

# Money Falling Through the Cracks

By Bill Daniels

the Advocate Magazine, March 2009

My good friend, John Burge, was going through some medical records in a birth injury case I am litigating. I had asked him to take a look at the records to see if I could get an estimate on having them reviewed by an obstetrical nurse for organization and translation. (There are a bunch of people who do this work. John is with BMC Group. I also use Nancy Fraser at Med Legal Consulting. There is no shortage of vendors in this area.)

While he was looking at the records, John asked me if I had them in pdf format by any chance. Now, in case you're not familiar, "pdf" is shorthand for Adobe's portable document format, which allows you to read and manipulate documents on personal computers in all sorts of interesting ways. I knew exactly what John was talking about since, in complex litigation, we commonly ship information, pleadings and whatnot by electronic mail to save the cost of couriers and the U.S. Postal Service.

"I don't," I told John. He was rifling through one of the records and making conversation as he reviewed. "Well, it's something you can ask for. Most of the copy services scan the original documents and convert them to pdf anyway," he said. "If you order the pdf instead of the hard copy, it's usually less expensive too."

Now, whenever someone points out a way for me to save money on case costs without losing efficiency, I'm interested. It just so happened that we had some medical record subpoenas in the same case from the defense, and my assistant asked me if I wanted to order copies. "See if they have pdf," I told her. She checked and lo and behold, here's what we found.

As pdf's, the copy service would charge us \$.11 to \$.12 per page. To have the medical records delivered in hard copy, they would charge \$.40 per page. Yikes!

Now, I know that the cost of copying on my trusty Xerox machine is about 1-1/2 pennies per page if you exclude the monthly lease cost. So, by simply ordering medical records in pdf format and then printing them out as needed, I figure I am saving myself close to 75% of the cost of obtaining records.

This might not be a big deal in a small P.I. case or other simple matters, but in the kind of cases I work on which tend to be catastrophic, sometimes we wind up ordering many thousands of pages of records, all of which are reviewed and most of which, following the initial review, never see the light of day again.

With a pdf, that all changes. Not only am I saving myself the cost of copying, but I don't need to pay for rental on the physical space to keep the file cabinet that stores the records during the course of the case. At the end of the action, I don't have to pay the storage company to keep the hard copy for the three to five years my malpractice carrier prefers.

Even better, before I discovered this little money-saving way of handling records, the way we handled our medical records flow was typically: order em, get em, make working copies, organize working copies into books, then store the originals and working copies in a drawer somewhere. I

have interviewed paralegals for potential employment and discovered that there are folks who believe that manually handling records qualifies as, not just an important job skill, but one that justifies a premium wage. For me, it's just overhead that I'd prefer to reduce if I can.

I feel comfortable with a laptop computer and a large hard drive for managing my documents. I have a Mac Book Pro with a 17-inch screen that allows me to open multiple documents at a time and work with them side by side. I use Adobe Acrobat Professional which allows me to manipulate pdf files much in the same way that I manipulate paper.

Doing things electronically did take some getting used to, but the effort has been worth it, since it saves both time and expense. Plus, now I keep everything in one or two places versus three or four, so it's much easier to find things even as the file grows.

In my birth injury case I am ordering all the medical records as pdf's and my co-counsel is going to be pleasantly surprised when our multiple thousands of dollars in records copying costs drops by 75%. Me, I'm just happy to have a practice tip I can share with my friends, though I'll take the cost savings just the same.

\*\*\*

**Bill Daniels** regularly publishes a variety of articles and videos to keep you abreast of legal developments and case law that affect our society.

Additional information related to building your practice:

[Secrets of Building a Better Plaintiff Practice](#). Seven Rules for Picking Cases.

[Ten Tips for Making Partner in a Plaintiff's Firm](#). Some thoughts on a random process.

These previous and other articles/videos can be found in the Learning Center section of [www.BillDanielsLaw.com](http://www.BillDanielsLaw.com)

William A. Daniels is a Trial Attorney with BILL DANIELS | LAW OFFICES, APC, in Encino, CA. His practice focuses on class actions, employment and serious personal injury cases. A graduate of Loyola Law School of Los Angeles, he is a member of the Consumer Attorney Association of Los Angeles Board of governors and a founding member of the Civil Justice Program and the 21<sup>st</sup> Century Trial School at Loyola. For several consecutive years he has been named a "Super Lawyer" Los Angeles Magazine in Southern California.

He can be reached at [William.Daniels@BillDanielsLaw.com](mailto:William.Daniels@BillDanielsLaw.com); [www.BillDanielsLaw.com](http://www.BillDanielsLaw.com)