



**Where Do You Fall on the  
Paperless Curve?**

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## The Basics of a Paperless Office – It’s NOT an “All or None” Proposition Where Do You Fall on the Paperless Curve?

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There is a plethora of information regarding the paperless revolution and how lawyers should embrace a paperless office. I’ve been in many lawyers’ offices where there often reams of paper piled up in files on the floor (the “vertical” filing cabinet) or in actual “horizontal” filing cabinets. While the concepts are good, it is often difficult for a lawyer to change old habits and the way s/he practices law.

Lawyers often think that going paperless is an all-or-nothing practice – nothing could be farther from the truth. There are many different types of technologies used in the paperless office, many of which you may already be using and don’t realize it. My good friend and fellow consultant, Ross Kodner, has been preaching about the PaperLESS office for over a decade. Again, it’s not that you have to totally eliminate paper from your office – that will NEVER happen – but, there are ways to reduce the amount of paper you use and in doing so, your office CAN become more efficient in the way it handles client matters.

The purpose of this article is to introduce to you three different phases of reducing paper and covers not only technologies (what to use) but also strategies (how to use it). The first phase involves **basic** technologies and strategies. You probably already *use* these technologies, but you may learn a few ideas about *how to use* these technologies.

The second phase is an **intermediate** step and again, you may or may not use these technologies. This is not meant to be one of those, “do all of these things and you’ll be an “intermediate” paperless office. It is merely meant to provide you with guidelines on what technologies are considered to be intermediate for going paperless.

The third phase, not surprising, is **advanced** and while the technologies may be familiar to you, the strategies used with these technologies may put you out in front of the paperless technology curve.

In my opinion, and I have many, the legal profession will NEVER be truly paperless. However, what I’ve learned in my 20+ years of pioneering consulting work with the legal profession is that law firms will reap more benefits from reducing paper than simply using less paper. These technologies and strategies WILL make your office more efficient and that does two things for you: one, you’ll use less paper (meaning less paper costs) and two, you’ll have a higher level of efficiency (meaning increased profits).

## Defining Paperless

This is easy as well as confusing. Is it “no paper” or “less paper”? I won’t go into the language semantics, but let me point out again that you’ll never be completely without paper – the legal profession will always use some paper, whether it is original paper documents with signatures or paper documents received from outside the office.

I will pass along, though, a law firm I had the pleasure to visit while making a LEGUS presentation in Santo Domingo, Dominican Republic. The OMG (formerly known as Oficina Melo Guerrero) law firm is what I would consider truly paperless – no paper whatsoever *showing* in the office. In fact, during the tour, we were jokingly asking our gracious host to see the basement because we thought that’s where all the paper would be. But, there is a culture here that is rare – the attorneys all work toward minimizing paper.

While each attorney does have a two-drawer filing cabinet, it’s more for temporary files and paperwork received through the mail. OMG is a Mac-based office. All attorneys have a Mac desktop and the printer is centralized for those documents that need to be printed. There are no offices for most of the attorneys; they have desks with small cubicles, but again, that’s the culture for this firm. All of the attorneys are extremely computer literate and have “accepted” the challenge of doing with less paper. They are very busy, very successful, and also enjoy a great family environment. This office would be at the top of the ***Paperless Curve*** I’ll share later in this paper.

## The Three-legged ***Paperless*** Stool: Technology, Processes, and People

I can’t get too far into this paper without mentioning the “three-legged stool.” It’s a common model used to describe delicate balances and I use it often. Just because you purchase the latest and greatest technologies doesn’t mean that your firm will automatically be more efficient. The other two legs of the stool are people and processes.

The people part is easy, or at least appears to be on the surface. With new technologies, the firm should also incorporate training. Why on earth lawyers fight against training (I’m too busy to become more efficient”) I’ll never understand. But prior to training on newer technologies, you need to streamline your practices. As I’ve often said, “You can’t automate CHAOS!”

Let me give you a quick example of a process: *opening up a new file*.

When the firm gets a new client, there are usually several tasks that occur within the firm to accept the client and open the file and these will vary, depending on the lawyer and the firm. Some firms can do this within minutes, other firms take days. I’ve often wondered why things take so long, but then I’ve become jaded in this industry over a number of years. Most of the time it’s people and processes that get into the way.

