

# Legal Management

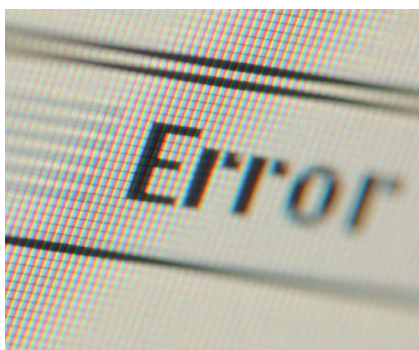
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Competitive Edge

BY MOLLY GEORGE

## It's Totally Automatic

### Is Docketing Technology Right for Every Firm?



Attorneys in all size firms maintain docket calendars that accurately record the dates for events and deadlines in any active case. Still, malpractice exposure from calendar errors is a significant risk for every lawyer. The 1996-1999 American Bar Association Survey, "Profile of Malpractice Claims," lists court calendar-related errors as the leading cause of administrative malpractice claims.

Legal administrators play an important role in ensuring their firms are taking necessary steps to minimize the risk of court calendar errors.

When a law firm uses a simple calendar for docketing, support staff must calculate all the dates manually, enter them into the program and recalculate the calendar if an important date changes. This method allows three opportunities for human error:

- 1) miscalculating dates in the original court calendar;
- 2) inputting dates incorrectly; or
- 3) recalculating incorrectly if a date changes.

An automated court rules-based calendaring program interfaces with court rules databases to calculate the docket for a matter. The docket administrator enters a "trigger" date and all other dates are automatically determined and entered. If a trigger date changes, the calendar software should recalculate all the other events and deadlines. This not only cuts the chance of errors, it also cuts down on typically unrecoverable support staff time.

When selecting a program to meet the needs of your firm, determine if the vendor provides rules databases for all the jurisdictions in which your lawyers practice. Your needs may include special courts like bankruptcy, family law, probate, tax, securities and other areas as well as arbitration rules.

A well-informed administrator understands the importance of automated court rules docketing. Most automated court rules-based calendaring is highly adaptable to a firm's individual requirements.

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#### **Simple Automated Calendaring v. Court Rules-based Calendaring**

Some lawyers and legal administrators are confused about the difference between an automated court rules-based calendaring program and a simple automated calendaring program. Microsoft Outlook and Novell GroupWise are examples of simple automated calendars. They function in a similar manner to a hard-copy calendar except that dates can be stored and accessed through a PC.

### **Vincent A. Rhodes AAL, Honolulu**

Lyn Hurlbutt, PLS, CLA, RP, CPS, a Senior Litigation Paralegal at Vincent A. Rhodes in Honolulu, accompanied a partner from her former firm when he founded his own medical defense malpractice practice firm in October 2002. Hurlbutt reports that her old firm had initially used Calendar Creator for docketing — the system is designed for small business and home-use software. When that program crashed, the firm decided to try a WordPerfect table format, but due to the number of events, they could not search or manipulate the data efficiently. The firm performed manual calculations and input to both these programs.

“I don’t want to miss any deadlines,” Hurlbutt says. “We needed a calendaring program with a brain. With a court-rules-based calendaring program, you don’t have to refigure any deadlines. The program does it for you.”

Hurlbutt says, “At my former firm, the partners and I had selected CompuLaw’s Vision single-user version rules-based calendaring software, and I quickly established the same program at Vincent A. Rhodes.” She adds, “The program is absolutely affordable for my firm and very important to my efforts to ensure deadlines are met and accurate.”

The two lawyers at Vincent A. Rhodes appear in Hawaii State Circuit Court, so the firm purchased the databases for that jurisdiction. Hurlbutt runs the program on the firm’s internal LAN that has four PCs and prints or e-mails PDF versions of the calendars to each attorney. They are working to set up an Outlook link to each PC, which will provide an automated link to each attorney’s calendar.

Hurlbutt adds the caveat: “Vision, or any other automated docketing program, does not take the place of a knowledgeable legal support person who knows court rules. The docket administrator, as well as all employees working with court deadlines, must

have at least a threshold level of knowledge.” She advocates that all law firms require and financially support monthly continuing legal education for all legal professionals.

### **Allen, Price & Padden PC, Phoenix**

When Holly Einspahr, Office Administrator, started at Allen, Price & Padden, the firm had only two attorneys. Now, the firm has expanded to seven attorneys. As the firm and its caseload

system) does everything you need it to do. There isn’t anything you want to know that it can’t tell you. Reports are very thorough, as simple or complex as you want.”

Allen Price & Padden is looking forward to upgrading to the SQL version of the court rules-based software, which will accommodate continued firm growth. Einspahr does not have an IS department at her firm, so she is pleased that the court calendaring vendor provides excellent technical support.

