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TWLF NEWS & VIEWS

The Official Newsletter of The Weinreb Law Firm, PLLC

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The Powerful PDF

In this quarter's newsletter, Elan E. Weinreb, Esq., Managing Member of The Weinreb Law Firm, PLLC, addresses the use of Adobe Systems Incorporated's ("Adobe") Portable Document Format ("PDF") in optimizing motion drafting and publication.

PDF Facilitates Motion Drafting

Just as football quarterbacks formulate plays and throw passes for a living, so do litigators draft and publish motions to put bread on the table. Adobe's PDF is one of the most powerful and versatile tools for drafting and publishing hardcopies of any motion (or really any document, as the very document you are reading is an actual PDF file).

> *[P]erfected over 20 years, . . . PDF is now an open standard for electronic document exchange maintained by the International Organization for Standardization (ISO). When you convert documents . . . to PDF, they look just like they would if printed. . . . When you share a PDF file, virtually anyone can read it . . . .*

Adobe Systems Incorporated, "About Adobe PDF" (*available at* http://www.adobe.com/products/acrobat/adobepdf.html) (last visited Oct. 14, 2014).

It thus is not surprising that both New York state and federal courts require the use of PDF files in their respective electronic filing programs.

While the benefits of a standard platform afforded by PDF use are apparent, motion drafting benefits are less easily discerned. Nonetheless, they certainly exist and are centered upon a key concept: **accessibility and retrieval of information**.

Any motion author knows that information is a motion's blood. The typical affidavits or affirmations and memoranda of law that comprise motion papers consistently reference either factual information (e.g., pleadings and exhibits) or legal information (e.g., cases, statutes, and rules).

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ALL OF THIS INFORMATION CAN BE INCORPORATED WITHIN PDF FILES AND THEN RETRIEVED FROM ONE SPECIALIZED PDF FILE.

This capability exists as a result of Adobe Acrobat—the program most widely used to create and edit PDF files—containing an on-board search engine. If one uses it optimally, he or she can greatly reduce the time spent searching for factual or legal information while drafting. Here's how to do this using Acrobat X Professional running on a Windows 8.1 Pro system:

- **Compile Motion Information —** By the time you're ready to commence drafting a motion, you should know what factual and legal information you will need to complete the drafting. Compile a list of all documents representing this information.
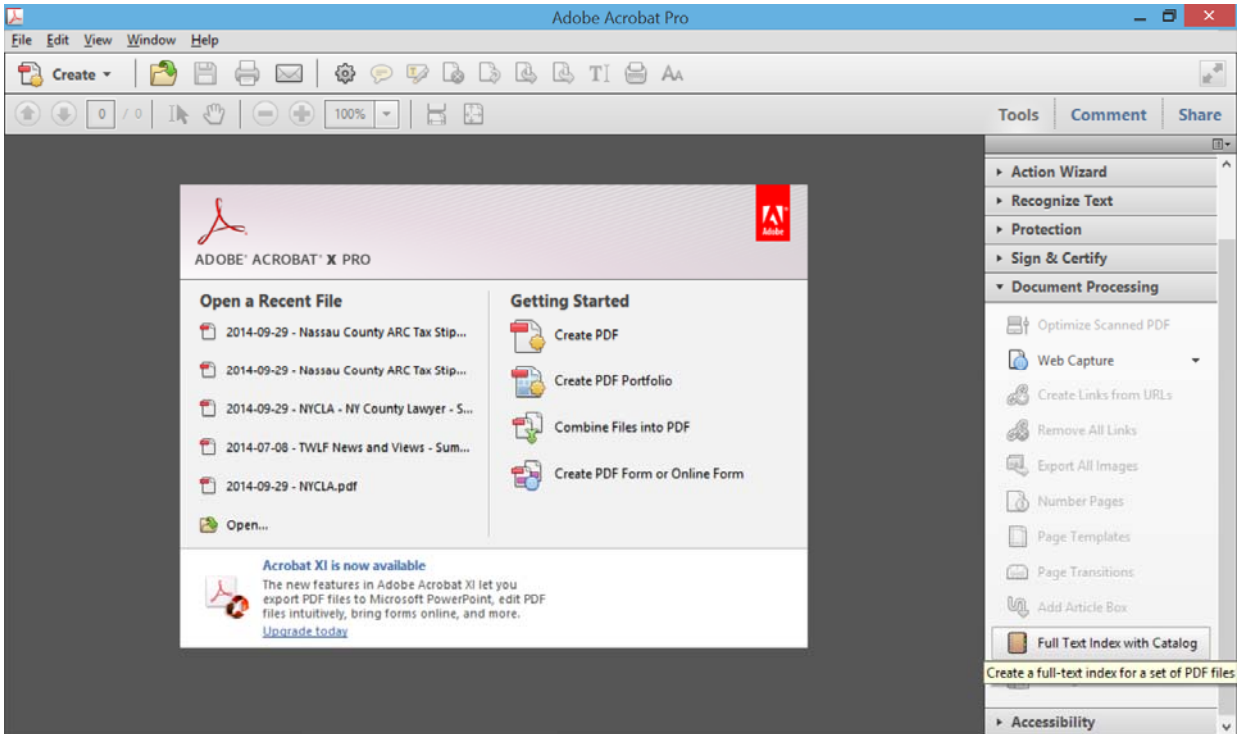

