



# Are you a computer-file slob? It's time to clean up your act.

*The clock is ticking: Can't find a document?  
Can't remember its name or where you put it?*



Mortimer

**BY MICHAEL MORTIMER**

A few months back I got a panicked call from a colleague who needed my immediate help in locating a pleading he had just spent the last few hours looking for. He was desperate because his (now lost) summary judgment opposition was due for filing in a few hours.

So, Mortimer Geek to the rescue (for no pay, no wine, no lunch, no nothing). I sat down at his computer and immediately noted its filthy condition. As misfortune would have it, I forgot my surgical gloves. Oh well, I did have my hand sanitizer.

As I was cleaning his keyboard and display (anyone who asks for my computer help has to let me clean their computer; I don't work on filthy equipment), I multitasked by interrogating him about what he had done. As you may suspect, he did not have a clue about what he did.

To my further disgust, on opening Windows Explorer I saw that he had never set up file folders on his PC. Worse, he was using Windows 98 and had for years simply placed all his documents under the Windows "My Documents" folder. He had about 3,000 documents in the one folder! (And this is the same guy who made a \$500,000 contingent fee on a case. Guess computer equipment is not a priority with him.)

Yes, my colleague was a *computer file slob*. He was in such a sorry state (and I was so disgusted at his level of computer incompetence) that I wanted to cook up a bag of microwave popcorn, sit on his sofa and watch him blow the filing deadline. You have to pay some serious coin for that kind of live entertainment! \*You want to find out what happened to him? You have to read this article.

## **The goal of this article**

After years of looking at lawyers' computers, I have come to realize and accept that for one reason or another, most lawyers don't use any kind of software or system to manage case files or store documents.

What I mean by "files" are the folders we set up on a computer within which to place "documents," digital paper comprising the case file.

The good news: if you are using Microsoft Windows 95 or later, Windows can manage your litigation case files for FREE. In fact, since Microsoft Windows has used the same basic file management methods since 1995 (a.k.a. Win95), there's no excuse for not having a standardized case file management system on your office computers.

I will keep it simple in this article since otherwise you won't do anything I suggest. I will cover two main areas of effective case file management: Use of Windows folders and file-naming conventions.

## **My usual disclaimer**

The methods, tips and tricks mentioned in here are what work for me. As with anything lawyers do, there are many ways to go about litigating a case, and relevant to this article, numerous ways to set up a file management system (ranging from doing nothing, as is my colleague's technique, to buying a super-expensive file management program.) My article assumes that as a plaintiff's lawyer, you are not inclined to fork over \$3,000 for deluxe case management software.



## The problem

Plaintiff litigators are busy. Understandably so, a busy trial lawyer does not have time to add into his or her day dealing with computer use, problems or issues that arise almost on a daily basis. Typically, the only time lawyers get into a computer's innards, so to speak, is when something fails or breaks down.

One catastrophe that can occur is when a federal electronic filing deadline approaches and "Plaintiff's Exhibit 23" for example, cannot be found on anyone's computer. And because you don't have a case file management system, you can't find the document anywhere.

This is the same as in state court when the piece of paper containing the smoking gun evidence, for example, cannot be found because it is missing. It might be in one of the 10 file boxes you have sitting in the corner of your office or someone might have it on his or her desk.

Typically, electronic files or documents are misplaced, lost and cannot be found because the lawyer has failed to set up case folders (and subfolders) on the computer and/or the lawyer has not set up or religiously adhered to standardized intra-office file naming conventions.

## The solution: My simple how-to

From here forward things are quite simple, I will explain how to set up Windows Explorer folders; what folders to set up in a litigation practice; how to set up custom folder icons; and how to name your documents. Welcome to the movies! Now break out the popcorn.

### Folder-naming conventions:

This is a technical or more formal way of saying, "Whether in litigation or not, you have created computer folders within which to place documents." In other words, if you wanted to do a Google search on the various ways to set up folders and name them, you might use the search term "folder-naming conventions."

Flick: Here is a video I made for you. [Ed. Note: please go to the Web link below or Plaintiffmagazine.com to

### <Client Template>

```

<Communications>
  <Client Documents
    - Original>
  <Research>
  <Pleadings>
    <Incoming>
    <Outgoing>
    <Motions>
    <Orders>
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    <Motions>
    <Orders>
  <Trial>
    <Motions>
    <Trial Briefs>
    <Orders>
    <Exhibits>
    <Pleadings>
  
```

access the video.] In this film I show you how to set up folders in Windows Explorer and provide examples of file folders I have used over the years, since 1989. What you see in the movie is what has worked for me. You can use any names you want, of course, but this is what I use and it has been very efficient in my practice: <http://www.litigationuniverse.com/pmwinfolders.wmv>

**Bonus Tip:** As indicated in the video, I create a folder set and call it "Client Template." (See graphic, page 18)

When I get a new case, I copy and paste this template into a new directory and then replace the word "template" with the client's last name.

Do it this way and you don't have to constantly create new folders from scratch each time you take a new case.

**Bonus Tip:** I also create a number of "generic, non-case" folders under <My

Documents> in which I deposit documents.

One of the most important is my <Research> folder where I place everything that is of interest to me, e.g., in my practice emphasis.

Under my <Research> folder I will have subfolders such as <Motions> and under that additional folders with documents related to specific motions.

