

Adobe Acrobat

for the Legal Industry

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Introduction

The legal profession is awash in paper. Disadvantages of paper-based workflows include high costs of document storage and delivery, a need for large support staffs to manage paper, and time spent manually searching hundreds of thousands of pages during discovery. The legal profession urgently needs a reliable, easy-to-use electronic format for sharing, reviewing, filing, and archiving case-related materials.

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That solution is available today, and it is one that the U.S. Federal Judiciary has already chosen as its standard for electronic filing of case documents. Growing numbers of law firms are increasing productivity, decreasing costs, and improving client services by transitioning from paper to electronic workflows with Adobe® Acrobat® software and other products and services based on Adobe Portable Document Format (PDF) files. Adobe Acrobat and Adobe PDF can be described as ePaper™ solutions, which represent original paper documents exactly as intended while adding valuable digital services such as password security, interactive forms, digital signatures, electronic markups, hyperlink navigation, and searchability. Using Adobe Acrobat software, law firms can more quickly and conveniently produce, share, distribute, comment on, and file forms and documents across diverse applications, business processes, and platforms.

This white paper explains the role of Adobe Acrobat software in the legal services profession. The first section presents ways that law firms can take advantage of Adobe Acrobat software and Adobe PDF for electronic filing (e-filing), document review, document search and retrieval, and document archival. The second section explains how Adobe's solutions meet specific requirements of the legal industry, such as exact fidelity with paper originals and support for password security.

Applications of Adobe Acrobat and Adobe PDF for the legal profession

Law firms and corporate counsel can improve productivity, cut costs, and improve client services by using Adobe Acrobat and Adobe PDF for electronic filing, document review, document search and retrieval, and document archival. How a firm chooses to integrate Adobe Acrobat and Adobe PDF into its practice depends on its needs, comfort level with technology, and openness to change. Some firms adopt one or more of the following applications themselves, others outsource the entire solution to a third party such as CaseShare Solutions, which develops litigation and business extranets.

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Electronic filing

Submitting a 90-page appeal with more than 100,000 pages of testimony to an appellate court is cumbersome. When that same information is converted to compact Adobe PDF files, all documents easily fit on a single CD-ROM and can be stored securely online for all interested parties to view. Thus, “e-filing” eliminates many of the costs, hassles, and delays at the court charged with managing and archiving the paper files. In addition, when briefs are submitted as Adobe PDF files, information is available around the clock—not just when the courts are open.

E-filing can also enrich the brief, itself. The hyperlinks, bookmarks, and digital signatures in an Adobe PDF file transform a brief into an interactive litigation tool. To read a case, interested parties simply click the case cite. To read from an identical image of the record on appeal, they click any record cite. To read the full text of a statute on a Web site, they click where the statute is cited in the brief.

The ease of e-filing with Adobe Acrobat solutions has led the United States Federal Judiciary to standardize on PDF, introducing it to civil and bankruptcy courts throughout the country. Other U.S. Courts, including the U.S. Supreme Court and several state and local courts, encourage e-filing in PDF, the standard that they have identified for receiving entire case files and dockets. The compact file sizes and widespread acceptance of Adobe PDF files allow easier management of information and access to materials without worrying about hardware or software compatibility problems. In addition, the ability to “lock in” a file’s appearance ensures that the appearance of legal documents remains unchanged and that documents can be introduced as evidence in courts.

Some firms are moving all documents—even older paper ones that are in storage—online, while others are focusing only on documents that exist as electronic copies. Either way, the courts’ willingness to accept documents electronically is changing the way lawyers think about the volumes of paper and countless e-mails that cross their desks daily.

Secure document review

Lawyers and their clients spend large sums on the administration of managing paper-related workflows. Litigation and business deals, for example, require negotiation and execution of a succession of documents. All documents must be completed in order, on time, and reviewed and approved by the appropriate parties. Most firms must dedicate one or more individuals to keeping cases moving according to schedule by phoning, faxing and sending documents by overnight mail.

Adobe Acrobat software streamlines document review in three ways. First, documents can be sent around the world instantly, via e-mail or a secure intranet, eliminating the delays, costs, and hassles of paper document delivery. Second, Adobe PDF files can be secured with a password to prevent unauthorized changes. And third, document reviewers can make comments easily using notation features such as strikethrough, highlight, and underline. With Acrobat 5.0, multiple reviewers can view and add comments to the same Adobe PDF document from within their Web browsers, which can significantly accelerate the document review process.