    Once you have done so, review the list and ensure that all documents on it have been converted to PDF files either by: (a) having been scanned and processed using Optical Character Recognition ("OCR") so that they are text-searchable (meaning that you can use Acrobat's "Find" (Ctrl-F) function to successfully search for words or phrases in a given PDF file); or (b) having been previously converted to PDF from their respective native formats (as is done when one either "saves as a PDF" or "prints to PDF" in Microsoft Word).
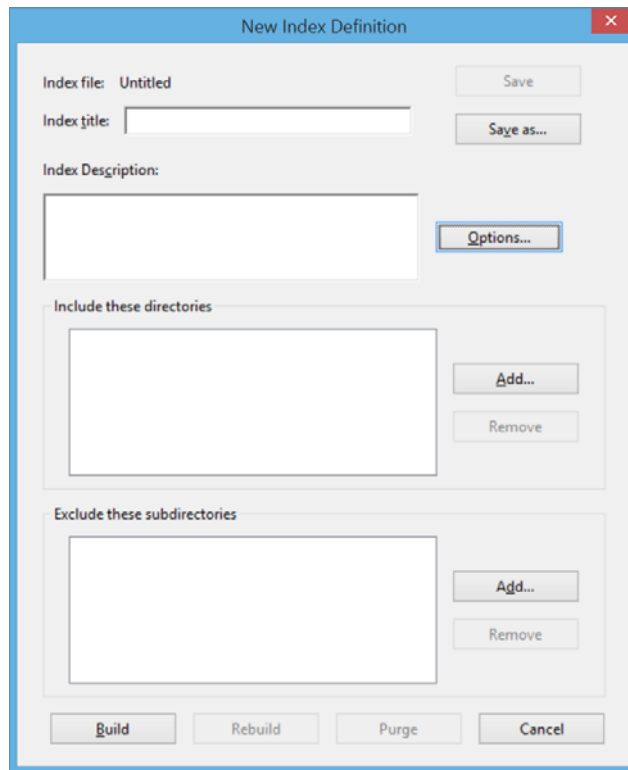
    Place **ALL** of these PDF files into a single, contained folder/ directory that you create on your hard drive, network drive, or other virtual work location ("Containment Directory").

