

Tech, Remote Work and More: Questions and Answers for Estate Planners

Handout materials are available for download or printing on the HANDOUT TAB on the gotowebeinar console. If the tab is not open click on that tab to open it and view the materials.

PEAK TRUST COMPANY
Personal Trust & Wealth Management Solutions

A KEY ESTATE
PLANNING GUIDE

InterActive Legal

ChronicIllnessPlanning.org

1

1

Tech, Remote Work and More: What Estate Planners Need to Know Now

By: Barron K. Henley, Esq., Partner, Affinity Consulting Group, Mary E. Vandenack, Esq., Jonathan G. Blattmachr and Martin M. Sherkman, Esq.

PEAK TRUST COMPANY
Personal Trust & Wealth Management Solutions

A KEY ESTATE
PLANNING GUIDE

Law Easy

InterActive Legal

2

2

General Disclaimer

- The information and/or the materials provided as part of this program are intended and provided solely for informational and educational purposes. None of the information and/or materials provided as part of this power point or ancillary materials are intended to be, nor should they be construed to be the basis of any investment, legal, tax or other professional advice. Under no circumstances, should the audio, power point or other materials be considered to be, or used as independent legal, tax, investment or other professional advice. The discussions are general in nature and not person specific. Laws vary by state and are subject to constant change. Economic developments could dramatically alter the illustrations or recommendations offered in the program or materials.

3

3

Thank you to our sponsors

- InterActive Legal
 - Vanessa Kanaga
 - (321) 252-0100
 - sales@interactivelegal.com



InterActive Legal

4

4

Thank you to our sponsors

- Peak Trust Company
 - Nichole King
 - Phone: 702.462.6677
 - Toll Free: 844.391.2789
 - NKing@peaktrust.com



PEAK TRUST COMPANY
Elevated Trust & Wealth Management Solutions

5

5



**AMERICAN
BRAIN
FOUNDATION**

Jane Ransom, Executive Director
ransom@americanbrainfoundation.org
AmericanBrainFoundation.org

6

6

Q: I cannot afford subscription trust and estate legal services. What are the options?

- Options:
 - If you're familiar with programming and have time, automate your own documents using a document assembly tool like HotDocs or Contract Express
 - Outsource the automation of your documents with a tool like HotDocs or Contract Express
 - Try alternative subscription options like Lawgic, Fore! Trust Software, ElderDocx, WealthCounsel, Lawyers With Purpose, or CounselPro

7

7

DOCUMENT AUTOMATION OPTIONS IN WORD

- Quick Parts and AutoText
- Macros
- Mail Merge
- FillIn fields or Content Controls
- All of the foregoing can be outsourced if you'd rather have someone build it for you

8

8

Q: ADVANTAGES AND DISADVANTAGES OF HOT DOCS

- ADVANTAGES:
 - You automate your own forms (don't have to accept other language)
 - Your entire decision tree can be built into the interview
 - Integration with some practice management systems
 - Dramatically faster drafting
 - Never have to answer same question twice (answer files)
 - Capture expertise of users
 - Quality and accuracy of documents
 - You can outsource all of it

9

9

Q: ADVANTAGES AND DISADVANTAGES OF HOT DOCS

• DISADVANTAGES

- Requires mastery of Word (which almost no one has mastered)
- Programming is time consuming to learn and execute
- Cost (subscription)
- Need to update your own documents

10

10

Q. AUTOMATING PROCESSES (VS DOCUMENTS)

- These are not the same thing
- You can automate document drafting and achieve no significant gains if the process is bad
- Drafting is only one piece of a larger process
- "A bad system will beat a good person every time." – W. Edwards Deming

11

11

Q. AUTOMATING PROCESSES (VS DOCUMENTS)

• IDENTIFYING AND DOCUMENTING PROCESSES – PURPOSES

- Improve Profitability.
- First Step to Automation.
- Reduce mistakes.
- Improve Consistency.
- Everyone is using the same process.
- Better Client Service.
- Documented processes addresses human infallibility and inattention.

12

12

Q. WHAT PROCESSES SHOULD I AUTOMATE

- What are the most common mistakes made in your law office?
- What processes are repeatable and predictable?
 - Example: Opening a new estate planning matter
- Start with a Routine Simple Process for your first Attempt

13

13

START WITH A CHECKLIST FOR THE PROCESS

- PRINCIPLES OF A USEFUL CHECKLIST
 - Clear Concise Objectives for Use
 - Simplicity "If you can read, you can draft a will."
 - Complete
 - Easy To Follow
 - Clear Direction about who does what
 - Consider absolute deadlines and contingent deadlines

14

14

SOME MAY PREFER A PROCESS MAP

- A Process Map Is A Structural Analysis Of A Workflow.
 - Consider how work is actually done from how it **should** be done.
 - A process map is a graphic representation of a walk-through of the process.
- Want to graphically create a process map?
 - <https://www.lucidchart.com/> (web-based)
 - <https://www.smartdraw.com/> (download or web-based)

15

15

SIMPLE CHECKLIST EXAMPLE – New Matter

- Run Conflict Check
- Complete New Matter Memo
 - Matter Type ETP; BUSFORM; BUSSUCC
 - Client Contact Information
 - Fee Arrangement
 - Draft Engagement Letter. Use Hot Docs form and select options that match fee arrangement.
 - Billing Attorney Reviews and Revised Engagement Letter.
 - Forward engagement letter to client.
 - Obtain signed copy of engagement letter and save in CORR file for client.

