



DOCUMENT RETENTION AND MANAGEMENT SURVEY

prepared for

LAW FIRM ALPHA, PLLC

October, 2007



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EXECUTIVE SUMMARY

Law Firm Alpha

prepared for: **Law Firm Alpha – Managing Partner**
date: **October XX, 2007**
report topic: **Records Management Policy & Procedures**

Profit Coaching Inc. has completed our initial review of the areas of interest as directed by LFA Managing Partner on August XX, 2007. We want to take this opportunity to thank the LFA team that helped us compile the necessary information for this report.

This report highlights significant process improvements which could yield LFA \$1,000,000 over five years.

Document Generation, Movement and Security

Key Issue/Recommendations:

- Filing work is spread across assistants and paralegals allowing for lean records management staff, but masks true cost.
- Shift responsibility and accountability from highly compensated personnel to a new file specialist position to enhance quality of work and reduce expense.
- Use time and space saved to generate additional revenue.

Documenting the Process

Key Issues/Recommendations:

- Data is entered into two database programs wasting time and creating redundancy.
- Limited search capability in CASE MGMT DBASE hurts productivity.
- Imperfect naming conventions result in lost time.
- Informal accountability leads to duplicate record creation.
- Records coordinator computer hardware limits efficiency.
- Formalize accountability.
- Write Records Management SOP handbook.

Space Utilization

Key Issues/Recommendation

- The greatest amount of space is occupied by the least used items.
- Staff efficiencies are limited by the space plan.
- Send records offsite and convert space to income producing.

Implementing the Retention Policy

Key Issues/Recommendation:

- More suitable computer hardware can reduce archival research time.
- Pre-1980 boxes lack client matter numbers adding time to audit process.
- Study cost associated with auditing oldest records.

LAW FIRM ALPHA: RECORDS MANAGEMENT AND RETENTION SURVEY

Survey Scope: Records Management Processes

1) How are documents generated (i.e. by whom, indexed how, with what frequency, how are they physically moved and secured, etc.)?

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1. HOW ARE RECORDS GENERATED, INDEXED AND HANDLED?

Current Process Description

Who:

Most documents are generated by the attorneys and assistants.

Documents are handled by attorneys, legal assistants, paralegals, temps, office assistant personnel and FV personnel.

What Kind:

Records for retention fall into two categories: Client Case-related and Administrative.

The greatest bulk of documents for storage are Client Case-related.

How Generated:

Client Case documents are created in Microsoft Word according to templates stored on server.

In the course of a Client Case, numerous hard copy originals and duplicates are generated.

Frequency:

Hourly/Daily

Closed Case Procedure (performed by Assistant):

Organizes contents of boxes and groups documents and folders according to type (correspondence, pleadings, motions, settlement agreements etc.)

Removes any unnecessary material: drafts, duplicates etc. Removes contents of binders and places in redweld folders.

Creates index document in Microsoft Word according to template for Single-Case per box, or Multiple Case per box. Index includes Client Case #, Attorney #, Date, Document management instructions and timetable for destruction, Document #, and Box Contents.

Prints hard copy of index for signature by attorney as authorization for document retention and destruction.

May keep one copy of the signed original index, makes at least one copy, and sends the original and at least one copy with the box to the Records Manager.

Receives back from Records Manager a copy of the signed original Index with the FV box numbers appended. May retain or discard according to personal preference.

1. HOW ARE RECORDS GENERATED, INDEXED AND HANDLED?

Current Process Description, Continued

Closed Case Procedure (performed by Temp):

Organizes contents of boxes and groups documents and folders according to type (correspondence, pleadings, motions, settlement agreements etc.) Makes hand written notes.

Removes any unnecessary material: drafts, duplicates etc. Removes contents of binders and places in redweld folders. Makes hand written notes.

Creates index document in Microsoft Word according to template for Single-Case per box, or Multiple-Case per box. Index includes Client Case #, Attorney #, Date, Document management instructions and timetable for destruction, Document #, and Box Contents.

Prints hard copy of index for signature by attorney as authorization for document retention and destruction and gives to assistant. Makes at least two copies, one for assistant, one for the box, and possibly one for retention “in case”.

Makes labels for the boxes for future visual reference by assistant, and sends the original signed indexes and one copy of each with the boxes to the Records Manager.

1. HOW ARE RECORDS GENERATED, INDEXED AND HANDLED?

Identifiable Issues

a) **Redundancy.**

Refer to maps 1A and 1B attached. As a general standard of prudence, numerous duplicates of index documents are generated and circulated to parties deemed appropriate. However, there remains an open issue of who should be accountable for retrieving the information in these documents, which sustains uncertainty and the need for more duplication than is necessary.

