



The Long View

A Formula for Life

By Dick Roy

Over time, the evolution of life produced diversity and complexity of species and their biotic habitat. We now marvel at their curious behavior and specialized niches. *Why do monarch butterflies found in Eastern North America migrate thousands of miles each year to spend the winter in Mexico nestled in high-altitude oyamel fir forests?*



Humans evolved with the means to adapt to diverse bioregions, from the Arctic Circle to the deserts of the Arabian Peninsula, and to escape reliance on nature's bounty by growing our own food. One cost of our immense success is to reverse the evolutionary process by simplifying the natural world. Example: by subdividing a landscape forest into parcels of timber, we create many "edges" and simplify the forest ecosystem, thereby supplanting deep forest species with those that thrive along the edges, such as crows.

This impact of human activity on the biotic world was rolled into a now classic formula in the late 1960s by Paul Ehrlich, a Stanford University scientist:

$$\text{Impact} = \text{Population} \times \text{Affluence} \times \text{Technology}$$

In the IPAT formula, an increasing human population requires more space (encroaching on and simplifying habitat for other species) and more resources for basic needs. Affluence refers to the per capita use of products and energy. Technology refers to both the physical damage to the natural world and the pollutants emitted into the environment per product or unit of energy.

As a species, we have flourished and become the most populous large mammal on earth. Our numbers nearly quadrupled during the last century alone, from 1.6 billion in 1900 to 6.1 billion in 2000 and, as noted in Marilyn Hempel's article on page 5, will surpass 7.0 billion in 2011. Although the rate of annual worldwide population increase is declining, and population is expected to level off by mid-century, it remains a very significant factor in defining our future.

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Calendar

March 29, 2011
Miller Nash (Portland Office)
Robert Dietz presentation:
"A Steady State Economy: What Is It? Is It Possible?"

Going Paperless in a Large Firm Environment

By Lori A. Hughes

Miller Nash LLP is a law firm 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.



"Our staff and attorneys provide insight and innovation, and we continue to update our best practices and communicate those messages firmwide."

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

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A Formula for Life

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The last two determinants in the IPAT formula, affluence and technology, are closely connected. Both are manifestations of the industrial-growth society that produces goods through the use of technology.

In both developed and developing countries the resource and energy use per person is increasing. In America, as of 2008 home sizes had more than doubled since 1950, even though fewer people live in each home. A larger house requires more construction materials, energy, and furnishings, and it has plenty of space to store more possessions. Even the poor in our country often have luxuries not imagined sixty years ago, such as TVs and disposable diapers. Now, the people of Asia seek to catch up. In fact, China overtook the U.S. in the number of TV sets purchased and the number of refrigerators produced in 2000, and it surpassed the U.S. in total (not per capita) carbon dioxide emissions in 2006.

Although technology can raise or lower the impact, over time it has greatly increased it. For example, the leaf blower, which emits harmful air pollutants, has replaced the rake and broom. When synthetic detergents replaced soap, phosphorus became a water pollutant. On the other hand, compact fluorescent light bulbs are designed to reduce overall energy use.

With advanced technology, extraction of the earth's resources has increased. Bigger fishing vessels, better nets, and new technology for spotting fish have produced a 90 percent reduction in the ocean's large fish population. Advanced equipment and techniques en-

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Not Seeing Double: Double-Sided Pleadings Haven't Caught on in Oregon

By Amie Jamieson

For more than a decade, the Uniform Trial Court Rules (UTCRCs) have allowed for the filing of double-sided pleadings in Oregon circuit courts. See UTCRC 2.010(4). To evaluate the prevalence and acceptability of double-sided pleadings, members of the Sustainable Future Section spoke with a number of judges, court administrators, and lawyers across Oregon. We found that even with the increased interest in sustainable law office practices in recent years, double-sided pleadings haven't caught on with Oregon lawyers. Circuit courts have seen few double-sided pleadings, and some circuit courts report not having seen any at all.

