

PDF for Lawyers

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PDF Quick Facts

- PDF stands for "portable document format"
- PDF files can be viewed on any type of computer.
- PDF files look exactly the same no matter what computer is used to view them
- Many courts publish opinions in PDF.

Courts push attorneys to use PDF files

Increasingly courts are starting to use the portable document format created by Adobe to make opinions available, as well as forms. In Louisiana, all three of the bankruptcy courts are requiring that attorneys file pleadings in electronic form. More specifically, that means filing in the PDF format.

The PDF format has gained popularity because of the widespread availability of the free reader program that lets anyone view PDF documents, regardless of the type of computer that they have. Thus, the same PDF file can be viewed by Macintosh user, a PC user, or even a UNIX or Linux user.

The free reader is called "Acrobat Reader." Many people get confused and think that Acrobat refers to the free Reader program. In fact,

there are at least two programs that bear the name Acrobat. One is the free Reader and the other is a

program, including Word and WordPerfect. It is not necessary, however, to buy the \$240 program if all you are

looking to do is to create PDF files.

There is a program called pdfFactory that costs only \$40 and is much better at creating PDF files. Better, because it creates the files quickly. The resulting PDF files look the same whether you use Acrobat or pdfFactory.

Still, there are reasons why an attorney who is

faced with the prospect of e-filing in PDF format might want to consider buying the full version of Acrobat. The full version has a number of annotation tools which allow the user to create bookmarks that allow for quick navigation, as well as pop-notes and highlighting.

more robust program called "Adobe Acrobat," which retails for about \$240.

Attorneys who plan to file electronically with courts that require PDF filing are usually told to buy the full version, i.e. Adobe Acrobat. This is because the program allows the creation of PDF files from any

PDF files are more secure than paper

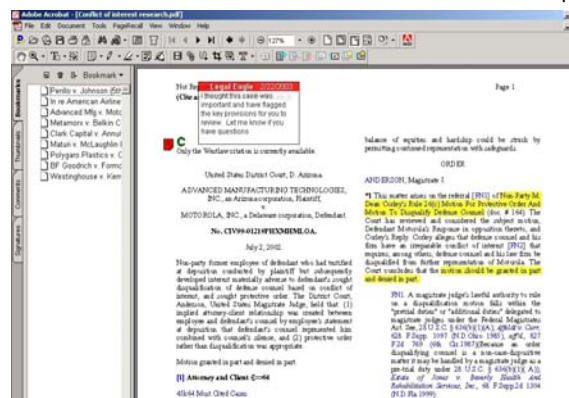
Acrobat allows you to set security features on a PDF file that you create. The security options allow you to require users to enter a password in order to open the document, or to make any changes to the document. You can also disallow printing or inserting

of pages, or even disallow copying of text.

It is not hard for people to switch pages of a paper document, or to insert pages. This is why some attorneys require signatories to a contract to initial each page of the contract. Doing so eliminates the

later claim that a page was substituted or changed after the party signed.

Acrobat's security features are even more powerful. Version 5.0 has 128 bit encryption, which even the NSA would have a hard time cracking.



View of a PDF file with bookmarks, pop-notes and highlighting. Just a few of the tools available in Acrobat

Creating PDF files is easy—it's just like printing

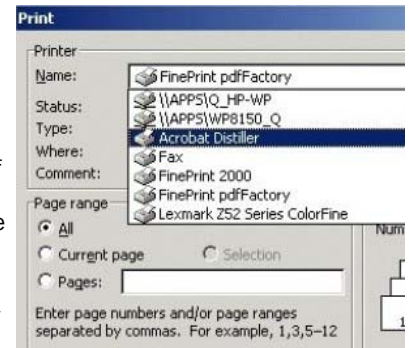
With Acrobat you can create a PDF file from within any program simply by choosing print from the “print” menu. This is because when you install Acrobat it creates a virtual printer called “Distiller” that you select as you would any other printer.

