



ADOBE® ACROBAT® 8 FOR LEGAL PROFESSIONALS

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Adobe® Acrobat® 8 for Legal Professionals

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With the release of Adobe Acrobat 8 Professional, Adobe Systems now delivers features specific to the legal profession, including Bates numbering and redaction. Building on a solid foundation, Acrobat 8 gives legal professionals the power to intuitively create and access PDF files, collect information, securely control access to information, and facilitate collaboration. The widespread adoption of electronic court filings and the growing practice of exchanging disclosure and discovery materials in electronic format calls for tools to perform those tasks. Acrobat 8 delivers a comprehensive solution for working with digital documents, akin to paper-based routines, with greater efficiency and portability. Acrobat 8 provides simple yet secure solutions for collaboration and exchanging documents with clients and other legal professionals using PDF (Portable Document Format), which has become the de facto standard for digital documents in the legal community.

Portable Document Format (PDF)

Refined and perfected over 15 years, Adobe PDF lets legal professionals capture and view information—from any application, on any computer system—and share it with anyone around the world. PDF files can be viewed and printed on any computer system—Macintosh, Microsoft® Windows®, UNIX®, and many mobile platforms. Adobe PDF files look just like original documents, regardless of the application used to create them. Paper documents scanned to PDF look just like their hard-copy counterparts and can be quickly turned into computer-searchable files. Unlike PDF files, documents scanned to Tagged Image File Format (TIFF) lose their original appearance when converted to searchable files. When it comes to long-term file retention, the PDF/Archive standard (PDF/A) enables organizations to archive documents electronically in a way that ensures preservation of content for later retrieval and reuse with a consistent and predictable result over an extended period of time in the future. The International Organization for Standardization (ISO) has approved PDF/A as an archive standard.

The federal judiciary's Case Management and Electronic Case Files (CM/ECF) system has been implemented in almost all district and bankruptcy courts. CM/ECF allows the courts to have case file documents in electronic format and to accept filings via the Internet. CM/ECF systems are now in use in 89% of the federal courts: 89 district courts, 93 bankruptcy courts, the Court of International Trade, and the Court of Federal Claims. Most of those courts accept electronic filings. More than 27 million cases are on CM/ECF systems, and more than 200,000 attorneys and others have filed documents via the Internet.

The CM/ECF system stores case and related information as PDF files. Most legal professionals find the system easy to use—filers prepare a document using their word processor of choice, then save it to PDF for electronic filing with the court. Attorneys practicing in courts offering the electronic filing capability can file documents directly with the court via the Internet. When documents are filed electronically, the system automatically generates and sends a verifying

“With the redaction features in Acrobat 8, we can accomplish in minutes tasks that previously took days. When you’re redacting content from more than 2,000 documents, it is essential to have a tool that is easy to use and reliable. Acrobat 8 makes it easy to hide or permanently remove confidential content and still preserve the original.”

Rich Ramba
Technical Litigation Support
Director
The Veen Firm

Valuable Acrobat 8 features for legal professionals

- **Bates numbering:** Apply sequential numbers to individual pages of documents during the course of litigation.
- **Redaction:** Mark text or selected image areas for permanent and secure removal from the PDF file.
- **Metadata removal:** Find hidden information in documents that you may not be aware of, including metadata, comments, file attachments, and other elements. Remove some or all of those elements with a single click.

receipt by electronic mail—no more waiting or paying for conformed copies. Other parties in the case automatically receive notification of the filing. There are no added fees for electronic filing in federal court (existing document filing fees apply). Litigants receive one free PDF copy of every document electronically filed in their cases, which they can save or print for their files.

CM/ECF also provides courts the ability to make their documents available to the public over the Internet via the Public Access to Court Electronic Records (PACER) program. PACER offers users a fast and inexpensive way to obtain comprehensive case and docket information as PDF files from federal appellate, district, and bankruptcy courts via the Internet. Electronic access requires registration with the PACER Service Center, the judiciary’s centralized registration, billing, and technical support center.

