

WHITEPAPER

Benefits of electronic faxing in the legal industry

Why you should upgrade from traditional fax machines

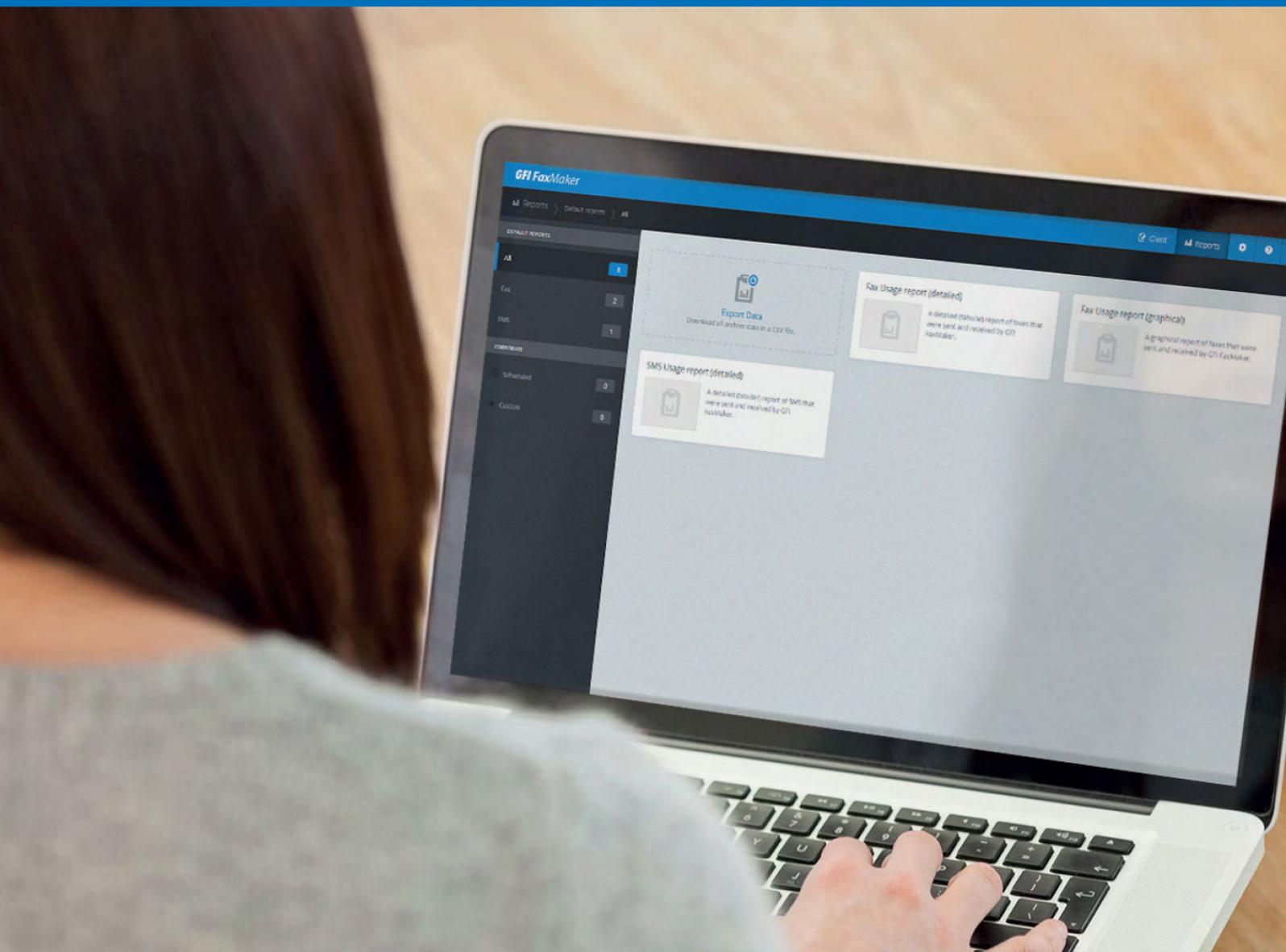


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Introduction

Faxes are often legally binding documents, while email is typically not. As a result, legal offices are reticent to make a switch from faxing to online communications.

Accordingly, legal offices fax a seemingly endless number of papers back and forth. Sends then wait for confirmation faxes to ensure the proper party has received the document.

The process of printing out electronic documents, bringing them to the fax machine, entering the number properly, waiting for each page to fax, waiting for a confirmation page, then properly disposing of or storing the physical copy (often in addition to creating an electronic copy for storage), is extremely slow.

Without errors or issues, a traditional fax machine typically transmits one page per minute. Based on the information that machine must condense - a document consisting of words, images, or both - the process may take even longer.

There are also faxing-related issues that can interfere with daily responsibilities, such as dealing with paper jams or running out of ink. Small offices may fight over one fax machine or a busy phone line. All of this can eat into potential productive hours.

Making sure you stay compliant while faxing and storing faxes is more important now than ever before. Data regulations have become more stringent due to higher consumer awareness and sharper penalties.

In a recent example, a hospital accidentally faxed confidential documents to the wrong person. The hospital faced a \$387,000 fine in addition to a lawsuit.

While legal offices might not have to worry about HIPAA violations, they do have to be concerned about data protection legislation in the USA and GDPR in Europe. These fines can be significant. British Airways, for instance, was fined \$220 million for mishandling users' data.

Simple mistakes such as mistyping a number on a fax machine are not rare but could lead to major issues.

