

## Case Study— Litigation Solutions

# Personal Injury Lawyer Finds LexisNexis® File & Serve to be a Strategic Advantage for its Efficiency Gains, Cost Savings to Counsel.

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### Overview

**Firm:** Goldberg, Persky & White P.C.

**Location:** Pittsburgh, PA

**Industry:** Legal services

**Customer Profile:** Lee W. Davis is an attorney in the Pittsburgh-based law firm Goldberg Persky & White, a personal injury law firm with offices in six cities. Mr. Davis is an experienced litigator who focuses his practice on asbestos disease and mesothelioma (a rare and incurable cancer only known to be caused by asbestos).

**Business Situation:** In 2007, a judge in Beaver County, Pa., mandated that LexisNexis® File & Serve be used as the electronic filing service for all litigation on his docket. Davis became very familiar with File & Serve as a powerful service for both electronic filing and electronic service of documents.

**Solution:** Lee Davis has found File & Serve to be such a valuable tool that he has become a vocal advocate for the adoption of the service throughout the court system in West Virginia.

### Benefits:

- Substantial timesavings as physical photocopying and mailing of documents is replaced by one-touch transmission of electronic files.
- Significant cost savings realized by major reduction in the use of duplication services, fax transmissions and mail.
- Elimination of need to physically file documents at the courthouse, since documents can be filed with the court from any location in the world.
- More efficient practice of law as stacks of paper documents are replaced by portable flash drive containing all documents in a case.

### Product Summary

Litigation Services

- LexisNexis® File & Serve

### Case Study

Since graduation from law school in 1996, Lee W. Davis has been an attorney in the Pittsburgh-based law firm Goldberg Persky & White. The firm (and its predecessor law firms) is a pioneer in asbestos litigation in the United States and a highly regarded personal injury law firm that represents plaintiffs. The firm employs more than 30 lawyers, professional support staff of more than 100 and operates out of six offices.

Davis is admitted to practice in Pennsylvania, Michigan and West Virginia. He has built a successful litigation career by focusing his practice in the areas of occupational disease, environmental disease and products liability law. He has become highly regarded as a plaintiff's lawyer in asbestos disease and mesothelioma cases, which are typically waged against large corporate defendants who retain large outside law firms to defend their interests in the litigation.

### Situation

In 2007, President Judge Robert Kunselman in Beaver County, Pa., a jurisdiction in which Davis litigated many cases, mandated that LexisNexis® File & Serve court-based electronic filing service be used for all litigation on his docket. Like many other litigators, Davis was at first skeptical of this major switch from the paper-intensive routine to which he had grown accustomed when filing and serving documents.

“Trial lawyers tend to have a way of handling the details of litigation—from filing and pretrial motions to trial and post-trial motions—that feels comfortable and routine to us,” explained Davis. “When I heard that we were going to be required to start filing and serving all of our documents through an electronic filing service, I was thrown out of my comfort zone. I had never heard of File & Serve, so my natural instinct was to be skeptical.”

As an active trial lawyer in Beaver County, however, Davis had little choice but to go along with the new order and begin using File & Serve for all of his cases on the judge's docket.

*“My initial skepticism faded away quickly after the implementation of [LexisNexis] File & Serve in Beaver County, as I immediately started to see the benefits of this service.”*

*“With File & Serve, I just upload a file to the court, hit a button and the document is instantly transmitted to everyone. The timesavings are substantial for all parties involved.”*

– Lee W. Davis, Attorney  
Goldberg, Persky & White P.C.

#### **Solution**

LexisNexis® File & Serve is an electronic filing application that allows law firms to file documents electronically with the court and serve them to other counsel through a secure, Web-based system. Each individual must have a username and password to access the online case file and to file or serve documents.

File & Serve enables attorneys to deliver documents to the court online, instead of using couriers or runners. The judge reviews the documents and is able to issue orders back out to the attorneys through the File & Serve system. Automated email alerts keep all of the parties up to date on new activity in the cases, and an online case file is created for easy access to documents.

Importantly, electronic filing differs from email or fax delivery of documents in that File & Serve stores electronically filed documents in online case files that are accessible to court staff and law firm participants. Each transaction that is electronically filed or served has an online record of when the document was served and to whom. Email delivery does not allow for that level of tracking and very often spam filters and firewalls may interfere with document delivery.

“My initial skepticism faded away quickly after the implementation of File & Serve in Beaver County, as I immediately started to see the benefits of this service,” said Davis. “In the past two years, I’ve become something of an advocate for File & Serve for a statewide system in West Virginia by explaining to them the important benefits that all of the litigation parties can realize by shifting from paper filing to electronic filing.”

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– Lee W. Davis, Attorney  
Goldberg Persky & White

### **Benefits**

Davis points to timesavings as the most obvious and unquestionable benefit of LexisNexis® File & Serve, a valuable commodity for busy court professionals and lawyers as well.

“In the past, when I filed a response to a motion, my staff had to photocopy and mail physical copies of documents—often huge mountains of papers—to three dozen or more separate parties involved in a single case,” said Davis. “With File & Serve, I just upload a file to the court, hit a button and the document is instantly transmitted to everyone. The timesavings are substantial for all parties involved.”

Davis has also been amazed by the cost savings his firm has realized by switching to electronic filing.

“In an average wrongful death case, for example, it would typically cost clients thousands of dollars on duplication and postage costs to serve the documents in a standard filing to all of the parties in the case,” he explained. “With File & Serve, that same service of documents costs the clients much less money. When you consider the number of cases we handle and the number of filings involved in each of those cases, that quickly adds up to a substantial amount of cost savings.”

According to Davis, one of the pleasantly unexpected benefits of electronic filing is the ability of the lawyer to essentially become “untethered” from the courthouse, a benefit of particular value to busy trial lawyers who are often litigating more than one case in more than one jurisdiction at a time.

“With File & Serve, I can sit anywhere in the world and file documents into any jurisdiction in which I have a case before the court,” said Davis. “By creating a truly paperless process for us, e-filing means that law firms are no longer in the predicament of having to physically hand a set of documents to a court administrator.”

Finally, Davis points to the productivity gains that he has seen as a trial lawyer by using electronic filing. Before using LexisNexis® File & Serve, he would typically have dozens of stacks of papers strewn all over his office floor from the physical serving of documents by opposing counsel. Now, he can have all of the documents saved onto his laptop or accessed through the Internet, in his living room at home, on a business trip out of town or even while in the courtroom.

“After using this electronic filing service for a couple of years now, I can honestly say that File & Serve is a valuable productivity tool for lawyers and their staff to work more efficiently,” said Davis. “Look, there are obviously costs to use File & Serve, but the savings generated by avoiding employee time, photocopy costs, shipping expenses, travel time to the courthouses and the overall efficiency gains we realize from electronic filing, far outweigh the nominal expense of using the service. It levels the playing field in litigation between plaintiff and defense counsel because enormous staffs are no longer necessary to file and sort incoming voluminous motions and pleadings, and allows our courts’ staffs to be more productive as well, which benefits both legal professionals and the general public.”

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