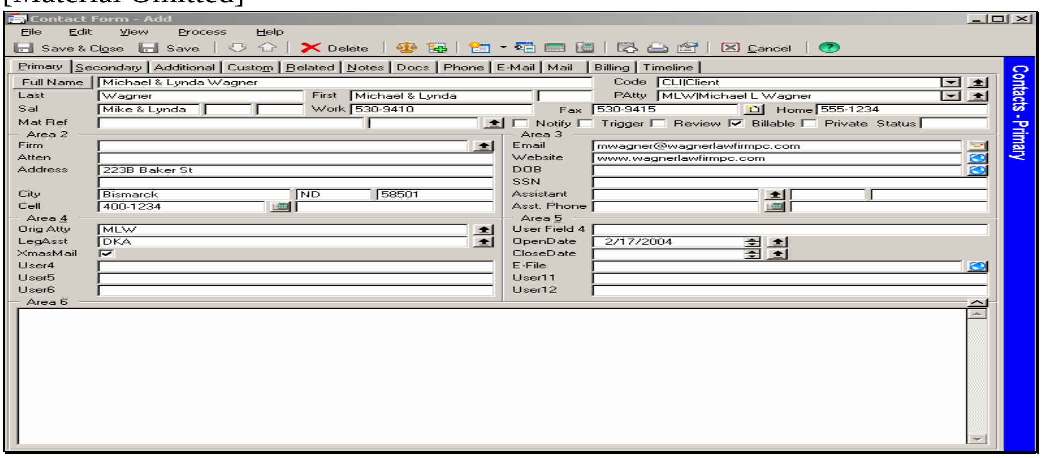


Figure 5-Partial Completion of Contact Record-Person

7.4. Create a Matter Record

With the Contact record you created in the previous step still open, click on the up-arrow . . . [Material Omitted].

Whenever a new Matter is created, TM has been set to trigger the creation of an Open File ToDo (see **Figure 4**). The Open File ToDo is a Multiple Task ToDo. See [Omitted] for an explanation of Multiple Task ToDos. All tasks must be completed before the ToDo is marked done and archived.

On some cases, there may be additional triggers or chains prompting you to create a chain (*e.g.*, in estate planning cases, a chain of events is set up to keep the file moving through the office to completion). Check over the information on the screen to see that it appears correct. If not, consult with the supervising attorney. Once you are sure the chain-of-event information is correct, click OK to allow the chain of events to be created.

[Material Omitted]

Enter *pfile* in the Open File field of the Matter record. If an electronic file (efile) is opened, enter the path/filename of the efile in the Open File field of the Matter record.

7.5. Creating an Efile (Master PDF File)

The firm is in the process of converting to a paperless system. The entire client file is stored in one PDF file, referred to as the efile or Master PDF file. When creating a Master PDF file, use the naming conventions set forth in section 15. Any information that would normally be placed in the physical file will be added to the Master PDF file and bookmarked.

All open efiles are stored in *G:\File\yyyy* (year the file was opened). All closed efiles are stored in *G:\Archive\yyyy*. In Time Matters, each Contact record has a field for Open File and a field for Closed File. On Contacts where only one matter is open, link the Contact record to the efile in the Open File field of the Contact record. When more than one matter is open for the client, it is not necessary to link the Contact to an efile, but you may link the Contact record to the most prominently accessed efile.

Every <u>Matter</u> record for which an efile exists should be linked to the efile in the Open File field of the Matter record. When the file is closed, the efile will be moved from where open efiles are stored (currently *g:\file\yyyy*) to where closed files are stored (currently *f:\archive\yyyy*). Consistently, the Open File link will be removed and a link will be made in the Closed File field. Note that Contact records also have a field entitled *Open File*; this field may be used for linking client efiles when there is only one matter for a client; the field is, however, primarily intended for use with vendors and other contacts in which a single efile exists.

Be particularly careful when working with efiles. While the chances of accidentally tossing a physical file into the trash, it is dangerously easy to delete an efile.

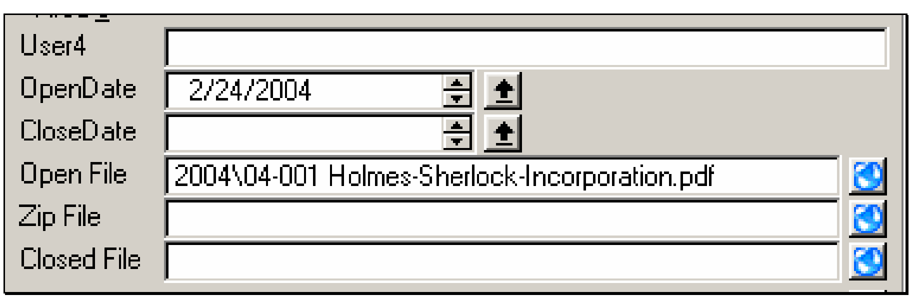


Figure 6-Section of Matter Record Containing Link to Open Efile

7.6. Master PDF files.

There is one Master PDF File for each matter. All documents are stored in the Master PDF File. Master PDF Files are named using the following naming convention:

Client is an individual:
[File Number-Matter Number]+space+[Last Name]+”-“+[First Name] OR [Husband Name]+”-“+[Wife Name]”-:Matter Name
Client is an organization:
[File Number-Matter Number]+space+[Organization Name]+”-“+Matter Name

Examples
03-101 Smith-James-Business Operations
03-101-01 Smith-James-Shirley-Estate Planning
04-101 Jones Contracting Inc-Business Operations
02-202-06 Adams-James-Judy-ABC Corp
04-101 Ellefson-Leonard-Real Estate Purchase

[Material Omitted]

8. Adding Documents to an Efile

A document which needs to be added to an efile may come in various formats. For instance, it may be a document available on PACER (Public Access to Court Electronic Records), it may be a document received by us in PDF format from a law firm, it may be a fax that we receive in TIFF format, or it may be a physical paper document received in the mail. The following are the most common ways in which we receive documents and the procedure used to get the document into the efile.

In all cases, remember to bookmark the document, Calendar and/or ToDo any deadlines, and notify the Attorney and/or Legal Assistant of the fact a document has been added to the efile and the bookmark location of the newly added document.

