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Negotiating an Oil and Gas Lease

sion about things needed for the next day. The paralegal may be asked to call any witnesses that are needed for the following day. The paralegal should type up notes or print up notes taken during trial that day. If the attorney needs any documents prepared for the next day or for during trial, the paralegal will need to do that work also. The paralegal may be asked to do research. Basically, just because the court has adjourned it does not mean that the paralegal is done for the day.

Each day of trial proceeds this way until trial is complete. Prior to the day on which closing arguments will be presented, the final and complete notes from the trial are provided to the attorney. Sometimes specific highlights of what the evidence has shown are prepared by the paralegal for the attorney to use in closing. Sometimes these highlights tie to the theme or strategies in the case. The paralegal's notes taken during opening argument will also remind the attorney of what was stated in opening so that those statements can be tied to the closing.

During closing arguments the paralegal

may take notes concerning the reactions of jurors to statements made during closing arguments. The case then goes to the jury. While the jury is out, the paralegal begins to reorganize the file. It is important to put the file back in the same position it was in when it was originally taken to trial. The file cannot be archived or torn apart until it is clear no appeal will be taken and judgment is final.

When the jury returns, the paralegal is often sent in to poll the jury. Sometimes the attorney also questions the jury on their reactions to certain evidence, to the attorney's appearance or performance. Information gathered from the jury can be extremely beneficial to both the attorney and the paralegal. Jurors are often more than willing to critique your performance and comment on their perceptions of your conduct, presentation and efficiency during trial. Also, by comments from the jurors a paralegal can learn better ways to present evidence or how to act during trial.

It is clear that the role of the paralegal at trial can be extremely invaluable. Each

paralegal/attorney team will develop its own approach to trial. The jury can be effected, negatively or positively, by the way in which an attorney and paralegal work together during a trial. A lot of decisions made by juries are based on their perceptions, of the paralegal, the attorney, the evidence, the client and/or the type of case they are hearing. The paralegal's main duty during trial is to assist the attorney in efficiently presenting the case.

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Going Green with E-filing

By Tammy Carter, General Manager, and Dr. Carole Pettijohn, CaseFileXpress, LP

With all of the talk about "green business", it was inevitable that law offices would get caught up in the move toward more environmentally friendly practices. Law offices are massive consumers of paper and related printing/copying supplies. In a study done by GreenOrder, it was estimated that the average attorney is responsible for the use of 800 sheets of paper each workday per year (nearly all 100% virgin pulp) and that the average law firm consumed about a ton of paper per attorney for its copying need (Makower, 2007). It has been estimated that a half ton of paper from pro-

duction to recycling, results in the generation of about 9 tons of carbon dioxide (CO₂)—equivalent greenhouse gas emissions. (Disposal in a landfill results in an additional two more tons of such emissions per year.) The American Bar Association (ABA) instituted the Climate Challenge to increase awareness of the impact that the massive amounts of paper has on the environment. This has resulted in various suggestions for reducing the carbon footprint left by the legal profession. Most of the suggestions though are still based on the assumption that documents need to be printed and distributed in hard copy but one of the top ways the ABA suggests

that you can go green is to "cut out the paper" (ABA, 2008). E-filing technologies enable law offices to reduce the amount of paper that needs to be printed, copied, and distributed which in turns saves trees (and a provides a significant saving in their office supply budget improving their bottom line).

E-filing technologies have come of age. By the end of 2007, 26 states had adopted rules allowing for e-filing and all federal courts are expected to offer e-filing (Matthais, 2008). The State of Texas, through TexasOnline, has been a leader in expansion of the use of e-filing. The benefits of e-filing have been touted as the use of e-filing has gained acceptance. Among the benefits most often mentioned are convenience, timeliness, accessibility, flexibility/accuracy, security, and cost effectiveness.

Convenience

With e-filing you can e-file from any location as long as you have Internet



access and documents to be filed. You will receive immediate online and email confirmation that your documents were filed successfully. The days of fighting traffic, finding parking, going through metal detectors, standing in long lines, rushing to file during business hours, and paying parking or speeding tickets are gone. Additionally, if you live any distance from the courthouse, you can complete your filing and have it filed within minutes of completion, saving the time (and gas) needed to file your documents.

Timeliness

Timing is everything and with e-filing, the courthouse doesn't need to be open to file your documents on time. No longer are you confined to filing during the regular business hours of the court. In the past

attorneys living some distance from the court had to complete the brief hours, even days ahead to either drive or mail a hard copy in order to meet the filing deadline. With e-filing, the brief can be filed with an acknowledgement from the court within minutes of completion 24 hours a day. This saves staff time, courier fees and gasoline.

Accessibility

E-filing has also opened up an array of accessibility options. Courts have started to provide access to electronic documents through the web. Additionally, e-filing allows attorneys representing various parties to have immediate access to documents via public access or e-service options instead of having to wait days to receive briefs in the mail. When attorneys elect to send and receive filed copies by e-service, substantial paper savings can be realized. Think about the last case where you had five or more opposing counsel. How much paper did you use to fax or certify mail your motion to opposing counsel? And how much easier it would be to view the service documents online and email to your litigation team instead of making copies for everyone?