The volume of documents produced as PDF files through disclosure and discovery in litigation continues to grow. Recognizing the power and efficiency of electronic documents, attorneys employing best practices—be they co-counsel, opposing counsel, or in-house counsel—expect that documents will be exchanged as PDF files. Likewise, clients have come to expect legal professionals to provide documents as PDF files. When it comes to meeting those expectations and working with digital documents, the applications in the Acrobat family are the right choice for legal professionals.

The Acrobat 8 product family

- **Acrobat 8 Professional**—Acrobat 8 Professional provides essential tools for the legal community to create and combine electronic documents, manage reviews, build forms, and secure information. Acrobat 8 Professional also contains features specifically created for the legal community, including redaction and Bates numbering. With Acrobat 8 Professional, PDF files can be enabled to allow users who have only free Adobe Reader® 8 software to review, add comments, fill in PDF forms, and digitally sign PDF documents.
- **Acrobat 8 Standard**—Acrobat 8 Standard offers reliable ways to create, combine, protect, and share Adobe PDF files. Acrobat Standard generates PDF files that accurately represent the original document, whether paper or electronic.
- **Acrobat 8 Elements**—Acrobat 8 Elements, available through volume licensing (100 seats per order), enables professionals to easily and reliably create secure Adobe PDF files.
- **Adobe Reader**—The freely available Adobe Reader allows users to view, print, and search PDF files and it also makes PDF files freely shareable across multiple operating systems. More than 500 million copies of the free Adobe Reader have been distributed, making the ability to view a PDF file ubiquitous.

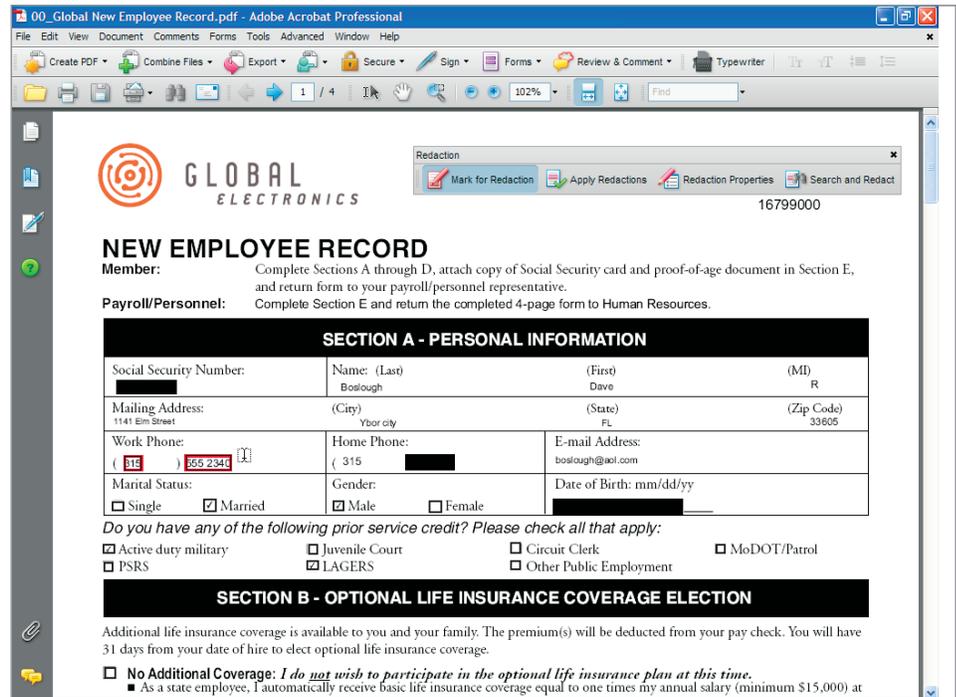
Legal-specific features

With the release of Acrobat 8 Professional, Adobe Systems has responded to the needs of legal professionals by including within the application functions for Bates numbering, redaction, and metadata removal.

