

Online Calendaring

By Joseph Scott, Attorney

Failure to properly calculate deadlines is a leading cause of legal malpractice claims. Managing those deadlines is essential to a law firm's practice, and often the task of researching court dates falls on the shoulders of legal assistants, particularly in small firms. With demanding workloads, paralegals in small firm practices are short on time and need easy-to-use technology that complements their routine without requiring extensive training.

Legal assistants track changes to local court rules on a regular basis. They devote a great deal of time and effort to staying up-to-date on rule changes that might affect one of their law firm's cases. Sometimes it can be a trial by error process. If a paralegal finds out that a deadline date or filing fee has changed when attempting to file something there is already the risk of missing a crucial court date.

Most paralegals either obtain the state code of civil procedure for each state or use software programs to keep track of court deadlines. However, when dealing with out-of-town or out-of-state jurisdictions, legal professionals also need to obtain the local court rules and the local code of civil procedure. This information is not always available with

software applications.

Lack of easily accessible resources to reference may require the small firm legal assistant to either contact the relevant court or jurisdiction, or research the court's Web site (if there is one), or consult a national reference book. While many paralegals find information in this manner, the investigation and research is time consuming. In addition, book materials may be out of date even in the most recently published version.

Larger law firms typically have access to more comprehensive rules-based software programs, but there are also a few date calculation alternatives available for smaller law firms, some of which include court rules databases. These programs usually require software installation and training and a related financial investment. Thanks to the Internet, there are cost-effective options, with no installation required, for keeping up with changing court calendars and obtaining accurate and instant rules-based deadlines.

Online deadline calculation technology provides reliable litigation tools which legal assistants in large firms have used for years. This service reviews actual court rules, then applies calendaring technology to produce accurate deadlines for filing legal documents with the court and other parties involved. The technology can be accessed with any Web browser

on a pay-per-use basis to locate and obtain court dates for hundreds of jurisdictions nationwide.

Internet-based deadline calculation technology gives legal assistants up-to-the-minute information, greatly reducing chances of missing a date. This allows paralegals to provide the supervising attorney with all major dates and deadlines needed to successfully manage a trial.

According to the American Bar Association, in a published profile of the latest data available, 23 percent of legal malpractice claims were due to not knowing or properly responding to legislated dates. Additional calendar causes for malpractice were: 15.24 percent due to failure to know or ascertain calendar, 7.03 percent were due to a failure to calendar, and 1.27 percent were due to failure to react to calendar.

If an attorney misses a deadline, the first person looked to is often the legal assistant. Court deadlines are a team effort, but proactive paralegals often take responsibility for knowing deadlines inside and out. They research court deadlines 90 percent of the time.

Recently, a San Francisco law firm missed a court deadline by a full month. In this instance, the calendaring clerk at the firm mistakenly thought the deadline to file an appeal was 60 days instead of 30. The Circuit Court of Appeals excused the



missed deadline in this case, but the mistake was embarrassing for the firm.

Another law firm based in Chicago recently missed a court deadline, eventually leading to the client dismissing the firm. Further, in a missed court deadline incident in New York, a small law firm tried to excuse its court deadline oversight by noting that one partner was serving in Iraq at the time, the other was in China adopting a baby, and their secretary went into premature labor. The court found that the circumstances noted did not constitute "excusable neglect." The firm's error cost several malpractice claimants a chance to obtain recompense for damages.

Using online deadline calculations could have helped each law firm in the above situations with an inexpensive way to avoid legal malpractice or court sanctions.

Some small firm legal assistants try to avoid court date errors by using a simple calendar program such as Microsoft

Outlook. These simple calendars do not use court rules databases to search deadlines. Instead, for each relevant calendaring item, the legal assistant has to first verify the rules pertaining to it then calculate and input court dates by hand and, finally, write each deadline in day planners or manually key them into a PDA. If a deadline date changes, the entire calendar must then be recalculated. This type of manual date tracking process is highly prone to human error and increases the firm's malpractice risk.

The more complex the case, the more vulnerable the process is to human error. Manual calculations are extremely time consuming. In some cases, it can take two days to manually research rules, adjust for holidays, and schedule all deadlines for a single legal proceeding. Automated online deadline calculation technology does the same work in seconds, and greatly reduces the risk of human error.

With online calculations, paralegals can easily generate a comprehensive list of court deadlines. They enter the area of law, court location, and the date of an event such as a trial, and get back a list of deadlines and corresponding authorities displayed on their screen.

A factor that always concerns legal assistants when generating deadlines is that changes to court dates often occur after initial research. Courts may issue changes in calendaring rules at any time, but if sophisticated online deadline calculations are used, the paralegal is notified by e-mail that there has been a rule change in a searched jurisdiction. Then the dates can simply be re-checked to see if adjustments should be made to individual attorney calendars.

With an Internet connection and an e-mail address, paralegals in smaller firms can stay ahead of the curve regarding court dates. Online deadline calculation technology not only enables legal assistants and their supervising attorneys to meet court deadlines, but also helps law firms avoid the repercussions of malpractice.

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Demand, an online legal rules based calendaring service for small law firms. He has more than 20 years experience in the legal online industry, including senior sales and management positions for OneSource Information Services, Inc., Legi-Slate, a Washington Post Company, and West Publishing Company. He has a BS degree from California State University and earned his JD from Pepperdine University School of Law.



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