The only way for an assistant to be able to accurately recall documents from storage is to refer to the index duplicate with FV box#s s/he receives from Records Manager. However, there is no SOP for filing and indexing these hard copies, or any equivalent electronic copy, and disposition of these duplicate documents is left to the assistant's personal preference. Since Records Manager retains the original signed copy, the onus appears to be on Records Manager to produce the information if the assistant asks for it.

b) **Exceptions.**

Occasionally, the contents of one or more older boxes have been confused. There's no way for Records Manager or the assistant to determine from available records which boxes contain what documents. Solution may involve meeting with Records Manager, legal assistant and attorney to determine best course of action, and best use of box recall. Cost of this kind of exception in time and revenue activity interruption is estimated at \$500 - \$1000 per occurrence, depending on who is involved and the solution implemented. Occurrence is not frequent, but costly all the same.

c) **Lack of naming convention for Index documents in MS Word.**

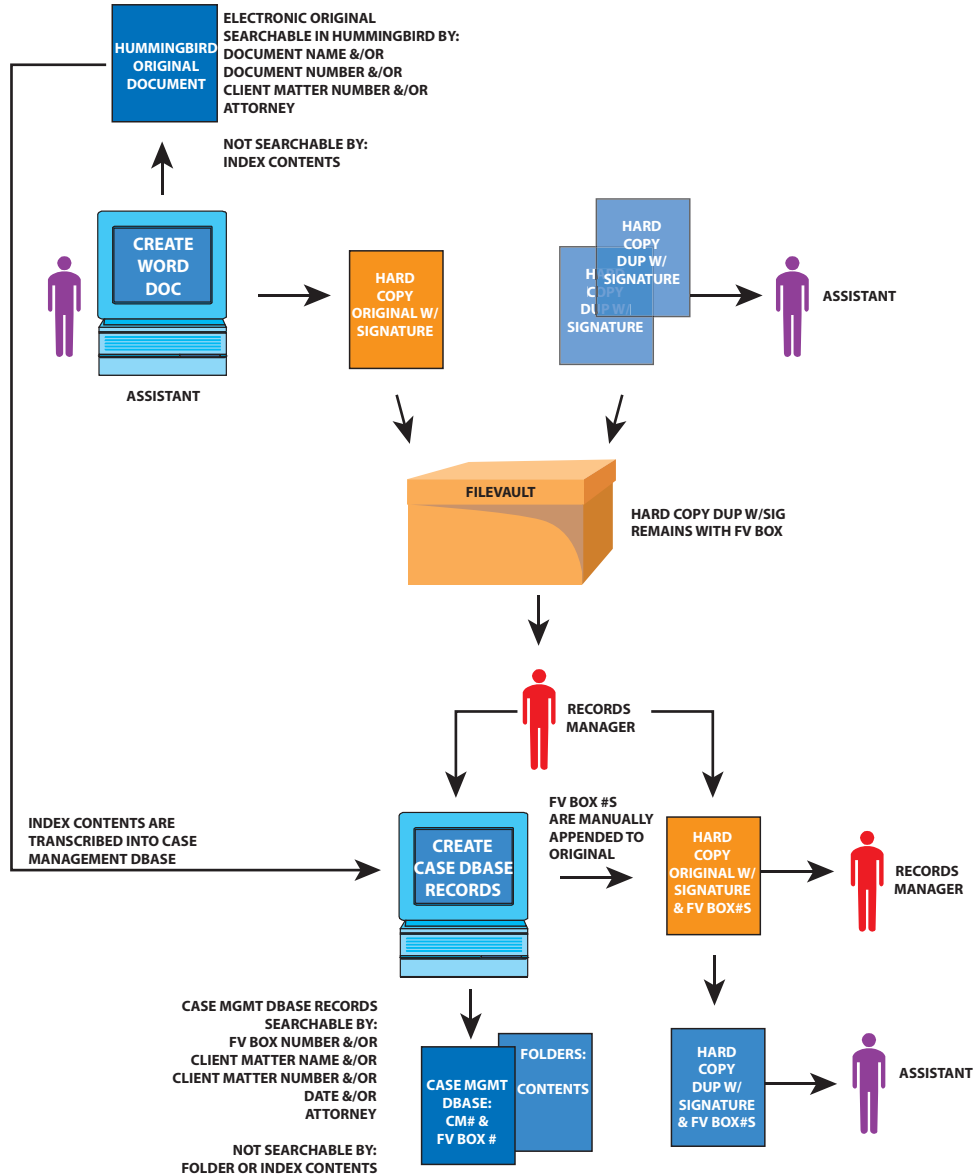
Soft copies of documents may be retrieved by document number, but there appears to be no easy way to recall index documents according to any natural way of referencing Client Cases. Example: a Client Case may be formally named "X" but everyone refers to the client as "Y". Also: a Client Case or Client Name may be "X" but a search for "X" retrieves hundreds of documents with similar name.

d) **Index documents cannot be searched based on the known contents of the index.**

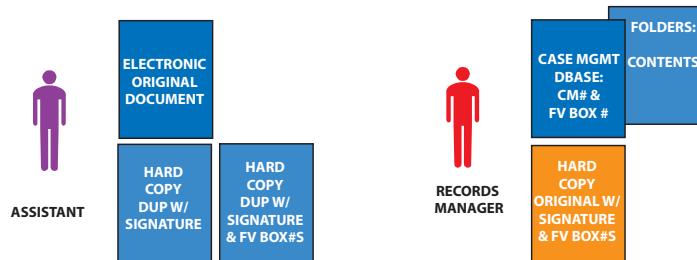
Neither in Word nor in CASE MGMT DBASE. In MS Word, in a Multiple Case per Box index, the box contents are listed in the body of the index, but that body text cannot form the basis of a search for those contents. Client Cases X and Y may be contained in the body copy of a single index, but if neither is in a searchable field, then neither can be found. In CASE MGMT DBASE, the box contents are cut-and-pasted into a narrative field, that does not allow a keyword search, and so the contents are not searchable. Box and file numbers, attorney, Client Case #, and date are searchable.

e) **Accountability for adherence to SOPs and exceptions.**

Who is accountable and how enforced?

