

Why Solos and Small Firms Need Computer Case Management

by Jeffrey S. Lisson, Esq.

Lawyers, like real people, are creatures of habit. We do things the way we always have because that's the way we've always done it.

I suppose that's why, despite the clamor of experts in and outside the law who recommend it, so many attorneys still reject computer case management.

What is case management? Traditionally, it's how you keep track of cases, calendars and deadlines. It's the index cards on your or the secretary's desk, combined with the DayTimer or other pocket calendar you pull out when the judge asks you for a continuance date.

But it can be so much more. With the computer programs available at relatively low cost, attorneys and staff can keep track of phone messages, notes, to-dos, deadlines, addresses and phone numbers of counsel and witnesses, as well as tracking all documents, linked to each case, visible with just a few clicks of a mouse. Combined with Microsoft Word or WordPerfect, or document assembly software, case managers can automatically generate documents with names, addresses, and case information. The savings in time once the system is running can be tremendous.

There are several good programs on the market. The most popular programs designed for solo- and small-law offices include Amicus Attorney (www.amicusattorney.com), Time Matters (www.timematters.com), AbacusLaw (www.abacuslaw.com). Others include Needles, (www.needleslaw.com), designed for plaintiff's firms, and The Master List (www.themasterlist.com), which takes a project-management approach to case management. For a complete list of case management programs and their features, take a look at Law Office Computing magazine (www.lawofficecomputing.com). Before buying any program, take the time to look at their demo disks, and ask others for recommendations.

Obstacles to Case Management

So why the reservations? I've found four main reasons:

- 1) Inertia. The current system works fine, so why change?
- 2) Expense. Case management programs can cost thousands of dollars to buy, plus training and support. If your computers are old, you even may need to upgrade your hardware.
- 3) Lack of staff support. Face it, we know who does the real work in the office. If your staff still gives you dirty looks because you moved from WordPerfect 4.2 for DOS, this may become a real problem.
- 4) Lack of understanding. Lawyers just may not know what case management can do, and don't want to put out the time to learn.

Understanding Case Management

I'll be honest. I didn't need much convincing to buy a case management program. When I opened my own office straight out of law school, Jay Foonberg's "How to Start and Build a Law Practice" was my Bible. Foonberg gave practical tips not just on getting referrals and saving money, but on organization and office systems. I knew I needed help on how to set do things like keep my calendar, set up a tickler system, and check for conflicts. Rather than reinvent the wheel, I looked to Foonberg, handbooks from my State Bar, advice from my malpractice insurer, and CLE seminar course books.

But no matter what I did, I would wake up in the middle of the night, thinking, "When is

my Answer due? Am I about to get defaulted? Did I miss a hearing? When's the trial in the Smith case? Did I get those medical records? Did I blow that statute of limitations?" And, most important, "Are my malpractice premiums paid up?"

I asked more experienced lawyers when those feelings of "practicing on the edge of disaster" would go away. I got two answers. The first came from lawyers I later recognized had grown nonchalant towards practice. They said, "After a couple of years, you'll get used to it." The second answer come from lawyers I respected and who seemed to sweat the little details. Their response: "Never."

I didn't like either answer.

From reading legal periodicals (especially Paul Bernstein's articles in ATLA's "Trial" magazine), I decided to look into case management. What I found was a group of programs, all of which do several basic functions:

- Keep a computerized calendar that staff and lawyer can see and instantly update;
- Organize contacts (names, addresses, phone numbers);
- Link contacts and calendar items to a particular client and file;
- Keep track of to-dos and deadlines;
- Keep notes of phone calls, phone messages;
- Track documents related to a case;
- Assist in document generation, by sending information from a case and contact to your word processor; and
- With some simple setup, allow the use of templates or "precedents" to automatically warn when work is due based on a future event (such as automatically telling you to prepare a Pre-Trial Order three weeks before trial).

Time Savings from Case Management

All that may sound like stuff your secretary does. So why spend the money? To save time. After all, time is money. And to save your sanity.

A couple of examples show how time savings can pay for the programs.

In most law offices, to fax a letter to an attorney on the other side of a case, you go through the following steps:

- 1) Pull the file from the filing cabinet.
- 2) Search through pleadings or correspondence to find the name and address of the attorney on the other side.
- 3) Type the name and address of opposing counsel in the letter, along with the client and matter name, and file number.
- 4) Type the letter.
- 5) Find a copy of your standard fax cover sheet.
- 6) Search the file for a letter or something showing opposing counsel's fax number.
- 7) Write or type the client and matter name, file number, opposing counsel's name and her fax number on the fax cover sheet.