- **Index the Information** — Acrobat uses an indexing system to facilitate the location of words and phrases in the PDF files that are placed into the Containment Directory. To utilize this system, first close any open PDF files. Then, select the "Tools" pane from the start-up screen of the program and expand the "Document Processing" sub-menu from within that pane. Most options will be grayed out except for "Web Capture" and "Full Text Index with Catalog." Select the latter option, as per the following screenshot:

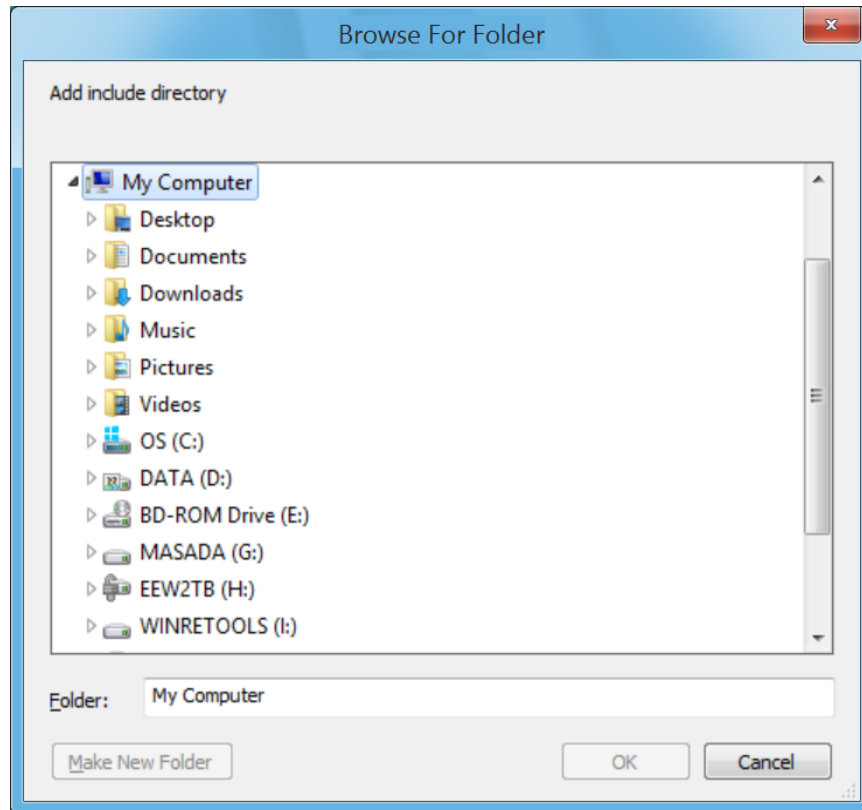## "PDF Facilitates Motion Drafting" — *cont. from Page 2*

Next, select "New Index." The following screen will appear:

"PDF Facilitates Motion Drafting" — *cont. from Page 3*

Next, fill in the "Index title" box as you see fit and then select "Add" from the "Include these directories" section. The following screen will appear:

Under "My Computer," select the drive where the Containment Directory is found (I created it on the "DATA (D:)" drive on my system in the preceding screenshot) and proceed to select the Containment Directory.
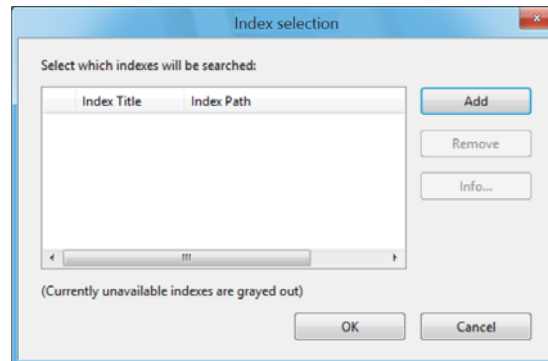
Once the Containment Directory is selected, select "Build" from the "New Index Definition" screen. A screen entitled "Save Index File" will appear, and Acrobat will prompt you to save a "Catalog Index File" (having the extension *.pdx).