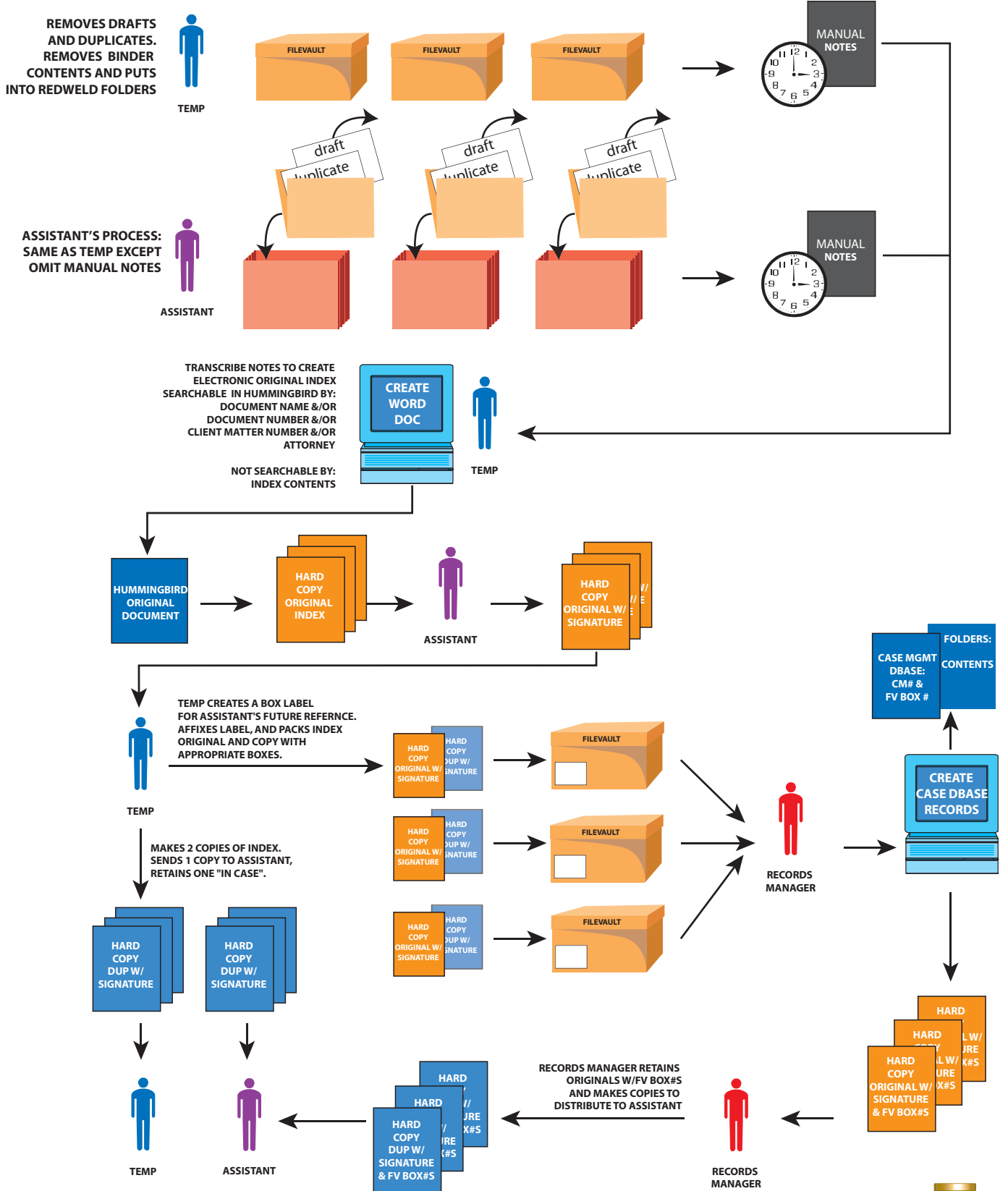


Index Document Custody



Closed Matter Procedure: CURRENT WORKFLOW W/TEMP

MAP 1B



1. HOW ARE RECORDS GENERATED, INDEXED AND HANDLED?

Opportunity for Cost Reduction

Currently, the LFA records management department formally consists of two people, Records Manager and Records Assistant. A temporary employee is helping the Lead Legal Assistant with current and backlogged closed case filing.