- **Bates numbering**—To legal professionals, “Bates numbering” means applying sequential numbers to individual pages of documents, usually in the course of litigation. When documents are produced in litigation, either through disclosure or discovery, you need to be able to say with certainty precisely which documents were produced—no more and no less. By numbering each page sequentially, often with leading text for more reliable identification, legal professionals can accurately identify the documents that were produced. Acrobat 8 Professional offers legal professionals the ability to add Bates numbers to individual or multiple PDF files. Electronic Bates numbering, using Acrobat 8 Professional, beats using a mechanical stamp or placing labels on paper documents hands-down.

- **Redaction**—Legal professionals must often share documents with other parties. However, in many instances, not all information in those documents should or can be shared. Acrobat 8 Professional enables you to excise sensitive or confidential information in PDF files. In PDF files with text, words and phrases can be searched for and automatically marked for redaction; information in image-only PDF files can be manually selected for redaction. When Acrobat 8 applies redaction, the marked text or selected image areas are permanently and securely removed from the PDF file.

Acrobat 8 Professional allows users to easily and securely mark text and images for redaction.



- **Metadata removal**—In addition to removing visible content from documents, legal professionals also need to verify that no hidden information exists in their documents, including metadata, before those documents are distributed. The new Examine Document feature can scan through your document and alert you to hidden information that you may not be aware of, including metadata, comments, file attachments, and other elements. You can then remove some or all of those elements with a single click.

PDF file creation

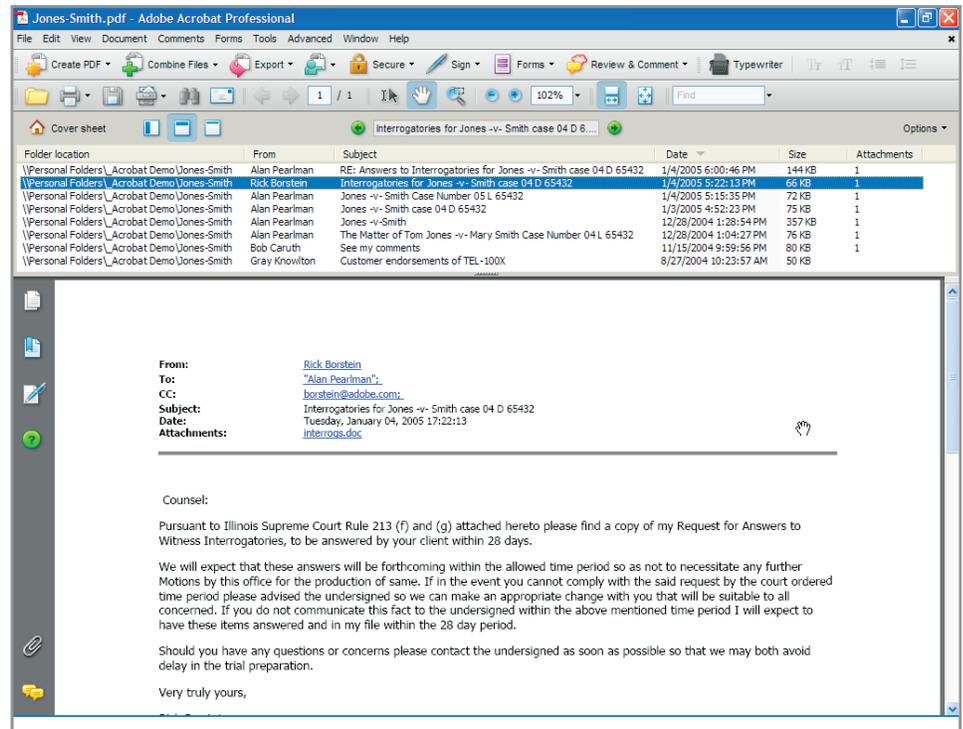
With Acrobat 8, legal professionals can create PDF files in a number of ways, from simple “one-click” create PDF buttons in popular desktop applications to using the familiar Adobe PDF print driver. Any computer file that can be printed to paper with a conventional printer can be printed to PDF with the Adobe PDF print driver. Acrobat 8 users can “combine” various electronic file formats (word processor, spreadsheet, photograph, etc.) into a single PDF file. Legal professionals can digitally staple scanned documents, digital photographs, and word processing and spreadsheet files into a single, information-rich PDF file. The resulting PDF file can be shared with anyone who has the freely available Adobe Reader.