If the UTCRCs specifically provide for double-sided pleadings, what is preventing lawyers from implementing the practice? Some lawyers have reported being concerned that double-sided pleadings are disfavored by the courts. Their concerns are not necessarily misplaced. Even for judges and court administrators who support sustainability efforts, double-sided pleadings present logistical challenges. It is difficult for court administrators to process and file double-sided pleadings when virtually all other documents they receive are single-sided. And it is more burdensome for judges to read and sign double-sided documents

in the current filing system that attaches documents with two-hole punches at the top.

Many of these logistical challenges could probably be resolved if the UTCRCs required double-sided pleadings and systems were modified to accommodate these pleadings as the default format. But is it worth the time and cost to do so? Many judges and lawyers say no. They expect that electronic filing systems, already in effect at the Court of Appeals and Supreme Court, will be implemented in the near future and eliminate the need to specify single- or double-sided pleadings.

Although e-filing would eliminate the specific question of how lawyers should file hard copies with the courts, it doesn't address the courts' internal processes. Even with an e-filing system, courts maintain hard-copy files and judges and other court personnel print out pleadings for review and signature. The question in the wake of e-filing will be whether courts will default to double-sided printing in their internal processes.

Amie Jamieson is a member of the Executive Committee of the Sustainable Future Section and an attorney at McDowell Rackner & Gibson PC

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able us to extract reserves of oil that previously were too small or remote, and to extract oil directly from

oil shale and tar sands. With these new techniques come adverse environmental impacts. With many coal deposits in Appalachia now too deep for traditional strip mining, mountaintop mining opens access to deposits as deep as 1000 feet below the surface. The mountaintop is first clear-cut and then leveled by explosives so that the coal can be removed, and the unused rubble is pushed into a nearby valley. With the technique of cyanide heap-leach mining, small particles of gold can be extracted economically, but at great cost to the natural world. To extract a single ounce of gold for ornamental use, 30 tons of ore may be taken from the earth.

A question is often asked, "How many humans might the earth support on a sustainable basis?" Although scientists can determine the carrying capacity for a herd of elk in a specific ecosystem, they seldom attempt to determine the earth's carrying capacity for humans. The variables are too great. Cornell biologist David Pimentel figures that the earth can support only two billion people over the long run at a middle-class standard of living. Another researcher, comparing dozens of carrying capacity studies, found the medians of the low and high estimates ranging from 2.1 to 5 billion people, depending on the metric used and the standard of living and technologies assumed.¹

Returning to the IPAT formula, and the political and economic climate today, we can see how public policy initiatives (largely unsuccessfully at this point) are focused on finding technology to reduce impact, without a serious attempt to reduce affluence as that term is defined. On the other hand, there are ways

in our personal lives in which we can joyfully focus on reducing affluence without any loss in life quality.

¹Cohen, Joel, *How Many People Can the Earth Support?* 1995

Dick Roy is co-founder of the Center for Earth Leadership, the Natural Step Network, and the Northwest Earth Institute—three Portland-based nonprofits.

"Although scientists can determine the carrying capacity for a herd of elk, they seldom attempt to determine the earth's carry-

Consider This...

"Problems cannot be solved at the same level of awareness that created them."

~Albert Einstein

Going Paperless in a Large Firm Environment

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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 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 our firm, more electronic or combination of paper and electronic files are being created than paper alone; we've reduced the amount of copier/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.



Lori Hughes is the director of records management and project implementation for Miller Nash LLP and is a past president and current member of the Board of the Association of Legal Administrators – Oregon Chapter.

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The Move to Paperless at the Office of Public Defense Services

By Kathryn Aylward

The Office of Public Defense Services did not set out to establish sustainable practices. Like many state agencies, we were faced with budget cuts that required us to save money wherever we could. As we began to go paperless, it was to save money and become more efficient, but the coda was always "Plus, it's good for the planet."

We started by scanning closed files to avoid storage costs. We soon realized that existing files with staples and post-it notes were not scan-friendly. So, we began preparing paper files appropriately for future scanning. Then we moved our office from an 18,000 sq. ft. property to a 14,000 sq. ft. property. Now, there is not even room for storing open paper files.