Many firms use a “New Business Memorandum” form that is filled out (by hand), copied several times and routed to various departments. This of course varies, depending on how large the firm is – larger firms take a lot longer to go through the process. But eventually, it needs to get to the accounting department so they can conduct a conflict check, assign a new client/matter number, and open up the information in the firm’s accounting system. Once that’s all done, the file is officially opened and the attorney can begin billing. In many cases, the attorney begins work on the file before all this happens, but that’s another story.

In this example, various people “touch” the information using a variety of technologies, including the accounting system (the client information is entered by hand). It is also entered into the attorney’s Outlook address book and sometimes entered again into the legal assistant’s Outlook address book and in some cases, again entered into the firm’s Outlook address book. That same information may be entered into a client/matter log in either Word or Excel or if the firm uses a document management system and/or a case management system, it is also entered there.

The point I’m trying to make is that the same client/matter information may be entered in multiple times in multiple applications. It’s not unusual that this information is entered into four or five different locations. I won’t mention the firm’s name, but one client of mine entered this same basic client contact information into fourteen (14) different locations, including multiple Word documents and Excel spreadsheets – for tracking purposes.

As you can well imagine, you can purchase and install the best technology, but if you don’t streamline your practice, it won’t be nearly as efficient as it could be. Streamlining some of these processes, often called “Best Practices,” can help you better utilize technology.

By the way, just for your information and so that I can add a few pages to this paper, legal technology consultants often speak of “processes” in the law office. There are 23 of them, only one of which I briefly described above:

- File opening
- Conflict checking
- Calendaring, docketing
- Case/matter tracking
- Document production, delivery
- Document management
- File and records management
- Communications
- Client relationship management
- Time tracking & entry
- Billing
- Cost recovery
- A/P, check writing
- A/R, collections
- Payroll
- Trust accounting
- GL, accounting
- Practice management
- Litigation support
- Legal research
- File closing
- Budgeting
- Reporting

## **The Paperless Technology Curve**

Let me point out that I am an engineer (Electronics) by education (BS & ME) and by training. I am one of those guys who spends a lot of time trying to solve problems, like how to put a square peg into a round hole (which by the way can be done). Because I've been a legal technology consultant for more than twenty years, I've got a lot of experience working with hundreds of law firms and thousands of lawyers.

As you can imagine, there are many differences in how law firms practice law, even within the same firm. I've worked with firms with lawyers in the same practice group doing the same thing differently – even using different software applications to accomplish the same end result. That drove the IT department crazy, but the culture of the firm was to let the lawyers do what they wanted and how they wanted. Efficiency was not a high priority here. There was no standardization in the firm – even how lawyers named and stored documents on the computer network.

That brings into discussion one of the best things you can do in your firm to help prepare for doing with less paper – *standardize* on processes, to whatever extent you can. This may be as easy as document naming conventions or storing word processing documents in a client/matter folder. But, by standardizing on common processes, even without purchasing new technology, your firm can gain enormous efficiencies.

The ***Paperless Technology Curve*** is intended to provide you with a tool to analyze where you and/or your firm may fall on the curve. There are three levels: Basic, Intermediate, and Advanced. Each builds upon the other and while you may utilize all the technologies in the Basic level, you may utilize one of the technologies in the Advanced level. Not everyone will fit into these levels, but it should give you some idea of where you fit and what are some of the technology and strategies you can embrace to take advantage of technologies.

### **The *Paperless Curve* Level 1 – “Basic” Paperless Technologies and Strategies**

#### **MS Outlook – e-mail - storing e-mails in client/matter folders, sending attachments**

Almost everyone uses Microsoft Outlook for e-mail. What surprises me, though, is the number of lawyers and staff who continue to keep all of their e-mails in their inbox, sometimes numbering in the thousands. Yes, you can search through them using the “search” button, but my recommendation is to create and store e-mails in client/matter folders.

For those of you who print out e-mails (see below), you wouldn't store all of those printed e-mails in one folder or one filing cabinet drawer. So why store them all in one inbox? It is much more organized to store them in client/matter folders.

When you are ready to close out a file and archive it to records, it is much easier to drag & drop a mailbox folder of client e-mails than it is to search, sort, and filter.