16

16

SAMPLE CHECKLIST CONTINUED

- Open Matter in Document Management System
 - Set up standard files for matter type
 - Select any non-standard files required for matter
- Open Matter in Billing System
- Send Thank you note to referral source

17

17

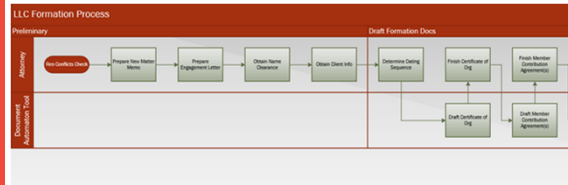
PROCESS MAP V. CHECKLIST

- A process map is simply a visual depiction of the process.
- A visual depiction can allow for easier communication about the process.
- The visual depiction can help identify how automation of the process may fit in the big picture.
- Visual depiction may help troubleshoot.

18

18

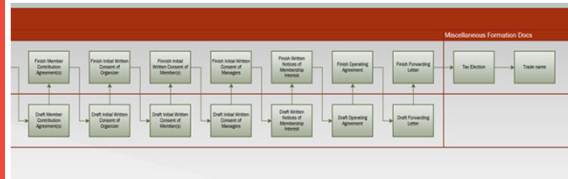
SAMPLE PROCESS MAP FOR ENTITY FORMATION



19

19

ENTITY FORMATION PROCESS MAP CONT.



20

20

Q. CAN YOU PROVIDE EXAMPLES OF HOW YOU BECAME MORE PAPERLESS

- Well designed document management system
- Constantly evaluate why paper still exists and rethink processes. If anyone says "we have always done it this way, then it is time to review the process."

21

21

PAPER REDUCTION – THE HARDWARE

- Scanners (desktop scanners make it easy)
- Monitors (multiple monitors that rotate to portrait)
- Laptops/notebooks (take the electronic file with you)

22

22

Scanners

Key features for desktop scanners

- We prefer sheet fed v flat bed
- Document feeder
- Quiet
- USB connection
- Black & white or color, legal or letter & fast

23

23

Scanners

- You may need a copier, but...
- All success stories used **distributed scanning** - in the current environment partners and other staff should be provided with home scanners if they have any paper that they handle
- Some professionals still want to print and mark up a document or plan manually and they need to scan it. **Try marking up in word; use a table of contents to create the structure documents**
- An all in one printer/scanner/copier may be best – see later



24

24

Recommended Flatbed Scanners

- Xerox Duplex Combo Flatbed Scanner (25/50 ppm – \$224)



- Fujitsu fi-7280 (80/160 ppm – \$1,835)



25

25

Recommended Sheetfed Scanners

- Fujitsu ScanSnap iX1500 (30/60 ppm – \$420)
- Brother ImageCenter ADS-2800W (40/80 ppm – \$400)
- Canon DR-C225W II (25/50 ppm – \$412)



26

26

Recommended Sheetfed Scanners

- Fujitsu fi-7160 (60/120 ppm – \$831)
- Fujitsu fi-7180 (80/160 ppm – \$1,469)
- Fujitsu fi-7300NX (network scanner 60/120 ppm – \$1,070)



27

27

PAPER REDUCTION - SOFTWARE

- PDF Software
- Document management system (or alternate to document management system)

28

28

Scanning Software

- Digital documents must be PDFs
- Portable Document Format is a file format that captures all elements of a printed document as an electronic image that you can view, navigate, print, or forward to someone else
- You can buy and download the software to your laptop while working remotely if you do not already have it

29

Types of PDFs

Image only PDFs

- Just an image of original
- Cannot be searched for words contained inside
- Default type of PDF from scanners

Searchable PDFs (what you want)

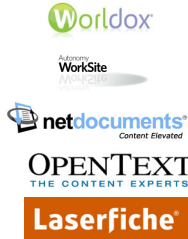
- Layer of searchable text behind image
- Searchable
- Indispensable

If you don't have searchable PDFs, you will have difficulty finding them in the future

30

Document Management System Options

- Worldox GX
- iManage WorkSite
- NetDocuments
- OpenText
- LaserFiche



31

Document Management Effective Use - Consistently Naming Matters

- 1234 HENNINGS, JOHN AND NANCY
 - 0000 ESTATE PLANNING
 - CORR – CORRESPONDENCE 2020
 - EMAIL20 – EMAIL 2020
 - TRLIV – LIVING TRUSTS
 - TRIRREV – IRREVOCABLE TRUSTS
 - WILL – WILLS
 - ASSETDATA – ASSET DATA
 - POAHC – POWER OF ATTORNEY FOR HEALTH CARE
 - 0001 SIGNED ORIGINAL DOCUMENTS (WHICH GO TO PORTAL)

32

32

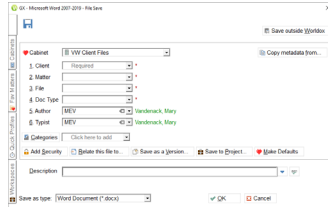
Document Management Effective Use - Consistently Naming Documents