After you select Distiller Acrobat takes the print output and, instead of physically printing it, captures the output and makes it into a PDF file. The resulting PDF file is embedded with the fonts that were in the original document. Thus, the person who later views the document doesn't have to have those fonts in their computer. This is how Adobe ensures that PDF files look exactly the

same no matter which computer they are viewed on.

One benefit of “printing to PDF” is that you can make a viewable file out of a document that your recipient might not otherwise be able to see. For example, if you have an Excel spreadsheet that you want to E-mail to someone that doesn't have the Excel program, you can easily do it. Just make the document a PDF file and E-mail it.

He will be able to see the spreadsheet exactly as you see it, with the same page breaks and formatting. The ability to fix a document in



Acrobat's fake printer called Distiller” makes PDF files from any print out put

this fashion is useful for word processing documents too. Ever struggled on a phone call trying to match up pages with someone you sent a word processing document to? Next time use PDF.

You needn't worry about “metadata” if you send PDF files instead of word processing files.

Metadata is not good—if your confidential data compromised

Transactional lawyers work collaboratively to draft documents, often sending a word processing document to be redlined. What many lawyers don't realize is that those documents can keep track of all of the changes that have been ever been made.

If you've inserted sections, but then decided not to include them, those changes

are probably saved as “metadata” within the word processing file.

The metadata is not usually revealed in redline comparisons, which gives lawyers a false sense of security. The truth is it isn't hard to view the metadata, if it's there. Documents created by the Microsoft Word program are particularly notorious for car-

rying metadata.

But you needn't worry about metadata if you use PDFs. If you simply want the other side to see the latest version of a document you can send a PDF. Acrobat even has a built-in comparison feature so you can analyze differences without letting the other side see your sensitive metadata.

Navigating PDFs—goodbye yellow stickies, hello bookmarks

Navigating PDFs is a new experience for many lawyers. But if you are willing to learn the few basics, it's actually a lot easier and faster than navigating through a stack of paper.

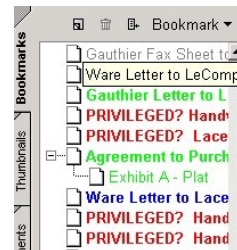
Let's assume that you have a box of documents. With paper you would probably tag the documents with yellow stickies, which hopefully won't fall off. Even if the

stickies stay on you still have to look at each one to see what document it is attached to.

With PDFs you can create bookmarks that give detailed descriptions, all in one place. All you have to do is click on a bookmark

and you will instantly be transported to the page that the bookmark relates to.

You can view the entire list of bookmarks in one fell swoop to see what important information you have tagged. You even can color code the bookmarks if you'd like.



Bookmarks let you jump quickly to any page of interest.

Creating PDF forms is easy—and extremely useful

Do you still use a typewriter to fill out forms? You don't need to.

Acrobat lets you take any form (that you have scanned in) and create form fields into which you can type the information that you need to put in the form. But instead of your typewriter you can use your computer.

If you have a batch of subpoenas to fill out for a trial or deposition you can fill in the form fields with the caption information and save that information along with the form. Then you only need to type in the unique fields.

Keeping your often used litigation forms as PDF documents with form fields makes

a lot of sense. You'll have to get used to creating forms, but once you do you'll find that ability invaluable.

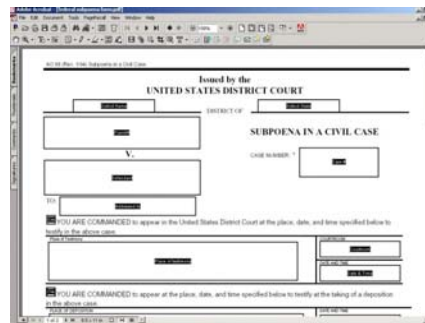
A very good book to take a look at is [Creating Adobe Acrobat Forms](#), by John Deubert (Adobe Press 2002) which

retails for about \$30.

But chances are you don't have to create a lot of the forms that you might want to use. Many courts have the forms that they require available online. In Louisiana, the Western District of Louisiana

has forms like Subpoenas and Civil Cover Sheets available so that you can fill them out online, even if all you have is the free Reader.

But the Reader doesn't let you save the forms to your computer. Which is why it makes sense to get the full version of Acrobat.



