

Court Rules Databases Are Key When Choosing Calendaring Software

By Deborah M. Hunt

While virtually every law firm has embraced the advances in computer technology to improve their productivity, time efficiency, and service to their clients, many firms continue to manually calendar critical court dates. According to a recently published survey by the American Bar Association (Profile of Malpractice Claims, 1996-1999) calendar/deadline errors are reportedly the leading cause of malpractice claims against attorneys. As the San Francisco Bay Area administrator of Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, of Mill Valley, California, I initiated the effort in the changeover from our manual calendaring system to an automated, court rules-based calendaring software program.

Until 1999, Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, used a manual calendaring system for its four attorney litigation section. For each relevant calendaring item, the lead litigation secretary would verify all of

the current rules pertaining to it, then do initial date calculations and enter them into a master calendar book. This information was transferred to calendaring slips for attorneys to then double-check for accuracy. Upon approval, the attorneys would have their secretaries enter the information into their individual court calendars.

In the event of a docket change, dates and deadlines needed to be recalculated and recycled through the entire verification process. Lack of easily accessible reference resources often forced our staff to directly contact the relevant court or jurisdiction for changes. 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 would be thrown off. Our manual system proved to be time consuming,

cumbersome, and uncertain for everyone involved.

A great deal of time and effort was devoted to monitoring court rule changes that might affect any of the firm's cases. The attorneys and secretaries involved with the calendaring system were all very conscious of keeping the calendar as accurate as possible, but there are so many sources and courts to keep track of when calendaring that it's difficult to stay abreast. After observing the frustrations of both the attorneys and the secretaries with this system, I approached our lead litigation partner to suggest a change in our process and also began investigating automated calendaring systems that would fit the needs of our firm.

To understand more about automated calendaring software, I attended sessions at legal administrator conferences that focused on the topic of court calendaring, and I spoke with the

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vendors that offered these types of calendaring systems. I participated in a number of product demonstrations, which became extremely helpful in understanding each system's capabilities. I focused much of my inquiry toward learning how well each product could be scaled to different sized needs and budgets. In addition, I surveyed a number of my peers at Bay Area firms on how they handled their docketing processes and what recommendations they could give me.

I learned that there were many different variations of calendaring technologies available and the consensus identified automated court rules-based calendaring software as the most current and complete solution. What is the difference? Simple automated calendar systems, like those in Microsoft Outlook® and Novell GroupWise®, function in a similar manner to hard copy calendars, except that the dates are stored electronically. Information is entered into a computer after calculating the dates manually. If there are any changes, the dates must then be recalculated and re-entered, creating a situation where errors could be introduced. Also, with a simple calendaring system the person recording court dates must be current on changing court rules; otherwise, a calculation can be made inaccurately and a deadline could be miscalculated or overlooked entirely. Since rules often vary between different courts and jurisdictions, this commonly necessitates contacting the appropriate court clerk or spending hours on time-consuming research.

With court rules-based calendaring technology, a "trigger" date is entered and all other dates are automatically calculated after interfacing with the court rules database for the particular jurisdiction of the matter at hand. If the trigger date changes, the software will then automatically shift all other calculated dates. This dramatically reduces the chance for error as well as the amount of staff and attorney time spent checking and double-checking the accuracy of rules, calculating dates, and manually entering them. The most sophisticated court rules-based systems will also factor in holidays, including special jurisdiction occurrences, with court date calculations. The software will differentiate between firm and court holidays to determine which takes precedence. In simple calendaring

programs, a court deadline that falls on a firm holiday (which does not take precedence over a court deadline) could be incorrectly scheduled. Lastly, with court-rules based docketing software, all changes are tracked within an auditing system.

The leading court rules-based products will also integrate with desktop groupware such as Microsoft Outlook®. Integration with other programs allows attorneys to automatically download their calendars onto their handheld devices, allowing for easy, up-to-the-minute access to their schedules.

Armed with this knowledge, I presented the more efficient and cost effective solutions that now existed in automated, court-rules based calendaring systems to our lead litigation partner. 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. By thoroughly demonstrating the potential costs of the manual calendaring system versus the potential benefits of an automated, rules-based calendaring system, the lead litigation partner and the firm's management committee approved my proposal.

It was decided that the best product for Nielsen Merksamer was CompuLaw Vision court-rules based calendaring software. It was the most adaptable and customizable to the needs of our practice. Vision allows information to be easily entered into the system using a user-friendly series of menus and prompts that logically advance the user through the process. Users can easily determine which rules need to be invoked for any particular docket. Additionally, one of the most impressive features of Vision was its docket change capabilities, which, when applied, automatically update all related dates, while still maintaining a continuous record of all changes, additions and deletions in the system.

Although I had anticipated that any new system would incur some costs for the firm, when I analyzed the amount of time that staff and attorneys were spending on the manual system compared to how much time could be saved with the new automated court-rules based system, and thus applied to other tasks, I determined that Vision would actually be saving our firm money. Additionally, the court rules-

based system would help eliminate human error due to miscalculation, making the calendar more reliable and reducing our risk of malpractice.

Implementing the system was easy. We were able to integrate Vision software into our network without a single program conflict. Our lead litigation secretary, who had previously administrated the manual calendar, attended two days of program training. When she returned, she was able to train one other secretary and myself on the program in order to fill in for her as needed. Besides checking regularly for updates, no additional intervention or maintenance is required.

Although the same people are still responsible for our calendaring system, we now have a very accurate, automated program that simplifies the process. The lead litigation secretary enters docket 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. A report is produced 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, the lead litigation secretary enters the new information into Vision, which automatically recalculates all related dates in seconds, and a new report containing the date change is distributed 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.

In the end, the decision to upgrade from our manual calendaring process to an automated, court rules-based system was simple. In addition to reducing the risk of human error and malpractice, court rules-based docketing software saves our firm significant attorney and staff time.

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