We redefined "print" to mean print to PDF. As documents are created, they are placed into a PDF file. Yes, we still send paper to our clients, but documents for the file and those sent to the court became PDF documents. This practice dove-tailed perfectly with the move toward e-filing in the Court of Appeals.

At first, some attorneys were resistant to giving up paper. But as soon as we reached critical mass (i.e. the PDF file was larger than the paper file), they began to see the benefits. If an attorney unexpectedly has to

stay home because of a sick child or inclement weather, they still have all of their files available at the click of a button, meaning no lost time for the employee or the agency.

Secretaries no longer spend time putting pieces of paper in a file. Attorneys no longer spend time asking secretaries to pull files. All files are available at the click of a button. Many OPDS clients are incarcerated and call collect to speak to their attorney. Having the file immediately available has reduced our collect call charges.

PDF files are searchable so that a 4,000-page transcript is now manageable. An attorney can highlight, bookmark, comment, and cut-and-paste from the transcript electronically.

Attorneys bring their laptops and iPads to team meetings so briefs can be reviewed without printing multiple copies. At oral argument, the entire file is available for the attorney.

Bottom line, OPDS needed to save money (and did). Plus, it was good for the planet.

Kathryn Aylward is the Director of the Contract & Business Services Division at the Office of Public Defense Services.

2011: The Year of Seven Billion

The Earth is One, The World Not Yet

By Marilyn Hempel

“The Earth is one but the world is not,” began *Our Common Future*, the famous Brundtland report on sustainable development. What goes up one nation’s chimneys or down its drains may come to rest on the trees or beaches of another. That report, written in 1987, continued, “We all depend upon one Earth, one biosphere, for sustaining our lives. Yet each community, each country, strives for survival and prosperity with little regard for its impact on others. Some consume Earth’s resources at a rate that would leave little for future generations. Others ... live with the prospect of hunger, squalor, disease and early death.”

Population

Add to that litany overpopulation, mostly in the poorest regions and in countries that have dwindling natural resources, countries such as Yemen and Somalia and Pakistan and Afghanistan. The world now faces the specter of a growing list of “Failed States,” more than 60 countries that cannot adequately care for their people, places that are a perfect breeding ground for violent unrest and terrorist organizations.

Today we are watching the reality of unsustainable population growth play out in the Arab Muslim world. Leading the unrest in Egypt, Libya, Yemen, Jordan, Palestine, and on, is a huge cohort of young people, yearning to make something of themselves. In most of those places, 40 percent of the population is under age 25. There will not be enough jobs. At the same time, those countries are running out of fresh water and cannot feed themselves. They import vast quantities of grain. Food prices are at an all-time high. Oil prices are at an all-time high. World wars have been started over less.

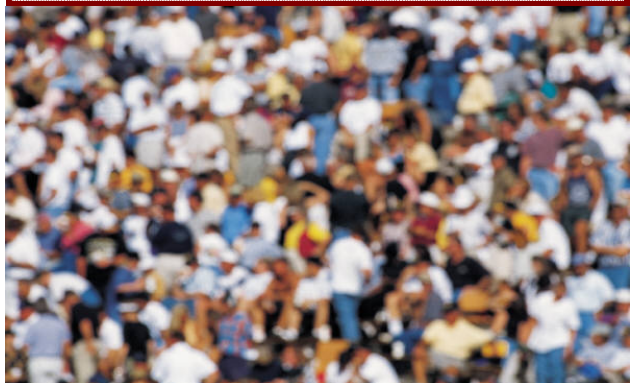
In 2011, the world will top seven billion people—and keep right on growing. It is true, due to worldwide efforts to provide family planning services, population growth is slowing. But while we are growing more slowly, *we are still growing*. We’re still adding about 220,000 people a day. The notion that we might have “only” 9 billion people by 2050 should be alarming to thoughtful people. The question is what will be left of civil society and of the non-human world by the time human population finally stops growing.

