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GETTING BUSY

BY DEBORAH M. HUNT



It's On the Calendar

The Firm Administrator's Role in Managing Court Calendaring

Until 1999, Nielsen, Merksamer, Parrinello, Mueller & Naylor LLP used a manual calendaring system for its litigation section of four attorneys. The system was time-consuming, lacked certainty and (given the increasing frequency with which court rules change today) I knew that our firm needed a more accurate and reliable method.

As the firm's San Francisco Bay Area Administrator, it is my responsibility to look for ways to get the most out of the resources available. I decided that the time had come for us to upgrade to an automated, court rules-based calendaring system.

The old calendaring system in place at Nielsen Merksamer relied on manual calculations and recordings of dates and deadlines. One lead litigation secretary was responsible for the intake of all court documents. For each relevant calendaring item, this person verified all rules pertaining to it then did initial date calculations and entered them into a master calendar book.

After this information was transferred to calendaring slips, attorneys double-checked it for accuracy. Upon approval,

the attorneys would have their secretaries enter the information into their individual planning books. In the event of a docket change, dates and deadlines needed to be recalculated and recycled through the entire verification process.

This system was time-consuming, cumbersome and uncertain. We devoted a great deal of effort to staying aware and up-to-date on possible rule changes that might affect any of the firm's cases.

Yet rules still needed to be re-verified before every calculation to make sure that there wasn't a rule change or new rule that had come into effect. For lack of easily accessible resources to reference, this often required directly contacting the relevant court or jurisdiction.

Additionally, even though manual calculations were done carefully, they always required double-checking to protect against the risk of human error. Docket changes and changes in the nature of a case resulted in hours of extra work spent re-verifying calculations. If anywhere in this process a calculation was done incorrectly, or a date was

entered wrong, or part of a rule was overlooked, the entire calendar could have been thrown off.

Calendar/deadline errors are the leading cause of malpractice claims against attorneys, according to a survey by the American Bar Association (Profile of Malpractice Claims, 1996-1999). Opportunities for error, which left our firm open to malpractice suits or other harmful consequences, existed every time we calculated, entered or transferred information using the manual calendaring system.

When it came time to consider Nielsen Merksamer's calendaring system, my first step in the process was to approach the lead partner for our litigation section. We discussed the responsibilities of manually checking and re-checking rules and dates for accuracy, and we also talked about the malpractice risk associated with date error. He understood the amount of time required to calculate and confirm the calendar's accuracy — in addition to the opportunity costs of time that could have been spent on other things.

Finally, and as he had requested, I presented the more efficient and cost-effective solutions that now existed in automatic, court-rules-based calendaring systems. By thoroughly demonstrating the potential costs of the manual calendaring system vs. the potential benefits of an automated calendaring system, the head litigation partner and the firm's management committee gave the green light.

I generally knew what automated court-rules based calendaring systems were capable of, however, I did not have any first-hand experience with the systems available. To learn more, I attended sessions at ALA conferences that focused on the topic of calendaring and I spoke with the vendors that offered these types of calendaring systems.

I weighed the associated costs of each, such as the pricing basis for subscribing to different courts and how easy it was to add or drop subscriptions to courts as needed. I examined the features of each, such as automatic date scheduling and how date alterations were handled. Additionally, I focused much of my inquiry toward learning how well each product could be scaled to different-size needs and budgets.

Having completed my research, my final step was a random survey of a number of my peers at Bay Area firms. I wanted to find out their thoughts and experiences with the various systems, and receive their recommendations.

Ultimately, Nielsen Merksamer chose CompuLaw Vision software. It proved itself the most cost-effective by allowing adaptability and customization to the needs of our practice. I also found the system to be the most straightforward, as each icon conveys exactly what it is used for. The process for entering calendar information progresses in a logical manner. The user-friendly interface makes it easy to determine which rules are relevant and then invoke them correctly. Most importantly, Vision makes docket changes simple, automatically updating all related dates while maintaining an audit trail that keeps track of all changes, additions or deletions for future reference.

Although the same people are still involved with the calendaring process, we now have a very accurate, automated program that simplifies the process. The lead litigation secretary enters document and pleading information into Vision, which then references all of the relevant, up-to-date

court rules and determines which rules are applicable for the calendar.

This produces a report that contains all relevant dates as well as the court rules used for calculating the dates. This report is attached to the relevant document when it is forwarded to the responsible attorney who reviews and approves the dates. In the event of a date change, we enter the new information into Vision, which automatically recalculates all related dates and generates a new report containing the date change. This is then redistributed to the attorney for approval.

Additionally, each Friday the lead litigation secretary generates a master litigation calendar covering the following four weeks, which she distributes to the attorneys for their reference.

Nielsen Merksamer staff and attorneys have received positively the upgrade to an automated court rules-based calendaring system. It has dramatically reduced the amount of staff time spent on calendaring. ♦

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