The primary responsibility for closed case filing falls to the administrative assistants and paralegals. While this keeps the personnel costs associated with file management to a minimum, pushing filing duties upward to more highly paid administrative assistants and paralegals may be camouflaging the actual cost of file management:

COSTS	2006
New Case Boxes Filed	2187
Recalled Boxes Filed	1322
TOTAL	<u>3180 boxes</u>
Estimated hours filing and indexing @ 30mins ea	1590 hrs
Estimated cost per hr (Salary plus benefits)	\$45
Total Base Cost for overqualified personnel	\$71,550
Loss of revenue generating time of qualified personnel	<u>\$71,550</u>
Actual Cost of Filing	\$143,000
Filing Cost with additional 40% personnel	\$200,200
Estimated cost of Status Quo over next 5 years (not adjusted for inflation)	\$1,001,000 (A)

ADDITIONAL REVENUE GENERATED THROUGH SAVINGS

Replace existing personnel hours with 1 FT filing specialist	\$40,000
Replace filing specialist's Admin station with notebook PC	\$1000 (Dell Latitude 520 or eq.)
Total Year 1 Cost	\$41,000
Estimated cost for the next 5 years (not adjusted for inflation)	\$201,000 (B)
Estimated Revenue from Labor Savings over 5 years	\$800,000 (A – B)
Adt'l Revenue of freed up Admin station over next 5 years	\$297,500 (125sf. est. @ \$476/sf)