According to the most recent United Nations *Population Prospects*, fertility in the least developed countries is projected to drop from the 2005 fertility rate of 4.39 children per woman to 2.41 by 2050. To achieve this reduction, it is essential that access to family planning expand quickly. The urgency of realizing the projected reductions of fertility is huge. If fertility remains around the 4.3 level of 2005, the population of the less developed regions will increase to 9.8 billion in 2050 instead of the 7.9 billion projected by assuming that fertility declines. The reality: without further reductions of fertility, world population could increase by nearly twice as much as currently expected!

Despite the urgency of stopping growth, we don’t need “population control” if that means coercion. Instead of launching a campaign to make everyone worried about overpopulation, we need to pour our efforts into making sure every woman everywhere can get family planning services. Some 215 million women in developing countries want contraception but

Editor’s Note:

In this issue of *The Long View*, we have included two opinion pieces, one contributed by Marilyn Hempel (“2011: The Year of Seven Billion” on page 5) and another contributed by Robert Dietz (“Breathing Room Economics” on page 6). We hope that these and future opinion pieces included in the newsletter will stimulate reflection and discussion, and advance the dialogue within the Oregon State Bar membership about concepts that are central to sustainability. If you have an opinion or response you would like *The Long View* editorial committee to review for possible publication, please send an email to the editor at SFSeditor@millernash.com, with “*The Long View*” in the subject line.



don’t have access to it; give them what they want and you could eliminate 53 million unintended pregnancies a year. Then mix in some cultural shifts (not easy, but necessary) that would make it more socially acceptable to have one child or no kids at all. And there you go—you’ve brought down population numbers *and* improved millions of lives in the process.

Climate Disruption

The connection between population growth and climate disruption is complex and controversial. There is no doubt that adding more people to the planet only exacerbates the great problems we now face. And there is no doubt that increased investment in voluntary family planning services is cheap compared to the price of war or of coping with climate disaster. But climate change is largely being driven by the industrialized consumption habits of developed nations—led by the U.S. Let’s face it: as long as the U.S. is not seriously reducing its carbon emissions, American advocacy of family planning else-

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Breathing Room Economics

By Robert Dietz

When I graduated from college, I was trapped underneath a mountain of debt. I had no money in the bank, \$25,000 worth of student loans, and an interesting, but low-paying job doing research on economic and environmental policy. I'm sure many students today look at that \$25,000 figure longingly, as they struggle with debts upwards of \$100,000. But for me, the \$25,000 was huge. After adding up rent, food, loan repayment, and other basic expenses, I didn't have any money left at the end of each month. It became obvious very quickly that I was stuck – I didn't have something that I truly desired: breathing room.

In order to reclaim some breathing room, I decided to make paying off my student loans a top priority. I worked hard, cut expenses to the bone, and put as much extra money as possible toward those loans. I paid them off in 3 years and found myself with a bit of the breathing room I craved. How did I use it? I took an entire summer off from work and rode a tandem bicycle with my girlfriend (now wife) across the country – a trip that changed my life for the better, but that's a story for another day.

The story of human striving, whether considered in the context of an individual or an entire economy, features the quest for breathing room as a central theme. Attainment of breathing room bestows a greater level of security, a wider array of choices for how to spend time and allocate resources, and greater possibilities for meeting needs. Early economists such as Adam Smith and Francois Quesnay recognized the importance of breathing room in the form of agricultural surplus. It is precisely this agricultural surplus that allows for the division of labor. Without being occupied by hunting, gathering, growing, or otherwise obtaining food, people can spend their time and energy on other productive activities. Division of labor, in turn, has generated efficiencies and economic growth that have, in the past, provided even greater quantities of breathing room.

The emergence of breathing room in the economy has given rise to a choice, not unlike the financial situation I created when I paid off my student loans: what do we do with it? In the economy of a single household, this choice might take the form of purchasing more goods and services. It might also take the form of working fewer hours, spending more time on leisure activities, and sharing extra resources with family, friends or community members. In the broader economy, the same possibilities exist. We can use breathing room to consume more, to take more time off, to share, etc.

