



Legal Services & Document Scanning - When is it useful?

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Introduction

While there are many types of law practiced within the transactional and litigation segments, they are all document intensive, using different workflows to move documents through the organization and through the case management process. There are many common factors in relation to how those documents and processes are managed. Documents associated with a case may include:

- Correspondence
- Depositions
- Photos
- Video
- Audio recordings
- Other evidentiary materials that may be digital or physical in nature.

When digital, this information could be in many different file formats with varying degrees of metadata (tagging) and searchability. When in paper form, the size and condition of the paper could range from a small sticky note to large format drawings. Delivery of this information can range from traditional postal and courier services, to fax, email and file transfer.

Within a firm you will find many players, ranging from managing partners, through attorneys and paralegals, to administrative personnel, each with a specific role and responsibility for taking action and managing the case-related documents through the process. They will use a range of technologies. At the core might be a Practice Management System (PMS), but there might also be accounting and payroll applications, discovery management systems, and the usual office software. They will also have access to MFPs (multi-function peripherals with combined copy, print and scan functions), dedicated document scanners, PCs, laptops, and (increasingly) mobile devices and tablets.

As with the roles of the personnel in the firm, each technology has a role to play in the case process. For example, each of the partners, associates, paralegals, and receptionists might have a desktop scanner allowing them to capture and upload case-related documents directly to the PMS. The mailroom might use a production-level scanner to capture higher volumes of inbound documents and direct them to their intended recipients. The MFP will be accessible by all staff members for walk-up scanning, and handling awkward sizes and shapes. As part of these scanning processes text recognition technologies (OCR) might be applied to help automate the indexing process and enable the captured documents to be searchable, rather than simply storing a flat image-file in the archive. Digital signatures is another technology that not only aids in paper reduction, but also provides an enhanced integrity factor, with the system-applied date, time, and user information recorded in the audit log. Add workflow to this mix and we have a highly automated and controlled environment that streamlines business processes, applies and maintains operational rules, and provides notification to the team members when information is available and actions are required.

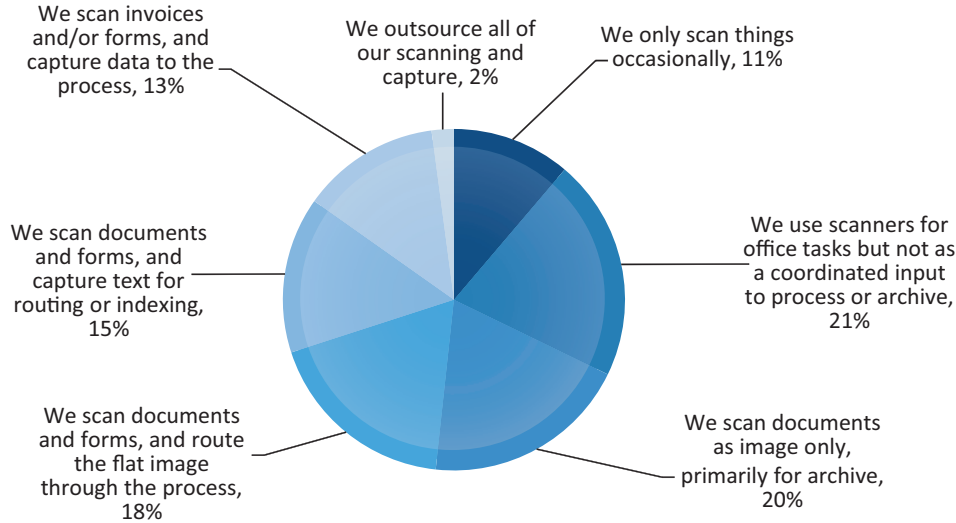
In this paper we will focus on a legal claim brought by the driver of a vehicle involved in an accident. We will look at the use of scanning technology in this case, and how it can be used at many points in the process.