### **MS Outlook – calendar**

Again, most everyone uses Microsoft Outlook for calendaring, though there are still a lot of lawyers who don't trust anything but paper. Whether they were "bitten" by a bad experience or if they're just not comfortable with paper, it doesn't really matter. In the context here, we're looking to reduce paper, so using the calendar feature of Outlook is right up there.

The big question is, do you yourself calendar your own appointments, deadlines, and ticklers, or do you have someone else do it? It's not that difficult and if you want to reduce paper and become more efficient, then learn to do it yourself. Take a step forward and provide access to others in your office to calendar along with you – now, you're being more efficient.

If you utilize a case management system (see below), then you'll definitely want to synchronize your MS Outlook calendar with your CMS calendar. You need to be cautious about what is synchronized and from where. You want doctor's appointments and your kid's school plays in your Outlook calendar, but you don't want them in your CMS calendar. But, you want everything in your CMS calendar to be in your Outlook calendar. And, if you're a practice group leader and an advanced CMS user, then you may want all of your practice group lawyers' CMS calendar items on your Outlook calendar. Then again, maybe not.

### **MS Outlook – contacts**

Most of today's SmartPhones utilize MS Outlook as the conduit for sending and receiving calendar and contact information between your phone and your computer. If you use a CMS, then that information is usually passed directly to Outlook before synchronizing with your SmartPhone.

There are several layers of address book complexity in MS Outlook, but the basic level as you might have guessed is basic contact information. While I know there are a lot of lawyers who continue to rely on the paper calendar, I know of very few who continue to rely on the old paper rolodex cards – I'm sure they are out there (and proud of it), but most of the profession has moved to a computer-based contact list.

There are, sadly, still a lot of lawyers who use Microsoft Word or Excel to manage their contacts. I guess that's better than paper, but if you're one of those, you should make the effort to keep your contacts in a system made for that, such as Microsoft Outlook.

Once again there are certain things you want in *your* Microsoft Outlook address book, but you may not want to share everything between your Outlook and your CMS. Similar to the calendar, there are personal contacts that you want/need in your Outlook address book, but you don't want them in the CMS rolodex. Keep in mind, you can have multiple address books in Outlook. Consider a "business" address book and a separate "personal" address book to help keep them separated. As with the calendar, you can choose what items are synchronized and when.

### **File and document storage – stored on network in shared folder by client/matter**

I would like to think that most lawyers and staff are organized in their electronic document storage and follow a similar analogy to the old paper filing cabinet: matter documents go into a matter folder which goes into a matter redwell which goes into a filing drawer. In most cases that's true, but I find that storing documents on the computer usually falls into two different storage hierarchies:

One, the highest storage level is by user. That is, both the attorney and the staff member(s) create and store client and matter documents in their own user directory. While that's OK for individual use, it doesn't work so well if you're collaborating on the same client/matter. Some of the documents may be in the attorney's directory and other documents may be in other users' directories. Who's got the latest document and where it is located? You wouldn't take different paper documents out of the client's paper file and pass them around, would you?

Two, the highest storage level is by client/matter. This is the preferred storage method. This way, similar to a filing cabinet, there is a single location for all of the client's matter's documents and everyone, with *authorized* access, can get to them. You wouldn't have to search different directories looking for the latest and greatest.

Of course, if you're a more sophisticated Paperless user, you'd be using a document management system (see below).

### **PDF – create PDF documents from Word, Excel**

PDF stands for "Portable Document Format," and is an open standard for document exchange. It's a term and a standard developed originally by Adobe in 1993. The intent (i.e., the "open standard for document exchange") is that you can create a document that can be read on any computer system. No more "I can't open your WordPerfect document because I use Word."

Most of the legal profession by now uses PDF in one form or another. WordPerfect has had a "Create PDF" function since its early versions of Windows software. Microsoft only recently added the feature to Word 2007. There are also many third-parties that provide the ability to create PDFs.

Yes, I realize that not every document can exist in PDF (you need to keep the originals in their native format), but some firms adopt the policy that if a document leaves the office, it is first converted to PDF. There are, of course, exceptions such as collaborating on a document with co-counsel or a client.