8.1. Adding a Separate PDF File

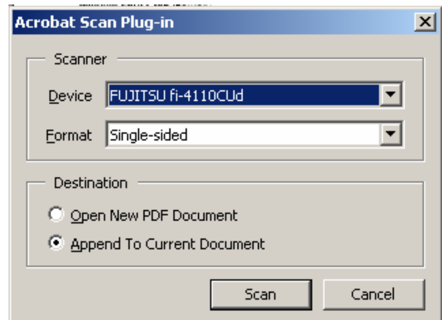
With the efile to which you wish to add a document open in Adobe Acrobat:

Open Windows Explorer **[Windows Key] + E**, locate the PDF file[2] you wish to add to your efile. Left click on the file and drag it to the bottom of the screen, on top of the Adobe icon. After approximately one second, the Adobe screen will maximize. Release the mouse key and Adobe will prompt you as to where you wish to insert the new document. Place it after the last page in the document. Delete the PDF file which was the document you just added to the efile. **Do not mistakenly delete the efile.**

[2] The PDF file which will be added to an efile will typically be located in the incoming mail folder.

Remember to bookmark the newly added document, tickle any deadlines, and notify the Trustee and/or Legal Assistant of the fact a document has been added to the efile, and the bookmark location of the newly added document.

Method 2: With the Master PDF File open in Adobe and the PDF file you wish to add to the Master PDF file also open in Adobe, press **[Ctrl]+[Alt]+L** to get both files displayed on the screen at the same time. With respect to each file, click on the Pages tab to the left of the screen. Drag and drop the pages you want added to the Master PDF File. Remember to bookmark the newly added pages.



8.2. Adding a Paper Document

Depending upon the configuration of your computer, there are a number of ways in which to scan a paper document and add it to an efile. In our office, some use Paperport's ScanDirect; others use the import feature of Acrobat; others have their scanner set to immediately scan everything to PDF format.

To scan directly into the efile[3], with the efile to which you wish to add a document open in Adobe Acrobat:

Press **File, Import, Scan.**
The Acrobat Scan Plug-in window pops up; make sure "Append to Current Document" is checked and click on Scan. The scanning software should automatically start. Make sure the scanning software is set to scan at least 300 dpi and in black & white. Once the document is scanned, it is placed at the end of your efile. Enter an appropriate bookmark, save and exit.

9. Incoming Mail, Email & Faxes

Incoming mail and faxes are handled the same manner as in a private practice file with the exceptions noted in this section.

Any document which would normally be filed in the pfile shall be downloaded or scanned and filed in the efile, electronically stamped "Received," (if not already stamped while in paper format), appropriate entries made in the calendar or ToDo's, the proper person in the office notified of receipt of the document, and properly bookmarked.

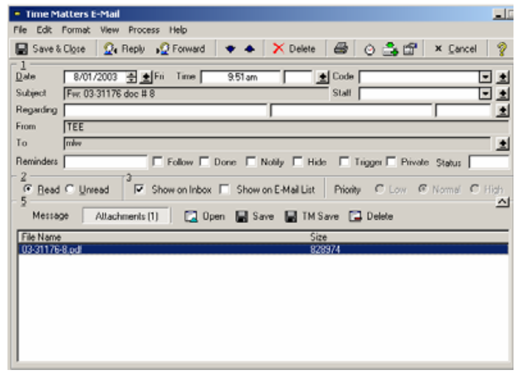
[Material Omitted].

[3] One significant drawback to a non-TWAIN compliant scanner (such as Fujitsu ScanSnap) is that you cannot use this feature of Adobe to scan directly into an existing efile. Consequently, if you have sensitive information being scanned in that you do not want in a folder accessible by others on the network, be sure your scanner is set to scan to a private folder. Once scanned in, you need to move the documents to the Master PDF File and delete the PDF file automatically created by the scanner.

10.Incoming Email

Incoming email may have two components: 1) the text of the email message and; 2) a document(s) attached to the email. While each user has his or her own individual email address, we use Trustee@btinet.net as a general mailbox, much like a United States Post Office mailbox. The Administrative Assistant is responsible for processing the mail received via the United States Postal Service. Likewise, the Administrative Assistant is also responsible for processing emails received to the Trustee@btinet.net address. The Administrative Assistant is responsible for reviewing each email received and, if appropriate, forwarding it to the Trustee or Legal Assistant.

Attachments to Email: In Time Matters, double click the email to open it. Click on "Attachments" button in section 5 of the email window. Click on the Save button. The "Save as" screen will appear. Computer BRTWS1 has been set up so that "My Documents" is mapped to the incoming mail folder "G:\BR7\File\00 Incoming Mail" which is the folder where all incoming Trustee mail is temporarily stored until it is routed to the appropriate person or placed in the appropriate file. Click on "My Documents" and save the PDF file using the name given it by the sender. You will receive a message that the attachment has been saved. Delete the attachment from the email.[4] In the Matter Number field, enter the appropriate Matter Number. If no Matter Number is assigned to the case, type in "95-380.T" which represents the matter number for temporary storage of emails. Click on "Done" in section 1 of the email screen; confirm that "Show on E-Mail List" is the only box checked in section 3, and archive the record by pressing **[Alt]+Process>Archive**. The email will be deleted at the time the case is closed in this office.



Go to the Incoming Mail folder (G:\BR7\File\00 Incoming Mail). Open each document and permanently stamp it "Received." See **Appendix 3** [Omitted from this Material] for instructions on placing a permanent stamp on PDF documents. Click on Save.

11.Detailed Instructions-Processing Documents Received Through ECF

We receive NEF (Notice of Electronic Filing) of all documents filed. How a document is processed depends upon the type of document. This section sets forth the procedure on how to process the various documents we receive. With respect to all emails received through ECF:

[4] If you receive a message "Attachments can only be deleted from Time Matters Email" you must first save the email as a Time Matters email prior to deleting the attachment. To do so, while the email is open, click on File, Save.

- The person who processes the email shall place their user name in the Staff field of the TM email prior to archiving it. Questions on how an email was processed can then be directed to the person who processed it.
- ECF emails shall be linked to the TM Matter pertaining to the case. If no TM Matter is open for the case (*e.g.*, it is a No Asset case), link the email to 95-380-T (our temporary storage location for such emails).

Calendar:

- ✓ Enter the event in the calendar of Trustee and Trustee Administrator.
- ✓ File the document in the efile.
- ✓ Archive the email, linking it to the case Contact or, if no Contact exists for the case, to 95-380-T
- ✓ No need to forward the email to anyone.