Legal professionals may find the “Create from Outlook” feature especially useful. Acrobat 8 adds PDFMaker and Attach As Adobe PDF toolbars to Microsoft Outlook. This lets you convert one or more electronic mail messages, or a folder of electronic mail messages (.PST), to a single PDF file. Converting Microsoft Outlook electronic mail to PDF brings order to chaos and a secure way to archive messages. With Adobe Acrobat 8, all correspondence (including electronic mail) can be associated with a particular client or matter in easy-to-search-and-secure PDF files.

“Acrobat 8 software sets new standards for improving document processes. Capabilities such as redaction, Bates page numbering, and streamlined completion of electronic forms improve document handling and provide greater control over workflows.”

Stephen Bird
Lawyer
Legal Services Organization

Electronic mail messages or entire folders of electronic mail convert to PDF with attachments, links, and automatically generated bookmarks with a spreadsheet-like view that can be sorted by sender, date, subject, and folder. The Attach As Adobe PDF toolbar lets you convert a file to a PDF document and automatically attach it to an electronic mail message for immediate delivery anywhere in the world.

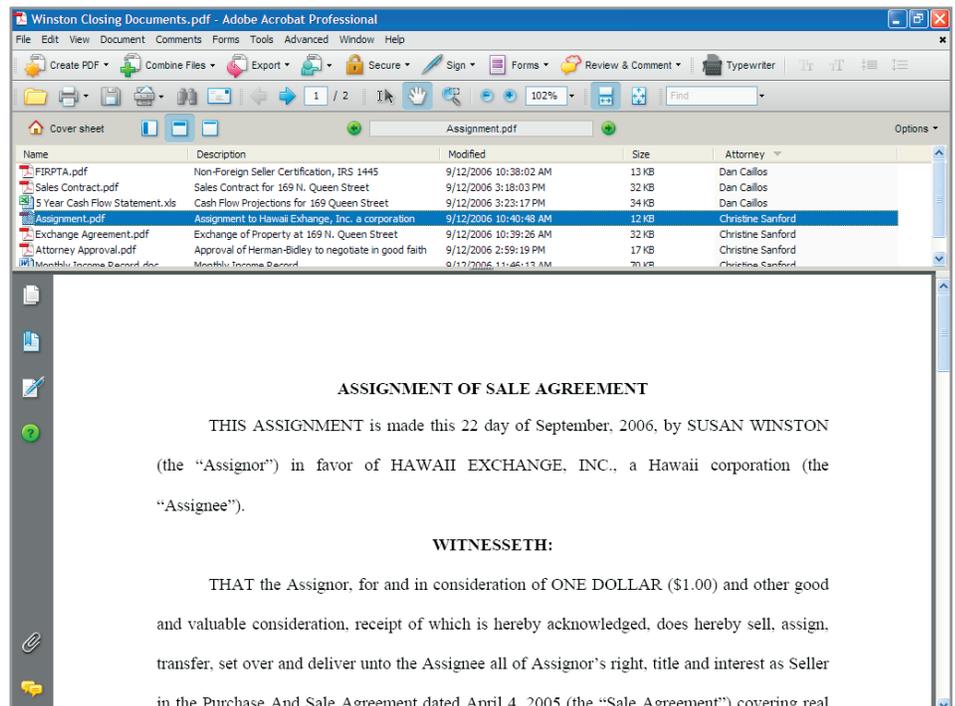


With Acrobat 8 and a scanner, boxes and filing cabinets full of paper can be converted to PDF. With built-in optical character recognition (OCR), Acrobat 8 can turn paper documents and scanned image-only PDF files into files with computer-searchable text that retain an exact image of the original pages. Using the batch processing feature in Acrobat 8, the text in multiple PDF files can be recognized with a few simple commands.