Document search and retrieval

According to the American Bar Association, Americans filed 87.5 million new cases in 1996, and the numbers keep growing. One estimate suggests that the number of new lawsuits is increasing 250 percent faster than the population, and the number of complex, multi-party, multi-jurisdiction cases is growing even faster.

Yet litigation support techniques have not kept pace with the litigation explosion. Many lawyers keep discovery documents in boxes or file cabinets that have to be searched manually before depositions or key litigation events. Some law firms use word-processing applications to manage document lists, rifling through the boxes when they need to see the document itself. A sophisticated few have adopted database software to keep track of key documents and use Tag Image File Format (TIFF) imaging technology to view documents electronically.

A standard format for scanned images, TIFF provides an exact rendition of the original image, including handwriting, graphics and other markings. But standard TIFF files cannot be searched, which makes it time-consuming to find specific case-related details.

To overcome the limitations of TIFF, some law firms use it in conjunction with optical character recognition (OCR) software. OCR technology allows a computer to read the characters and letters on an image and to translate them into machine-readable text in a separate file. Even this approach comes up short, for two reasons. First, though the text file can be searched, the lawyer or assistant has to link to the original image to view the search results in original context. Second, handwriting and other non-text characters do not appear in the OCR file, limiting its usefulness for legal documents, which frequently contain handwritten notes.

Fully-searchable Adobe PDF files overcome the limitations of TIFF and OCR text files. Like TIFF images, Adobe PDF files maintain exact fidelity with the original legal documents. Unlike TIFF images, Adobe PDF files can be searched. That's because Adobe technology can store image information on one layer and maintain a text version of the document on another, hidden layer.

Using Adobe Acrobat or Web-based search engines, legal users can easily find any string of text in context within the layout of the page. Searchable Adobe PDF files are more convenient than OCR files for legal research because hits are displayed directly on the images (see figure). This benefit alone can cut hours or even days off the process of locating important legal materials among hundreds of thousands of pages.

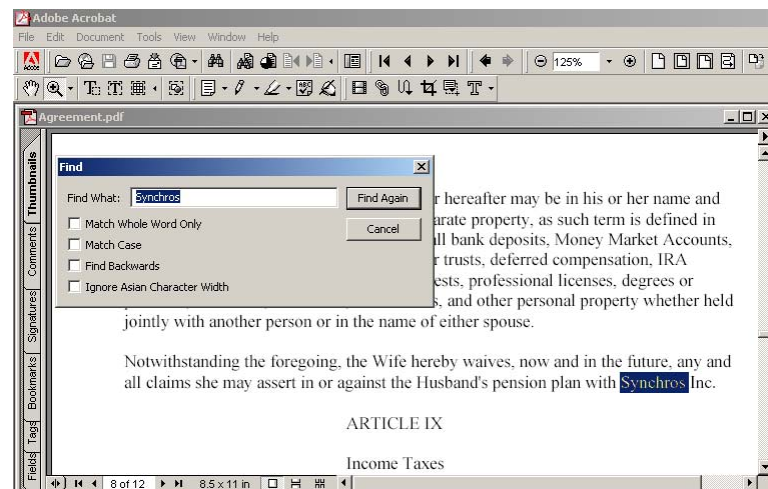


Figure 1—Fully searchable Adobe PDF files can cut hours or days off the discovery process.

Document archival and delivery

Most law firms maintain rows of filing cabinets and workrooms stuffed with paper, at rent prices ranging up to \$100 per square foot. Many firms also use outside document repositories to handle their overflow. By one estimate, a mid-sized law firm might spend as much as \$350,000 a year for paper storage alone. Additional costs include staff time spent photocopying and filing the paper, and fees for overnight delivery to clients and other recipients. Document storage and delivery problems are compounded when lawyers work in multi-office or multi-firm teams and each office must organize and store its own set of files.

By archiving Adobe PDF files instead of paper, firms can save millions of dollars in annual storage and administration costs. Storing and delivering legal materials as platform- and application-independent Adobe PDF files eliminates the expense and nuisance of managing warehouses full of paper. Legal teams and clients can access anything they need quickly, day or night, from anywhere in the world.