However, if you're a more advanced Paperless user, read on because you can learn to use Adobe Acrobat for much, much more than just creating PDFs.

## **Backups**

This should go without saying, but you should be backing up your computer systems regularly – like every day. It's insurance, plain and simple. You've heard it before and I'm sure you'll hear it again. Back up your data and documents daily; keep at least two (2) weeks of backups before recycling the tape or drive; keep backups off-site.

## **The *Paperless Curve* Level 2 – Intermediate Paperless Technologies and Strategies**

### **Scanning – front office client/matter, storing in client/matter record**

Most people are aware of the various types of scanners and many already use a scanner of some sort, whether it is a personal scanner, a network scanner, or a multi-function device/copier. Whatever model scanner you use, if you're scanning client documents you've received and storing them with the client/record, then you're at the intermediate level of the *Paperless Curve*.

The key here is keeping all client/matter information in the same place, similar to what you would do with paper – keeping it all together in the client file folder.

### **Scanning – back office accounting**

While many law firms are scanning incoming client/matter-related documents, few are using the scanner for the back office. Client-related expenses, office expenses, and other back office documents should also be scanned and stored in an organized fashion. Most firms feel they need to keep the original invoices and receipts, but why? If you can scan it and reduce the paper, then you're a step ahead. And, while you're at it, ask the company to send you an electronic invoice instead of paper.

### **DMS – storing documents, e-mails (with attachments), scanned images by client/matter**

ILTA's *2010 Technology Survey* reports that 82% of their polled members use one of the big three document management systems (Interwoven, OpenText, Worldox). Of those users, 43% profile e-mail into the DMS and 39% move e-mail into a matter-centric DMS.

While many law firms use a DMS, less than half of those store e-mails in the DMS. As mentioned earlier, using a matter-centric methodology will significantly increase your efficiency, because like the redwell and filing cabinet analogy, everything matter-related is located in a single place.

It is beyond the scope of this paper to detail document management systems; besides, I've already written several articles on the subject. However, while most people only think DMSs store and retrieve documents, they do much more, including:

- Automatic profiling of documents
- Profile e-mails and attachments



- Profile scanned documents directly from digital scanner and/or copier/multi-function device
- Check in / checkout documents functionality
- Version control
- Full-text indexing of documents, including PDF format, e-mails and attachments
- Full-text and metadata search, including Boolean search, of documents and/or e-mails and/or attachments
- Proximity searching functionality
- Assign document types
- View documents without opening document in native application
- “Briefcase” / organize documents and save to laptop computer
- Audit trail of document modification (who, what, when)
- Work off-line with local drive document storage / echo
- Link one document to multiple matters
- Records retention and Records management functionality
- Relate documents
- Archiving capabilities

#### **E-filing – by attorney**

Not everyone files documents with the courts, but for those that do, e-filing is a significant time-saver. The Federal Courts have had e-filing for a number of years and there have been significant gains in the past few years with state and local courts. This is one of those areas that if it’s available in your area, use it.

#### **Smartphone – e-mail, calendar, contacts synchronize with Outlook**

Most attorneys have a cell phone, many of which are also Smartphones. As you know, Smartphones, such as Blackberry, Palm devices, Windows Mobile devices, iPhones, Droids and the like allow users to receive e-mail; in fact, ILTA’s *2010 Technology Survey* reports that an average of 86% access e-mail on their Smartphone.

In addition to receiving e-mail, you should also be able to create new contacts and calendar events on your Smartphone and have them synchronized with MS Outlook. If you use Microsoft Exchange, this is that much easier for you, since the synchronization is almost immediate. No more having to wait until you get back to the office to check your calendar or enter a new contact. Better yet, if your legal assistant schedules an appointment for you while you’re away from the office, you’ll receive that notification almost immediately.

#### **Meta-data removal software – by attorney**

Everyone has heard of “meta-data” but not everyone understands what it is or why it is a concern. It’s beyond the scope of this article to go into detail about meta-data, but understand that meta-data may provide information to others that you don’t want them to see. If you’re using the “track changes” feature in Microsoft Word and you make several significant changes in the document, you

may not want the recipient to know those changes. If you don't treat "track changes" properly, you may send that document with those changes that can be turned on by the recipient, allowing him/her to see those changes.