- Estate Plan General Summary [Name] [Date]
- Living Trust – First Amendment – [Name] – [Date]
- Living Trust – [Name] – [Date]
- Living Trust (Restated Date) - [Name] – [orig date: Date]
- Power of Attorney – General Durable – [Name] – [Date]
- Power of Attorney – Health Care – [Name] – [Date]
- Schedule of Assets – [Name] – [Date]
- Will – First Codicil – [Name] – [Date]
- Will – [Name] – [Date]

33

33

Document Management Systems – Require Fields



34

34

More On Email Management

- Save email to document management system
- Create an email folder
- When saving email, save with a description that will allow you to find the email. "Email from John Jackson summarizing ownership of LLC"
- Have document management pop up for sent items to require save.
- Don't allow storage in inbox or email folders

35

35

Store Email Outside of Email App

- STOP PRINTING email



- Save as MSG or PDF files – or store them in a document management system
- Professionals accustomed to having staff print emails should IMMEDIATELY change to saving PDFs of important emails while forced to work remotely during COVID

36

36

Q. How Do You Manage Staff Remotely

- Microsoft Teams
- Daily huddles for work groups via teams
- Morning project plan
- End of day accounting regarding project plan
- Weekly computer training session to address remote issues

37

37

Training

- Include all staff – even those who don't think they'll scan (they'll change their minds) – This can be done remotely now with a web meeting
- Training on remote work management
- Most important step
- Breaks down resistance
- Use the current COVID tragedy to push reluctant professionals to adapt to essential technology as they may have no choice but to do so in the current environment

38

38

Q. How Do You Stay Focused Remotely

- Your remote set-up simply has to work for you.
- Each of our presenters has their own approach. You have to find yours.

39

39

Q. When Should I Use Videoconferencing?

- "Zoom fatigue" is becoming a challenge
- Videoconferencing should be used when you would have had an in-office meeting
- Telephone conferences worked for many years without video conferneces

40

40

Q. How Do You Make Videoconferencing Efficient?

- Videoconferencing has some efficiency by the nature of being outside the office. (no greeting, serving coffee, etc.)
- Basic principle of effective law practice: control the meeting whether on the phone, in the office or on video.
- Learn how to end the videoconference.

41

41

Q. How Do You Save Videoconference Recording?

- Most services offer recording
- They are HUGE files (just recorded a 2 hour webinar that was 970 MB)
- Save them anywhere or external hard drive
- Sending them to someone else is the trick (consider ShareFile, for example)

42

42

Q. What Do You Include In Client Portal?

- Each attorney has a different approach based on his or her practice and clients.
- Generally, copies of signed estate planning documents will be available.
- More detailed portals can be designed that assign differing security rights to various advisors to upload and/or review information.

43

43

You Need A Password Manager

- Part of your estate plan – makes it sharable
- Way too many passwords and logons to keep track of
- They generate strong passwords
- You're using the same password for many logons
- Holds credit cards
- Holds any kind of personal info

44

Password Manager Options

- Dashlane
- LastPass
- Sticky Password
- LogMeOnce
- 1Password
- TrueKey
- RoboForm
- Keeper Desktop



LastPass...



45

Q. Best Practices For Handling Mail

- If mail is directed to an individual at a residence, scanning of envelopes may be available through us post office.
- Mail can be forwarded to one person who scans and distributes.
- If office is open, one person can scan and distribute.
- Look for opportunities to reduce incoming mail.

46

46

Remote Work Checklist

- Internet access – Mary - issues with remote areas; Marty bandwidth issues
- Mobile hardware
- Other required hardware to work remotely Mary uses 3 screens; Marty uses 1 laptop
- Mobile communications
- Electronic filing system and remote access to the files – not reliant upon paper files
- Billing & accounting with remote access
- Centralized, sharable client database - case management system
- Get documents signed remotely
- Security and protecting client data when working remotely
- Home workspace - Separate office vs. armchair
- New processes and procedures

47

Backup & Security

- Redundancy critical
- Backup rules
 - No excuses
 - Unattended is best
 - Backup everything
 - Check the backup log
 - Off-site storage
 - No incremental backups
 - Run test restores
 - Have secondary method

48

48

Backup on a Budget (What You Can add NOW!)

- Carbonite Personal Plus \$72/PC/yr – unlimited storage **CARBONITE**
- WD 3TB My Book Desktop External Hard Drive - \$89
- Acronis True Image 2020 - \$35 – creates a mirror image of entire hard drive



49

Electronic Filing System

Must hold:

- Documents created internally
- Documents received
- Email
- Email attachments
- Faxes
- Notes
- You **CAN** start now! You should!



50

50

Digitize Mail & Faxes

- If you have a physical fax machine in your office convert NOW to an internet fax service. This **CAN** be done remotely in the current environment
- Consider Internet fax service
 - www.ringcentral.com
 - www.myfax.com
 - www.efax.com
 - www.greenfax.com
 - www.onebox.com
 - www.faxzero.com

51

51

- If you use



- Then you need one of these **because they integrate**
 - Adobe Acrobat
 - Nuance Power PDF Advanced
 - Foxit PhantomPDF Business
 - Nitro Pro

52

File Sharing Tools



53

Develop Protocols

- Write down how you do it – create a “**Cheat Sheet**” for each step with screen shots to make it really EASY for a non-techie to do it
- **Marty and Mary will comment**
- Should be part of your employee manual

54

54

Now that you have an electronic filing system,

RELY ON IT!