File:

- ✓ File the document in the efile.
- ✓ Archive the email, linking it to the case Contact or, if no Contact exists for the case, to 95-380-T
- ✓ No need to forward the email, Calendar the item, or ToDo the item (*e.g.*, 707(b) inquiries from UST's office).

File and Forward:

- ✓ File the document in the efile.
- ✓ Forward the email to Trustee and Trustee Administrator.
- ✓ Archive the email, linking it to the case Contact or, if no Contact exists for the case, to 95-380-T

None:

- ✓ Simply archive the email. There is no need to file the document in the efile, forward the email to anyone else in the office, Calendar the item, or ToDo the item.

ToDo:

- ✓ Determine the applicable rule for calculating the deadline to object.
- ✓ Enter a ToDo for Trustee Administrator.
- ✓ File the document in the efile. No need to forward the email to anyone.
- ✓ Archive the email, linking it to the case Contact or, if no Contact exists for the case, to 95-380-T

Document	Action	Notes
Any document filed by this office	None	Do not add to the efile; the document was added to the efile at the time this office

Document	**Action**	**Notes**
		filed it.
[Omitted]		
Affidavit-Generic	File and Forward	Affidavits (not including Affidavits of Mailing, which are simply a form of proof of service) may be about anything, and generally relate to a motion.
Amended Petition & Schedules Schedule C-Exemptions Petition All Other Schedules	 ToDo File and Forward File and Forward	See the discussion of amendments in section [Omitted]. For Deadline, See Objection:Exemptions
BNC Certificate of Mailing - Meeting of Creditors	None	**Do not confuse with: "Meeting of Creditors Chapter 7 No Asset" which is an important email telling us to open an efile**
Certificate of Mailing-Order of Discharge	None	
Certificate of Service	File and Forward	
Close Adversary Case	None	If pleadings are in efile, make sure Judgment is in efile
Close Bankruptcy Case	None	
Minute Sheet	File	This is the minute sheet of hearings created by the Court
Meeting of Creditors Chapter 7 No Asset Aka Meeting (Chapter 7)	Create Master PDF File File	This is the email that first notifies us we are assigned to a case. As a result, a Master PDF File is created. See Section [Omitted].
Motion-Any Type	File and Forward	Check to make sure a Notice of Motion was also served. If not, determine the deadline to object and enter a ToDo
Notice of Continued/Rescheduled Meeting of Creditors	Calendar	Confirm that Debtor Attorney served proper parties; if not, send letter to attorney indicating omitted parties must be served.
Notice of Hearing	Calendar	Put in calendar of both

Document	Action	Notes
		Trustee and Trustee Adm. **Calendar Example:** [CASE NAME Case Number] Hearing-[Movant]-[Document Type]-[Subject]-[Optional-Grounds] JOHNSON 04-12345 Hearing-UST-Motion-Dismiss-Substantial Abuse
Notice of Entry	File and Forward	**Example:** 9/22/04 Notice:Judgment Entered 9/22/04 Notice:Order Entered
Notice of Appeal	File and Forward	
Notice of Appearance	File and Forward	Bookmark date will be the filing date, not the signature date.
[Omitted]		
[Omitted]		
Notice of Motion	ToDo	
Objection to Debtor Claim of Exemptions	File and Forward	Most of these will be generated out of this office and, consequently, no further action is required at time we get NEF
Objection to Motion If Motion is ours If Motion is not ours	 ToDo File and Forward	Once in ToDo, press *Ctrl A* to bring up AutoEntry Form; select *BR Code ??-Response to Objection to Motion*
Notice of Motion	ToDo	Need to determine the objection period, depending upon the type of motion.
Order	File and Forward	If this office needs to do something to comply with order, enter ToDo or Calendar, as the case may be. Still file and forward.

Document	Action	Notes
Proof of Claim	File and Forward	
Reaffirmation Agreements	None	
Response to Motion If Motion is ours If Motion is not ours	 ToDo File and Forward	Once in ToDo, press *Ctrl A* to bring up AutoEntry Form; select *BR Code ??-Response to Objection to Motion*
Schedules (initial filing)	File	See also Amended Schedules
Statement of Intent	None	

12. Bankruptcy Deadlines-By Rule

Rule	Document Type	Days	Runs From
5/14/04 General Order	-Motion for Relief from Stay -Motions for Use, Sale, Lease, or Abandonment -Objection to Exemptions -Motion for Lien Avoidance -Motions to Compel Assumption-Rejection of Executory Contract -Motion for Turnover per 11 USC 543 -Motion to Obtain Credit -Motion for Use of Cash Collateral	15	Notice Date
5/14/04 General Order	-Motion to Convert by Creditor -Debtor Motion to Convert 7 to any other chapter -Motion to Dismiss (except by Debtor in 12 or 13) -Application for Compensation -Motion to Approve Settlement-Compromise -All modifications to Plans and Disclosure Statement	20	Notice Date
5/14/04 General Order	Approval of Disclosure Statement	25	Notice Date
BR Code § ??	Response to Objection to Motion	5	Notice Date
BR Rule 4003(b)	Objection to Claim of Exemptions	30	Filing Date

13. Outgoing Mail, Email & Faxes

Letters: When we send a letter generated by this office, the person who actually makes copies of the letter and puts the letter in the envelope shall, for our copy, scan the document into the efile, bookmark it, and to the right of the addressee to whom the document was sent, Stamp (Stamp Comment Tool) “Mailed;” when we send a letter to someone and cc: another party, the person putting the letters in the envelopes shall put their initials just to the right of the cc: line, indicating a copy was actually sent to such person(s).

[Material Omitted].

Court Filed Documents: When instructed to file an original document, mail it to the appropriate court. No cover letter is needed. At the time you place the original document in the envelope:

-Scan the original into the efile. This is our copy. On the front bottom right of the first page of our efile copy, Stamp “Filed w/ court.”
-Copy (Ctrl C) the address of the court from the word processing document from where the envelope was generated.
-Switch to the efile and double click on the stamp you just created (which will cause a note to appear).
-Paste (Ctrl V) the address of the court into the note.
-Save and exit from the efile.

This is your verification that you placed the document in the mail to the court on the date you placed the “Filed w/ Court” stamp in our efile (the date is automatically generated by the computer system date; thus it is important that you stamp the efile the same date the document is mailed).

