MAIL HANDLING: PAPERLESS FILING SYSTEM

In a paperless filing system, each client or matter has a distinct electronic file where scanned mail is kept along with other electronic documents. Paper records may be minimal or non-existent. (For information on scanning documents, see the PLF practice aid, *Checklist for Scanning Client Files*.)

Opening, Stamping, and Docketing

One person should be responsible for opening all incoming mail, sorting it, and date stamping it. If this person is also in charge of a central calendar or the docket system, this person should review the mail and pick out any dates or time limits stated in the mail.

Dates should immediately be entered into the system(s), and an appropriate notation made on the piece of mail. Notations may be made on the document before or after scanning. To make a notation before scanning, highlight the docket date, or place a red checkmark next to it and initial it. Then scan the document. If the person opening the mail is not in charge of the calendar or docket system, a docket slip should be prepared for each date or time limit and emailed to the person in charge of the central calendar or docket.

<u>Using a PDF Stamp</u>
To make a notation after scanning, consider using a PDF program (e.g., Adobe Acrobat) to create a stamp. The stamp can be applied to documents after scanning, noting that dates were entered into the system(s). The instructions below explain how to create a "Received" stamp using Adobe Acrobat. (Another option is to create a custom stamp.)

To create a "Received" stamp in Adobe Acrobat:

1. Choose "Tools" from the Acrobat Toolbar.
2. Click "Stamp" from among the tool choices.
3. Next, look for the options "Stamp," "Stamps Palette," and "Custom Stamps" near the top of your screen, below the toolbar.
4. Click the drop down arrow next to "Stamp," and then select "Dynamic."
5. Choose "Received."
6. Enter the identity information to appear on your stamp.
7. Click "Complete."

Once created, follow steps 1-5 above to select and use your "Received" stamp. Next, place the cursor in the PDF document where you want stamp to appear. Click the mouse to place the stamp. Save your changes.

Distribution

Next, scanned mail can be sent electronically to the assigned attorney and their assistant. Each assistant should review the mail for their assigned attorney. Dates and items of importance should be noted by the assistant. If an item requires immediate attention, it can be handled right away. If there is nothing urgent, a reminder or tickler can be set for the file for a future date.

If possible, assistants should meet with their attorney(s) at a specific time each day to review incoming mail and tickled files. This daily meeting is an excellent time to answer questions, coordinate schedules, and delegate tasks to the assistant for completion.

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Document or case management software can greatly facilitate electronic mail handling and review. These programs can store scanned mail and documents directly in the associated electronic file rather than in the attorney's email inbox. Once in the program, mail can then be backed up, protected from deletion, flagged for follow-up, and sorted by various criteria (date received, client, matter, description, or status: reviewed, not reviewed, etc.).

Consistency

Establish a protocol for the proper disposition of paper documents once scanned. As a general rule, keep original documents whose authenticity may be disputed, or those paper documents with particular legal importance (i.e., original signed contracts, original executed wills, etc.). Paper documents not meeting this or other criteria set by the firm can be shredded or forwarded to the client after scanning.

The mail handling procedures described above apply to all incoming documents and transmissions, including faxes, hand deliveries, and items received by messenger. Email messages should be saved in electronic form. For more information on electronic retention of email, see the PLF practice aid *Documenting Email as Part of the Client File*.

Resources

Visit the PLF website (www.osbplf.org) for additional resources, including the practice aids and *In Brief* articles mentioned below.

In Brief Articles:

- File Retention and Destruction Procedures: Additional Safeguards to Protect Your Firm From Lost or Exposed Client Data (January 2019)
- What's Backing Up Your Data? (December 2016)

Forms:

- Checklist for Scanning Client Files
- Our Paperless World
- Paperless in One Hour for Lawyers
- Documenting Email as Part of a Client's File
- File Retention and Destruction Guidelines

IMPORTANT NOTICES