Background of the Firm

As they have grown over the last few years, the legal firm has had a number of issues such as difficulty providing customers with up to date information on their case, lost paperwork, and lengthy processing times, with delays in sending and receiving information. Recognizing that the market in which they operate in is highly competitive, they have recently invested heavily in technology to make their processes as efficient as possible.

Paper has been removed from as many processes as possible and case management software is used to efficiently route claims through the workflow. A digital mailroom, with production grade scanners and capture software, has been installed to intercept and convert paper to electronic format so it can be routed as quickly and efficiently as possible. The capture software takes data from the scanned image to automatically route the documents to the correct workflow, further decreasing the time taken to get incoming mail processed. Multi-Function Printers (MFPs) and Document Scanners have also been installed in a number of locations including many desktops in the office and the home offices of the attorneys, to make it easy to scan paper that does not come in through the digital mailroom, and get it in to the electronic workflow.

Figure 1: How would you describe the level of image capture maturity in your business unit? (N=420)



Recent AIIM research¹ shows a wide ranging picture of scanning and image capture progress. While around 70% of businesses are scanning as part of a process only 15% are capturing text to route the document through the workflow.

The Case: An Injured Driver

A driver has recently been involved in an accident, severely damaging his car and leaving him with back injuries that will require months off work and costly medical treatment. The driver is adamant that he was not at fault, and the police accident investigators have indicated that speed was not a contributing factor, with mechanical failure being to blame. It appears that the front passenger side wheel had worked free without warning while the driver came round a bend in the road, and this resulted in the loss of control and subsequent crash.

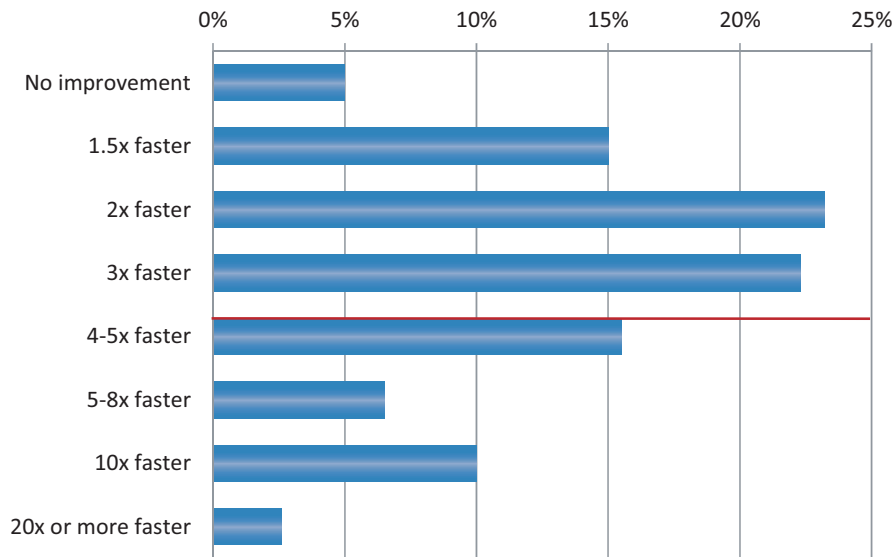
The driver had recently taken the vehicle to the local franchised dealer for its annual maintenance check which, other than routine maintenance, did not highlight any problems. He now suspects that the dealer's mechanic did not tighten the wheel to the correct torque, and feels that they are to blame for the accident.

Making a Claim

The driver has filed a claim with his insurance company completing the initial claims forms online, and providing paper copies of the accident report forms through his local agent who scanned them and uploaded the scanned images to the main office claims system. Based on this information, his insurance company has put him in touch with a law firm—forwarding all of the digital information obtained to date to the law firm—to determine if a claim can be made against the dealer for poor workmanship. The paralegal assigned to the case at the law firm opened a new case file, imported all of the provided information, and emailed to the driver all of the forms that need to be completed, as well as a list of other documents that will be needed, including the receipt and stamped service book from the garage, damage reports, police incident report, medical reports, etc.