Estimated Additional Revenue over next 5 years \$1,097,500

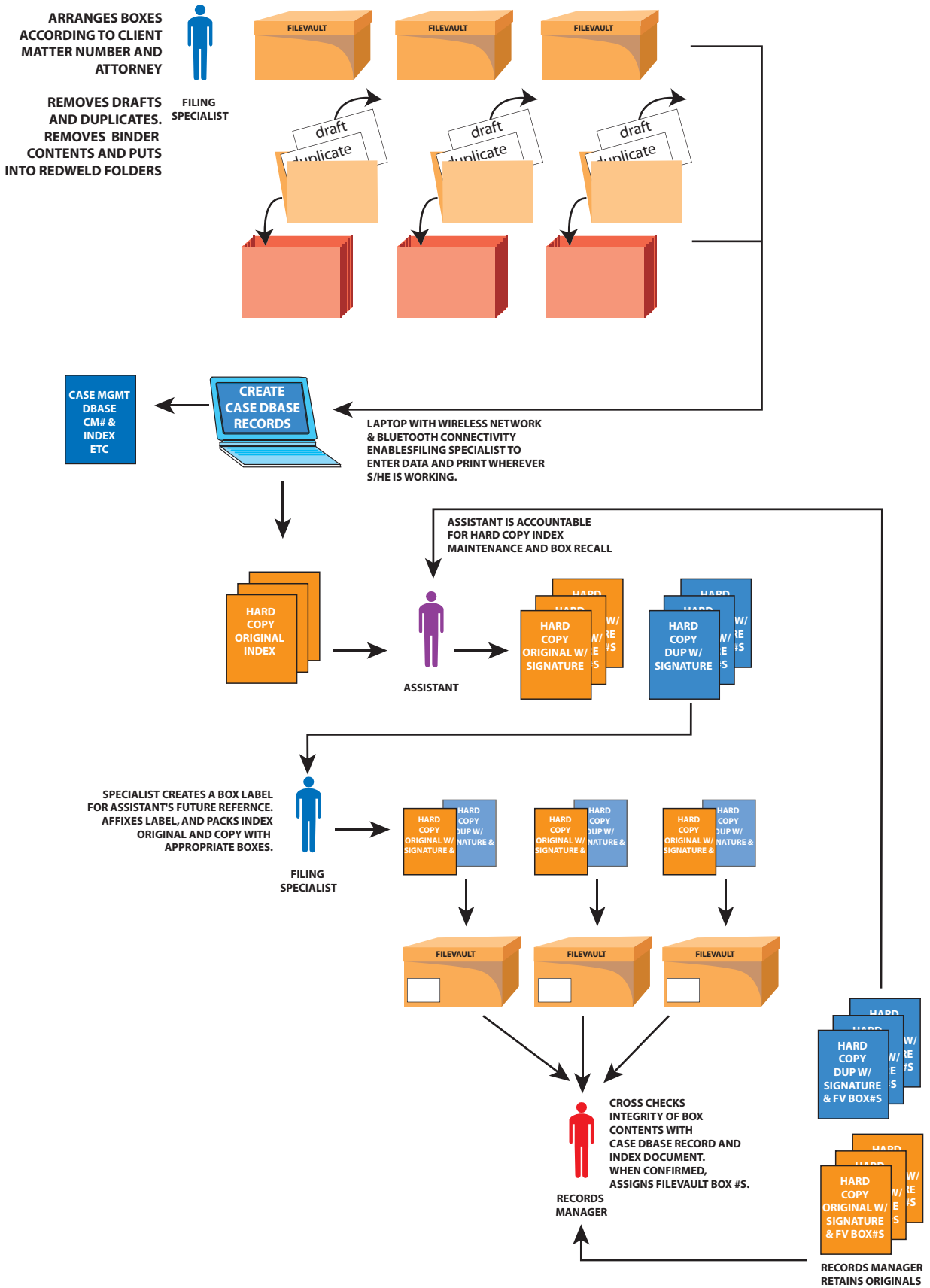


1. HOW ARE RECORDS GENERATED, INDEXED AND HANDLED?

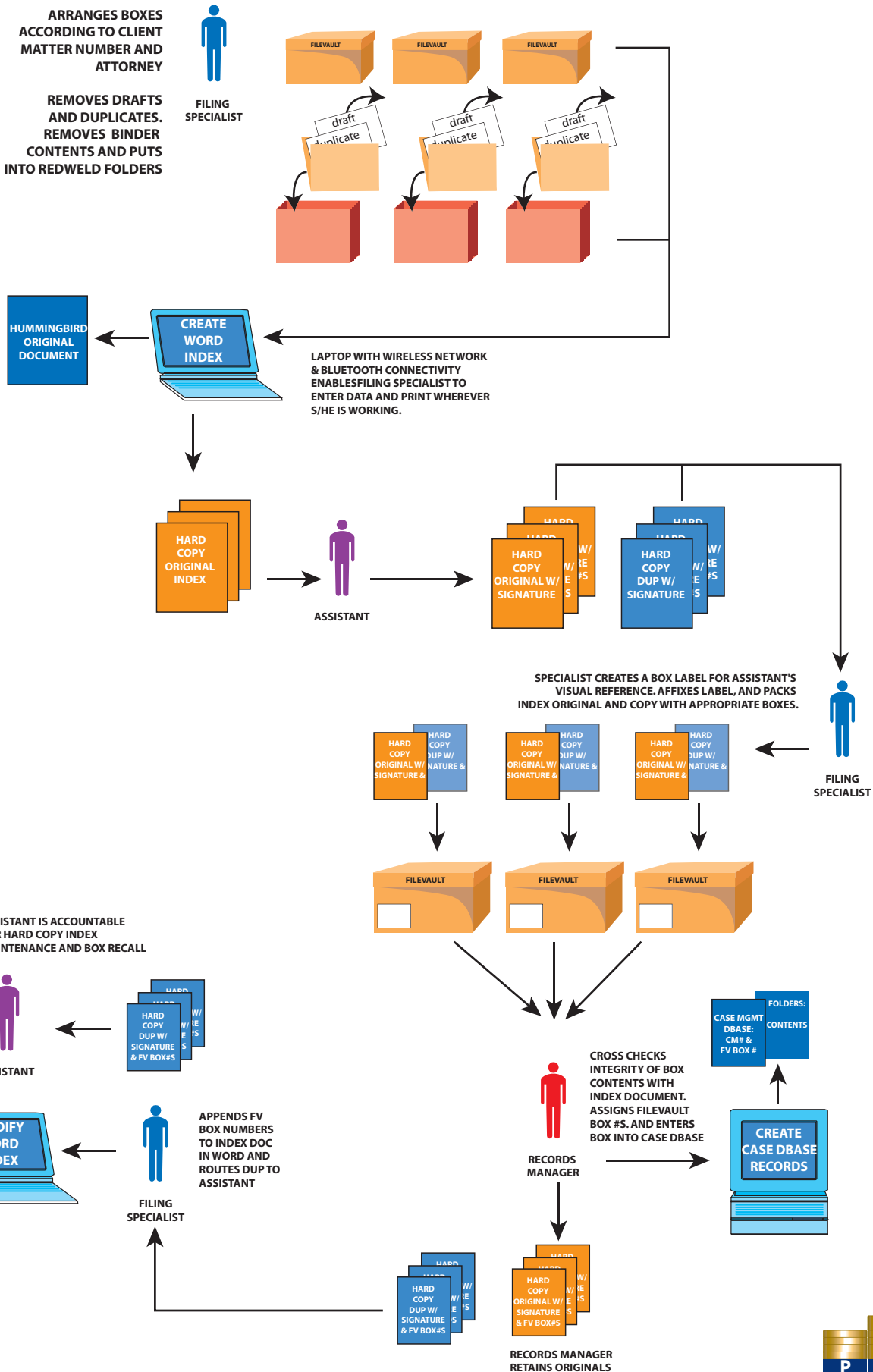
Recommendations

- 1) **Remove the tasks of closing cases, indexing and prepping documents for storage from the Assistants and Paralegals and assign them to a Filing Specialist.**
Time that Assistants and Paralegals spend in filing is not revenue-generating time.
- 2) **Formulate Closed Case SOPs that create a uniform index content standard.**
One that conforms as far as possible to the individual needs of Client Cases, Assistants and Paralegals, so that the Filing Specialist and backup can be trained.
- 3) **Boost throughput of the Filing Specialist in order to realize full potential savings.**
Temporary filing assistant's current productivity can be increased by as much as 50% if she doesn't have to hand write notes and transcribe them into the MS Word index at an Assistant's station. Create an "on call" mobile office for the Filing Specialist by equipping her/him with a notebook computer with Bluetooth or equivalent connectivity to printing devices, and wireless access to the company intranet. This will free up an assistant's station for revenue generating activity.
- 4) **Enable Closed Case indexes to be entered directly into, and printed from, CASE MGMT DBASE.**
Filing Specialist's SOPs for CASE MGMT DBASE record access and use should be determined by Records Manager. Refer to Map 1C. This may or may not require software modification for additional input fields and report formats.
- 5) **If it's not possible to print Closed Case indexes directly from CASE MGMT DBASE, create naming and search conventions for Word documents to facilitate easier retrieval.**
Paralegal's work-around is good basis for start. See Appendix A and Map 1D
- 6) **Make a single Filing Specialist accountable for the accuracy of all box contents and index entries.**
Reduce the occurrence of expensive exceptions over time (est. \$500-\$1000 per occurrence, depending on who is involved and solution implemented).
- 7) **Make Assistants accountable for retaining duplicates of signed indexes with FV box #s appended.**
- 8) **Make Assistants accountable for proper box recall.**
Records Manager and Filing Specialist should be able to recall index record from CASE MGMT DBASE if necessary, preferably only as a backup. Introduce measure of accountability to minimize reliance on CASE MGMT DBASE record lookup.
- 9) **Make Records Manager accountable for retaining the original signed copy of the index with FV box #s, and for distribution of duplicates to assistants.**