55

Incredibly Inexpensive Storage

- 1 page of a PDF document = roughly 30 kilobytes
- 1 gigabyte = 1,073,741,824 bytes or 35,791 pages of text
- 1 bankers box holds about 2,500 pages
- 1 gigabyte can store 14.3 banker's boxes of documents (so let's round down to 14)
- 3 TB USB external hard drive = \$90
- Therefore, a single hard drive could hold 42,000 bankers boxes of documents at a cost of \$0.0021 per box.

56





Problems Solved With Electronic Files

- Remote access – especially now during COVID stay at home orders
- Electronic files always in the same place
- Lower operating costs
- Electronic files are easily searchable
- Easy to share & collaborate
- Easily transportable
- Instant data access
- Easy updating
- No storage costs

57

57

3 Basic Approaches – Use 1, 2 or all 3 Depending on your Current Status

- Sync files to laptop   
- Cloud sharing or access   
- Connect to office server or PC  

58

You Want An Ultrabook Configuration

- Resume from hibernation < 3 seconds
- Battery life > 6 hours of video
- USB 3.0, USB-C or Thunderbolt ports
- < 0.83" thick
- < 3 lbs.
- Powerful
- Touch
- Antivirus
- Anti-theft
- Hardware security

For example:
Dell XPS 13 in Frost White



59

59

2-in-1 Convertible

Hybrid tablet/laptop



60

Tablet



61

Unless you're doing pretty basic stuff,
an iPad probably won't cut it



However, the tradeoff between a 2-in-1
PC and a tablet is negligible



62

Laptop + Dock + Monitors + Keyboard/Mouse

- One laptop and docking station at home and office.
- Docking station is less costly than redundancy of multiple computers.
- Multiple computers gives you redundancy.



63

You Can't Assume Everyone Has A Home PC

- If everyone in your office has a desktop, they may not be able to work at home
- This is not very portable!
- Might be time to consider laptops for everyone
- You can order online and have shipped directly to the homes of professionals and staff who need them NOW. You can have an IT consulting help remotely set up whatever is needed.

64

Laptop Configuration Recommendation

- 13.3", 14" or 15.6" touch screen – smaller = lighter laptop
- 16 GB of RAM (32 OK, 8 not OK)
- 500 GB or 1,000 GB (1 TB) solid state hard drive
- Biometric/fingerprint reader built in
- Windows 10 Pro (not Home) or Mac OSX
- 3 year, next business day, on-site warranty + accidental damage protection
- Intel i5 or i7 processor – 8th, 9th, or 10th gen

65

Deciphering Intel Processors

- i3 – i5 – i7 – i9: speed/power increments
- Generation: current is 10th – how to tell
 - Intel Core i7-10710U – 10th gen
 - Intel Core i7-9750H – 9th gen
- Power Consumption:
 - Intel Core i7-9750H – High performance graphics, uses more juice
 - Intel Core i7-10710U – Ultra low power consumption (most are here)
 - Intel Core i7-10310Y – Extremely low power consumption (uncommon)

66

Keyboard/Mouse Combo for Dock

External keyboard/mouse combo MK550 or MK710



67

67

Best Travel Mice

- Logitech MX Master - \$60



- Logitech Anywhere Mouse MX - \$35



68

68

Portable Printers


- HP OfficeJet 200
- HP OfficeJet 250 All-in-One (print, copy, scan)
- Canon Pixma iP110v
- Buy on line NOW and have shipped to home of staff in need



69

69

Multifunction versus separate scanner & printer
For immediate home/remote use consider size of home office area



Less money versus longer life & better performance

70

Portable Postage & Label Printer

DYMO Label Printer & Digital Scale - \$218
 DYMO 450 Twin Turbo (no scale) - \$135



71


Portable Optical Drive/DVD

- Smaller & lighter = no drive
- External USB DVD player/recorder external drive = \$30





USB 3.0
TYPE-C

72

► Cell phones aren't the best option 

► Hosted Voice Over Internet Protocol (VoIP) is a GREAT option

Laptop + Plantronics Savi Office W730

73

You Must Have A Web Meeting Service

- GoToMeeting 
- WebEx MeetMeNow 
- Adobe Connect 
- Microsoft Teams 
- Join.Me 
- Zoom 

<https://www.affinityconsulting.com/comparewebmeetings/>

74

► Better Webcams (super high demand right now so prices are high)

- Logitech C920 HD – list price \$80
- Logitech C930e – list price \$130
- Logitech Brio Ultra Pro – list price \$199



► Complete portable video conferencing system – Logitech Group Video Conference bundle – list \$1,300



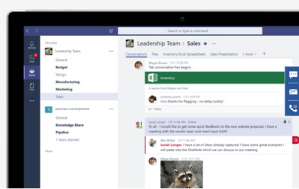
75

Instant Messaging Can Be Very Important

Instant messaging with
Microsoft Teams

Sign in

Sign up for free



Keep the team connected no matter where work takes you with Microsoft Teams

76

Professional Answering Service

To find options, web search the phrase **virtual receptionist**
(For some small firms simpler approaches may be preferable
for COVID)

