

# EXTRA

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## IN CLOSING

### TECHNOLOGY

# Marking Time

Creating one firmwide centralized calendar program can help avoid missing crucial deadlines, a major cause of malpractice claims. **By Bill Makinney**

**M**anaging liability is a major issue for every law firm, whether it's a huge multinational or a solo practice. As malpractice-insurance premiums for lawyers in California soar, every law firm constantly should be evaluating better ways to manage potential liability.

According to the American Bar Association, court calendaring errors represent a major cause of malpractice claims. Calendaring mistakes such as data-entry errors, failing to use file-review dates, lack of a back-up calendar and old-fashioned procrastination about filing documents are among the reasons law firms miss critical filing deadlines.

Creating one centralized calendar program, which is used by every lawyer who schedules pertinent dates in the firm, can go a long way to avoiding these errors. But firms not only need to create a master calendar — they also need to use it.

Malpractice concerns must be taken very seriously. A firmwide calendar system helps avoid missing crucial deadlines. Especially in large firms with offices all over the world, it is critical to have a central calendar and bring every lawyer and staff member on board to take advantage of its benefits.

In 1989, my firm implemented its first automated court docketing system. Before that, we manually typed all docket and calendar information onto ruled sheets, relying solely on staff knowledge to interpret court rules and determine deadlines.

We have developed our calendaring

system far beyond those days. Our current program, CompuLaw Vision, which we rolled out in September 2003, offers dual calendaring, so each lawyer has frontline accountability for accuracy, with the centralized system as a backup. Our docketing staff is knowledgeable enough to recognize any discrepancies and inconsistencies. And court rules-based software provides a technological safety net, which reduces the risk of error from those who must enter complex date calculations manually.

Every good calendaring program should include specific characteristics. A calendaring program should be easy to use and to train others to use. It should include redundancies, be able to exploit the advantages of the Internet and offer access to software that can track changes in court rules. An ideal court calendar system also should be accessible easily to attorneys and staff, whether in the office, on the road or at home.

Perhaps most important, your law firm's calendaring system should hold everyone accountable for its use, from attorneys to staff to the docketing department itself.

A calendaring system that no one uses obviously is not going to help manage liability concerns. To get everyone on board for what initially may seem like an expensive and overwhelming project, it is important to find a system that is user-friendly enough for even the most technophobic lawyers to manage.

It must be flexible to accommodate the working styles of individual lawyers and allow for different types of information from

multiple sources. The idea behind a firmwide calendar is to allow the docketing staff to have access to all information involved in a proceeding, from pleadings, correspondence, memoranda and attorneys' notes to faxes from court clerks and electronic service from opposing counsel.

By maintaining a central docket department, a firm can create coexistence for each lawyer in the firm. At smaller firms, perhaps a paralegal or administrative support staff member can fill the same role.

This increases work-flow efficiency and creates calendars for every case matter, including cases that involve multiple lawyers and complex litigation, as well as transactional due dates.

Any calendaring system selected also must work with your technology. When evaluating court calendaring systems, get the information technology department involved. In some cases, the search for the right system could take up to a year of research.

Redundancies are a key component of a court calendaring system. Having an expensive, in-depth calendar system on attorneys' computers won't do any good if a lawyer's laptop is stolen and that information is not saved somewhere else. It can be an electronic backup or a hard-copy printout, but the calendar must be stored in multiple places.

Besides including redundancies, the court calendar should be backed up regularly, and the backups should be stored off-site, just like any other valuable piece of information at a law firm.

In the event of a fire or other physical

catastrophe, the loss of the calendaring system could cause a law firm incalculable harm. Having the calendaring system backup stored off-site provides a safeguard against potential disaster.

All attorneys should be able to access the calendar whenever they need to. A good system allows attorneys to access their calendars on their desktop or laptop computer. Some systems even allow calendars to sync with the Microsoft Outlook mailbox system.

To keep everyone up to date, our docketing staff creates daily and weekly calendar reports, showing all activities for the coming four weeks. The staff is able to disseminate date revisions immediately to all affected attorneys and staff by e-mail.

When exploring different types of calendaring systems, don't forget to factor in how a system works in the wired, and wireless, world.

Our attorneys can access their calendars on their office computers or from their laptops while traveling. In addition,

attorneys can view their calendars online through a Web portal component that CompuLaw provides. Any changes can be submitted in real time through the system to our docketing department. Updated calendar information can be instantly viewed or printed through the Web.

The ease of Internet communications has helped make the system convenient, so our lawyers can uphold their end of the process.

Our docketing department, which comprises seven people in San Francisco and New York, also relies on court Web sites and other resources. Many courts post local rules and general orders online, and this allows our staff to examine a local rule in context with an entire rule set.

CompuLaw Vision software also has built-in rules databases, and it is expanding the jurisdictions it includes all the time. The company provides in-house support with a team of attorneys able to clarify the rules they write and offer clear and concise explanations of why and how a due-date calculation is determined. Such software

isn't just for large multinational firms anymore; it is available at different price levels for all-size firms.

For a court calendaring system to work, everyone must participate interactively and be held accountable, from litigation partners to paralegals and administrative staff.

Attorneys bear the primary responsibility for their professional risk, but with a firmwide calendar, each attorney has a centralized system as a safety net. The more eyes and ears involved, the better the results will be.

For firms looking to launch their own central calendaring system, getting the risk-management guru (and every firm has one) involved is the first step. Also, have a litigation partner on board, and explain how a firmwide calendaring system will save time, reduce liability and minimize exposure to malpractice claims.

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