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Automating Case Management

Erez Bustan

The Recorder | October 05, 2010

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 Erez Bustan, American LegalNet
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Law firms, like other businesses, continue to feel the effects of a difficult economy. Controlling costs remains an ongoing issue, and law firms continue to seek ways to cut back on expenses wherever and whenever they can.

Missing a critical court deadline or having problems with the court calendar is the last thing any attorney wants right now. When errors occur, it can take significant time and effort to fix the problem, and these types of errors can permanently damage relationships with clients. In the worst-case scenario, clients may choose to sue their attorneys and law firms for calendaring mistakes. In fact, according to the ABA, 25.7 percent of legal malpractice claims are directly attributable to deadline and calendaring errors.

It is little surprise that a significant number of law firms are looking for technical solutions to manage the court calendar. Forty percent of respondents in the 2009 ILTA Purchasing Survey planned to buy some type of docketing and document management solutions in 2009-2010. This type of investment can quickly pay off. By automating the case lifecycle and integrating it seamlessly with current software applications, law firms can significantly reduce the risk of missing deadlines while increasing efficiency and reducing costs.

SOLVING TECHNOLOGICAL PROBLEMS

Docketing automation applications offer many benefits, although different applications have different features and strengths. A sophisticated docketing application can automate the process of scheduling and calendaring events, deadlines and court dates. Some of these applications can seamlessly update the calendars of an unlimited number of attorneys and staff, importing and exporting dates through BlackBerrys, iPhones and other mobile devices. Some programs can send as many reminders as necessary to everyone involved in the case. Other programs combine document assembly and document management functions and can be integrated with time and billing software.

Technology often makes life more, not less, complicated at law firms. One example of this is electronic filing, which an increasing number of jurisdictions require. Staff and attorneys can spend hours tracking court receipts that have been e-mailed to someone at the firm, then manually entering those receipts into the calendar or case management software application.

Fortunately, docketing software technology can turn a pain point into an advantage by seamlessly pulling data from electronic court receipts into calendaring programs. Some docketing systems can automate this process through intelligent scanning technology, allowing staff and attorneys to docket and calendar events quickly and easily. With the right docketing software, staff and attorneys can simply open the receipt that has been sent to their specific docketing solution, select the appropriate pleading and launch the docketing process. A docket is then automatically created, and all the associated rules create events and populate the calendars of preselected team members. The right forms for the event can be easily accessed through a link that appears in the record, and the pleadings that have been attached to the court's e-mail receipt are inserted into the docket record.

By automating the process, docketing can be streamlined, reducing the cost and time involved and minimizing the chances of errors.

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THE RIGHT SYSTEM FOR THE FIRM

Despite its benefits, no single docketing software, system or process will work at every firm. Each firm has a unique culture, and each firm has its own practice areas and different court jurisdictions where attorneys appear. It's critical to match the right systems and workflows to each firm, carefully considering the mix of attorneys, staff and technology.

When looking at new software, firms should always evaluate how it will integrate with current and legacy systems. Firms should also consider whether older software versions will need to be replaced in order to support new software, and whether a new docketing management system will have the ability to link to current pertinent case and deal information and maintain critical historical information.

At the other end of the spectrum, some docketing systems may come with more bells and whistles than a firm needs. Firms should take a close look at their practice areas and how they staff and manage cases. It's important to ensure that a new docketing system can include all the staff and attorneys assigned to a case, and then easily reassign cases and people when necessary.

In order to ensure dates and reminders don't slip through the cracks, it's critical that the system easily track docket deadlines through calendar integration and set reminders by attorney, court and case. Firms should also evaluate whether new dates and updates can be synchronized with the different mobile devices and calendaring systems in use throughout the firm, including different time zones when necessary. Docketing systems should also be able to synchronize remotely, so attorneys can get new information and updates whether they are in court, in the office, or at home.

Most firms don't have limitless time or money to devote to training, so the software should be easy to use and offer an intuitive snapshot of the case. Firms should take into account user preferences as well and adapt new software and processes accordingly to bring everyone on board. If a current system is working well, staff and attorneys may balk at learning a new one. In order to be effective and ensure that all deadlines and events are managed in a timely way, docketing systems need to be widely accepted and adopted.

Training will be an important element of a new docketing program, so firms should research the helpfulness and responsiveness of the vendor's technical help. Vendors should be specifically asked about the availability of technical support, how they offer support and whether training can be customized. Acceptable response times to questions and queries should be agreed upon and guaranteed. Depending on the size of the firm, it may be important to choose a vendor that offers train-the-trainer programs or trainer certifications.

Firms should also look at how scalable and flexible a docketing application is, so that attorneys and staff don't quickly outgrow the system.

IMPLEMENTING A NEW SYSTEM

While selecting the right docketing software and processes is extremely important, it is only the beginning of the process. Thorough implementation and training represent the next steps. Unless the system can be integrated and adopted firmwide, benefits will remain elusive.

Training can be time consuming, and some firms may be tempted to skip or skimp and let staff and attorneys figure it out themselves. That is generally not a good idea for any new technology, but it is particularly shortsighted when it comes to docketing software. Even highly automated applications are only as good as the information staff and attorneys input, so everyone who uses the system must understand it and be comfortable using it. Training should also be ongoing, so users don't become rusty or start taking inappropriate shortcuts. Someone at the firm should be responsible for periodically reviewing processes to ensure they are being followed and to see where they can be improved or streamlined.

Firms should look to their software vendors as partners. Vendors want to develop long-term relationships with their clients, and that is true now more than ever. Law firms shouldn't be shy about reaching out to vendors when problems arise, or asking for complementary upgrades or benefits. Such benefits can include extra training or future value-added services.

Even as the economy remains uncertain and clients continue to pressure law firms on fees, an investment in new docketing systems and software can quickly pay for itself. The key is to pick the right technology, then ensure that staff and attorneys are using it the right way. By doing so, firms can reduce costs and minimize risks, while offering superior client service.

Erez Bustan is president and CEO of American LegalNet which provides a suite of risk management workflow products including Forms Workflow, eDockets and eFiling. Bustan can be reached at erez@americanlegalnet.com.

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