The economy of the United States and many other nations, however, don't recognize the range of choices. We tend to spend our breathing room the same way in an unending and unsound cycle of economic growth. When we have breathing room, we use it to expand the scale of the economic enterprise; we plow it right back into economic growth, and we have to stare down the possibility of running out of air.



Progress and prosperity are not about ever-increasing consumption of goods and services. True progress and real prosperity are about meeting needs, achieving a high quality of life for all people, and sustaining natural resources and useful infrastructure to provide opportunities for future generations.

The cycle is composed of these steps:

1. We grow the economy by increasing the production and consumption of goods and services (generally indicated by increasing real GDP).
2. As the economy grows, it begins to bump up against resource and ecological limits, and we experience the negative effects of that growth.
3. We use technological innovation to push back the limits to growth.
4. We establish breathing room.
5. We use up our breathing room to go on growing the economy and the cycle repeats itself.

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2011: The Year of Seven Billion

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where appears to blame climate change on others. We must change our own society while at the same time helping others if we are to achieve a more stable world. And we must do all this within the life-support system of one planet—while leaving habitat for non-human lives.

That means, put simply, fewer people demanding less stuff. Saying it is easy; doing it is hard; not doing it has consequences many of us do not yet comprehend. As Lester Brown exhorts us: "First we need to decide what needs to be done. Then we do it. And then we ask if it is possible."

An Action Agenda

The core values and purpose of the sustainability movement have been defined. Value the Earth upon which we all depend in order to survive. Do not take more than your "Fair Earthshare" of the planet's resources. Consider and ensure the health and happiness of future generations when making decisions. Sustainability is deeply concerned with enhancing and preserving quality-of-life opportunities for both current and future generations.

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Breathing Room Economics

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A critical change, however, occurs each time through the cycle. Resource and ecological limits become more imposing, as the consequences of growth shift from the local to the global scale – instead of worrying about a local river catching fire, we are now worried about destabilizing the climate of the entire planet. In turn, the technological innovation needed to deal with these consequences becomes more complex. If we stay in this cycle, the prospects of achieving lasting breathing room are dim.

The story of Norman Borlaug demonstrates the point. Borlaug was an amazing plant scientist. He directed an agricultural research program in Mexico, and over the course of twenty years, he developed a new strain of high-yield, disease-resistant wheat. He took what he learned and set out on a humanitarian mission to battle hunger by spreading his new strains and farming techniques around the world. His effort came to be called The Green Revolution, and it prevented famine, suffering, and starvation for masses of people. Borlaug was spectacularly successful in achieving breathing room. What did we do with this cushion? We used it for growth.

When Borlaug won the Nobel Peace Prize in 1970, the number of malnourished, hungry people was estimated to be about a billion, a huge and scary number. How many hungry people are there today? Just about the same. Instead of using our breathing room to eliminate hunger, we used up our breathing room by growing the population and the amount we consume.

Spending our breathing room on economic growth failed to eliminate hunger, but it also intensified our resource and ecological problems. Environmental issues used to be local in scale – a river on fire here, a wetland filled in there. Now many of the issues have become global. Think climate change, deforestation, disappearing pollinators, deformed amphibians, acidifying oceans, and other disturbing world-

True progress and real prosperity are about meeting needs, achieving a high quality of life for all people, and sustaining natural resources and useful infrastructure to provide opportunities for future generations

wide phenomena that are well documented in the scientific literature. As the consequences pile up, maybe another Norman Borlaug or a hundred Norman Borlaugs will come along. But wouldn't we have been better off stabilizing our growth and preventing both hunger and all the collateral damage to ecosystems?

Why, then, must we spend our breathing room on growth? What about short-circuiting this cycle of growth? The economy is a human construct, and growth of the economy is not an ironclad natural law – it is a human choice to grow the economy. Granted, our institutions and culture are geared for growth. Cessation of growth is avoided at all costs for fear of unemployment and social instability, but with growth working like a huge vacuum cleaner sucking up all our breathing room, perhaps it is time to get to work on changing our institutions and culture. With the right economic framework in place, we can take our breathing room and cut out steps one, two and five of the cycle. In a steady state economy, we can use our breathing room for innovation and development, rather than for growth.