Making Forms is easy: just create boxes where you want to enter text and save the Form.

StampPDF is a plug-in program that lets you bates-stamp a thousand pages of paper in about 2 minutes

Bates-numbering PDFs—fast and infallible

Bates-numbering documents is one of those tasks that paralegals loathe. Can you imagine the tedium? Sitting there and mindlessly stamping page after page of documents.

It's no wonder that from time to time they miss a page. And when that happens, they have to go back and assign an out-of-sequence number to

any pages that they failed to stamp.

There's an easier way than hand stamping bates-numbers. If you have a large PDF file that represents a stack of paper that you want to bates-stamp you can use a \$179 program that plugs-in to Acrobat, which is called StampPDF.

This program lets you bates-stamp a thousand pages of paper in about 2 minutes. And, of course, since the computer is very precise about putting a number on each page, you can rest assured that each page will have a bates-number.

Using a computer to bates-stamp is the way to go.

Annotating PDF files—keep your notes on your documents

An important aspect of document review is marking the document up with notes and comments. In Acrobat these mark ups are called "annotations."

The Annotations in Acrobat are powerful tools, which include superimposed text, pop-up notes, highlighting and underlining. The best part of using these tools in a PDF file is that you can open up a

"comments" tab that lists all of the annotations that you have made to a document.

Also, if several people review the document their comments are grouped separately, which makes it easy for anyone to see who has made comments, and what



Superimpose text or create pop-up notes on documents

the comments were.

You can also print out a summary of all of the document's comments if you need to. And, most importantly, if you need to print the document out for opposing counsel, you can print it out without having the comments show up. PDF comments are much more useful than hand comments.

USING ADOBE ACROBAT IN A LAW PRACTICE

For more information on using PDF in a litigation practice visit the website www.pdfforallawyers.com

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PDF for Lawyers is a publication by Ernest Svenson, an attorney practicing in New Orleans, Louisiana. Mr. Svenson is the technology partner at *Gordon, Arata, McCollam, Duplantis & Eagan*, and has extensive experience in working with electronic documents. PDF for Lawyers strives to make lawyers aware of the benefits of using Acrobat in a litigation practice.

Increasingly, courts are requiring attorneys to file documents electronically in PDF format. The efficiencies gained from using electronic documents are tremendous and both courts and attorneys can take advantage of PDF documents. In fact, attorneys can make even greater use of this format than courts because of the extensive security features and annotation capabilities.

Bates-stamping documents quickly is just the tip of the iceberg. Imagine being able to take a stack of documents and convert the whole batch to a PDF file, which you burn on to a CD-ROM and mail to your client. Later, when a discussion arises about certain documents, you can have your client open the CD file and you can both work in unison over the phone to compare issues arising in from the document. Those are just some of the benefits of using PDFs in a litigation practice.

Digital Signatures—*secure and legal*

In July of 2000 President Clinton signed the Electronic Signatures Act, which provides for the legal recognition of electronic signatures. Even though the Act was hailed as a watershed, it doesn't appear that electronic signatures have been widely used.

One problem no doubt is that people don't know how to *sign* a document electronically. Well, with Acrobat you can easily sign electronically, and you by doing so you automatically imbue the document with security that prevents later alteration.

All you have to do is to select the **Signatures Tool** from a menu and designate where on the document you wish to sign. If you haven't created a personal profile you will be prompted to do so. You can actually have several profiles, one for work signatures and another for personal signatures.

Your signature can contain contact information (such as your telephone number or location), and the reason for signing. Reasons for signing might be you are "the author of the

document," "you have reviewed the document" or "you are approving the document."

Once you have "signed" the document it becomes marked with information noting the *fact* of signature and the *date* of the signature. Any changes made to the document (such as the substitution of a page) after that signature will be flagged, and the validity of the signature will be flagged as well.

Thus, what happens with an electronic signature is actually more than the imprint of a mark on a document. It is a security feature that prevents the document from being altered without someone being made aware of the alteration.



Acrobat lets you sign a document so that changes are flagged.