Beyond reducing productivity and adding stress to your office, potential downfalls of not being compliant with data regulations due to faxing include:

- Data protection fines for mishandling or misusing data are continuing to grow. Consider Equifax's fine of at least \$575 Million or Marriott's \$123 million, both recently levied in America and Europe, respectively
- The violating party must pay a consumer's actual damages and attorney's fees, as well as injunctive relief
- Potential criminal repercussions

Your legal business relies on its reputation above all else; mishandling people's data can quickly tarnish it.



How to stay compliant

From low productivity to the high possibility of human error, it's clear why many companies and industries are moving away from traditional faxing.

However, even with the negatives, fax machines are still critical for law firms due to their legally binding nature. Faxes are sent via a telephone line, a mode of communication that is very difficult to interfere with or tamper. Therefore, the authenticity of a fax is usually not questioned.

According to the precedent set in 1995 (The California Court of Appeals held in *Hofer v. Young*, 38 Cal. App. 4th 52), faxing is as binding as sending a letter. This means that certain documents will require an original signature, but most faxes are permissible in court.

It's important to note, though, that they are only admissible if your company has been certain to follow all best practices and stay compliant. If, for instance, you cannot prove that only certain authorized people had access to the fax machine, your document has the potential to be thrown out.

For similar reasons, email is often not permissible in court. Switching from fax to email may not be viable, the main issue being that a document can't be legally binding unless it is able to be authenticated to complete accuracy. Because email is vulnerable to fraudulent activity or hacking, it cannot be fully authenticated.

To ensure faxes are compliant if you are not using a digital fax maker log:

- Use a cover letter
- Save speed-dial numbers for frequent fax recipients to prevent misdialing numbers
- Verify any new numbers with a test fax
- Put policies in place to immediately respond if a fax is sent to the wrong number
- Put policies in place for storing, copying, and disposing of faxes
- Make sure your fax machine is in a secure room where only authorized personnel can access it
- Make sure delivery is successful.



What's the solution when faxing remains a necessity?

In order to avoid the negative effects of traditional faxing and more easily stay compliant, organizations should consider a set of IT solutions that allow for simple, secure data and electronic message management.

This way, you can be certain that your faxed documents will pass all the requirements to be admissible in court as well.

GFI FaxMaker offers organizations a secure, paper-free way to send faxes with a means of recording what was sent, where it was sent, and when it was sent.

Doing more than just protecting your company from fines, GFI FaxMaker can help:

- Increase efficiency, reduce labor costs, and boost productivity because employees no longer have to spend time waiting at the fax machine. They can automatically send, receive, and manage fax communications straight from their desktop
- Leverage existing applications, such as back- and front-office applications and messaging, without incurring additional software or training costs
- Improve your business process by allowing GFI FaxMaker users to send, receive, and manage fax communications from their desktops by composing faxes in a word processor or via email
- Reduce paper use. Electronic faxing is paper-free.

The most important feature of GFI FaxMaker, though, is compliance. Automatic inbound routing sends faxes directly to the recipient's desktop, eliminating the risk of being discarded or read by an unintended recipient.

GFI FaxMaker benefits are complemented by the addition of GFI Archiver. GFI Archiver archives files, folders, calendar entries and emails in a safe, secure and tamper-proof way.

To further assist your necessity for compliance, helping you avoid fines and complications, this combination of GFI FaxMaker and GFI Archiver help you:

- Archive emails, files and calendar entries. Its File Archiving Assistant (FAA) enables you to share files between users and store them centrally and safely without relying on online storage providers.
- Secure archiving for compliance and minimize legal risk. Archive emails and files in their original state – in a central, tamper-proof store – to help with compliance, e-discovery, and internal investigations.
- Identify business issues and legal risks as well as manage productivity with reports that draw from the business-critical information in your archive.

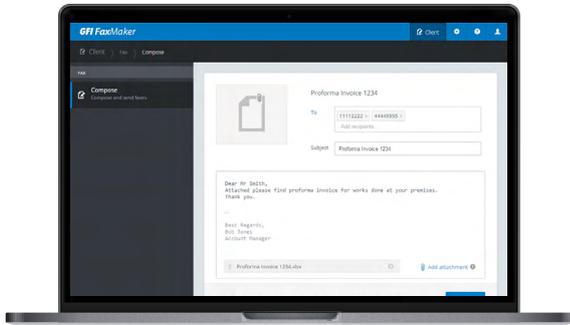
Other important features of GFI Archiver include:

- Your users' email history and old file versions are always available for quick retrieval via the GFI Archiver interface
- Stored emails are genuine and tamper-free with message-auditing functionality
- Users have the ability to save on storage costs by keeping just one central copy of an email and its attachments
- Every message, attachment and file is automatically indexed before it is archived, enabling you to search and retrieve faster.

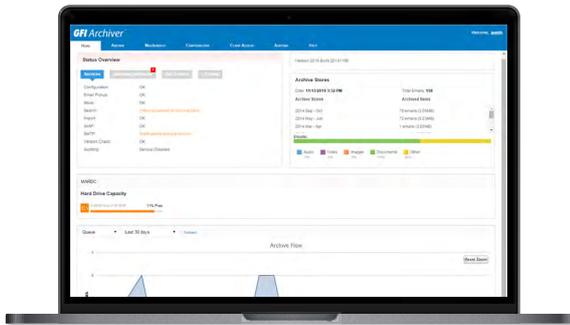
With GFI FaxMaker and GFI Archiver, you can conduct business knowing that you're following regulations and best practices in regards to fax storage, access, and searchability while increasing productivity and updating a still-useful technology to modern simplicity.



Get you **FREE FaxMaker & Archiver trial!**



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