Assign a name to the "Catalog Index File" (I would use the format "[YEAR]-[MONTH]-[MOTION RETURN DAY] Motion Papers Index - [PLAINTIFF] v. [DEFENDANT].pdx") and save it to the Containment Directory itself.
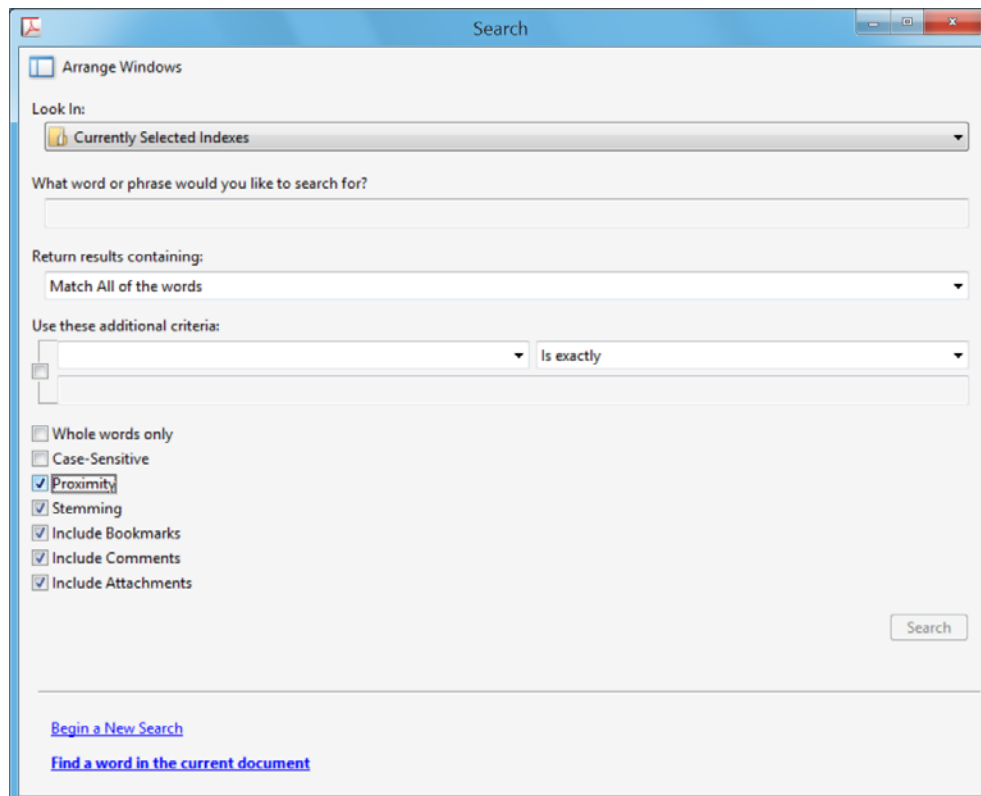
- **Searching the Information** — If you've done all of the above, then congratulations! You're ready to search all motion information in a virtual, paperless, and centralized environment. Here's how:

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First, from the opening screen of Acrobat X Professional, press "Ctrl-Shift-F." This will bring up a screen entitled "Search." Select "Select Index" from the "Look In" drop down menu, and then select the *.pdx file that is located in the Containment Directory (a/k/a the index file that you previously created) by clicking on the "Add" button, as per this screenshot:
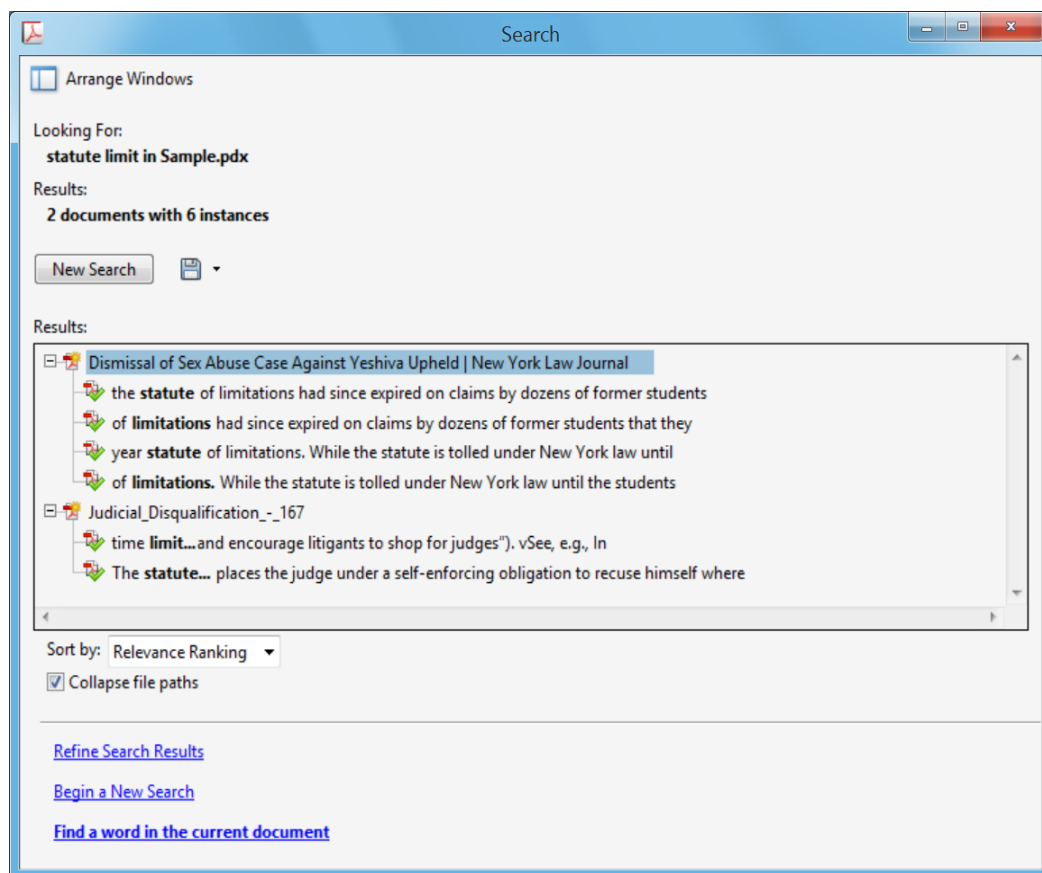

Click "OK." The "Search" screen will return, this time with "Currently Selected Indexes" selected from the "Look In" drop down menu. Select "Match All of the words" from the "Return results containing" drop down menu, which will unlock "Proximity" searching, as per this screenshot:

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You can now search all motion information for various terms appearing within a specified number of words (which can be specified by pressing "Ctrl-K," selecting the "Search" category on the left side of the screen, and then modifying "Range of words for Proximity searches" accordingly). The simple syntax for running a search is as follows: "[TERM1] [TERM2]."

As an illustrative example, I ran the search "statute limit" to target the term "statute of limitations" using word stemming and a proximity limit of thirty (30) words. The search was run against a "dummy"/test index file called "Sample.pdx." Here are the results:

By using proximity searches that allow searches against all motion information in a virtual, centralized, and paperless environment (namely, the *.pdx file), one can significantly accelerate motion drafting, even if one adopts the common practice of leaving citations blank and then having support staff fill them in at a later time. The latter, who should be instructed in how to search *.pdx files, will most certainly be grateful for the time saved over having to use the traditional "human eyeball" method to fill in citations.

PDF Facilitates Hardcopy Motion Publication

When one finishes drafting motion papers, Adobe's PDF has additional utility as a **motion publication** tool. Specifically, the versatility of PDF allows for multiple PDF files to be combined into one large PDF file via various methods (one of which is discussed below). This combination streamlines hardcopy motion publication while significantly mitigating the risk of publication errors such as missed pages or misplaced exhibits (as well as lost time and materials that are the consequences of such errors).