That's where Meta-data software removal tools come in handy. There are several on the market, but who uses them? ITLA's 2010 Technology Survey indicates that 84% of those respondents use some sort of Meta-data software. The common applications include *Payne Metadata Assistant*, *Workshare*, and *iScrub*.

### **Adobe Acrobat – comments**

When you mention PDF ("Portable Document Format"), not everyone knows it was developed by Adobe in the early 1990s. However, when you mention Adobe Acrobat, everyone knows there is a cost to purchasing and using Acrobat and if the only thing they want to do is create PDFs, they're going to look for a less expensive solution.

But, as I point out to my clients, Adobe Acrobat does so many more things than create PDFs. Most people are not aware of how the legal profession can take advantage of the many different features of Adobe Acrobat. Adobe Acrobat is one of the main technologies used in the legal profession to reduce paper. In this suggestion, use the "comments" feature of Adobe Acrobat to "write" comments directly onto the electronic document. If you are collaborating with several people on the same document, each user can have their own color for comments.

### **Adobe Acrobat – OCR**

Were you aware that Adobe Acrobat can also convert scanned images into text (at least typewritten text)? The OCR feature is another one of those functions in Adobe Acrobat that most people are not aware. It is a powerful OCR engine, too.

OCR stands for "Optical Character Recognition" and is a technology used to convert an image (such as a scanned typed document) into text that can be edited. For example, if you've received a thirty page contract that reads better than the one you've been using and you want to incorporate it into your practice, you can scan it into the computer, OCR it, and you (or your legal assistant) can now edit it for your firm's practice. You don't have to retype the whole 30 page document. Your legal assistant will be very thankful.

### **CMS – tracking**

Does your firm have a case or matter management system? If so, do you use it only for client information lookup (like you do with Outlook), or do you use it for tracking cases? For example, if a document is generated for the client/matter, it should be noted in the CMS. If you've discussed the case with opposing counsel or with the client, do you still make notes on a yellow pad, or do you type them directly into the CMS Notes/Diary?

Remember, if you keep notes on a sheet of paper and it goes into the file, only one person can have access to that file at one time (whoever has the file). But, if you keep it in the CMS or on the network, then anyone with authorized access can read the notes you typed in.

## **The *Paperless Curve* Level 3 – Advanced Paperless Technologies and Strategies**

### **Smartphone – document receive/review**

Smartphones will not replace your computer, at least not now. They are meant to be an *extension* of your computer and when used in conjunction with your desktop applications, can help you in your practice. As described above, most people use their Smartphones for cell phones, e-mail, calendaring, and contacts – usually through Microsoft Outlook.

But, with the right app, you can also receive and review documents, if you want. I add that last bit because the screens on these devices are obviously smaller than a computer monitor and if you're over 50, like me, it's hard to read the documents. And I hate scrolling left to right to read a line. However, I am somewhat impressed with the ability to read Word documents on my Droid. The technology is there, the screen resolution is awesome, and I can and do read short documents on my Droid. I don't create them on the Droid, though that is possible, but I can certainly see the benefits of receiving and reviewing documents on the Smartphone.

### **CMS – document assembly**

In studies that I've conducted as well as reviewed, most lawyers and staff that use a case management system usually only enter the initial matter information and use the system to track the matter – the diary or notes section.

However, if you go to the next level, set it up to use the document assembly function. This capability allows you to quickly and easily generate documents. Document generation is not difficult, though you do need to spend a little time setting up the document the first time. Once it's configured to work with the CMS, you literally push a button to generate the document, or a set of documents. It's that easy.

Obviously, this is not only a paper-saver (you don't have to print to review these documents), but it's also a time saver. In most CMSs, not only do you generate the document, but the system also automatically enters matter data into the record (“document sent to client”), but can also assign a particular time value to the time slip – no more having to bug the lawyer(s) for their billable time. That, and other CMS functions are described further.

### **CMS – workflow**

Most people that use a case/matter management system only use a small portion of the available functions – that's true of most software applications. There are typically four phases of

implementing case/matter management: get the contacts into the system; start using the calendar; get the document assembly up and running; and fourth – everything else.