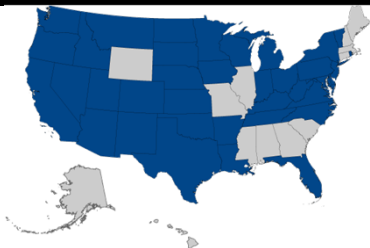


smith
SMITHSONIAN NATIONAL MUSEUM
VISIT SMITHSIAI
FOR A FREE TRIAL



77

Blue States Authorized eNotary and/or Online Notary



78

Digital Signatures Are Legal But Not Generally For Wills

- DocuSign: www.docusign.com
- RightSignature: (our favorite) www.rightsignature.com
- Even if you cannot use for wills consider for retainer agreements and other documents
- You can easily add this service NOW to your repertoire

79

79

► Laptop, tablet & phone encryption

- Windows 10 Pro – Bitlocker
- Mac – FileVault



► Email encryption – for example gmail.com



► Home router encryption – WPA2 or WPA3 (not ok to use WEP) & change your default admin password

► VPN service – for example NordVPN



80

Encrypted Flash Drives

- Kingston DataTraveler 4000
- Aegis Secure Key
- CMS Secure Vault FIPS



81

81

Encrypted External Drives

- Lenovo ThinkPad USB 3.0 Secure Hard Drive
- Aegis Padlock
- iStorage 3 TB encrypted hard drive



82

82

Enable Two Factor Authentication (2FA)

Requires 2 authentication factors to verify identity

- Knowledge factors – something you know
- Possession factors – ID card, security token or smartphone
- Inherence factors - biometrics

83

Required Policies

- Internet use
- Social media
- Document retention
- Secure password – 12 characters, mixed case, at least 1 number & 1 symbol
- Disaster recovery plan
- Mobile security

84

If Using Home Devices

- Make sure antivirus up to date
- Operating system updates have been installed
- Other family members should not have access
- Make sure WiFi is secure

85

If You've Resisted, It's Time To Embrace The Cloud

Software as a Service (SaaS)



netdocuments

Infrastructure as a Service (IaaS)
aka "hosted servers"



86

Cloud Examples

- Email
- Dropbox/Box/OneDrive/Google Drive
- ShareFile
- QuickBooks Online or Xero
- Web-based case management
- Web-based accounting
- Office 365 or G Suite
- Carbonite or Mozy online backup
- Hosted servers
- Electronic case filing

87

Consider Cloud Case Management & Accounting

actionstep

CosmoLex
CLOUD-BASED PRACTICE MANAGEMENT SOFTWARE

Clio

mycase

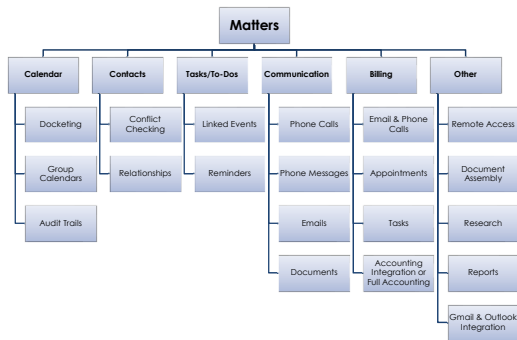
PRACTICEPANTHER

rocket matter

CENTERBASE

zolaSUITE
Cloud Based Practice Management

88



89

Templates Are Critical

[MUTUAL] CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Opening Commentary: If the agreement is one way, then we define the Discloser and Recipient in the opening paragraph. If the agreement is mutual, then we do not need to define or abbreviate our party names, because they will only be specified four times – in the opening, in the notice section, in the signature, and in the jinder.

This [mutual] confidentiality and non-disclosure agreement is dated [Month Day, Year,] and is between [_____, identify type of entity] [Delete if Mutual ("Discloser")], and [_____, identify type of entity] [Delete if Mutual ("Recipient")].

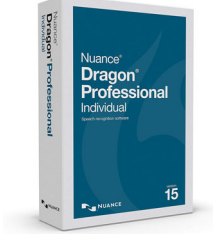
Background Commentary: The idea here is that if we have a mutual agreement, we are going to establish a setup where either party could be a discloser or a recipient depending on who discloses the information and who receives the information. If it is a one way agreement then we define discloser and recipient in the opening.

The parties wish to explore a business opportunity of mutual interest involving [describe what is going on: sale of business, product development, consulting arrangement, joint venture, etc.] ("Business Opportunity"). [USE THIS LANGUAGE FOR A ONE-WAY AGREEMENT: In connection with the Business Opportunity, Discloser may disclose to Recipient, and Recipient may have access to, certain information that Discloser desires Recipient to treat as confidential. Recipient agrees to the terms herein in order to induce Discloser to disclose the information.] [USE THIS LANGUAGE FOR A MUTUAL AGREEMENT: In connection with the Business Opportunity, each party may disclose to the other, and each party may have access to, certain information that the party disclosing ("Discloser") desires the receiving party ("Recipient") to treat as confidential. Each of the parties may be considered a Discloser in one instance and a Recipient in another instance, based upon which party is provided or obtaining information. The parties are entering into this agreement in order to induce one another to disclose confidential information to enable them to explore the Business Opportunity.]