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grew, it needed more docket management efficiency. Initially, a paralegal managed the court calendars, manually calculating and entering dates.

While attending an Association of Legal Administrators’ conference, Einspahr met one vendor offering automated court calendaring. She wanted a software program that was in-depth but easy to learn. It had to pull out every relevant date for each matter, missing nothing and distributing calendars to each attorney by a tickler system that prompts lawyers when dates are approaching. The program she was investigating had all of these features, so the firm purchased it along with the rules databases for Arizona State District Court (Arizona), the Arizona Superior Court and Bankruptcy Court.

Einspahr reports that the lawyers at Allen, Price & Padden have different levels of technology savvy and individual working styles. This fact requires the software to have the capability to print reports in different formats. Litigators that use a laptop while away from the offices can access their court calendars over the firm’s network.

Einspahr says she likes the system. “Something else does all the work. It (the

### **Susman Godfrey LLP, Texas**

Susman Godfrey LLP is a 62-attorney firm with offices with offices in Houston, Dallas, Los Angeles and Seattle. It is an example of midsize firm that is a highly effective litigation boutique. As Secretarial Supervisor to the Executive Director of the firm, Loyd Wells helped set the parameters of the new central docket system that would replace using their old system for docketing.

At first, the firm started using the simple Outlook calendar program, with individual secretaries manually determining dates, entering them to a central docket calendar and getting out reminders of upcoming deadlines two weeks in advance. However, the firm found it was missing some dates using that system, so it moved to a court-rules-based calendaring software for central docketing system.

All information for a billing attorney’s schedule goes to his/her secretary who must create the calendar on the program. The system is on a single server that staff in all offices can access on the firm network.

Each regional office is responsible for purchasing court-rules databases for the jurisdictions in which its attorneys

appear. Wells reports that the Los Angeles office uses CompuLaw's California court-rules databases and relies on them for the state's complex rules. In Texas, many local courts have their own rules and procedures. Many Texas State court judges will sign a docket control order or scheduling order that outlines all important dates on a case. For these reasons, Texas secretaries have a list of instructions on how to calculate Texas dates and work with individual courts.

### **Latham & Watkins LLP, Los Angeles, Worldwide**

Latham & Watkins, LLP, with 1,500 attorneys and offices in 11 countries, is a truly global firm. This means that the firm must look to a variety of sources for court rules in each jurisdiction where its lawyers practice. Diane Gates is the Manager of Information Resources-Records and Docket at the Los Angeles Global Services office, which is separate physically from the law office in Los Angeles. The Global Services office centrally manages, updates and backs-up all court rules databases and calendar data for offices all over the world. Gates says, "Having court calendaring software and rules databases makes updating quicker and easier."

Although each regional office has its calendaring software and court rules installed on its own server, staff members and attorneys can access the rules databases and the calendaring data on the central server. In each office, the court services or docket department is also administered differently. In some,

the secretaries create the court calendars for the lawyers, but most have a central docket clerk who is responsible. In the largest offices, docket management is under the "Information Resources Department," which also includes library, conflicts, records and knowledge management. If there is no information resources manager, the docket clerk reports directly to the office administrator.

Gates says she is currently looking into the Web portal version of Vision for the firm's court calendaring software. This would allow all users to access data anytime, from anywhere, by simply logging onto the Internet. Latham & Watkins is an excellent example of a firm that has customized its use of rules-based calendar software as appropriate for each size office, using both centralized and decentralized data input methods.

### **What to Look For**

When evaluating court-rules-based calendaring programs and databases, the administrators in each of these four very differently sized law firms had some very common views and needs.

- databases for every jurisdiction their firm needs, all written and edited by attorneys, and that include all the local holidays;
- a user-friendly interface to easily identify the proper rule to invoke, so that staff members did not need to learn cryptic codes;
- a top-level software and court-rules vendor support staff (all the firms performed reference checking);

- compatibility with the firms' current technology infrastructure (i.e. if the firm uses GroupWise, Outlook, MS SQL, Lotus Notes the system would need to be able to integrate); and
- a program that fits the firm's budget.

Many attorneys are still accustomed to using simple automated calendars like Outlook. For this reason, some vendors have integrated their court-rules-based calendaring programs with those systems. If your firm uses a simple automated calendaring program, find out if the court-rules-based calendaring program integrates with your particular program. Such an integrated solution will help to better protect your firm while reducing the anxiety levels of attorneys who don't want to switch from comfortably using their current e-mail/groupware program.

Court-rules based calendaring technology now has options that fulfill each of the requirements for every firm, regardless of size, from standalone to enterprisewide and Web-access solutions. Administrators who research and understand these options will help their firms take advantage of reduced malpractice risks and reduced support staff time. ❖

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