Closed Matter Procedure: IDEAL WORKFLOW



Closed Matter Procedure: ALTERNATE WORKFLOW



2. DOCUMENTATION OF THE RECORDS MANAGEMENT PROCESS AT LFA: WHAT PROCESSES ARE FOLLOWED BY THE LFA RECORDS COORDINATOR?

Current Process Description

Who:

Records Manager (Traffic Manager and Records Assistant available as backup).

Conflict checking:

Request comes via email. Email is archived.

Queries CASE MGMT DBASE database for possible matches.

Prints reports to 3 locations: her own, Traffic Manager and Attorney

Files and retains her own reports for 4 years as a contingency.

New Client Case or Changes into CASE MGMT DBASE:

Double checks marriage of file w/conflict check and new client case form.

Creates virtual folders and inserts in CASE MGMT DBASE.

Prints barcoded folder- and insert-labels.

Attaches barcoded labels to folders and inserts and distributes to relevant parties.

When change requests arrive via email:

 Email change requests are archived.

 Change requests are printed and retained for 2-3 weeks as a precaution.

New Closed Cases for Storage:

Each box and contents must be entered into CASE MGMT DBASE.

Barcode scanner issues a prompt for all files with inserts. Prompt needs manual override.

Original attorney authorized and signed index included with each box.

Index form: single case or multiple cases per box.

Cross checks box contents to index.

Creates virtual box in CASE MGMT DBASE and pastes Word doc index contents into non-searchable narrative field.

Assigns FV box# in CASE MGMT DBASE, labels box.

Calls FV for pickup.

2. DOCUMENTATION OF THE RECORDS MANAGEMENT PROCESS AT LFA: WHAT PROCESSES ARE FOLLOWED BY THE LFA RECORDS COORDINATOR?

Current Process Description Continued

New Closed Cases for Storage Cont'd:

Puts box number stickers on original index.

Copies original index w/box numbers and sends copy to assistant.

Retains original copy for contingency.

Recalling and Checking in Recalled Boxes:

Request comes in body of email copy or phone call.

Transfers box numbers and request details/dates manually to logbook.

Recalled Boxes for Return to Storage:

Cross checks contents with CASE MGMT DBASE and hard copy index.

Checks in boxes (40 @ 5-8 minutes manual).

2. DOCUMENTATION OF THE RECORDS MANAGEMENT PROCESS AT LFA: WHAT PROCESSES ARE FOLLOWED BY THE LFA RECORDS COORDINATOR?

Identifiable Issues

a) **Conflict checking:**

No keyword search function in the CASE MGMT DBASE narrative fields to help narrow/specify the range of returned records.

Absence of Client Case file naming conventions that would standardize searches and narrow the range of returned records.

Report is hard to read, ASCII character set, format is standard database output.

Can CASE MGMT DBASE reports be formatted to be readable and archived as electronic docs?

Who is formally accountable for hard copy report retention? Formal accountability and acknowledgement can reduce risk and redundancy.

Constant tabbing back and forth, maximizing/minimizing application screens. Records Manager currently has to print copies of certain request emails just so she can reference the numbers and items while tabbing back and forth between two open applications.

b) **Recalling and Checking in Recalled Boxes:**

Manual logging is still necessary. Barcode scanning can only be done on boxes already in the CASE MGMT DBASE system. Until Records Assistant has updated CASE MGMT DBASE, manual check-in is status quo.

Check in 40 boxes 5-8 minutes manual.

Can available and functioning hardware/software serve better in the interim?

c) **New Closed Cases for Storage:**

Refer to all issues highlighted under *Item 1 – How Are Records Generated, Indexed and Handled?*

Incoming admin personnel are assisted by Records Manager’s “Charlotte Offsite Storage Procedures” guide (see Appendix B). Guidelines currently omit instructions for attorneys’ personal administrative files,

Amount of detail of indexed contents varies from assistant to assistant and client case. Less detail is not better.

Does document custody equal accountability for decision to store boxes, and for recalling them? Records Manager is storing 14ft of indexes “just in case” she has to defend a decision to send a box to storage, and “just in case” a box can’t be found by any other means.

