

**Oregon State Bar
Sustainable Future Section**

Photo: J. Michael Mattingly

The Long View

Going Paperless in a Large Firm Environment

By Lori A. Hughes

Miller Nash LLP is a law firm consisting of approximately 115 lawyers practicing in Portland and central Oregon, and in Seattle and Vancouver, Washington. Miller Nash, along with other large law firms, have struggled with making the move to a wholly paperless environment. Not because they don't want to but because the roadblocks seem daunting. Whether those initial roadblocks are the need to reach agreement with a larger management team and your partners, the need to first evaluate and possibly update software and hardware to meet a firmwide (potentially multioffice) approach, or the need to develop processes for a virtually unknown system, firms can be bogged down before they get started.

Three easily seen positives for moving to a paperless environment are (1) the nature of environmentally beneficial practices leading to sustainability; (2) a reduction in office space, one of the top two law firm expenses, which results in a smaller environmental footprint for the law firm or office; and (3) a long-term view to reducing off-site storage of materials (again, a way to reduce a large expense and the firm's environmental footprint).



At Miller Nash, although we knew that all three of these factors were important, we found some other specific impetus for our move to a paperless environment.

1. Inability to Manage E-Mail. It was becoming difficult, if not impossible, for lawyers and their staff to handle e-mail and maintain it in a paper file format. Thus, there was the possibility that client files were incomplete. We had explored uses of our document management software structure for this purpose, but its organization and flexibility were not sufficient.

2. Records Management Software Upgrade. Our firm's software was soon to be out of support and allowed only for a

paper file structure. The upgrade allowed us, for the first time, to have a system that was built to handle both paper and electronic formats. It also provided metadata support (for e-discovery) and full-content searching of all records, including readable attachments.

3. Lease Renewal. At the time of our analysis, within a three-year period, two of our office leases would be up for renewal, and in five years two more offices would be in that place. Whether we decide to stay and remodel or move to a new location, our office square footage would become a key factor for consideration.

4. Off-Site Storage Costs. Our firm has been around for well over 100 years, and luckily we have had a retention and destruction program in place for years. But the continued use and storage of paper for both business and client files has a large dollar expense attached to it as well as the issue of the amount of storage needed.

With few firms our size ahead of us in this paperless game, especially in the Pacific Northwest, we had to develop policies and best practices that fit the legal field and our firm culture. We have since rolled out our new records management software, focusing initially on managing e-mail, and started with a training program for attorneys, paralegals and their assistants. One area of enlightenment came when attorneys and staff were asked to begin to shift new cases and some existing files to a paperless environment. We found that one size does not fit all and that we need to work with teams to develop processes that fit different practice areas. Files contain a wide variety of records and are in some cases governed by different rules. A firm's structure and procedures must give litigation, business, estate planning, intellectual property, and others some room to customize and build a structure that conforms to the firm's goals but is still practical and efficient. We have met with practice, client, and industry teams to discuss firm retention policies, reviewed the PLF's guidelines for document retention, and developed options for electronic file structures, which may include the need to keep certain paper records, even if those are held only during the active period of a case.

We have opened up training to all personnel at this time and find that we are engaging more and more members of the firm in the move to paperless practices. Management teams are

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also looking for ways to work paperless and have initiatives that move our business records toward our effectively paperless goal as well. The firm's technology committee members continue to be cheerleaders of these initiatives and establish goals for making them a reality. Our staff and attorneys provide insight and innovation, and we continue to update our best practices and communicate those messages firmwide.

Today, at Miller Nash, more electronic or combination of paper and electronic files are being created than paper alone; we've reduced the amount of copier and printer paper we use as well as paper file supplies; we are working with our off-site storage vendor to build in practices that will reduce our overall paper content; and we continue to train our attorneys and staff on best practices and to look at technology and other processes that will help them to work more efficiently. The reality is that, although a complete "paperless" environment is not likely to happen for our firm due to our types of practices and our culture, we will definitely be an "effectively paperless" firm in the future and have a greatly reduced carbon footprint.

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