What to Look for in Case Management Software

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Drowning in paper? Not enough hours in the day? Can't find a file when you just need a phone number?

Would you like to deliver higher quality legal services at less cost, and make your clients happier? Would you like to be more efficient? More profitable? Lower your cholesterol? Well, maybe not that last one.

Every law office has a management system, for better or worse. Sometimes it's planned (everything runs like clockwork); sometimes it's by default (everything is piled in the corner of the office). You can use the computer hardware you probably already have to help you run your law practice better using a computerized law practice management program(s) to manage your:

❏   Clients and other people with whom you deal.
❏   Cases and other legal matters.
❏   Calendar appointments.
❏   Docket entries.
❏   To-do list.
❏   File notes.
❏   Document storage.
❏   Document creation
❏   Phone calls.
❏   Email.
❏   Time and billing.
❏   Accounting.

❏   Legal research.

❏   Law practice information by creating customized reports.

There are several law practice management computer programs that can help you manage all of the information in your practice. There are not expensive, and, have the greatest return on investment ("bang for the buck") of any technology expenditure, after word processing and time and billing (for those firms which need to track time or bill other than by contingency).

Any law practice management computer program should accomplish several objectives:

Single Point of Entry

You or your staff should enter information only once, and then use it over and over again. For example, once a client's name is entered into the system you should be able to complete a conflict of interest search, print a file label, generate a retainer letter, enter billing information, and post appointments and to-do entries on the calendar. *You should never have to type the client's name and address again.*

Collaboration

Once the information is in the system, it should be at everyone's fingertips. All staff should have computers on their desks and have at least a minimal ability to use them. Finding a phone number should be simple. Changing information like a name, address, or phone number in one location should change it everywhere else it appears. *How many times have you dialed an old phone number because the new number did not get copied to all of the places where the phone number appeared?*

Portability

The system should be portable, so that you can take it with you to the courthouse, a client's office, a satellite office, your home, on a laptop computer, a Palm® device, or a wide area network. It should exchange information between these various devices so that changes made at the courthouse on the Palm, for example, are transferred to the system at the office so appointments can be made without conflicts.

Contact Management

Contact management is the most basic law practice management system ("LPMS") function. It acts as everyone's digital "Rolodex." This is where you find phone numbers, print envelopes, and store personal information like birthdays and spouse's occupation. The system should be able to list just your clients, or just your expert witnesses or other category of contacts at the touch of a button. To this list of people, you should be able to send letters created by a merge function so that you can, e.g., send your estate planning clients notice of a change in the tax law.
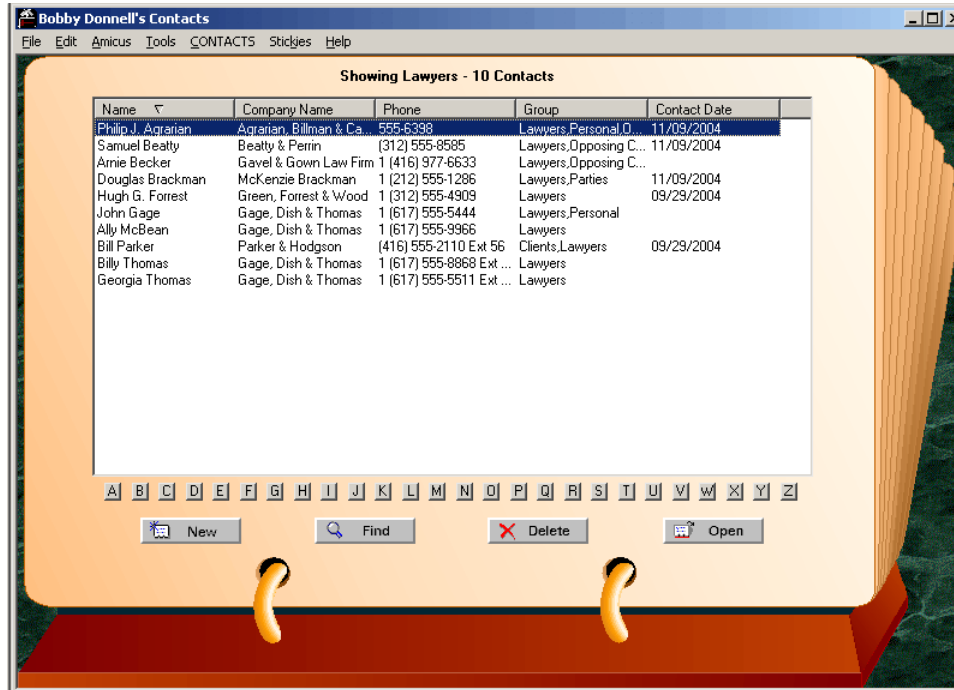
Contact List Just Showing Lawyers