- **Combine and Conquer —** Remember all of the PDF files that were stored in the Containment Directory and used for establishing the *.pdx file that facilitated motion drafting? That very same Containment Directory can be used for motion publication, as illustrated in the following hypothetical scenario.

  Assume that you have drafted a Litigant's Affidavit that has been duly executed and notarized in support of a motion for summary judgment in a state court non-e-filed case. Assume further that you have ten exhibits to accompany this Litigant's Affidavit. All exhibits have been previously saved as PDF files in the Containment Directory and are twenty pages each, for a total of two-hundred pages of exhibits. Finally, assume that the Litigant's Affidavit and any other ancillary papers that could be attached to it (such as an Affidavit of Service or litigation back) total ten pages.

  You need to assemble five complete service copies of the Litigant's Affidavit and accompanying exhibits (which practically means that you will be using one thousand and fifty pages of paper).
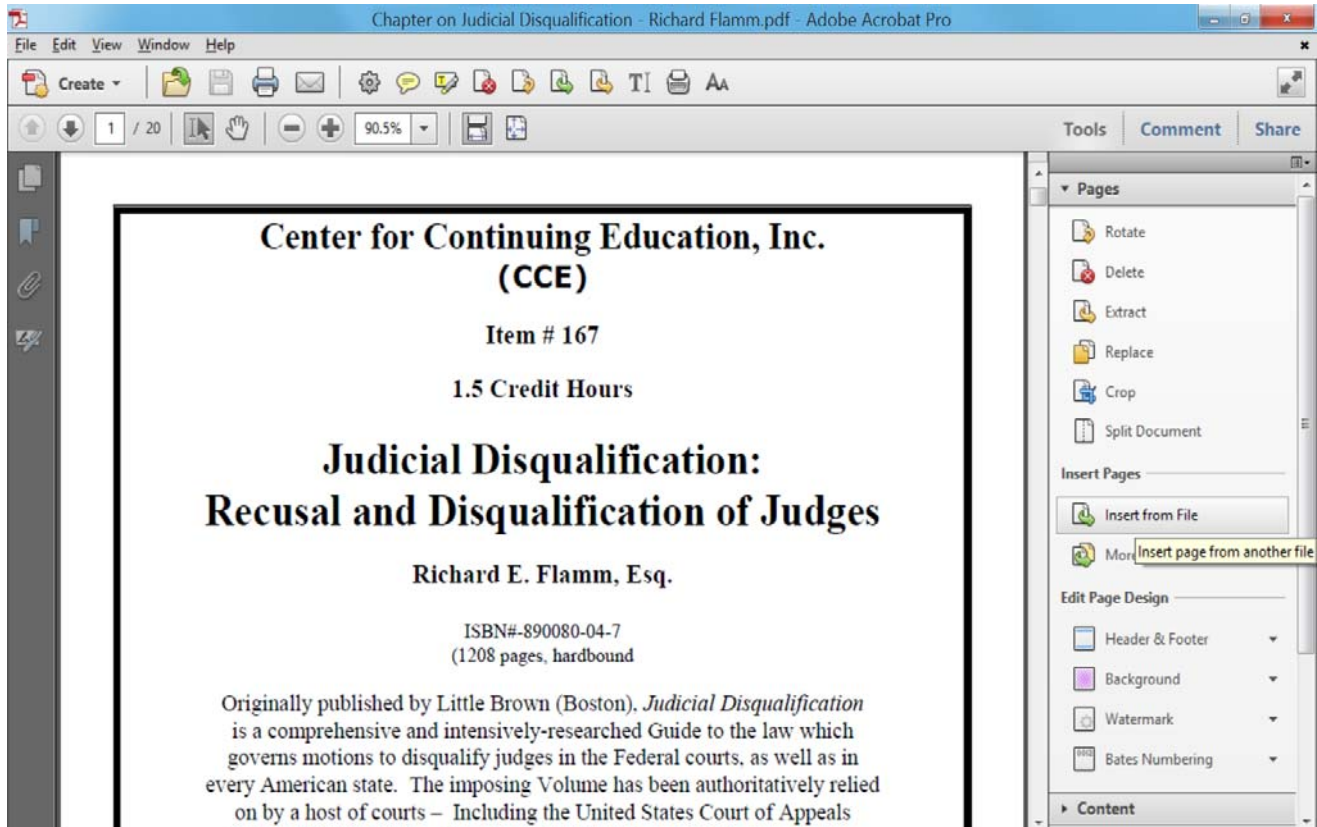
  <u>DO NOT GO (OR SEND SUPPORT STAFF) TO A COPY MACHINE WITH THE ORIGINAL LITIGANT'S AFFIDAVIT AND ACCOMPANYING EXHIBITS TO PRODUCE THE HARDCOPIES</u>!

