

# The Legal Intelligencer

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## Web Portal Technology Gives Support to Legal Professionals on the Go

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*Special to the Legal*

Clients who have lost cases. Law firms that have been fired. Multimillion-dollar malpractice judgments against lawyers.

These are only a few of the recent fallout results resulting when law firms have made crucial errors with their court calendars. Losing track of impending deadlines, failing to realize that one court only allows 30 days to file claims instead of 60 days like other jurisdictions, not realizing that one state celebrates an obscure holiday that the commonwealth of Pennsylvania doesn't recognize — these are all reasons that lawyers and their firms have missed critical deadlines.

Calendaring errors aren't simply a problem for small law firms without a huge IT budget and an entire department devoted to docketing. Large multinational firms also struggle to stay on top of court holidays, multiple lawyers' trial dates and changing court rules and deadlines. For the more than 55,000 attorneys in Pennsylvania, the fallout for missing a filing can be professionally embarrassing, and the danger of malpractice suits can devastate any size firm.

According to the most recent American Bar Association survey, "Profile of Malpractice Claims," the leading cause of malpractice actions against lawyers is calendar/deadline-related errors.

At a two-partner law firm in New York last year, both partners and the firm secretary were out of the office on personal business when a crucial court deadline in a client's bankruptcy case was missed. One partner had gone to China to adopt a baby, the other partner was deployed to Iraq with

the military, and the firm secretary went into premature labor. But by missing the filing, clients who had a malpractice claim against a bankrupt hospital missed their chance to have their claims protected under a special trust fund. The bankruptcy judge found the filing delay inexcusable and refused to grant an extension. The judge specifically blamed the secretary's failure to properly manage the court calendaring system in his ruling, finding that she knew about the date well before she delivered the baby.

In another bankruptcy case, a national law firm missed a filing deadline by two days. As this article was written, it was not clear how the missed deadline would affect the client's reorganization case. But it certainly hurt the law firm — the client fired the firm and immediately replaced it with another.

On the West Coast, a high-profile litigation firm experienced what the 9th U.S. Circuit Court of Appeals called a "lawyer's nightmare." A filing clerk at the law firm of David Boies missed a filing deadline. Fortunately for the clients and the firm of David Boies Schiller & Flexner, an en banc appeals court panel found the mistake "excusable neglect."

Unfortunately, these types of calendaring errors can happen to any law firm. But fortunately, technology is making it easier than ever for firms of any size to create accurate, up-to-date, user-friendly court calendaring systems that can be accessed anywhere and any time by any attorney.

Law firms have developed many different approaches to calendaring, from old-fashioned paper versions to calendars adapted from basic software programs to calendaring systems developed specifically for law

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firms. Some law firms may find the more basic calendaring methods adequate to their needs, but paper versions and nonlegal-specific programs can have significant disadvantages, and they may not do much to fully protect individual lawyers and firms from malpractice suits.

Paper calendars can be out-of-date as soon as they are printed. And software programs that require dates to be input manually are highly prone to human errors. It is easy for lawyers, administrative assistants and docketing clerks to incorrectly record a court date. And, if a firm lacks a formalized, standardized system for conveying information about court dates, those who input the data have to juggle faxes, e-mails and even scraps of paper from different attorneys. Once a key court date changes, the entire system — including the attorneys' personal calendars — must be updated immediately. These basic software systems also lack automatic verification of court holidays and rules changes, and must be double-checked to verify that errors have not been introduced.

For those law firms seeking to minimize human errors, provide better client service and avoid being on the wrong end of a lawsuit, there are now software programs that can automate the calendaring process. These software programs reduce the time it takes to gather court information and decrease the chance of errors that come from having to enter each date and deadline manually. A few offer court rules databases for different jurisdictions, which can save a huge amount of time for law firms that have business in jurisdictions throughout Pennsylvania and the rest of the country.

Insurance companies also see the benefits to an automated court rules-based calendar-

ing system. Many insurance carriers offer discounts on their malpractice insurance to law firms that utilize this type of system — and some insurance companies even refuse to write policies for law firms that do not use automated calendaring programs.

While these software programs do require an investment of time and resources, there are a variety of programs to fit law firms of virtually any size.

Of course, even the most expensive, cutting-edge calendaring programs won't be effective if lawyers don't use them. And some lawyers are not well known for their willingness to embrace new technology. Fortunately, for attorneys who may be reluctant to invest in expansive new calendaring systems, Web-based programs have made calendaring even easier. By using a system that offers Web-based access, attorneys can retrieve their court calendars any time, from any location, through the Internet.

Systems that offer Internet access to calendars (some products are referred to as “Web

Portals”) provide numerous advantages for busy attorneys on the move who want to spend their time focusing on their clients, not their calendars. Those include:

**Access 24/7** — Since attorneys can access the Web at anytime, they can view they calendars from any computer with a connection. If you are in court, at home or on vacation, there is no need to wait until the office is open or your assistant is available. You can view your calendar whenever you want, whether you are in another office — or another country.

**Quickly send changes** — With some Web-access solutions, communication about court calendars is a two-way street. Attorneys can easily send changes and updates through the portal.

**Real-time updates** — Once an update is sent, it is reflected on the calendar immediately.

**View personalized reports** — Some systems allow attorneys to customize their calendar reports, so they can be easily designed

and saved in personalized formats — attorneys can either view calendars or text. Attorneys can also view daily, weekly and monthly calendars.

**Allow for group viewing** — Not only can attorneys view their own calendars, but they can also view other firm calendars, where they have security clearance to do so.

**Convenience and peace of mind** — Lawyers do not have to worry about missing court-date changes or updates because they are out of the office. They can travel, work from home or attend court knowing that their court calendars are only a few mouse clicks away.

Technology is now a way of life for the legal profession. Increasingly, even courts are becoming more automated. For savvy attorneys who need to stay in touch with the office even when they are out of the office, and who want to provide better client service while reducing their risks for malpractice claims, Web-based portals should be among the options considered. •