The law firm has asked that as many documents as possible be submitted electronically to make processing the claim as quick as possible. The driver is able to electronically complete the forms sent but most of the additional backup documentation is on paper. The driver was missing the car damage report so he called the dealer to request it. To speed up the process, the dealer scanned the report on their office MFP and emailed it to the driver, along with accompanying photos. The driver was then able to email the completed forms and damage report to the law firm, indicating the additional documents will be mailed.

Figure 2: By how much do you think driving paper out of the process using scanning and capture improves or would improve the speed of response of your organization to customers, suppliers, citizens or staff? (N=341)



AIIM research¹ shows that on average scanning and capture improves speed of response by 4x.

Back at the Law Firm

Upon receipt, the law firm adds the documents to the case file in the PMS, noting which supporting documents are outstanding. Through the use of automated workflow, notification is sent to all of the case team members, enabling the claims adjuster and investigators, to get started immediately, knowing that the other documents will be arriving by mail shortly.

The remaining supporting documents arrive at the law firm's digital mailroom within a few days and are immediately scanned using a production grade scanner, categorized and added to the case file once again providing notification to the team. This process allows the law firm to access and manage the case electronically, check that all relevant documents have been provided, while giving anyone who needs access full visibility of information and progress.

During the progression of the claim, the dealer's attorney mailed additional documents to the driver's attorney. As with the supporting documents provided by the driver all this paperwork is routed to the digital mailroom, scanned, classified, and entered into the workflow, with the case file updated to show that there are additional documents to review. Meanwhile, the driver locates the service report and drops it off at the firm's branch office. Rather than photocopying the document and sending it by mail bag to head office, the receptionist scans the document using a desktop scanner, and routes it to the case file at the head office. Even though the assigned Associate Attorney is working off site, she was notified via the automated workflow software and because all of the relevant documents are available electronically, she is able to work as easily as she would in the office, without carrying a bulging briefcase back and forth to the office. Letters to the law firm acting for the garage are dispatched electronically and a provisional court case is logged on line.

Two days later the driver calls to inquire about the progress of the case. Because everything is electronic, the administrator is able to immediately check that the review has been carried out and update the driver of progress, including the confirmation of the provisional court date that arrived in the mail that morning.

The case is soon settled out of court, with the dealer's insurers agreeing to compensation payment and costs, but if court action had proceeded, the complete case history would have been available for online access by laptop or tablet. Both sides sign and date a paper copy of the agreement due to the regulatory nature of the State in which the accident and litigation occurred. The associate attorney immediately scans the signed document using a portable scanner, and uploads it to the PMS. Notification of the completed settlement is sent to the accounting department where billing costs are tallied, an invoice is generated, and payment issued to the driver.

Conclusion

While this may be a simplified version of a typical case, the message is clear that just as the PMS is a core business technology in many law firms, process improvement and paper reduction have been identified as key improvement steps. The use of MFPs, scanners of varying types, and a PMS with workflow software has provided the law firm with a number of benefits when compared with the previous paper-based processes:

- Improved customer service
- Increased availability and visibility of information
- Reduction in case completion times
- Virtually eliminating lost paperwork

Alternatively

In a scenario where the law firm had not invested in scanning and capture technology the story would have been a little different:

- The law firm would have put the claim forms in the mail with the driver completing them by hand and mailing them back with the other documentation, extending the initial assessment time considerably.
- The driver would have had to wait for missing paperwork to be mailed to him before forwarding on to the law firm.
- Each time paperwork was exchanged delays would be caused. Paperwork could be lost at any point.
- Visibility of case progress would be limited and the administrator would not be able to easily access the case files.

References

AIIM Industry Watch, July 2013, "Winning the Paper Wars – capture the content and mobilize the process troops" www.aiim.org/research

About the author



Bob Larrivee is Director of Custom Research at AIIM, and an internationally recognized subject matter expert and thought leader with over thirty years of experience in the fields of information and process management. Bob is an avid techie with a focus on process improvement, and the application of advanced technologies to enhance and automate business operations.



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