Creating PDF files from websites has important if not obvious significance for legal professionals. In this day and age, many cases—from intellectual property disputes to family law to personal injury actions—are decided on the basis of expert witness testimony. Many experts maintain websites or publish their work on the Internet. Preserving an exact copy of website- or Internet-published materials early in the course of litigation, well before opinions are issued and depositions taken, may limit the effectiveness of an opposing expert witness. The Create PDF from Web Page function inserts a date, time, and URL stamp as a footer to the resulting PDF file to facilitate authentication. Acrobat 8 offers legal professionals the ability to quickly and easily convert the results of Internet research, both factual and legal, to PDF files for later use. You can turn that ability into an advantage.

Combining files

Acrobat 8 gives legal professionals the ability to combine files of varying types into a single PDF file. For example, a collection of files consisting of Microsoft Word and Excel files, JPEG or TIFF image files, and PDF files can readily be merged into a single PDF file or assembled into a “package.”



PDF Packages are a secure container for PDFs and many other types of files. This example is a set of real estate closing documents.

Merging files combines them into one sequentially ordered PDF file. “Packaging” files wraps the separate files into one PDF package. In either case, the resulting file or package can be easily secured and sent via electronic mail. The PDF package feature offers an elegant solution for combining and organizing large collections of litigation documents. PDF packages may contain a full-text search index for fast text searching. Packages also offer a convenient method for batch printing PDFs.

PDF fundamentals

The benefits of Acrobat 8 reach well beyond creating and sharing PDF files. With Acrobat 8, legal professionals are able to work with PDF files in ways they never could with paper documents. Original-quality documents, in the form of PDF files, can be distributed quickly—across town or around the world—at virtually no expense. Sending PDF files via electronic mail provides immediate delivery of high quality documents without the expense of courier services or the poor quality that comes with facsimile transmission. With Acrobat 8 Professional, PDF files can be enabled to allow users who have only the free Adobe Reader program to add comments or fill in and return forms. PDF files can be organized with a digitally linked table of contents in the form of bookmarks. Notes and other comments provide user-added information that can be summarized and published to PDF with just a few mouse clicks. Using the Text Edits tools in Acrobat 8, the text in a PDF file can be highlighted, underlined, or struck-through. Image-only PDF files, such as scanned images of handwritten medical records, can be annotated using note, text, and drawing tools. Text annotations to image-only PDF files can be searched from within the document or across multiple files.

Acrobat 8 enables legal professionals to work intuitively with digital documents in ways similar to what they are accustomed to with paper documents. Adding, removing, and copying pages or

“Adobe Acrobat and Adobe PDF are easy to use and have enabled us to advance the way we research and build cases. Adoption across the firm has been rapid, even by lawyers who are resistant to new technologies.”

Scott Thomas
Director of Technology
Thomas & Kampsen Law Firm

whole documents are familiar paper-based tasks that have intuitive counterparts in Acrobat 8. The typewriter tool provides a simple and effective mechanism for adding text to any PDF file. Using Acrobat 8, these familiar tasks are performed more efficiently, more effectively, and with greater mobility than can be achieved with paper-based information.

The Comment & Markup toolbar in Acrobat 8 includes sticky notes (think 3M Post It™ notes), highlighter, stamp, callout, and shape drawing tools. Each tool provides a unique method for conveying information. The drawing tools—rectangle, oval, arrow, line, etc.—allow you to visually mark an area of a PDF document with a graphic. Sticky notes, like their paper counterpart, provide a familiar way to add information to PDF files. Acrobat catalogs all comments added to a PDF file for yet another way to rapidly find information. Acrobat 8 and PDF files are, like text printed on paper, a way to display, organize, and annotate information. Acrobat 8 does not replace the word processor. The information on paper documents cannot be changed other than by adding markups; the same limitation applies to PDF files and Acrobat 8. While the real work of text editing remains in the domain of word processing applications, Acrobat 8 provides an application and operating system of neutral means for people to provide editorial markups directly on works-in-progress.