Documents which set Events: On any document which sets an event (hearing, conference, deposition, etc.), the person who enters the event in the calendar shall Stamp “In Calendar” just to the right of the last line of the event. Inputting the event will generally be done by the person scanning the document since it is on our efile copy that the stamp must be placed. If such person discovers the event has already been placed on the calendar, they will nevertheless put their initials on the document signifying they checked and confirmed the event was entered.

On proofs of service (Affidavit of Mailing or Certificate of Service), the person who actually puts the document in the envelope shall Stamp “Mailed” just to the right of the last line of the address. This must be done for each addressee. This is your verification that you placed the document in the mail to the party on the date you placed the “Filed w/ Court” stamp in our efile (the date is automatically generated by the computer system date; thus it is important that you stamp the efile the same date the document is mailed).

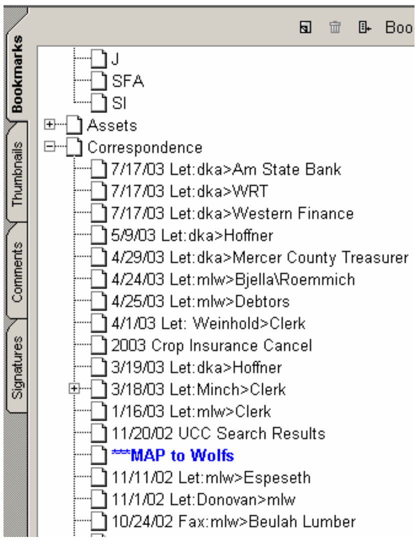
Emailing Documents: If you email a document (or portions of a document) to someone, the person who actually sent the email shall Stamp “Emailed” on the front bottom right of first page of the firm’s copy of the PDF document. In addition to that:

-Copy (Ctrl C) the email address from the email program from where the email was created.
-Switch to the efile and double click on the stamp you just created (which will cause a note to appear).
-Paste (Ctrl V) the email address of the recipient into the note.

If you are sending only a portion of a PDF file, describe in the note attached to the Stamp what was sent to the recipient.
-Save and exit from the efile.

14. General Guidelines on Using Bookmarks

We use the bookmarks feature of Adobe Acrobat to quickly and easily locate documents in the efile. The electronic bookmark follows the same theory as a physical bookmark. It is simply a method to mark a spot in the file. Bookmarks can be subordinate to other bookmarks in their hierarchy; a higher level bookmark in this relationship is the parent, and a lower level bookmark is the child. The bookmarks to the far left of the screen are the root bookmarks (they can have no parent). Think of them as the main sub-files in a physical folder. You can collapse a parent bookmark in the palette to hide all its children. When a parent bookmark is collapsed, it has a plus sign next to it. If the bookmark you want to click is hidden in a collapsed parent, click the plus sign next to the parent to show it.



Bookmarks located in the same category are placed in reverse chronological order. That is, the most recent document bookmark is placed at the top of the bookmark list. To the right is a screenshot of a correspondence bookmark; note that the most recent letter is at the top (even though the letter may be located at the end of the efile).

How to create a bookmark in Adobe Acrobat: While you are in Adobe Acrobat and viewing the file in which you wish to create a bookmark, go to the location where you wish to insert a bookmark, left click on the page (and location on such page) where you wish to place a bookmark and press **[Ctrl]+ B.** By default, the name of the bookmark is *Untitled. Untitled* is highlighted, so that you can immediately type a descriptive name for the new bookmark. When finished naming the bookmark, press **<Enter>**. Note that the bookmark will be placed on the exact location on the page where your pointer lies at the time you create the bookmark. This comes in handy when the pertinent information is contained at the bottom of the page.

Open/Close Bookmark Screen: To toggle between having the bookmark screen open or closed, press **[F6]**.

[Material Omitted].

We bookmark in such a way as to organize efiles much the same way we organize pfiles, only efile bookmarks allow much more flexibility. For example, in the past when we set up pfiles, we created a subfolder entitled *Correspondence*. We placed all our general correspondence in such subfolder, but did not bookmark each letter. In Adobe, we create a parent bookmark entitled *Correspondence* and create child bookmarks for each letter. This makes locating a specific letter quite simple.

Bookmarks that are not actual documents (*e.g.*, Correspondence) do not need to be preceded by a date. **All bookmarks of actual documents must be preceded by the date of such document.** Documents which disclose an event should contain the date of the event.

> **Example:** We receive a Notice of Hearing which is dated August 1, 2002. The notice indicates the hearing will take place September 25, 2002. The bookmark would be:
>
> 8/1/02 Notice:Hearing (9/25/02)

The following are the most common bookmarks we use:

[Material Omitted].

Correspondence: The format to use for correspondence is shown at the beginning of this section. Note that correspondence may be a letter (let), fax (fax), email (email) or some other document. Accordingly, precede each document with the abbreviation for what it is (*e.g.*, Let, Fax).

Motions: The naming convention for motions is:

[Date] Motion:[Relief Sought]-[Movant]-[Detailed Description (optional)]

At the time the motion is filed, motions typically have bookmarked children consisting of the Notice of Motion (Notice:Motion) and Proof of Service (Proof Service). All subsequent documents filed which relate to the motion are bookmarked as children of the Motion (*e.g.*, objection to the motion; order granting or denying motion).

15. Naming Conventions-Bookmarks

Correspondence

Letter from Trustee to Smith......................................8/19/02 Let:BT>Smith
Letter from Michael L Wagner, Wagner Law
Firm, PC, attorney for Trustee to Smith ....8/19/02 Let:mlw>Smith
Letter from Trustee to Smith and Jones.....................8/19/02 Let:BT>Smith-Jones
Letter from US Trustee to Trustee re: 707(b) inquires 8/19/04 Let:UST>BT-707b
Fax from Smith to Trustee...12/1/02 Fax:Smith>BT
Email from Trustee to Ackerman ....9/9/02 Email:BT>Ackerman

Adversary Actions

Adversary Actions ....Adversary:02-7050-Wagner v. Strilcov et al

Motions

[Date] Motion:[Relief Sought]-[Movant]-[Detailed Description (optional)]