Most CMSs have some workflow functionality and while it's sometimes difficult to understand workflow and even more difficult to implement, it does provide a law firm (and law department) with the ability to standardize standards. But, that forces people into doing the same thing the same way, making the office more efficient. You certainly have to be willing to change your habits, but CMS workflow is definitely one of those functions to be aware of. Whether you choose to implement it or not is your decision.

### **Dual (or more) monitors**

If I've said it once, I've said it a hundred times. Trying to manipulate data back and forth between programs (even cutting and pasting) using a single monitor will drive you crazy. There are multiple uses for dual monitors – many lawyers and staff who have “discovered” the magic of dual monitors understand that having your e-mail and/or calendar on one monitor while working on documents or research on the other is truly a time saver. But, in my opinion, the real power comes from those lawyers and staff that create documents from older documents using cut & paste features. And that's just one example.

Flat panel monitors have come down significantly in price – less than \$200 in some cases. Better yet, you can turn one monitor to portrait size so you can read the entire Word document page without scrolling while having the other monitor in landscape mode.

### **Digital dictation**

There have been plenty of articles about digital dictation, so I won't go into detail here. Not everyone dictates, and despite what the vendors tell you, dictation is not for everybody. It may be considered “old school” to dictate letters and other documents.

What I find curious is that most people think that digital dictation and voice recognition are one and the same – they're not. Of course, you can dictate and have the computer print out what you dictated (voice recognition), but in most cases, lawyers not only dictate the content of the document, but they also dictate instructions on what to do with the document.

Either way, know that digital dictation is one method for reducing paper.

### **Cloud computing**

This is a tricky one, because it depends on whether the lawyer is currently using a cloud-based system or a client/server system. But, as I've said in the past, I believe that cloud-based computing is the future of technology (after all, the model of “recurring costs” is the most efficient method for vendors to make money) and sooner or later, everyone will be in the cloud.

In my humble opinion, technology has a long way to go to change the culture of cloud-based computing, but we're making short strides. There are still issues of what to do when you have one system in your office and another system in the cloud, but those integrations are being worked out.

Cloud computing has come a long way since the late 90s and early 2000s, and it is one of those technologies that you either trust and use or you use with wariness. Either way, it is one more method of becoming paperless.

### **Adobe – digital signatures**

As mentioned before, Adobe Acrobat does much more than create PDFs. Many law firms will draft the document, print it out for signature, then scan it into a PDF document. That's fine, well, and good, but there are two methods you can use for digital signatures.

One is to sign a sheet of blank paper, scan it into the computer as an image, then insert the image where your signature goes on the document. That method is common and works well, but many lawyers insist on a true signature and I'm not sure you can convince them otherwise.

The other type of digital signature is usually associated with a digital "certificate." Without getting too technical, you can utilize Adobe Acrobat for digital signatures that incorporate encryption technology and PKI (Public Key Infrastructure) that should meet most state and federal legal requirements.

### **Adobe – redaction**

How do you redact a document? Most people will take the document and using a black marker, mark through that text they don't want other people to see. Then, they'll either copy the document or scan it and use that as their redacted document. Adobe Acrobat has that technology built-in. Simply highlight the text you wish to redact, then click on "redact." It's that simple.

## Summary

O.K., so now I've introduced to you the *Paperless Curve* – now what? That's really up to you. My intention was to provide you with a guideline on some of the available and cost-effective technologies and strategies for going paperless, or in a more practical sense, doing with less paper. The idea is that if you can incorporate some of these techniques, technologies, and strategies, you'll not only reduce your paper use, but you'll also increase your office productivity. And that, in most cases, will certainly increase your bottom line. Here's the summary of paperless technologies and strategies – where do you fall on the *Paperless Curve*?

Advanced	Adobe - redaction
	Adobe - digital signature
	CMS - workflow
	Cloud computing
	Digital dictation
	CMS - document assembly
	Smartphone - doc review
	Dual monitors
Intermediate	CMS - tracking
	Adobe Acrobat - OCR
	Adobe Acrobat - comments
	Meta-data removal SW
	Smartphone synch
	E-filing by attorney
	DMS - store docs & e-mails
	Scanning - back office
	Scanning - front office
Basic	Backups
	PDF creation
	Document storage on NW
	MS Outlook - Contacts
	MS Outlook - Calendar
	MS Outlook - E-mail storage

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