Excluding typing the letter, let's say all this takes five minutes.

In my office, using case management software, the procedure is:

- 1) Open the electronic client/matter file.
- 2) Highlight opposing counsel's name on the file, and click to generate a letter. My letterhead pops up, with client/matter name, file number, current date, and opposing counsel's name and address automatically filled in.

3) Type the letter.

Follow the same steps for a fax.

Excluding typing the letter, the process takes about 15 seconds, a savings of four and three-quarter minutes for a letter and fax cover sheet.

If you do just one letter and one fax cover sheet a day, five days a week, 50 weeks a year, that's a savings of more than 19.75 hours per year! Add in the time savings for letters to clients and courts, letters closing files, integrated generation of pleading captions, medical authorizations and retainer agreements, and the time savings multiply from days to weeks each year.

You can see that the time savings quickly will pay for the software. Not only that, but with the staff having all that extra time, the attorney can delegate additional work to staff, freeing up counsel to earn more money working on cases.

Even if your method of generating letters is to search for old letters on the computer to the attorney and changing the "Re:" line, and that takes one minute per letter and fax cover sheet, you'll still save more than three hours per year – and that's for sending just one letter and one fax per day! Imagine the savings when you add in the dozens of letters and faxes that you send daily.

Automated Calendaring

Some things are the same in every case of a certain type, with the same deadlines. Computer case management makes setting these tasks and deadlines simple. Take two examples of common tasks and their deadlines:

- Example One: Two days after initial client conference, send engagement letter and retainer agreement. Five days later, if retainer not received, send second letter. One week later, send disengagement letter.
- Example Two: One month before trial, supplement discovery and send out subpoenae. Three weeks before trial, send out Pre-Trial Order, and assure exhibits are enlarged and copied. Two weeks before trial, assure all subpoenae served and jury voire dire questions are ready. One week prior, check in with all witnesses and assure all examination outlines completed.

Rather than manually put all these tasks and deadlines on your calendar in each case, case managers let you "link" all the tasks. When you get a new client, just click the "new client" precedent, and all the tasks you need for each new client are put on your (or your staff's) calendar, based on the date the new client came in. Or, when you get a trial date, click on the "trial" precedent. The program automatically puts all the deadlines before trial on the calendar, based on the time frames you specified.

File Management

But case management systems don't just save time. They organize all those disparate parts of a file into one electronic storehouse.

Take, for example, phone messages. I quickly tired of those ubiquitous phone message slips. I tried to follow Foonberg's advice, and write the contents of returned calls on the back of the slips. But often, I'd lose the slips, or they'd get misfiled after I returned a call.

Now, it's all on the computer. When a client or opposing counsel calls, my secretary hits a button, and a phone message screen pops up (looks a lot like an electronic version of the little slips of paper). She identifies the caller, and clicks on the caller's "contact" card. The program automatically inserts the file the caller is calling about, time and date, and return phone number. She hits a button, and I get the entire message on my electronic telephone message pad.

When I return from court, I pull up my electronic message pad. I scan the messages, and pull up the first to return. I call the party back, and type in the time of my return call. I also type in notes of our conversation as we talk. When we hang up, the message slip is automatically saved to the correct client file.

When counsel calls back a week later and asks why I didn't draft an order as agreed, with the touch of a button I pull up my phone notes, and read back to her where it says that she'll draft the order.

It saves an incredible amount of time – and prevents lots of errors – to have this information available at the click of a button.

Other Benefits

What else does computer case management do?

- All activity on a file is instantly visible with one or two clicks. No more pulling the file to search for the next court date.
- Most programs allow counsel to keep time records within the program. When I start drafting discovery responses, for example, I hit a button and type in what I'm going to do. When I'm done, I hit another button, and the actual time the task took is saved to the client's file. I can then send the time information to my billing program. This lets me keep records of what I did and when, and see it in my case management system. I try to use it whether I'm billing for my time or not.
- Document linking. Can't find the letter to opposing counsel offering to settle? Most case management software lets you link documents in a case to the client's file. Click a button, and you can see every documents you've generated in a case, as well as any documents received and scanned into the computer.

The benefits of having all information regarding a case at your fingertips is invaluable. No more searching the file for that one letter or phone message slip. No more trying to find discovery to determine when answers are due. And no more worries in the middle of the night that you missed a deadline.

Case management programs cost money and take work. Attorneys and staff must be dedicated to their use, and must take the time to put information into the program. But the time savings, organization, and yes, peace of mind, make it well worth it.