90

Amazing Speech Recognition


Dragon Professional Individual v15



Andrea 351924 Speech Recognition Mic



94



Dragon Anywhere

Dragon Anywhere, available on Android and iOS

Dictate documents of any length, easily edit and adjust formatting and quickly share them on the most popular cloud-sharing services directly from your iOS or Android smartphone or tablet.
(Available in US and Canada)

| | | | |
|---|--|--|--|
| <p>1 week free trial <small>Cancel anytime. \$15/mo subscription begins at end of trial.</small></p> <p style="font-size: large; font-weight: bold;">\$0</p> <p style="background-color: orange; color: white; padding: 2px 5px; font-size: small;">Get it now ▾</p> | <p>1 month <small>Billed every month.</small></p> <p style="font-size: large; font-weight: bold;">\$14⁹⁹</p> <p style="background-color: orange; color: white; padding: 2px 5px; font-size: small;">Get it now ▾</p> | <p>12 months <small>Save 17%. Billed once a year. Best value.</small></p> <p style="font-size: large; font-weight: bold;">\$149⁹⁹</p> <p style="background-color: orange; color: white; padding: 2px 5px; font-size: small;">Get it now ▾</p> | <p>For groups <small>For workgroups or enterprise</small></p> <p style="background-color: orange; color: white; padding: 2px 5px; font-size: small;">Contact us</p> |
|---|--|--|--|

<http://tinyurl.com/jyculq6>

95

Home Workspace Short List

- Paper & electronic files must be secure
- It's worth getting another docking station, monitors, keyboard & mouse for home
- If you're used to dual/triple monitors at the office, you'll need them for home [but some of us do NOT like multiple monitor when using gotomypc, etc. to remote into an office desktop]
- Might be time to upgrade your internet access at home

96

Conclusion and Additional Information

Continue to Improve your Remote Work Capabilities and Automate Your Office

97

97

Conclusion

- Every practitioner can take steps to enhance remote work capabilities in the current COVID environment.
- Find out what works for your and your firm, what can be done now while you are facing challenges, what can be done when your office/firm gets limited ability to reopen, and what should be done long term.

98

98

Additional information

- Barron K. Henley, Esq., Partner, Affinity Consulting Group bhenley@affinityconsulting.com
- Mary E. Vandenack, Esq. mvandenack@vwattys.com
- Jonathan G. Blattmachr jblattmachr@hotmail.com
- Martin M. Shenkman shenkman@shenkmanlaw.com
- Interactive Legal sales@interactivelegal.com
- Peak Trust Company bcintula@peaktrust.com

99

99



100

CLE Credits

- For more information about earning CLE credit for this program or other Martin Shenkman programs please contact Simcha Dornbush at NACLE. 212-776-4943 Ext. 110 or email sdornbush@nacle.com

100

Offsite Storage Project

Updated for Files Less than 7 Years Old

- **Purpose:** To cull all offsite storage (offsite) files. Identify documents that should be retained. Have all other documents shredded using Shred-It. Once the review of all files Seven years old and prior have been completed, cull all offsite storage (offsite) files to present, identify documents that should be retained/returned, create electronic file for non-original documents, including notes and relevant correspondence, and destroy remaining physical files.
- **Rationale:**
 - Eliminate all offsite storage and minimize old storage files to minimize processing time for items retained, and the expense of annual storage fees. Most significantly, this is part of an overall project to make the firm more electronic and to reduce administrative time charges to clients in the future for the handling of hard copy records.
 - Identify and secure any original documents that may have been filed in offsite storage in earlier years.
 - Identify any client property (it is believed that there is none in offsite storage, only on premises and the kits on premises) and permanent records (listed below).
 - As part of endeavoring to implement a succession plan to minimize the costs and administrative burdens a potential buyer or successor would have by eliminating any need for document return and by having all documents consolidated electronically.
- **General Policy:** Our policy is that the no client property shall ever be retained, with the sole exception of an original will or other original estate planning documents while they are being processed for return (or in the case of a decedent while being processed for filing in Court), and original entity kits while being set up but only for the period of time until they are returned. Our strict policy is that we will not hold any other client property of any nature (original documents, kits or otherwise).
 - **Files more than 7 Years Old.** Client files may, in our sole discretion, be destroyed after Seven (7) years from the earlier of: the date the document was provided to us or the date of our preparation of the document. The express goal is to convert any relevant items as identified in this Memorandum to electronic format and to destroy (via third party vendor shredding) any such files.
 - **Files less than 7 Years Old.** If a file has been retrieved from off site storage that is less than 7 years old, it should be reviewed by an attorney and they will determine what client property, if any, should be returned to the appropriate person, and what notes, correspondence and documents

should be scanned to an electronic file. Once the electronic file has been created and all client property properly disposed of, the physical file is to be destroyed. For administrative staff the following procedure should generally be followed unless an attorney of the firm advises otherwise:

- Manually type a cover sheet listing the client name any variation, names of any trusts or entities you identify. The purpose of this cover sheet is to assure that we can key name search electronic system and identify these items. The reason for this extra step is that handwritten items which may comprise much or even all of these documents being organized for scanning may not be clearly scanned. This is why any variation of a client or entity name should be typed on this sheet.
- Attach any correspondence, family tree, balance sheet and any handwritten meeting notes, will signing checklists and transmittal sheets.
- These will be processed by clerical staff (i.e., staples removed, torn or crumbled pages copied to facilitate scanning) and then clipped and placed in a box for client scanning which will be sent to batch scanning and then added to the document management system.
- Use the form cover sheet provided.
- **Box Review and Destruction General Procedures:** Procedure for boxes brought back from off site storage.
 - Boxes are being brought back Twenty (20) at a time and lined up in the same office each time.
 - Boxes should be the oldest boxes in reverse date order (oldest first).
 - The list of boxes should be typed up as a memo and confirmed so that it is known in advance which boxes have been requested and which are delivered. The boxes requested MUST be the oldest boxes on our storage list.
 - If a box is on our list as the next oldest and is not at the storage center the missing box must be researched and resolved.
 - If a box is identified by the storage center as older and is not for any reason on our storage list the detailed (folder by folder) contents of the box must be added to our list and an explanation of what happened as best as can be ascertained must be addressed.
 - When boxes are ordered and delivered and then reviewed and destroyed this must be noted box by box on our storage list.
 - Boxes actually delivered should be verified to the boxes ordered to be certain that they are correct. Further, when boxes are shredded after