[Material Omitted]
Motion for Relief from Stay ....7/1/02 Motion:Relief-[Movant]
Motion for Summary Judgment ....8/15/03 Motion:Summary J/-[Movant]
Objections to Motions...9/30/04 Objection-[Objecting Party]
Withdrawals of Motions ....6/4/03 Withdrawal

Examples:
9/30/04 Motion:Relief-Bank 1-89 Ford Taurus
9/30/04 Motion:Dismiss-UST-substantial Abuse
9/30/04 Motion:Extension-DR-File Schedules
9/30/04 Motion:Confirm Sale-BT-86 BMW Motorcycle
9/30/04 Motion:Approve Settlement-BT-C/A Against ABC Corp
9/30/04 Motion:Turnover-BT-Inventory

Notices
Notice to Reschedule/Amended Notice of 341 Meeting 6/4/03 Notice:Amend-341 Mtg (m/d/yy)
Notice of Entry of Order ....9/22/04 Notice: Order Entered
Notice of Hearing..10/7/02 Notice:Hearing-[date of hearing]
Notice of Motion...1/7/03 Notice:Motion
Notice of Appearance ....1/5/03 Notice:Appearance-[Firm Name]

Judgments-Orders
Judgment...9/28/04
Judgment:[Description (*e..g.,* Debt Nondischargeable]
[Material Omitted]
Order Granting Motion for Relief from Stay....................................2/6/02 Order:Granted
Order granting motion with specific instructions ....2/6/03 Order:Granted-Instructions
Order granting motion in part with specific instructions..................2/6/03 Order:Partial Grant-Instructions
Proposed Order ....Proposed Order

Other Documents
Application...App
Affidavit of Service/Certificate of Service ....7/1/02 Proof Service
Clerk of Bankruptcy Court...BC

Other Lawsuits ....[Case # Case Name]
("Other Lawsuits" is the root bookmark for all lawsuits other than adversary actions. Each case is a child bookmark of "Other Lawsuits")
[Material Omitted]

16. Closing Files

We have a detailed set of procedures for closing a file. Below is a copy of the ToDo which summarizes the process. When we are done, we have three sources of information for the entire file: 1. Time Matters records (Events, emails, phone messages, etc, all of which are archived in the Time Matters program); 2. The Master PDF file; 3. A zipped file containing all other files relating to the Matter (all word processing documents, electronic spreadsheets, etc).

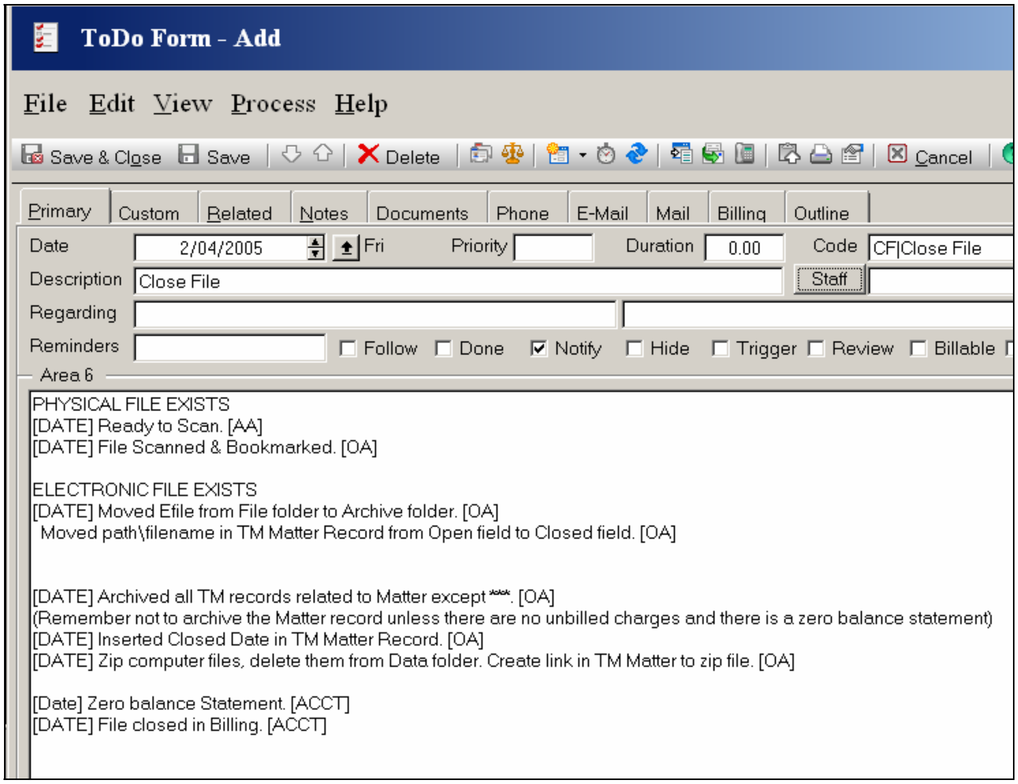


Figure 7-Screenshot of Close File ToDo in Time Matters

When a file is closed, a link to the closed efile and a link to the zip file containing all client files (word processing documents, spreadsheets, etc) is placed in the Matter record in Time Matters. To access the efile, you simply click on the icon to the right of the Closed File field. The same holds true for the zip file.

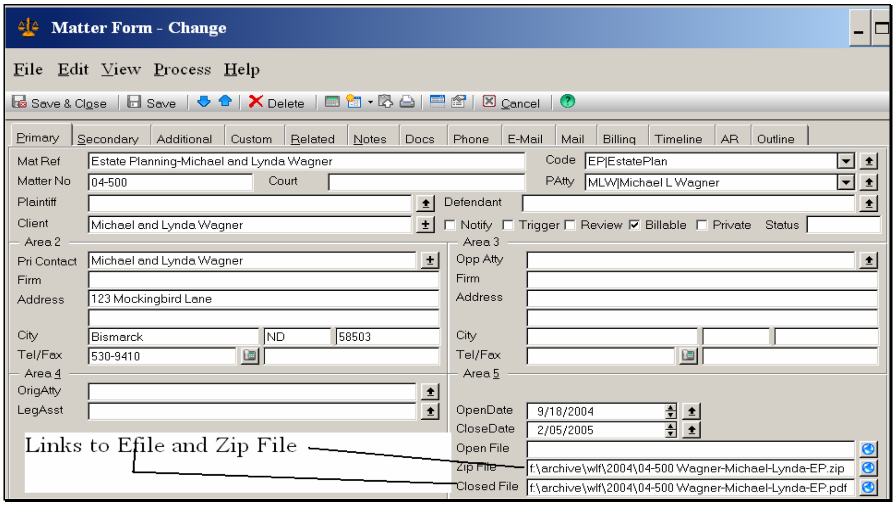


Figure 8-Partial Screenshot of Matter Record in Time Matters

This is particularly handy when someone comes in long after they have executed their Wills and want to make a change. Rather than do a Codicil, it is often-times easier just to pull up the Will from the zipped file collection and make the change.