Flexibility and accuracy

With a web-based e-filing system, no special software is needed. E-filers prepare their documents as they would to file in

Not only is the filing immediate, but the 'green' savings with the e-filing far surpass the costs associated with traditional filings. In the past, if a deadline is involved, one had to either send the document via a local courier, Federal Express, or Lone Star service. Service upon opposing counsel had to be made via the same methods, via facsimile, or via certified mail—again along with the various associated costs. In addition, if, instead, the document is mailed to the court, one must provide return postage for the court's use in returning a file-marked copy. Finally, the cost of paper, ink for the printer, and wear and tear on the copy machine should also be considered. Alternatively, if one utilizes electronic filing and serving services, there are very minimal fees for filing and serving the document—and both are done with just a few clicks of your mouse. As more and more courts (district, county, small claims, and probate) come online in Texas, the ease with which our firms can service our clients through the entire state becomes invaluable.

TABLE 1

Statement	Average Score
I receive my file stamped copy quicker	4.3
The time and date stamp is immediate	4.1
Keeping up with my case load is easier	3.9
Tracking status of cases is easier	4.1
Reduces stress	4.1
E-filing has helped to reduce paper storage.	3.7
E-filing has reduced the amount of discovery copying. (e-filing has reduced the need for printing and copying – I now email the file stamped to clients and co-counsel)	3.8
The security within E-filing prevents unauthorized filings.	4.0
Travel cost and time has been reduced with e-filing (automobile costs, travel time, courier fees have been reduced with e-filing).	4.1
E-filing saves time we used to spend filing and locating files (Now it's all in one place on my computer)	3.8

person. All standard document types and formats are accepted by the e-filing system which converts the documents into standard PDF files which cannot be modified but are searchable. Court fees are calculated accurately by the system eliminating the guessing or court clerk interaction needed to determine fees. And if you happen to make a mistake, the clerk can fix it online. You can request jury demands, citations and process service when e-filing.

Security

With respect to the security of the e-filing documents, state, national and industry standards guarantee filing security. The records cannot be altered and are filed just as presented. Additionally, in light of the recent disruption in service in south Texas due to Hurricane Ike, e-filers were back in business the Monday following the storm since filings are kept on remote e-filing servers and the clerk's office can electronically view and process e-filings from anywhere through a secure web portal. Firms and courts that did not participate in e-filing and were in the evacuation zones, had to deal with equipment loss and the loss of paper records. In fact, in the aftermath of Hurricane Ike, the *only* way to file into Harris and Brazoria Counties was through e-filing. Certainly e-filing is one strategy that should be included in any disaster recovery or business continuity plan for courts.

Cost-effectiveness

While users of e-filing recognize the value,

non-users still spend time paper filing and wonder if e-filing is cost-effective. During economic hard times, we need to look at cost effective alternatives. Think about these questions and see if you can reduce your firm's carbon footprint while saving expenses. How valuable is your time? Does your firm bill clients for your time? How much paper does your office use? How much does the firm pay for gas, parking, toner, fax, FedEx, postage, certified mail, and courier expenses? Once the savings are considered, e-filing is very cost effective and as the number of e-filing transactions increase, we can expect e-filing fees to decline. By maintaining and filing records online, the cost of paper storage is dramatically reduced. Courier fees are reduced or eliminated. Organizations that have taken advantage of the e-discovery and e-service options have significantly reduced copying and costs associated with distribution. Staff time spent in line at the court filing, tracking status and finding documents is reduced.

Survey

In order to evaluate the anecdotal evidence of the benefits of e-filing, an informal survey was conducted during August and September 2008. The survey asked current e-filing customers to rate e-filing services in light of the above benefits. The respondents were asked to rate various questions about their experience with e-filing based on a 5 point scale, 5 equating to "strongly agree" and 1 equating to "strongly dis-

agree". Some of the questions and their responses are as follows: When asked "I use e-filing because it's convenient", the average of all responses was 3.75 suggesting that a majority were in strong agreement with the statement. "I use e-filing because it's cost effective" was given an average rating of 3.89 suggesting that a majority were in agreement with the statement. Another set of questions focused on whether e-filing has made their job easier by specifically targeting several presumed benefits. When asked to rate the following job attributes the scores were as indicated in Table 1.

When asked a series of questions about E-service, the results were as follows:

My time	3.9
Paper usage	4.1
mail / courier costs	3.8

Again, based on these results, respondents were in agreement that when used, e-service has saved time and money. Many of the respondent's free form comments had to do with the fact that not all jurisdictions were signed up for e-filing and not all attorneys had signed up to receive service electronically.

While this survey was limited in scope, it is an indication that e-filing is rapidly becoming one way for law offices to go green and provide cost savings when the total costs for filing and maintaining paper documents is considered. Over the next few years we should see an increase in firms interested in reducing their carbon footprint and providing effective business continuity procedures turn to e-filing as an effective strategy.

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