Progress and prosperity are not about ever-increasing consumption of goods and services. True progress and real prosperity are about meeting needs, achieving a high quality of life for all people, and sustaining natural resources and useful infrastructure to provide opportunities for future generations. Breathing room is the main ingredient in the recipe for progress and prosperity. Unmindful pursuit of economic growth is eating up this main ingredient before we can even finish preheating the oven. Establishing a steady state economy, with stable population and stable throughput of energy and materials, is the way to protect our breathing room. The sooner we get started on the transition, the sooner we can all breathe a little easier.

2011: The Year of Seven Billion

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But how do these grand goals translate into action? How can sustainable communities be created without a general consensus across the globe that change is urgently needed? The answer can be found in the old adage that “a journey of a thousand miles begins with a single step.” *We* must be the change we wish to see. All of us can become more aware of the forces that motivate or hinder people. Awareness can bring understanding; understanding can bring action. In our many daily decisions and actions—however small, however large—we can be the change we wish to see.

Marilyn Hempel is the Executive Director of Blue Planet United (www.blueplanetunited.org), a non-profit organization dedicated to helping people make connections between population stabilization, sustainable consumption, and the preservation of wild landscapes and seascapes. For the last 16 years, she has been the editor of a news journal, the *Population Press* (www.populationpress.org).

Robert Dietz is the Executive Director of The Center for the Advancement of the Steady State Economy (CASSE), which is based in Washington, D.C. Mr. Dietz will be discussing the steady-state economy at the SFS program scheduled to take place on March 29, 2011 at Noon at Miller Nash in Portland.



Going Paperless: Insights of a Law Firm Chief Operating Officer

By Janis Alexander

Ambrose Law Group LLC, founded more than 20 years ago, is a boutique business, real estate, and finance law firm with offices in the Pearl District in Portland, Oregon, and a branch office in Bend, Oregon.

Technology has always been a very important part of our practice. In the mid 1990s, at the ABA Annual Meeting in San Francisco members of management attended a CLE presented by the Law Practice Management Section entitled “Technology for the Rest of Us,” with veteran attorney speakers who are also technology experts. After meeting with Ross Kodner, an attorney and technology expert from Wisconsin, we got very excited about totally revamping the way our firm did business and moving it to another level in order to better compete with the largest law firms by utilizing technology. Having “top down” buy-in from management and partners was a great advantage because we could do things much faster if they did not need to be convinced.

The Plan. Upon our return to the office, I formed a staff committee (consisting of staff members most excited about this new concept) to start planning what I consider to be the hardest part of this new plan—the implementation and procedures. There were and are so many things to think about, it can be daunting. As we all know, attorneys and staff get very used to doing things the “same way we always have done them,” and can push-back against even the smallest changes. Realize there will be resistance, but nothing good ever comes easy. With the staff’s assistance, we began to develop a plan that would not overwhelm our office and never looked back.

The Technology. After meeting with some excellent computer consultants, we put in place some high-end scanning equipment. We now use a Xerox multifunction machine which prints, copies, and is a high capacity color scanner. We also greatly enlarged our online storage capacity and added a document management system (“DMS”) called Worldox. Worldox is an excellent program that is now extremely popular in small, medium, and large law offices, in part because it is much less expensive than other programs on the market. Now, our attorneys and staff could not live without it.

The Implementation-Figure Out the Issues. Just a few of the issues we faced in this endeavor are as follows (there are many others):

1. Develop intake procedures for data, including mail, voicemail, faxes and email.
2. Determine who is responsible for scanning and profiling documents in the DMS.
3. Identify who you want to organize the electronic file cabinet.