The archive drive will contain only two files per client matter: the Master PDF File and the zip file. That makes for a clean and organized hard drive.

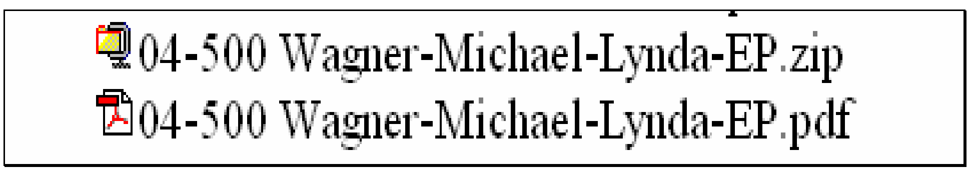


Figure 9-Partial Screenshot of Folder f:\archive\wlf\2004

When we first started using efiles, we put the closed files on a CD. That was fine until sometime in the future someone sent a letter and the letter needed to be added to the closed efile. We found it time-consuming and cumbersome to add anything to a file on CD. That caused us to purchase an extra hard drive for our file server which contains only archived files. Adding a document to a file is quick and easy.

17. Examples of Efiles

To be organized, files have to be indexed. We index paper files by having binders with tabs, subfolders marked Correspondence, Pleadings, Settlement Negotiations, etc. With electronic files, you can use index systems which are external to the efile, such as Worldox, Time Matters, and Cabinet NG. My experience has been to keep the efile and index system in one program, Adobe Acrobat. The bookmark system is the index system. While such a system does not have near the capabilities a case management software program has, for almost all of us, it will do the job quite well. Plus, ten years down the road you only have to worry about having one program (something that reads Adobe Acrobat), not two.

Figure 10 is a screenshot of a Master PDF file in which there are multiple lawsuits. Note that this is a bankruptcy trustee Master PDF File. Accordingly, there are bookmarks for the petition and schedules (P & S), various assets which are property of the estate, and two litigation files, among other things. The litigation file bookmarks are organized like we organize our paper file subfolders.

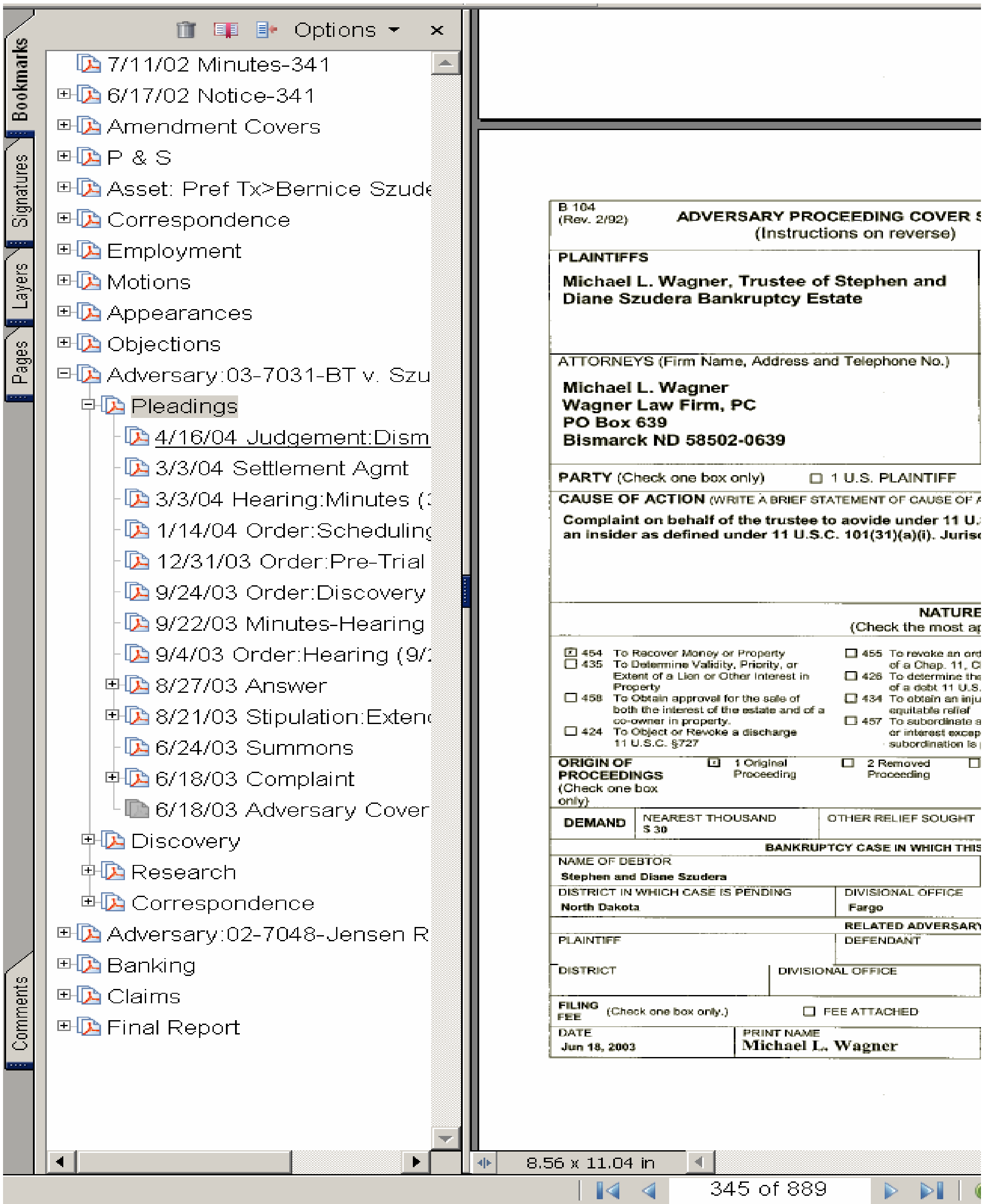


Figure 10-Master PDF File with Multiple Lawsuits

Note the above efile is currently 889 pages long. It contains the entire bankruptcy file and two lawsuits (every page, from the pleadings, discovery, research and notes). Moving around the file is quick and easy using bookmarks. Note that each lawsuit is a root bookmark, which is broken down into child bookmarks for pleadings, correspondence, etc; just like a paper file would be organized in our office.

