

MSBA



Law Office Technology
Series

CASE MANAGEMENT

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Case Management

Case management programs perform two basic functions for a law office. They organize client information in a data base so any member of the firm can get detailed case information at any time. Also, case management software serves as the company calendar, keeping the attorneys and staff on time for every appointment and due date. Although the name implies that these tools are only for litigators, don't be fooled. Case management programs are also often referred to as matter management tools, and they are designed to keep track of calendaring and basic client information for anyone practicing law.

The concept of merging client data with a calendaring system is not unique to case management software. Many generic office products like Microsoft's Outlook perform that function for general business systems. However, case management software goes beyond basic scheduling software by offering overlapping schedule reminders and other features that only an attorney could want (like quick conflict checking).

Whereas most generic office products organize data with the assumption that the user has just a few ongoing projects at any one time, case management software recognizes the principle that an attorney may be responsible for hundreds of cases simultaneously, each with its own timeline.

In its simplest form, a basic case management system will replace paper calendars, rolodexes, timesheets, notepads, manual tickler systems, and telephone message pads. More ambitious case management products will attempt to replace all other accounting and invoicing systems as well as all the client files.

Most importantly, a case management system will streamline your office automation process so you only have to enter certain client information once. The data will automatically merge with other information systems such as time and billing products, and document assembly programs, so you don't have to re-enter the client data in any other office system.

Case Management software or Law Practice Management Software ("LPMS") is no longer only for the "Big" firms. With a wide range of offerings now available for every budget, price should no longer be an argument for why you aren't using a practice management system. Systems such as TimeMatters, Practice Master, Amicus, Clio, RocketMatter, HoudiniESQ, or Credenza put critical information regarding your practice at your fingertips, including client and case information, information for other parties, events, email and to-do items.

Choosing the Right System

So, how do you go about selecting a new system? There can be a lot of confusion because of the blurry distinctions between software products. An important preliminary consideration is determining what kind of computer users the firm employs. Additionally, there must be a clear understanding of how the new software will interact with existing third-party applications.

If the attorneys in question are less than current with the latest software tools, it makes sense to let an outside expert evaluate the situation and make software recommendations.

Correct budgeting of money and time for purchasing, installation, configuration, and training is also important. Staff members should be involved in these decisions as well. And it does not pay in the long run to skimp on training. Getting everyone up to speed as quickly as possible should be a priority.

When shopping for case management software may be tempting to consider getting the newest software titles. However, there are a few red flag issues to be mulled over. Will that company still be there next year when you need upgrades and updates? What kind of ongoing technical support will be available? Isn't it safer and more cost-effective to stick with established companies with proven track records that are going to be available down the road?

Even with the help from product consultants and training, transitioning to a new system can be challenging. Unless you are installing a new system and starting from scratch, it is advisable to run sample bills and reports to ensure the information from the new system is what you expect.

Adopting a new case management system doesn't mean that you have to use 100 percent of the features on day one. Gradual adoption is helpful for employee buy-in and is also advised to allow time to tweak the system along the way. Often a firm that hasn't had a case management system before now has to take a deep dive into how the firm does things, reviewing processes and formalizing and standardizing them in order to make the most out of their case management system. Gradual adoption can prevent loss in staff productivity and keep the entire process transparent from the client perspective. Using a certified consultant to guide you throughout the entire process is valuable, but can prove most important during the initial period of use.

Ethics

Nearly a third of all malpractice cases and ethics complaints involve matters where the lawyer knew what they were doing, but things slipped through the cracks. By not having a good calendar/docket control system, you are almost guaranteed to miss a statutory deadline. The best software for staying on task is case management software that features many calendaring and deadline reminders. By incorporating a good case management system into your practice, not only will you develop good work habits for overseeing all of your client matters, but the result will be a thorough law firm database containing all your client information that can be maintained well into the future.

Competence and Diligence

In the rules of professional conduct, Competence and Diligence are treated separately, but together, they represent so many of the things that clients expect from lawyers. Moreover,

they also represent a significant number of client complaints when clients are left feeling the lawyer acted wrongly because they were unorganized or the lawyer's procrastination lead to client neglect.

ABA model Rule 1.1 Competence is short, and to the point. But it is the first rule in the book for good reason. It reads:

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Many lawyers who read this rule focus on the “legal knowledge” and “skill” requirements, feeling satisfied that they have the capacity of understanding to properly represent a client. However, it is the “thoroughness and preparation” part of the rule that most often is the basis of a dispute between a client and their lawyer when competence has come into question. Clients who feel their lawyer didn't fully prepare for their legal matter will pounce on a lawyer if the outcome is unsuccessful.

As if Rule 1.1 Competence needed some bolstering on that matter, ABA Model Rule 1.3 Diligence is close behind simply stating: “A lawyer shall act with reasonable diligence and promptness in representing a client.”

Together, the rules on competence and diligence reinforce the fact that as a profession, lawyers need to always be organized and mindful of their ongoing legal matters. For lawyers who have a good understanding of substantive law and legal procedure, but suffer from lack of organization, good office systems including a well-organized filing system and top legal software is available to keep the lawyers' matters organized and on track.

Risk Management

Why are attorneys sued? It's mostly about negligence, and much of the litigation could easily be avoided. More than 40 percent of cases are caused by administrative errors and breakdowns in client relationships. Indeed, poor attorney-client communication can be the cause of many claims based purely on misunderstandings or unrealistic expectations rooted in a failure to frequently and effectively communicate. An effective case management system could easily prevent most of these problems.

It's about more than calendaring. There is perhaps no more embarrassing moment for an attorney than the realization that an important deadline has been blown. The docket control feature of a case management system with multiple deadline warnings, group participation warnings, control reporting to senior attorneys, and dual calendaring systems synchronized with handheld wireless devices, smartphones, etc. can avoid such embarrassments. The chain schedule function that case management systems can establish for you automates the setting of deadlines and appointments for common matters and takes much of the risk of missed deadlines out of a practice.

In addition to this, workflow can be standardized, and specialized workflows can be created for complex cases. Document creation can be simplified by accurately merging data throughout an information system which also decreases the risk of mistyping information. Data can reside in more than just a case management system; for example, if a firm merges in a new area of practice with an existing law firm, there will likely be other data sources with important information about parties involved with cases and matters. A case management system that checks multiple data sources can identify potential conflicts of interest, which is vital in meeting ethics responsibilities.

Client relationships. Failures or breakdowns in attorney client relationships account for a large percentage of preventable conflicts. The right case management tools can prevent these messy legal actions. For example, reminders to contact clients regularly even if there have been no significant changes in the status of cases reduces the risk of clients feeling neglected or ignored. Consolidating all the client information from different databases makes it easier for practitioners to manage client relationships. E-mail management after cases close can also be an important tool. Some case management systems even generate thank-you letters to referral sources.

Existing systems aren't sufficient. What's wrong with a manual system? Plenty if you think about the problems that result from floods, fires, and other acts of God. The loss of paper files or electronic files that have not been properly secured can be a real nightmare and leave an attorney open to allegations of negligence. Even if no legal action results from the loss, the cost in time and money will be substantial. Although there are many calendaring systems and e-mail organizers on the market, most of them are not designed specifically for lawyers. Consequently, they cannot assist attorneys in maintaining an appropriate database of initial client intake information, checking for conflicts, all of the related case activities and archiving closed cases.

See also *Law Office Technology Series: Cloud Computing*.