review and withdrawal of appropriate items it should be re-confirmed that every box ordered, delivered, and shredded are identical numbers.

- Boxes must be confirmed removed for good with the storage center to remove them from the storage list and stop costs incurred with the storage of that box.
- Boxes shall be sorted/reviewed and any document or item which could conceivably be an Identification Document should be stood up in the same location it is in the file. Administrative staff should err on the side of assuming any document in question is an Identification Document. The location of the document in the files should not be changed as the context of the document identified in relationship to the remainder of the files present may help the review attorney determine whether or not the particular document is in fact an Identification Document.
- During document review for Identification Documents, administrative staff should be alerted to documents which may be relevant and/or irreplaceable, even if no original signature contained on the document.
- No duplicate non-original documents are to be stood up for review.
- No draft documents are to be stood up for review.
- All documents that are not listed below for identification (“Identification Documents”) will be shredded. Clear identification of boxes being shredded will be scanned with the shredding company invoices/work orders and saved in the appropriate directory files.
- After Twenty (20) boxes are reviewed by administrative personnel an attorney will review each item identified, then an attorney of the firm will overview each box. Once a box is complete and Identification Documents selected, the Identification Documents will be handled as set forth below. The shredding company will be called to destroy the remaining contents of those 20 boxes.
- Once documents have been identified by administrative staff and reviewed by an attorney, documents should be organized in Three (3) boxes as follows:
 - Scan and Shred. These documents will be immediately shredded once scanned.
 - Scan and held for return. These documents will be placed in the original document folder for the client or former client and the will list should be updated once scanned. These will be returned to clients or former clients as part of the separate document return project.
 - Scan and Re-file. After scanning these documents should be refilled in the client’s redwell.

- An administrative person from the firm will list each box and print the storage list for those boxes to be scanned with the Shredding company work order so that a record will be maintained of what was destroyed.
- This record (Shredding company work order, print out of storage list for boxes destroyed, notes as to boxes involved) will be scanned to the network. These file names should contain the date of the shredding in their title.
- See below as to treatment of Identification Documents.
- As soon as one group of boxes is shredded the next group of Twenty (20) boxes will be ordered.
- **Identification Documents.**
 - It was never our policy to retain any original documents that clients did not also have comparable originals of, other than wills. For example, if we had an original trust the client was typically given the other two originals. Therefore, any original other than a will, the client also already had been given an original. This was strict policy and in the significant time devoted to the offsite storage and document return projects no failures to comply have been identified. It is therefore reasonable to assume that the client was given an original. This is also confirmed in all Transmittal sheets.
 - It is our belief and policy that any original corporate, business, trusts, powers of attorney, living wills, health proxies, etc. for which we have originals, the clients also were always provided originals. The only exception to this policy is beginning in 2009 selected documents were signed as single originals (not multiple originals) and those documents expressly stated that photocopies, PDFs, facsimiles and other reproductions are as valid as an original.
 - Note, that because a potential Identification Document may be small, rotating them vertically (i.e., standing the up in the file) will not suffice to identify them for the reviewing attorney. In these instances, a manila legal size folder will be stood upright in the file and these potential Identification Documents will be clipped to the outside of the manila folder. The manila folder will remain empty and unlabeled. It is merely being used in this context as a marker so that any possible Identification document that is small will be readily identifiable by the review attorney.
 - Any document which might possibly be in one of the categories below must be stood upright in the files and so identified and segregated for attorney review. Note that for files under 7 years old the correspondence, family tree, balance sheet and all handwritten meeting notes need to be stood up. These will in all cases be organized with as cover sheet and scanned as described above and using the template form cover sheet created.
 - Probate Documents:

- IRS Form 706 estate tax return plus exhibits including state filings, whether copy or original signature.
 - IRS Form 709 gift tax return plus exhibits including state filings (if any), whether copy or original signature.
 - IRS EIN Assignments (no need to retain original duplicates, even if all original signatures).
 - Original Letters Testamentary.
 - Original Wills (Current or Superseded). Martin Shenkman will make a determination as to whether the original will should be retained, destroyed, returned to the client. All original wills should be placed in attorney review box.
 - Probate documents identified as Identification Property should be scanned and refilled in new offsite storage boxes properly labeled, added to the storage list and resent to offsite storage.
- Corporate kits or LLC Company kits originals only (i.e., the binders) and the contents or items that are often filed/maintained in a kit. Note that our firm policy is that all kits are retained solely in the designated bookshelves in our offices as client property. Any kits identified are almost assuredly for terminated entities or which clients instructed us not to retain. Any kits identified must be looked up in the kit list (Excel spreadsheet) maintained for these kits. If it is not listed, it should be added. This means that the kit, even if it will soon be destroyed, must be assigned a number, listed on the kit list and filed with the kits in the designated bookcases. Martin Shenkman will make a determination as to whether the kit should be retained, destroyed, returned to the client. If the kit is to be destroyed or returned that action must be noted clearly on the kit list.
 - Corporate, company or other seals. It is highly unlikely any of these would have been sent to storage except in the rare circumstance above inside a kit.
 - Original Stock or LLC Certificates.
 - Stock Certificate copies (if we did not locate the originals).
 - IRS EIN Assignments (no need to retain original duplicates, even if all original signatures).
 - Any documents with original seals. This could be a deed, stock certificate, letters testamentary, etc. These will generally be visible or identifiable by feel. These documents should all be scanned then an attorney will make a determination as to how they will be handled. If there is any uncertainty, they should be filed in the

