

Keeping the Dates Straight

Firm administrators who understand the intricacies and importance of calendaring are in unique positions to help develop and implement thorough firm-wide calendars.

BY JOSEPH C. SCOTT, J.D.
COMPULAW

In the United States, Labor Day, Independence Day, and Thanksgiving are just a few of the time-honored, federal holidays that offer you a chance to reflect, relax, and take a little time off. However, there are also many more state and local holidays that offer the opportunity to recognize an important event or person – and to take the day off. Courts in jurisdictions across the United States will be closed to honor local and state holidays such as Seward's Day, Daisy Gatson Bates Day, César Chávez Day, Casimir Pulaski Day, and Evacuation Day – and even more holidays are observed internationally.



For many law firm administrators, these court closings can come as an unpleasant surprise, rather than an anticipated event. After all, unless your attorneys appear in court regularly in Juneau, no one at your firm may be aware that Seward's Day is an official state holiday in Alaska. Even if your firm has a limited number of attorneys practicing in one or two courtrooms, learning the holidays and other court rules in just a couple of jurisdictions can be challenging. If your firm has attorneys practicing in jurisdictions throughout a state or region, staying informed about individual attorneys' calendars and the firm-wide calendar becomes that much more difficult. You must consider whether these little-known court holidays can change one of your critical court deadlines. When overseeing the court calendar, administrators and paralegals need to account for every county, state, federal, and law firm holiday where any of the firm's attorneys appear. This calculation, multiplied by not just one case or one attorney, can become an overwhelming task, particularly if your law firm has not instituted a firm-wide legal calendaring system that is regularly updated to ensure crucial court dates don't slip through the cracks. One missed court date can destroy an entire case and open up the firm and its attorneys to legal malpractice claims.

Fortunately, law firm administrators can take several steps to help their attorneys manage court dates, in light of holidays and other nuances that pertain to calculating court deadlines.

EXAMINE THE CURRENT SYSTEM

Some of the largest U.S. law firms have the resources to develop a thorough computer-based calendaring system, with a docketing department that ensures attorneys don't miss any court dates and that they are apprised of holidays. Such rules-based calendaring systems mean attorneys are never surprised to find that the courts in California and Texas are closed on César Chávez Day.

For most law firms, though, the system is less organized, and administrators, paralegals, and attorneys all contribute to the court calendar. If your firm lacks a docketing department and automated rules-based software system, you should examine the system you have in place to ensure that no dates slip by and no errors are made in the court calendar. At many firms, the method of calendaring is enough to keep attorneys and staff up at night, worrying about crucial dates that may have been missed.

To get an accurate, honest look at the effectiveness of your firm's current system, ask attorneys and staff several questions:

- Is there one firm-wide calendar, or does each attorney have his or her own system?
- If there is no firm-wide calendar and each attorney keeps his or her own, do you have a way to track when each attorney is scheduled to appear in court?
- Is the calendar based on paper, a non-legal calendaring program such as Microsoft Outlook, or a legal-specific rules-based program?
- Can the current system accurately upload information into attorneys' personal data assistants?
- How is the calendar regularly stored and backed up?
- If there is no firm-wide calendar that is backed up frequently and stored offsite, what happens if there is a fire in the office or some natural disaster bars access to the office, even temporarily?
- If an attorney is traveling, is there a way to access updates and changes to the court calendar outside of the office?
- If court date calculations are done manually, what checks exist to ensure that dates haven't been calculated or input incorrectly?
- What assurances do you have that holidays and other court rules are being factored into the court calendar?

Unfortunately, without a firm-wide, methodical approach to calendaring, you don't know if all the important dates for every attorney are being included. There is also no way to know if those dates are recorded properly, if the attorneys have access to all the necessary information, and whether the court calendar is rechecked and updated regularly.

HIGH STAKES

A manual system of tracking court dates, and then inputting those into a calendar, is highly prone to error. If you miss a holiday in your initial calculations, that error may not be caught until it is too late. Even if you factor in holidays correctly, there is still the chance that a date can be transcribed incorrectly on the calendar. Also, the judge or opposing counsel can continue a hearing or trial, requiring you to not only start the process over, but also to find and remove the now moot dates. Checking and rechecking dates is a tedious process.

Joseph C. Scott, J.D., Vice President and General Manager, COMPULAW LLC / DEADLINES ON DEMAND LLC.



Once you've done your research and determined the best calendaring option for your firm, it's usually a good idea to get the support of at least one key partner. That partner can give the encouragement and support needed to get attorney and staff support for the program.

The stakes for a calendaring error are considerable. According to a 2005 American Bar Association survey called "Profile of Legal Malpractice Claims," calendar- and deadline-related errors were the leading cause of legal malpractice claims. More than 16 percent of those malpractice claims were due to the firm not knowing or not properly responding to the legislated court rules dates; more than 7 percent were for failure to know/ascertain a deadline; more than 5 percent were for failure to calendar properly; and more than percent were for failure to react to the calendar.

The survey results reveal why legal administrators, who understand the intricacies and importance of calendaring, are in unique positions to help develop and implement thorough firm-wide calendars. Once you have evaluated the current system and determined where the gaps are, the next step is to figure out a new, better system that is less prone to errors.

WHAT YOUR FIRM NEEDS

No two law firms are the same, so the best system for your firm is one that your attorneys and staff will actually use. Consider also the particular needs of

your attorneys. If you are the administrator at a boutique litigation firm, you will need a very different type of calendar than a solo practitioner who does trademark searches.

You should also factor in how many jurisdictions in which your attorneys practice. If they are focused on

one or two jurisdictions, staying on top of court calendars and holidays is relatively easy. If you work for a firm with several offices, the challenge – and the need – for a comprehensive calendar becomes much greater.

The firm's resources must also be considered. Does your firm have a large budget for technology? Do you have the support staff in place to oversee a calendaring system that requires new software and training? If so, it may be a worthwhile investment to consider a rules-based, legal-specific calendaring program that covers multiple jurisdictions and courts. But if you work with two attorneys who will never need to appear in a bankruptcy court in another circuit, such an extensive program would not be worth the money or time. Instead, consider one of the online, pay-as-you-go systems that don't require a huge investment of time or technology.

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Law firm administrators have many other tasks on their plates besides reworking the firm's court calendaring system. It's a huge undertaking. But imagine the expense and time involved in rescheduling a hearing in Chicago, all because your firm unknowingly asked for it to be scheduled on Casimir Pulaski Day. Avoid problems like that by developing and implementing a thorough firm-wide calendar. ✱

about the author

Joseph C. Scott, J.D., is Vice President and General Manager of CompuLaw LLC / Deadlines On Demand LLC. Contact him at jscott@compulaw.com.