2. DOCUMENTATION OF THE RECORDS MANAGEMENT PROCESS AT LFA: WHAT PROCESSES ARE FOLLOWED BY THE LFA RECORDS COORDINATOR?

Identifiable Issues Continued

d) Recalled Boxes for Return to Storage:

Barcode scanner issues a prompt for all files with inserts, which prompt must be manually overridden.

Box staging area is too far from computer for Records Manager to use the barcode scanner with prompt override, so she must manually check the barcode #s in each file/box.

e) Risk Management – Contingency for Records Co-Ordinator

The Records Co-Ordinator functions highly efficiently and effectively. Her body of working knowledge and experience are valuable components of her efficiency and decision making ability. While Traffic Manager and Records Assistant can fill in during Records Manager's absence, there's some risk associated with Records Manager being the sole repository of all records management wisdom.

Opportunity for Cost Reduction

Refer to cost savings highlighted under *Item 1 – How Are Records Generated, Indexed and Handled?*

Cost savings may be realized by addressing efficiencies under identifiable issues. Further study required for full quantification.

2. DOCUMENTATION OF THE RECORDS MANAGEMENT PROCESS AT LFA: WHAT PROCESSES ARE FOLLOWED BY THE LFA RECORDS COORDINATOR?

Recommendations

- 1) **If possible, enable keyword search in CASE MGMT DBASE in narrative fields.**
- 2) **Institute file naming conventions for Client Cases to help narrow search terms.**
- 3) **Investigate possibility of creating conflict reports as archivable electronic documents.**
- 4) **Create formal accountability and acknowledgement trail for conflict report distribution.**
Reduce redundant tasks, number of duplicates and their storage.
- 5) **Update Charlotte Offsite Storage Procedures document.**
Add instructions for retention of attorney personal administrative documents.
- 6) **Increase Records Manager's efficiency by adding a second monitor display.**
Enable Records Manager to keep CASE MGMT DBASE open at full screen readability and open other applications full screen at the same time. There's a lot of back-and-forth maximize/minimize tabbing that is currently required for all of the cutting and pasting and multiple document referencing she has to do. Records Manager currently has to print a copy of certain request emails just so she can reference the numbers and items while tabbing back and forth between two open applications.
- 7) **Speed up the completion of Records Assistant's documentation of older cases to enable full use of barcode scanning (refer to recommendations p.19).**
Manual logging in and out of recalled boxes is not ideal. As a stopgap measure, there might be a way for Assistants to recall boxes by submitting an excel spreadsheet form that has been formatted to resemble Records Manager's manual log. At least this way, she can sort and print the requested box numbers in chronological order, saving time in manual lookup.
- 8) **Create formal accountability for custody of signed Index documents.**
If Records Manager needs to be accountable for recalling any of the information in those documents, then she probably needs to retain them on site for backup reference. However, if the Assistants are accountable for the information contained in the Index documents, then the blue-ink originals can be stored offsite, and duplicates retained onsite should satisfy any questions that arise.
- 9) **Create a Records Management SOP handbook.**
A handbook that details procedures, exceptions, and as much of Records Manager's accumulated wisdom and experience as possible. Use it for training staff, backup, and for standards maintenance.

3. HOW IS THE RECORD CO-ORDINATOR'S SPACE USED?

Current Space Description

Who Occupies Area:

Records Manager and Records Assistant

What Occupies Area:

Records being retained onsite whose creators and owners desire that they should be accessible onsite and not stored offsite.

Closed case and recalled boxes being staged for storage pickup or distribution.

Records Manager's and Records Assistant's workstations, documents, equipment.

Rolodex and other files related to archived record reference and retention.

"Dead" space, horizontal/vertical.

Frequency of Use (in order, most to least):

Records Manager and Records Assistant's workstations, documents, equipment.

Boxes being staged for removal/distribution.

Rolodex and other files related to document retention.

Records being retained for onsite reference.

"Dead" space, horizontal/vertical.

Proportion of Area Occupied (in order, most to least):

Records being retained for onsite reference.

Boxes being staged for removal/distribution.

Records Manager and Records Assistant's workstations, documents, equipment.

Rolodex and other files critical to records management personnel.

"Dead" space, horizontal/vertical (estimated as least).

3. HOW IS THE RECORD CO-ORDINATOR'S SPACE USED?

Identifiable Issues

- a) **Records Manager's and Records Assistant's workstations are most frequently used, but occupy little space proportionate to overall square footage.**
- b) **Box staging is made difficult and hazardous by the layout.**
False upper floor requires a ramp that can't be used for anything but throughfare, forcing boxes to be stacked at the sides of the ramp in narrow corridors allowed by the current layout. Records Manager's office wall creates dead space on her side which can't be used for box staging, and which isn't used as part of her workstation.
- c) **Records Assistant's workstation is close to nonexistent.**
Her monitor and keyboard float away from a general purpose countertop on cantilevered arms.
- d) **The overwhelming majority of space, horizontal/vertical is taken up by the sliding filing stacks that appear to be least used in day to day records management tasks.**

Opportunity for Cost Reduction

Storing records offsite would reduce space use in Records Management by 50% or more. Converting record storage floorspace to revenue generating space (assistant station, attorney office etc) would save the rental cost of the area, and increase annual revenue per square foot.