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Bookmarks, one of Acrobat’s easiest to use features, have many uses for legal professionals. PDF bookmarks act like a paper-based table of contents, but with the power of electronic hyperlinks. Just as a table of contents informs the person viewing a document what information can be found at a given location within the document, so do bookmarks in PDF files. A bookmark in a PDF file creates an electronic link; when the reader clicks on the bookmark, the referenced information instantly appears. Consider a paper-based trial notebook where a change in content requires rewriting the entire table. In contrast, the addition of new material to a PDF file requires only the addition of a new bookmark. Remove content from the notebook and the corresponding bookmark can be removed with a stroke of the delete key. If content is relocated within the notebook, the electronic link remains intact and nothing further need be done; in other words, bookmarks are sticky. A PDF trial notebook with bookmarks offers instant access to information during trial without the distraction of physically turning pages.

Bookmarks bring order to otherwise unruly collections of discovery documents. When many documents are combined into a single PDF file organized with bookmarks, Acrobat 8 acts like a three-ring binder that holds the pages together with an electronic table of contents that links table entries to the equivalent of divider tabs. Acrobat 8 also provides the sticky notes and highlighters for calling attention to specific information on the pages.

Links are the essence of electronic briefs; they let the reader jump to other locations in the same PDF file, to other electronic files, or to websites. Legal professionals should use links when they want their readers to have immediate access to related information. Links can also initiate actions, such as playing a sound or movie file. With Acrobat 8, documents filed electronically with a court can be much more than converted word processing files. You can add bookmarks, highlights, and links to increase the persuasive power of your documents and provide better advocacy for your clients. Links are not limited to static documents, such as cited authorities, but can include connections to images, audio, and video files. Legal professionals can now provide courts with briefs that permit immediate access to cited materials, regardless of whether the citations are to legal authorities or exhibits. Electronically filed documents, created with Acrobat 8, can be more persuasive by providing courts with more information in a format that facilitates review and enhances the decision making process.

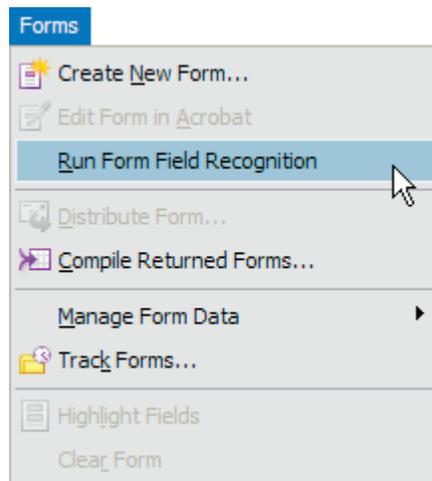
Search and find information

Legal professionals often need to find information fast. Searching for and finding the information you need faster, using Acrobat 8, means greater efficiency and cost-effectiveness. Looking

for information in paper documents is often slow, inefficient, and costly. In contrast, searching for information in digital documents is fast, efficient, and cost-effective. Acrobat 8 can search multiple PDF files that contain text for words or phrases. Comments added to PDF files can be searched regardless of whether the file contains text. Consider the synergy with clients and co-counsel when trial and deposition transcripts, obtained as text files and converted to PDF, can be searched for words and phrases. Scan an opposing party's pleadings, responses to discovery requests, and motions to PDF, and use the OCR feature built into Acrobat 8 to create searchable files. The ability to search documents produced by other parties in litigation gives legal professionals using Acrobat 8 a distinct advantage over their opponents.