  Instead, first scan the original, executed Litigant's Affidavit and save it in the Containment Directory as a PDF file. Then:

  1) Open up each one of the ten exhibit PDF files that are in the Containment Directory in its own window.

  2) Go into your favorite word processing application and create an exhibit coversheet for each of the exhibits. (A coversheet is a document containing the words "Exhibit [X]," where "[X]" is the number or letter of a given exhibit.)

  3) Print these exhibit coversheets as PDF files and save each coversheet PDF file to the Containment Directory. When you are done saving each file, proceed to close it.

"PDF Facilitates Hardcopy Motion . . ." — *cont. from Page 7*

4) Return back to each of the ten exhibit files that are in the Containment Directory and are currently in open windows.

5) For each of the exhibit files, from the "Tools" menu, as in the screenshot below, select "Insert from File."

6) Insert each relevant exhibit coversheet BEFORE the first page of each exhibit file and then save each of the ten exhibit files using their original filenames.

7) Now, open the PDF file of the original Litigant's Affidavit and proceed to insert—using the "Insert from File" feature highlighted in the preceding screenshot—each one of the newly-saved exhibit files AFTER the last page of the Litigant's Affidavit file.

8) Once all ten exhibit files have been inserted, proceed to insert an Affidavit of Service or any other similar document such as a litigation back that would normally appear at the very end of the Litigant's Affidavit. **Then, immediately save the Litigant's Affidavit (which now includes all exhibits) in the Containment Directory**.

"PDF Facilitates Hardcopy Motion . . ." — *cont. from Page 8*

9) You're now ready to publish all copies of the Litigant's Affidavit. Press "Ctrl-P," as one normally does in printing copies, set the "Copies" option to five, check the "Collate" option, and let your printer/copier go to work.

10) Once the five copies have printed, proceed (or instruct support staff) to place physical exhibit dividers/tabs either directly in front of (my preferred method) or in place of each exhibit coversheet. While it is still possible that these tabs/dividers will be misplaced, at least no pages will be missing in each copy unless your printer has run out of paper. Proceed to bind or otherwise assemble each of the copies using prong fasteners or similar devices.

The above-described method above for using a single, consolidated PDF file as a virtual foundation for the hardcopy publication of motion papers is by no means unique. Other, arguably more efficient methods exist, including but not limited to those that utilize programs other than Acrobat X Professional. Nonetheless, I believe that the method outlined above is the most straightforward for the novice Acrobat user.

Irrespective of which method one chooses in working with PDF files, the fact remains that using PDF as a tool to facilitate motion drafting and hardcopy production saves time, money, heartache, and effort. The PDF certainly is useful—perhaps even essential—for any attorney who wishes to operate a paperless or "less-papered" law practice. Moreover, while initially learning how to use PDF in motion drafting and hardcopy publication involves several steps and a substantial time investment in the short term (at least the first couple of times one prepares a motion), it is an investment that is highly likely to yield enormous productivity returns, and this has been my experience over the years. Long live the powerful PDF!

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