Litigation and business extranets

When firms rely exclusively on static Web pages, the management burden can become overwhelming as the site grows to thousands of pages. Every time information changes, the web manager must update all links to that information.

CaseShare Systems solves the problem by developing data-driven Web sites, which link Web pages to a database. The solution comprises a database, a Web page template, and Adobe Acrobat solutions that automatically populate the template with information from the database when the page is requested.

Using the system, law firms use Adobe Acrobat to convert new documents—including pleadings, work orders, evidence, or federal or state filings—to Adobe PDF. They also use Adobe Acrobat Capture® software, Adobe's solution for high-volume paper capture, to scan existing materials and convert them to Adobe PDF. Both types of documents are stored on a secure extranet, where they are available online to widely dispersed legal teams and clients. Automatically generated e-mails alert each team member to new documents. The CaseShare approach can be extended to an entire practice or can be offered exclusively on a specific litigation extranet.

Benefits of Adobe Acrobat software for the legal profession

Adobe Acrobat software and Adobe PDF enable lawyers and staff to create, publish, and work with digital documents just as they would paper, cutting costs, saving time, and gaining efficiencies. Whether the original document is a native application file, Web-based, or paper, lawyers can convert it easily to an Adobe PDF file that's fully searchable, maintains exact fidelity with the original, and can be read by anyone with the free Acrobat Reader® software. The Adobe Acrobat product line includes several software products including Adobe Acrobat 5.0, Adobe Acrobat Capture 3.0, and Adobe Acrobat Messenger™ software.

Adobe Acrobat products meet legal professionals' unique requirements for an electronic document solution: Exact fidelity with paper documents, universal readability, searchability, electronic navigation, security, digital signatures, and easy conversion from paper documents.

Exact fidelity with paper documents

Exact fidelity of electronic files with paper documents is essential for law firms because it aids discovery, facilitates collaboration among team members in different locations who want to work with documents that look the same, and ensures compliance with regulatory requirements. Adobe PDF maintains the integrity of any document, regardless of the source—electronic file, paper, or Web—and displays materials on screen exactly as they would appear in print. It preserves everything about the document's appearance, including details such as formatting, font size, and color. This is critical for legal documents, such as forms and contracts that have to adhere to strict format requirements developed by regulatory agencies.

Universal readability

Law firms, their clients, and partners work with a variety of platforms, applications, and application versions. When law firms convert documents to Adobe PDF, any partner, staff member, or client can use free Acrobat Reader software to view or print an exact replica of the original paper document. Adobe PDF is completely application- and platform-independent, so files appear exactly like the paper originals when viewed on-screen or printed, across a broad range of hardware and software platforms.

Searchability

The built-in catalog and search features in Adobe Acrobat enable lawyers to quickly search through tens of thousands of PDF files to find all documents that reference specific information, such as dates or events. In comparison, searching through this volume of paper documents often requires a team of legal assistants to work for days or weeks—with no assurance that they have found all relevant information. Therefore, Adobe Acrobat software can cut weeks off the time to prepare cases and help develop stronger cases, as well. Time savings increase further when high-quality, searchable Adobe PDF files are distributed to partners and staff worldwide via the Internet because communications can happen in seconds instead of days.

Electronic navigation

Adobe Acrobat makes it easy to create bookmarks and hyperlinks in Adobe PDF files, making the files easy to navigate for attorneys and clients. Bookmarks are the equivalent of hard copy tabs, and can be created automatically by specifying heading styles in Microsoft® Word, or by using the automatic content recognition features when working with paper documents and Acrobat Capture 3.0 software. Hypertext links to other PDF files or to the Web are a convenience for litigation support, especially cites.

Security

Security of electronic documents is essential in a profession where client confidentiality is critical. Acrobat software provides protection and controls so law firms can securely share sensitive documents online. Adobe PDF files can be password-protected so that only authorized users can access them. Acrobat 5.0 software offers highly flexible security settings that let the document creator determine exactly which actions, if any, viewers of an Adobe PDF file can take. For example, the author can lock documents to prevent others from changing, printing, or copying them, yet still allow others to add comments or digitally sign.