Gathering information

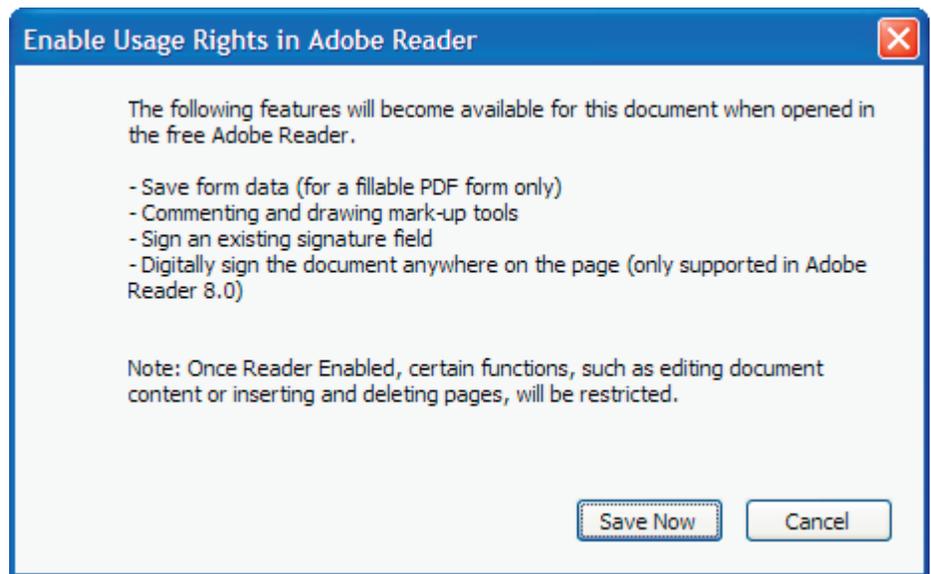
Forms can be either an efficient way to collect and deliver information, or they can impede workflows. How do you gather basic client information, and fill out IRS W-9 and INS I-9 forms? Hopefully not with a typewriter. Manual forms (handwritten or typed) impede workflows. PDF forms streamline procedures. Acrobat 8 Professional leverages the power of PDF forms by allowing you to create your own forms, save and modify existing forms, and enable others to complete and save forms using the free Adobe Reader. Where forms are available as PDF files, Acrobat 8 allows you to fill out and save data in the form. With form field recognition in Acrobat 8 Professional, paper forms can be scanned and converted to PDF fillable forms with a few simple commands.



Forty of the fifty states have court forms available online as PDF files. The federal district courts and courts of appeal have hundreds of forms available through their websites. Likewise, the Internal Revenue Service, Equal Employment Opportunity Commission, Immigration and Naturalization Service, and many other state and federal administrative agencies make their forms available as PDF files. Legal professionals who practice in an area where a government agency or court makes its forms available as PDF benefit from the form capabilities in Acrobat 8.

Client intake forms created with Acrobat 8 Professional offer advantages over their paper or word processing file counterparts. Information entered into a PDF form will always be readable, but the same cannot be said for handwriting on a paper form. Using a PDF file, the integrity of the form will not be inadvertently altered as can all too easily happen with word processing files. Adobe PDF forms can streamline client intake and other processes in the law office. With Acrobat 8 Professional, PDF forms can be enabled to allow anyone with the free Adobe Reader to

fill in, save, and return a form by electronic mail. Information obtained through PDF forms can easily be exported to a spreadsheet or plugged into a database for further examination.



Collaboration

Joint-drafting and collaboration on legal documents present special challenges. Legal professionals frequently need to send documents to other professionals for review, but in doing so must uphold their duty to protect client confidences. Sending a draft of a document to another professional for review and comment should not result in unintended disclosure of confidential information or surrender of work product. Sending a draft in the form of a word processing file may do just that. Microsoft Office applications can contain potentially damaging hidden data, not evident to the average user, that may be leveraged to the advantage of other parties. Acrobat 8 provides the means to collaborate on legal documents efficiently and securely.

Consider contract negotiations with drafts passing back-and-forth between attorneys. Legal professionals routinely add digital comments and questions to works-in-progress. You and your team of legal professionals do not want to share those comments with the other side. Exchanging drafts as PDF files can eliminate the possibility of inadvertent disclosure of confidential information.

Acrobat 8 offers easy-to-use review and comment tools. Anyone with the free Adobe Reader can review and comment on a PDF file that was enabled with Acrobat 8 Professional. Comments from all reviewers can be included in a single, unchanging PDF file. With Acrobat 8, you can receive comments from clients or opposing counsel and export the comments back into the word processing file. Comments can be sorted and checked off after they have been dealt with. Document reviews can be conducted either by electronic mail or through a shared network folder, SharePoint workspace, or WebDAV folder. With shared reviews, the initiator can track the status of designated reviewers and all reviewers can see one another's comments.