Figure 11 is a sample estate planning file. Any draft documents sent out are bookmarked as children of the cover letter. Once documents are signed, they are placed at the top as a child of "Signed Estate Planning Documents."

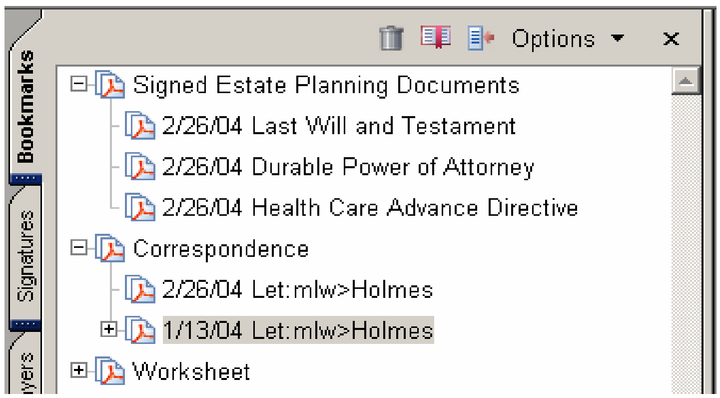
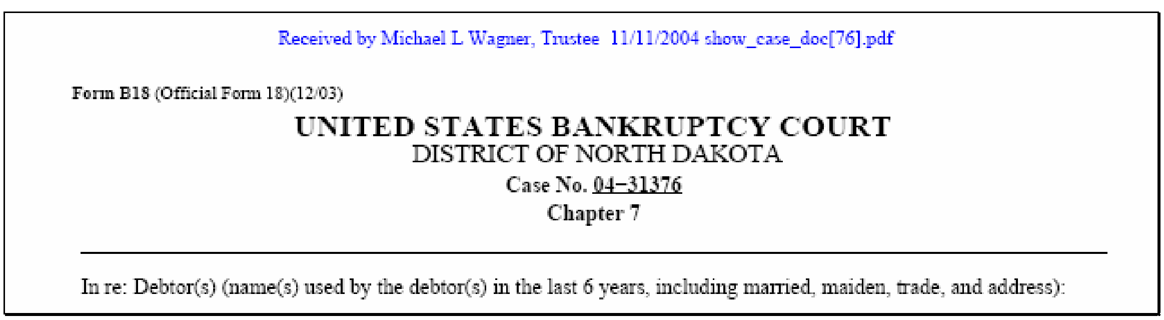


Figure 11-Sample Bookmarks in Estate Planning Efile

Figure 12 is an illustration of a permanent stamp using StampPDF. We stamp all incoming PDF documents (similar to a rubber stamp placed on all incoming paper mail).


Received by Michael L Wagner, Trustee 11/11/2004 show_case_doc[76].pdf

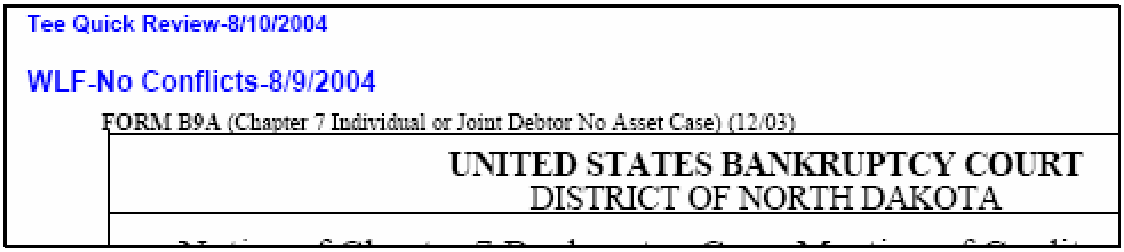
Form B18 (Official Form 18)(12/03)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA
Case No. 04-31376
Chapter 7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Figure 12-All incoming PDF documents are stamped "Received"

Below is an illustration of two separate permanent stamps, the first one being an indication the trustee made a quick review of the file and the second showing a conflict check was performed.


Tee Quick Review-8/10/2004

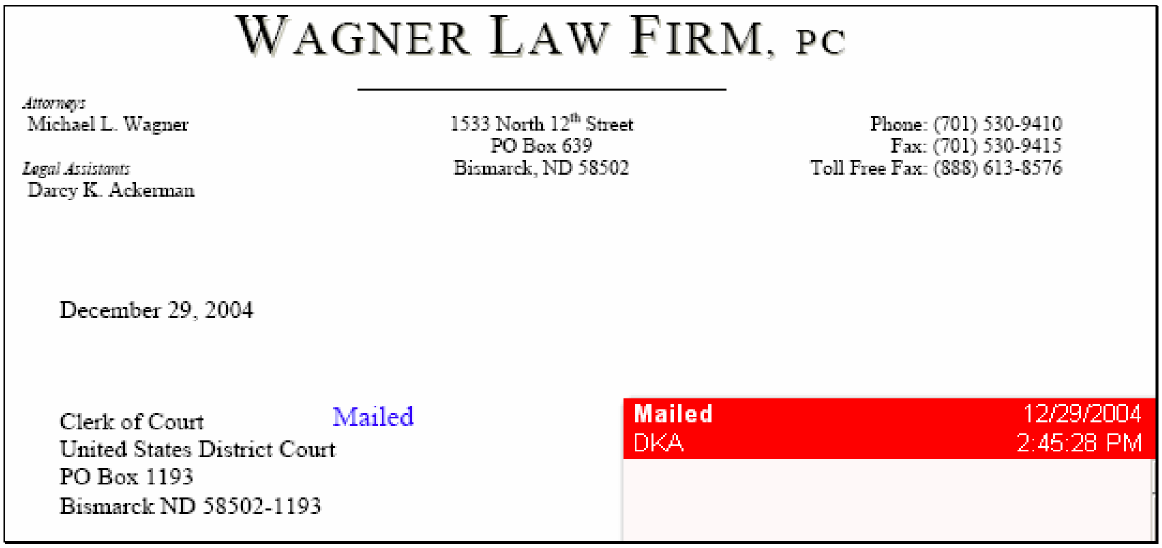
WLF-No Conflicts-8/9/2004

FORM B9A (Chapter 7 Individual or Joint Debtor No Asset Case) (12/03)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