Recommendations

- 1) **Move all records offsite to storage that are not necessary to records management personnel daily or weekly.**
- 2) **Remove false floor and ramp to free up options for space use.**
- 3) **Remove Records Manager's office wall and create combined work stations for Records Manager and Records Assistant in order that they may comfortably share equipment and workspace.**
- 4) **Create more capacious, more easily organized box staging area closer to Records Manager's workstation so that barcode scanning efficiencies can be realized.**
- 5) **Utilize high ceilings to store vertically as much equipment and critical daily/weekly reference files as possible.**

4. LFA RECORDS RETENTION POLICY: HOW IS IT BEING IMPLEMENTED?

Current Process Description

By Whom:

Attorneys, Assistants, Paralegals, and Records Management personnel.

What are the standards:

Refer to Appendix C for formal description of current standards and processes.

How Far have Standards Been Implemented for Current Client Cases:

So far, as far as documenting and indexing stored files and recording their schedule for destruction, most standards are currently implemented and described above,

No records of current age have been destroyed.

How Far have Standards Been Implemented for Client Cases 10 Yrs and Older:

So far, no records of ≥ 10 year age have been destroyed.

Records Assistant is responsible for bringing the CASE MGMT DBASE database up to date with all boxes and records 1997 and older currently stored at FV.

When records were transferred from Doc Storage Co. X to FV, Doc Storage Co. X provided an Excel spreadsheet containing all box information. However, LFA data was not entered prior to 1991.

Records Assistant has so far completed updates for years 1995-1992 inclusive.

Procedure for Updating:

Run report of Document Storage Co. X box numbers according to year.

Cross reference Document Storage Co. X box #s with FV box #s.

Recall FV boxes onsite at FV. (It has not been necessary to recall all boxes. Will have to recall most boxes prior to 1992)

Manually check/record file and Client Case contents of boxes on site at FV (for all boxes/Cases ≤ 1991)

Transcribe manual notes into CASE MGMT DBASE:

Create virtual files with client #s and all relevant atty, date and other info.

Create virtual box with FV and IM reference numbers.

Transfer virtual files into virtual boxes.

Once box and contents are logged into CASE MGMT DBASE, the rolodex card is pulled and marked "finished".

4. LFA RECORDS RETENTION POLICY: HOW IS IT BEING IMPLEMENTED?

Identifiable Issues

- a) **When Document Storage Co. X's report lists no Client Case number, Records Assistant must sift through the files and inserts searching for clues as to the Client Case.**
This sometimes necessitates recall of the FV box to LFA (or a search through the boxes onsite at FV).
- b) **There are 28,597 boxes in storage at FV of which 17,791 are dated prior to 2002.**
- c) **Redundancy and duplication of effort.**
There is inefficiency in Records Assistant's process of writing manual notes about box contents onsite at FV, and then transcribing them into CASE MGMT DBASE. There is also cost and time inefficiency in recalling boxes from storage to the LFA offices in order to sift through their contents.

Opportunity for Cost Reduction

Formal time study is needed to determine actual cost of this update program. Estimates of individual task times do not balance with the actual time that the program has taken up until now. The program is expected to proceed more slowly as Records Assistant works backwards through the records. Right now, a significant portion of the 17,791 boxes Records Assistant is working with still need to be updated in the system. However, the time required to go through boxes older than 1992 goes up as she works backwards .

Records Assistant's time updating box and file contents can be reduced by estimated (+/-) 30% if she can work offsite at FV on a notebook computer with wireless access to CASE MGMT DBASE through the LFA network. This figure was arrived at by measuring the time Records Assistant took to record 50 boxes by hand and then transcribe into CASE MGMT DBASE. 50 boxes took 6.5 hours. Manual recording and travel time took 2.25 hours.

There are 592 boxes dated prior to 1979, that have no Client Case numbers, or any other electronic identification appended to contents. Purging these boxes entirely would save the cost of storage, and anywhere from 6 months to a year of Records Assistant's salary if she were required to bring them up to current standards before a decision could be made about their final disposition.

Recommendations

- 1) **Provide Records Assistant with a notebook computer with wireless access to CASE MGMT DBASE for working offsite at FV.**
- 2) **Begin active decision-making and destruction of files and boxes from 1992-1997.**
- 3) **Undertake formal time study to determine cost of record update and cost of retention of records older than 1979, or destroy them.**

APPENDIX A

Naming Convention and Box Retrieval Using MS Word

Create New Index:

Name the Word Document “Index (Atty Name) 1”

Create Box Index within the document. Document can store up to 99 versions.

Save as “Version (Next #)”.

Once “Index (Atty Name) 1” reaches the 99^h version, start “Index (Atty Name) 2”.

Recall Index:

Find document named “Index (Atty Name) 1”

Use “Find” function in Word to highlight keywords for contents search.

Append box numbers provided by Records Manager in appropriate field.

APPENDIX B

Law Firm Alpha Charlotte Offsite Storage Procedure

Confidential Client material appended here.

APPENDIX C

Law Firm Alpha Records Management and Retention Protocol

Confidential Client material appended here.