Secure information control

Sometimes legal professionals need to send documents out for review but are not at liberty to "give" the document to the reviewer. For example, court reporters deliver transcripts for a fee with the expectation that counsel will not provide copies to other parties. With a PDF version of the transcript, you can send it to a witness, client, or another attorney for review without giving away the court reporter's work-product by setting password-protected use restrictions that deny the ability to print and copy the file. Acrobat 8 Professional allows you to secure PDF files and

enable them for commenting in Adobe Reader. With Acrobat 8, you retain control over document content. Concerns about the manipulation of original work product are controlled because you can impose usage restrictions that limit what the recipient can do with your PDF file. If you are concerned about providing the client with a document before you have been paid, or if you don't want to give another attorney your 60-page condominium declaration, deliver your documents as PDF files that can be viewed only on screen and neither printed nor copied.

Information presentation

Acrobat 8 includes a display function—Full Screen Mode—that can be used to present exhibits in court proceedings much like specialized trial presentation applications. In this mode, the toolbars, menus, and navigation panes disappear and exhibits are presented in full-screen view. In the courtroom, Acrobat 8 has distinct advantages: It costs substantially less than special purpose trial presentation applications and is more user friendly. The marquee and dynamic zoom tools allow you to quickly and easily focus the viewer's attention on specific portions of documents and images. Trial presentation applications still have a place in document intensive cases (10,000+ pages) and for displaying synchronized deposition transcripts, but Acrobat 8—by virtue of regular use in daily work—offers second-nature ease of use.

When it comes to sharing copies of presentations, Acrobat 8 has advantages over Microsoft PowerPoint.™ Presentations converted to PDF can be viewed by anyone with the free Adobe Reader. You do not need to worry about whether the recipient has the right version of PowerPoint or the fonts needed to view the file, and the file is easier to send via electronic mail because of its compact size. If your presentation includes full-page images from original documents, Acrobat 8 does a better job of displaying full 8-by-11 pages. Coupling full-screen mode with Acrobat's ability to create a single PDF file from a mixed collection of PDF files and image files (.jpg, .tif, .psd, etc.) creates a powerful tool for legal professionals. The resulting combined PDF file or package can be further enhanced with bookmarks, links, comments, and Bates numbers. If you need to display and work with digital documents, then Acrobat 8 offers compelling features and ease of use.

Closing Argument

Adobe PDF has become the de facto standard for the exchange of documents in the legal community and the de jure standard for electronic court submissions. Acrobat 8 offers legal professionals powerful yet intuitive tools for working easily and efficiently with PDF files. Included are tools for creating, accessing, and enhancing PDF files; legal-specific tools for Bates numbering, redaction, and metadata removal; tools for collecting and securing information; and tools that facilitate collaboration. Download a free trial version of Acrobat 8. For more information, visit www.adobe.com/go/legal, call 1-800-833-6687, or visit Rick Borstein's blog for legal professionals at <http://blogs.adobe.com/acrolaw/>.

About the Author

David Masters graduated from the University of Montana School of Law in 1986. He operates a paperless law firm in Montrose, Colorado. He wrote: *The Lawyer's Guide to Adobe Acrobat 2d*, American Bar Association (2004); Chapter 23, "Electronic Briefs," *Colorado Appellate Practice Guide 5d*, Continuing Legal Education in Colorado, Inc. (2005); Chapter 34, "Adobe Acrobat for E-Filing and More," *Flying Solo 2d*, American Bar Association (2005); Chapter 14, "Securing Your Documents: Encryption, Digital Signatures and PDF," *Information Security for Lawyers and Law Firms*, American Bar Association (2006); and, numerous articles and presentations on the use of information technology in the practice of law.

References

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2. Source, <http://forms.lp.findlaw.com/>

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