Digital signatures

In the year 2000, U.S. President Bill Clinton signed the Electronic Signatures in Global and National Commerce, or E-SIGN Act, making it possible for the first time, for digital signatures to be used in legally-binding transactions in the U.S. He signed the bill using Adobe Acrobat software and Adobe PDF. The digital signatures capability in Adobe Acrobat safeguards and authenticates information by allowing authors and reviewers to electronically “sign” a document with a unique electronic code. Depending on the type of digital signature used, lawyers can also identify who has read, reviewed, or possibly altered the document. For highly sensitive applications, law firms can use Acrobat in conjunction with a Certification Authority (CA), which is an objective third party that validates the authorship of a digital signature.

Partners and staff apply digital signatures to Adobe PDF documents using Adobe Acrobat software. The Adobe Acrobat Self-Sign feature, allows for simple authentication in workgroup environments, or where CA authentication is not necessary. More secure options can also be utilized using robust, scalable third-party solutions from leading providers such as VeriSign, EnTrust, PenOp, and others.

Easy conversion to Adobe PDF

Using Adobe Acrobat products, law firms can quickly convert new documents, including pleadings, work orders, evidence, or federal or state filings, to Adobe PDF files. Regardless of the document’s original form—electronic file, paper, or Web—Adobe provides a solution for easy conversion (see table). Law firms can convert the documents in-house or outsource conversion from service bureaus.

ORIGINAL DOCUMENT FORM	ADOBE SOLUTION	PROCESS
Electronic, paper, or Web-based	Adobe Acrobat	Document authors or other staff can quickly convert any document, from any application or paper scan. They can also capture a Website and convert it to Adobe PDF with all links intact, for archiving documents. Adobe Acrobat software is also used to add password security, apply digital signatures, add hyperlinks, add electronic tabs, catalog and search archives of information, and even create live electronic forms.
Paper: high-volume	Adobe Acrobat Capture	When large volumes of paper need to be converted to electronic form, Adobe Acrobat Capture software works in conjunction with a scanner to convert the paper document to an Adobe PDF file. Law firms can outsource high-volume paper conversion to a service bureau, or manage it in-house. Acrobat Capture has additional features that include legal dictionaries, speedy review and cleanup of suspect OCR text and automatic creation of hyperlinks for tables of contents and indexes.
Paper: replacement for outbound faxing	Adobe Acrobat Messenger	Set up as a kiosk shared by multiple employees, Acrobat Messenger creates Adobe PDF files from paper. At the click of a button, it transmits the Adobe PDF file via e-mail, to a Web site, or to a designated employee’s computer desktop.

About the Author and CaseShare Systems

John Tredennick, CEO, CaseShare Systems

For the past twenty years, John Tredennick has been a trial lawyer, partner, and CIO at Holland & Hart. He is now the CEO of CaseShare Systems, LLC, an Internet spin-off of Holland & Hart that builds paperless systems for the law and business community. He has written four books on law and technology, the most recent being Lawyer’s Guide to Spreadsheets (Glasser Legalworks 2000), www.legalspreadsheets.com.

About CaseShare Systems

CaseShare Systems offers specialized solutions that help legal and business teams manage people, paper and work processes over the Internet. The company has been solutions based on Adobe Acrobat software for the law and business community since 1996, when it began as a division of Holland & Hart, LLP, the largest law firm in the Rocky Mountain region.

CaseShare products include: extranets for complex cases, allowing as many as 340 law firms and their clients to collaborate on cases from all over the globe; web-based litigation support systems; and business Webflow systems (workflow over the Internet), so clients can manage complex deals and coordinate work.

In conjunction with the above services, CaseShare also offers scanning, capturing and coding services both on and off site. The company has done projects involving millions of pages of documents and has on-site assignments ranging from Sai Pan to Costa Rica. They also convert TIFF to Adobe PDF and provide large-scale capturing services.

Based in Denver, CaseShare typically hosts systems at its state-of-the-art center where servers are maintained behind a firewall, and browser communication is encrypted using SSL protocol. However, the company also develops systems that run on customers’ servers.

The systems are fast and easy-to-use, running in a browser similar to Yahoo. Documents are stored in a special database on a server, so client teams can access them anytime and anywhere. Work is coordinated through a special database, with email reminders sent out as needed.

CaseShare solutions allow legal staff to focus on the task at hand without getting bogged down in unnecessary and time-consuming administrative tasks. The result: substantial savings in time and money.

To learn more about CaseShare Systems, visit the company Web site at www.caseshare.com.