Figure 13-Permanent Stamps Showing File Review and Conflict Check

Figure 14 is an illustration of a non-permanent stamp showing that a letter was mailed by DKA.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Toll Free Fax: (888) 613-8576

December 29, 2004

Clerk of Court
United States District Court
PO Box 1193
Bismarck ND 58502-1193

Mailed

Mailed 12/29/2004
DKA 2:45:28 PM

Figure 14-Person who actually mails document so indicates in Efile

When we used paper files, we used sticky notes for many things. We do the same with PDF files, only the sticky notes are even more useful. They can be color coded, sorted by, among other things, date and person creating the sticky note. Acrobat 6 allows you to create a thread of sticky notes, which allows one person to create a note, and all subsequent notes relating to the original note kept together. In the example below, Lynda Wagner, during file review, indicated some expenses seemed high. At the 341 Meeting, I inquire of the debtor about the expenditures and make notes in reply to her note. My reply is directly linked with her note. If, back at the office, someone follows up on my note, they reply to my note, keeping everything relating to these expenses together and easy to follow.

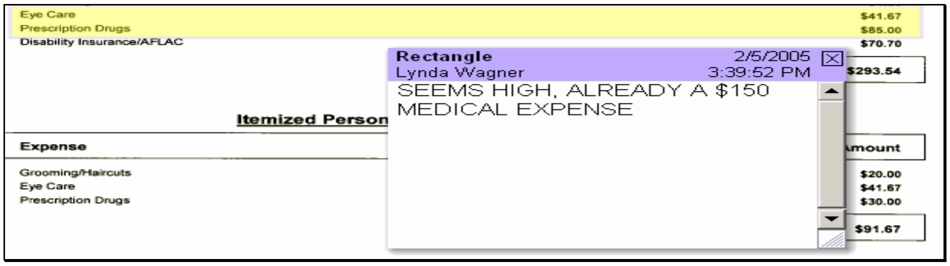

Figure 15-Sticky Notes in Efiles

18. Computer Software Log

The firm keeps binder for each computer/device containing software licensed for such computer/device. When new software arrives at the office, determine into which machine it will be installed. If the software is for a device other than a computer, such as a printer, there will be a log for such device. Log the software with such device rather than the computer to which such device is attached.

Once you have determined the appropriate log sheet to record the software, note the next available number on the log sheet and assign such number to the new software media. Complete the remainder of the log sheet with respect to the new software.

Example:

Computer/Device Name: WLFWS1

Media No	Media Type (CD/Floppy)	Description	In-Service Date	Out-Service Date	(U)pdated with Media No. OR (T)ransferred to Computer/Device
1	CD	Softex Installation Disk	3/2/00		
. . .					
16	CD	FrontPage 98	3/2/00	12/15/03	T-WLFWS2
17	CD	Trustwise 4.0	3/20/00	12/15/03	U-#20
…					
20	CD	Trustwise 5.0	12/15/03		

On the media, using a permanent marker, write the following information:

M-D-YY [Device Name] Media #nn

Example: 3-2-00 WLFWS1 Media #1

If the software is updated with a new media, so note in the log sheet at the same time you log the new updated media. If the software is transferred to a different computer, so note in the log sheet of each computer. On the log sheet of the computer where the software will no longer be installed, complete the Out-Service Date column and the "(U)pdated with Media No. OR (T)ransferred to Computer/Device" column by writing "(T) [Device Name]."

19. Summary of Things We Have Learned

Efiles are a paradigm shift. Reading PDF documents is much different than reading paper documents. It takes time to make the adjustment. Using two screens with the one displaying a PDF file tilted to portrait mode makes a big difference. The use of bookmarks with a uniform naming convention and structural organization is essential.

- **Software:**
  - Adobe Acrobat (full version, not just the reader). This is the heart of the paperless system. Use bookmark ([**Ctrl]+b**) to index your file and comment features (*e.g.*, **[Ctrl]+S** to create a Note) to make notes like you would use sticky notes on paper. MSP $300 per station.
  - StampPDF by www.appligent.com. Allows you to create a permanent stamp in PDF documents. We use it to stamp documents: Received; Reviewed; bate stamp documents (such as supreme court appendix, multiple page exhibits, and other situations in which you would use a bate stamp); indicate a conflict check has been done on an efile. $179/user (more than likely need on all machines).
  - Redax by www.appligent.com. Allows you to redact portions of a PDF file (*e.g.*, privileged information contained in document). $350/user (only need on one machine in office).

Scanners:
  - Fujitsu Scansnap. Sheetfeed with no flatbed. Not TWAIN compliant, which means it is not recognized by the operating system. This is not bad if all you use it for is to scan documents into Adobe. I like it because of the speed and quality (contrary to most scanners, it does a great job of scanning checks). I do not like the fact that it automatically creates a new PDF file with each scan, rather than let you just add a scan to an existing document (which TWAIN compliant scanners allow). MSP $500. http://www.fcpa.fujitsu.com.
  - Fujitsu 4010CU. Flatbed and sheetfeeder. MSP $500
  - Panasonic FP-D350. Outdated. Bought five years ago for $11,000. High capacity scanner/copier.

Monitors:
  - The bigger the better. **Have two monitors on each workstation.** On one monitor, we generally have Time Matters (calendar, email, phone messages, etc) displayed, and on the other we have the word processor or efile displayed. The monitor used for reviewing efiles and word processing should be in portrait mode (buy a screen that can rotate 90

degrees). We use 19” monitors. Most video cards will allow you to display in portrait mode. If not, PivotPro software will do the job, but takes up resources and has caused some issues with our laptop displays.

- Do not archive files to CD. Add a hard drive to your file server which is to be used for archive files only (be sure to keep a backup of that drive off-site also). If your file is on a CD and a few years later a letter or something comes in that needs to be added to the archived file, it is not a simple process to add the one page to the CD archive file. If the file is on a hard drive, the process is simple.