Another folder I maintain is <Closed Cases> where after a case is concluded, I move the main client folder (that includes all subfolders) into the closed cases archive folder.

### Document-naming conventions:

Federal litigators understand the importance of properly naming files or documents. Most courts have rules (or judges' standing orders) dictating how files, pleadings or documents will be named.

They have these naming conventions for a reason, so that at a glance, documents can be identified, and most importantly, so documents can be found if misplaced or lost. (Yes, even courts lose stuff.)

There's not much to naming files, as you might suspect. But there are a few strict procedures you should adhere to:

- Shorter names are better than long names. At some point Windows freaks out if a file name is too long. If a document has too many characters and the file is placed within too many subfolders, you run the risk that Windows might not open it, may lose it or not be able to find it in a Windows Search. Keep a file name under 40 characters, if you can. You can use abbreviations, but make sure the entire office agrees to use the abbreviations selected.

- You are probably aware that sometimes programs, software or Web sites will substitute certain characters in place of spaces that you have placed in a file name, such as <smith%mot%dismiss%response>. I find that annoying. So to avoid that I don't put spaces between words when naming documents.



- Always include the client's name as the first word in a file name. Where this helps the most is if you lose a document you can use Windows Search using the client's name, which if always included in a document name, you will always be able to find it, assuming the file is simply misplaced. Come up with names people can't remember, and you may not be able to find the misplaced document.

- If working on a Word pleading, for example, I ALWAYS manually save my work and name each save as D1, D2, D3 and so on. (The "D" stands for "draft.")

I name my drafts by number for two reasons. First, when looking through Windows Explorer it tells me at a quick glance the document version. Second, I may want to use something that is in an older version. If all I did was save over an existing document, then "something brilliant" I wrote ten drafts ago would be forever lost. So by saving multiple versions I know that earlier thoughts can be recovered and used if needed.

- Don't get complex or wordy when naming files. You should name your documents so that anyone can identify and find your documents. So keep it simple. On long file names, use the client's distinct initials or an abbreviation that the entire office agrees to use.

If you want, pretend that the document is a federal court filing. Some courts require that your filings have the case name (abbreviated), case number, followed by whatever name you want. The courts want this minimal identification information so they can find documents on their databases.

Here is a video demo on naming files: <http://www.litigationuniverse.com/pmwindocnaming.wmv>

#### **Folder icons:**

The default icon for a folder is the ubiquitous "tan folder." To aid in a visual search wouldn't it be handy to change folders and subfolders icons? Well you can do this. And while there are programs that allow you to customize folder icons, the better way is to immediately get started using this feature, specifically

using Windows commands to change folder icons to what you like, from the icon set provided by Microsoft.

It's easy to do and I recommend you pick an icon to signify each folder and stick with that from then on. Here is a video I made on how to assign Windows Explorer icons of your choosing to your Explorer folders and subfolders: <http://www.litigationuniverse.com/pmwinicons.wmv>

**Bonus Tips:** Temp Desktop Folder: I have found a great way to prevent misplacing files is to create a temporary folder on your Windows Desktop. I then place all my current work on the matter into the temp desktop folder. Here is a video showing what I mean: <http://www.litigationuniverse.com/pmwindesktop.wmv>

#### **Windows Search:**

Typically, files are misplaced at the most inopportune times, such as a looming deadline. If you do what I suggest in this article, when you lose or misplace a file you will most likely be able to find it by using the Windows Search feature.

I have seen lawyers freaking out when a deadline approaches because they have misplaced a filing. Or perhaps there was a computer crash and the file has disappeared somewhere.

While an entire article can be dedicated to lost file search techniques, for now simply keep in mind that if you name files in standardized fashion, a Windows Search will help in finding misplaced files.

Here is a video on search techniques using Windows Search: <http://www.litigationuniverse.com/pmwinsearch.wmv>

\* What I did to get my colleague out of trouble was to use Windows Search. Since he did not remember what he named the document (I know, what a lame attorney) I simply told Windows to search `<*.doc>` which told the computer to search for all files with MS Word "doc" extension. I then had the search results sorted by date modified. It found the document.

Turns out he had been using the document in a temp directory, one used by Outlook Express on e-mailed documents. That's buried pretty deep into Windows folders, so no wonder he couldn't find it.

#### **Conclusion**

Let's face it, a computer can fast become a black hole within which things can disappear, never to be seen again. But your fate, in regards to suffering from self-inflicted black holeitis (is that a disease?) is to use Microsoft's tools for case file and document.

In the heat of battle, when deadlines must be met, using my techniques are where organization will really pay off. When an e-filing is due in federal court in 10 minutes, you don't want to jump out a window because you forgot where on the computer the final version of a pleading is sitting.

How do you go about implementing my procedure? The best thing to do is to get started by doing something, but don't try to do everything at once. "Small steps" as some like to say.

Start by creating folders and file names on your current cases. Spend a little time on this every few days. Or you can assign a staff member to dedicate time to it. (Be careful. When working on this kind of stuff there's a danger of files getting deleted or lost. I would back up all the files, put those in a safe place, then have someone work with the files and documents.)

DO NOT all at once go back in time and organize files. If you try to do that you will never get the task started because to go back and electronically organize old files is boring as hell and way too time-consuming. On realizing this, you will get turned off by the task and never get to it.

Do things bit by bit, so that you don't get discouraged or overwhelmed.

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