

Calendaring Technology to the Rescue

For many paralegals, managing the court calendar is one of the more challenging, stressful, and less fulfilling aspects of their jobs. That may be particularly true for those at firms that lack an automated calendaring system. Without such a system, the task involves determining court dates, calculating those dates exactly, transcribing them perfectly onto the attorney's calendar, and then double-checking to be sure the judge in the case has not changed anything—such as the court date itself. It can be tedious and time-consuming, and there are countless opportunities for error.

With so many variables and chances to make mistakes, the leading cause of legal malpractice claims is based on calendar/deadline-related errors, according to the ABA in its latest "Profile of Legal Malpractice Claims." With the specter of potential malpractice claims looming, the price of calendar errors can be extremely high, and paralegals often bear the brunt of it.

Several years ago, a calendaring clerk at a litigation firm misunderstood a deadline to file an appeal. Instead of 60 days, the firm only had 30 days to file. The clerk didn't catch the error in time, and the paperwork was filed too late. Fortunately for the firm, in 2004 an *en banc* panel of the 9th Circuit Court of Appeals found the clerk's error was one of "excusable neglect."

In its ruling, the court acknowledged how much of the burden of calendaring has fallen to the administrative staff at law firms. "In the modern world of legal practice, the delegation of repetitive legal tasks to paralegals has become a necessary fixture," wrote Chief Judge Mary M. Schroeder.

In a strong dissent, however, three judges criticized the firm's lawyers for turning over their duties to paralegals. "While delegation may be a necessity in modern law practice, it can't be a lever for ratcheting down the standard for professional competence," the dissent stated. "If it's inexcusable for a competent lawyer to

misread the rule, it can't become excusable because the lawyer turned the task over to a non-lawyer. Errors made by clerks performing lawyerly functions are probably less excusable than those made by the lawyer himself; they certainly can't be more so."

No matter who bears ultimate responsibility in the eyes of a court, legal assistants know that the job is often theirs to manage. Unless a firm is so large and centrally organized that it has a dedicated docketing department, paralegals are often involved at some level.

With new technology, the job doesn't need to be so stressful or difficult. Automated rules-based calendaring systems are no

longer the sole domain of giant firms with huge IT budgets. Firms of all sizes can use technology to ease the court calendaring process, making it smoother, more efficient and less time-consuming for paralegals, attorneys and other administrative staff.

Using Technology

When it comes to upgrading technology, dragging many lawyers into the 21st century is no easy task. Some may cling to

old-fashioned calendaring methods, such as paper calendars. This makes the calendaring process even more difficult—dates must be written down by hand, and updating the calendar to reflect changes calls for a great deal of erasing, recalculating and rewriting.

For firms reluctant to invest in technology or where the attorneys are uncomfortable embracing new systems, change can be difficult. The benefits of moving to a new system, however, are tangible. Besides saving time for the firm's staff and attorneys, insurance companies are often willing to reduce malpractice rates for law firms that move to an automated calendaring program. Reduction in the risk of potential malpractice claims is that significant.



When upgrading a calendaring system, there are many options. For firms that use paper calendars, or at firms where every attorney has his or her own method, a non-legal, master calendaring system can represent a step up. A relatively inexpensive and easy-to-learn program such as Microsoft Outlook® can usually be synchronized with attorneys' PDAs and it works well with other software programs.

These non-legal-specific programs may be an improvement, but they still have weaknesses. A legal assistant or legal administrator must still determine the court rule to begin with, and record it flawlessly. Those dates must also be double-checked regularly, which often doesn't happen because of time constraints. For firms that have cases in multiple jurisdictions, the problem becomes exponentially more challenging.

Investing in a legal-specific, rules-based calendaring system eliminates these concerns. Date calculations are automatic, changes to court rules are transmitted regularly, and all changes can be electronically sent to a master calendar as well as each attorney's individual calendar.

Choosing the Right Program

When it comes to choosing a rules-based, automated calendaring program, there are options for firms of all sizes, in all price ranges. They run the gamut from software systems that include rules from virtually every jurisdiction in the country to pay-per-use Internet programs that do not require special software.

When exploring any new technology, there are several factors to consider, so that each firm finds the most appropriate program. These factors include:

Investment in time and money—A firm should consider how often it calculates court deadlines, and in how many jurisdictions its lawyers practice. When deciding between programs, it is important to figure who will be doing the calculating. For larger firms that spend a great deal of time on the court calendaring process, it may make sense to make a sizable investment in a comprehensive software program and the training for personnel who will be using it. For other firms that may consist of a paralegal and a single attorney, a pay-per-use program that works with minimal training could be the answer.

Meshing with current technology—If attorneys are using PDAs and electronic calendars, be sure the calendaring program will interface seamlessly.

Redundancies and back-up—Paralegals and attorneys need to have confidence that the information the court-calendaring

system provides is completely accurate and up-to-date. Be sure to inquire how the program derives its rules and how often those rules are updated.

Selection of forms and reporting methods—When it comes to a court calendar, the visual look is important. It shouldn't appear jarring or be difficult to read. Be certain that the system offers a variety of reporting templates and options. Customizable reports are also extremely beneficial.

Remote Access—When attorneys travel or paralegals work from home, it's important to have "anytime, anywhere" access to the calendar and receive up-to-the-minute changes in court dates. Changes should also be easily sent to PDAs electronically.

Accountability trail—When more than one paralegal or attorney has access to the calendaring program, it may be important to know who made which changes and when. Look for a program that can easily track that information.

Flexibility—Firms change and grow by the second. Legal staff may leave and new attorneys join. New clients may come that have work in unfamiliar jurisdictions. Be sure that any system the firm uses will be able to keep up with changing needs.

A well-maintained court calendar is critically important at every law firm. Miscalculating dates and missing deadlines can essentially hurt the very clients that firms are working to represent. A mismanaged court calendar can also damage a firm's reputation and result in serious financial penalties. By automating the process, law firms can save time and money, freeing up paralegals and attorneys to focus on serving clients instead of being buried in more paperwork.

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