appropriately color coded folders (manila – estate planning; blue – business/entity; purple – gifts and gift tax returns; yellow – probate; red – real estate) and placed in appropriate color coded folders each properly labeled and added to new storage boxes, added to the storage list and re-turned to the storage center. A list of these items should be scanned with the storage center invoices and/or work orders and saved in the appropriate folder.

- Original Deeds. These documents should be scanned, added to the Will List, and filed in the original document storage.
- HUD-1 Closing Settlement Statements. These documents should be identified, scanned and shredded.
- Original beneficiary designation forms. These should be scanned, added to the will list and filed in the original document storage. It is highly unlikely any non-superseded beneficiary designation forms will have ever been sent to offsite storage.
- Original estate planning documents. Our firm policy is to keep any original estate planning documents in original document storage in our office. However, in many instances superseded original estate planning documents were sent to offsite storage (in most years in purple folders) instead of being destroyed. We never sent original documents to offsite storage that were not superseded and throughout the extensive work on the document return and offsite storage projects no exceptions to this procedure have yet been identified. It is anticipated that all of these documents will be suitable for destruction. However, they should be treated as Identification Documents by the administrative staff and the review attorney should verify to the current will list the status and make a determination as to what should be done. If there is any doubt these documents should be added to the Will List and filed in the appropriate original document storage. Martin Shenkman will make a determination as to whether original superseded will(s) should be retained, destroyed, returned to the client. Fully executed Will copies should be treated as Identification documents by staff.
- IRS EIN Assignments (no need to retain original duplicates, even if all original signatures).

- **Shredding.**

- Any boxes and/or documents to be shredded will be listed, attached to the shredding company work order/invoice, and with the appropriate pages from the storage list scanned into the appropriate folders in the z directory.
- The goal of these steps is to clearly document which files are being destroyed, which documents have been determined to be Identification

Documents and culled, and the disposition or treatment of each identification document so pulled.

- **The storage center/Offsite storage.**
 - Any items retrieved from offsite storage must be noted on the storage list, with date. When preparing boxes for the shredding company, compare contents of each box to be shredded with contents listed on storage list. If conflict between box contents and list arises, Martin Shenkman must be advised. After shredding is completed, update storage list to reflect date destroyed and appropriate boxes must be lined through.
 - All invoices/work orders and any accompanying lists concerning documents retrieved must be scanned and saved in the appropriate folder.
 - No items are to be returned to offsite storage.
- **Scanning.**
 - EVERY (no exceptions) Identification Document (whether in a kit, returned to the storage center and offsite or offsite storage, added to a original document storage, or otherwise) must be scanned.
 - This scanning MUST be completed prior to the boxes involved being shredded (recognizing that most Identification Documents will be saved and not shredded).
 - All scanned documents will be saved in an electronic folder for the client. Note that because older files may predate the establishment of the client directory you will often have to add a new client folder in which to save this.
 - EVERY document scanned will ALSO (i.e., in addition to saving in a client Z folder) will be saved in our document management system.

Offsite Storage Project

General Sorting Guidelines

- **Scan and Shred Box:**
 - Final estate tax returns (not drafts)
 - Gift tax returns (not drafts)
 - IRS EIN assignments (if duplicates, only scan one, shred all)
 - HUD-1 Closing Settlement Statements
 - Estate tax return exhibit books
- **Scan and Return Box:**
 - Original contracts
 - Original partnership agreements
 - Original deed
 - Original beneficiary designation forms
- **Scan and Return:**
 - **Comment:** when handling original documents belonging to former client, they need to be returned. A lawyer needs to review file to ensure properly terminated and to draft letter returning originals. To date, after ½ of the offsite storage boxes have been reviewed no such documents have been identified. We are not refilling or retaining any such documents. We will return if a lawyer advises it is necessary. Scan and shred otherwise, or merely shred if not necessary to scan. The ONLY exception to this will be if there are original client documents or other client property (we never had any) and the former client cannot be reached to arrange for return. In this limited case original documents will be retained.
 - Original Letters Testamentary, Letters Administration, and Letters Trusteeship.
 - Corporate, company or other seals (to kit or return if no kit).
 - Original Stock or LLC certificates (to kit or return if no kit).
 - Stock certificate copies (if originals not located; to kit or return if no kit).
 - Original trusts (unless terminated).
 - Original estate planning documents (excluding will).
- **Scan and Lawyer Review:**
 - Original wills (current or superseded).
 - Original terminated trusts and trust termination documents.