4. Decide whether you are going to keep electronic, hard copies or both.

Electronic Filing Procedures. When moving to this electronic filing system, the first step was figuring out what happens in our office on a “day to day” basis. Our office is structured differently than most law firms. Instead of attorneys being assigned to a particular legal secretary or paralegal, our office works in three teams: (a) Business Team; (b) Real Estate Team; and (c) Litigation Team. Several decisions had to be made :

1. **What happens with the Mail?** In our case, it is opened and sorted and given to the paralegal in charge of the particular matter. That person will then stamp, scan, profile and email to appropriate team members working on the file and it will be filed in the hard copy file, if applicable.
2. **What about Email/Voice Mail/Fax In Box Issues?** Our office uses a universal in box through Outlook (includes immediate access to voicemail and faxes, as well as email, within Outlook’s window). These documents (including email) are not printed for physical files, but rather are filed electronically by those sending or receiving them. Junk faxes are simply deleted, and saved faxes and applicable voicemail are forwarded to other team members via email.

Files, Files, More Files. At this time, we made the decision to move to electronic-only files. In evaluating how to do this, we adopted this approach::

1. We started with a test category (ours was loan documentation files), in which files are pretty standard in each case.
2. It is our procedure to save all files and profile them electronically through our DMS for easy searching, both full text and by several profiles that the user completes when saving each file to the network.
3. We scan and send all original documents back to the client when received from the recorder’s office. Why do this? Both we and our clients have the documents when needed, we don’t pay to store original paper documents, and the PLF loves it!

At this time, all files in our firm are electronic only with the exception of litigation files and company minute books (although the actual corporate file is all electronic, including an electronic version of the corporate minute book). Moving our litigation files to all electronic files is our next goal so all of our files are electronic only

Closed Paper Files. What happens when the paper files have been closed?

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The Long View

Photo by J. Michael Mattingly

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osbsustainablefuture.org

Editor's Note:

Thank you for reading *The Long View*. Your input and suggestions on content are welcome. E-mail SFSeditor@millernash.com to comment.

Michelle Slater, Editor
Miller Nash LLP

Announcements

The Steady State Economy: What Is It? Is It Possible?

Is the global economy, in its current configuration, sustainable? Is it true that “there is no alternative” to exponential growth? The Center for the Advancement of the Steady State Economy (CASSE) would answer, “Clearly exponential growth is not sustainable. We must find an alternative or suffer the consequences of overshoot and collapse.”

Rob Dietz, Executive Director of Washington, D.C.-based CASSE, will present the case for the steady state economy.

Brown bag lunch
Tuesday, March 29, 2011, 12:00 to 1:15 pm

Miller Nash LLP
111 S.W. Fifth Avenue, Suite 3500

RSVP to rseifried@cablehouston.com, or email for a call-in number and pass code.

Insights of a Law Firm Chief Operating Officer

(Continued from page 8)

1. Staff reviews a file to make sure it does not contain any original documents while at the same time taking out all paper clips, staples, note pads, etc. for recycling purposes. After doing so, the file is scanned in bulk, by section of file (such as correspondence) and saved and profiled in the electronic file cabinet with all the other client documents, but in a separate electronic folder.
2. Documents are then shredded and staff makes a file maintenance entry in our time/billing software to track files.
3. Why go through the hassle when you can just store the files? (a) To save storage costs, which really add up over long periods of time; and (b) to save costs for office supplies by recycling them, which is good for the environment and your budget.
4. Another great advantage to this system is that there are no storage and retrieval costs or delays because the electronic file is on the network if anyone needs it, including those working outside the office with access to our network. There are no payments to third-party vendors for storage and it really reduces office space needs for storage in file cabinets.

Branch Office. Our firm's branch office in Bend, Oregon, is almost entirely without paper files. Attorneys there access the firm's network files through high-speed internet using Citrix technology. This practice requires a much smaller office footprint and reduces overhead.

Sustainability Issues. As stated earlier in this article, our firm started this office concept long before sustainability issues were important to law firms or most of the world. It is a win-win for all. This office concept fits right in with saving the environment by reducing waste and by recycling those few office supplies we actually need to use on a daily basis. And, employees can work from home or anywhere without having to waste gas to come to the office, giving all employees much more flexibility.

Going paperless is a major venture, but our firm would never go back to the way we used to do things. We feel it is the wave of the future in law firms, provided their attorneys and staff members are willing to change old habits.