Case Management

   This is the central hub of the entire system, and mimics the organizational structure of a paper file. Although information is normally stored in a case-centric manner, just like a paper file, it should also be available in a contact-centric manner so that you can see, for example, all of the cases you have had with a particular adjuster, or all the clients a particular doctor has treated.

   You should be able to focus on a case and see everything that is going on at a glance: all appointments and to-do's, everyone connected to the case, such as the opposing party and attorney, any other cases, file and phone call notes, documents, internal and Internet e-mail messages, billing records, and Web research results. Although much of this information would be in a paper file, you can access much faster because it is in digital format, and some information would probably never be accessed if it were not in digital format. For example, when the client calls to check on the status of the case, are you going to find the paper file and search through each of the sub-folders to see what has happened lately? Probably not, because that is very time-consuming. Doing so digitally is easy. This information should be available at everyone's desk with a few mouse clicks.

Case Information Sorted by Record Type

Case Information in Chronological Order

Calendar

Law firms need a firm-wide calendar so that everyone with the proper security level can view and change others' calendars. This makes scheduling much easier than if each attorney carries their paper calendar with them all the time, or if they have a calendar on their work station that no one else can access.

You should be able to see the calendar for a particular person, or group of persons, for different date ranges, not just one day at a time. It should be easy to check others' calendars, to schedule meetings with other attorneys or staff, and to reserve conference rooms.
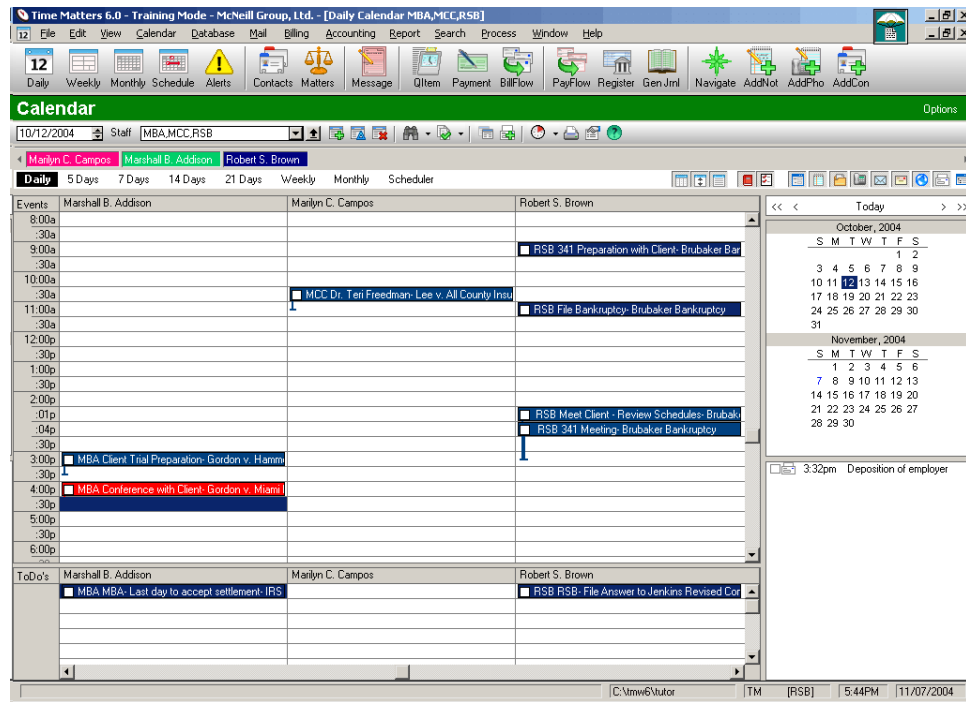
Detailed One-Day View of Three Attorneys' Calendars
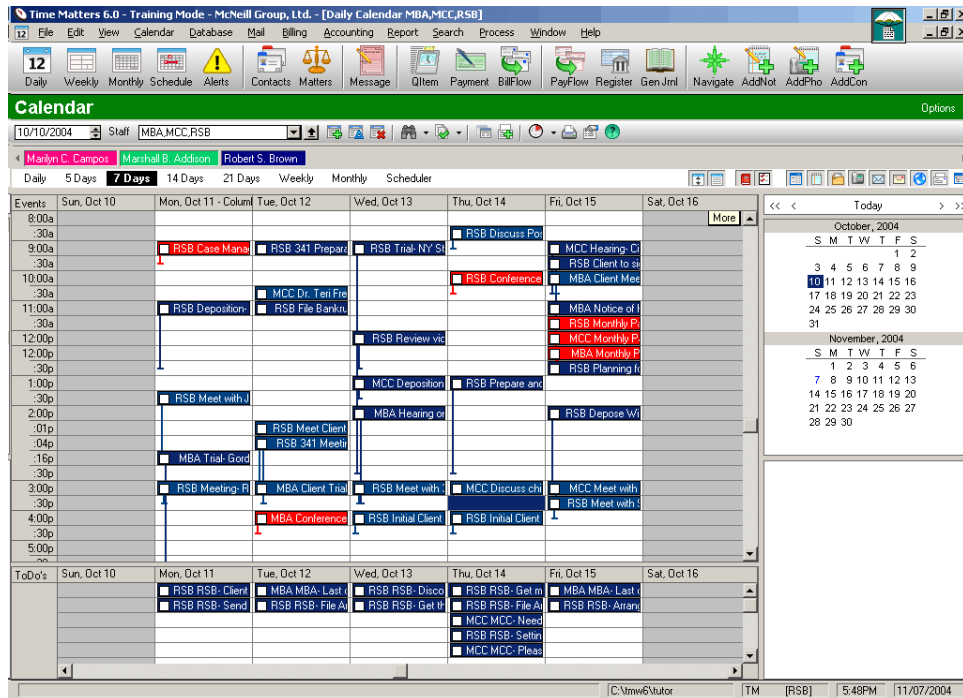
One Week View of Three Attorneys' Calendars

ToDo Lists and Docket Management

All critical deadline information should be in the LPMS, including the deadline dates, the person responsible, and the status of the task. Deadlines should be calculated automatically based on formulas dictated by court rules, such as 30 days plus three days for mailing for interrogatory answers. Other tasks, such as preparing for a deposition, can be scheduled in a similar manner. All tasks should be viewable by case, by responsible attorney, by date, by type of task, and so on. It should be easy to view all limitations deadlines in chronological order so that report can be printed for the monthly partners' meeting. It should be just as easy for a paralegal to see their tasks that are due, overdue, or nearly due.

In order to manage your practice better, you should be able to focus on an attorney or staff member by checking on his or her to-do list. You should be able to rearrange the items on the list at any time, add new items, change existing one to reflect recent developments. You should be able to track the status of tasks you have delegated to others, or that have been delegated to you.
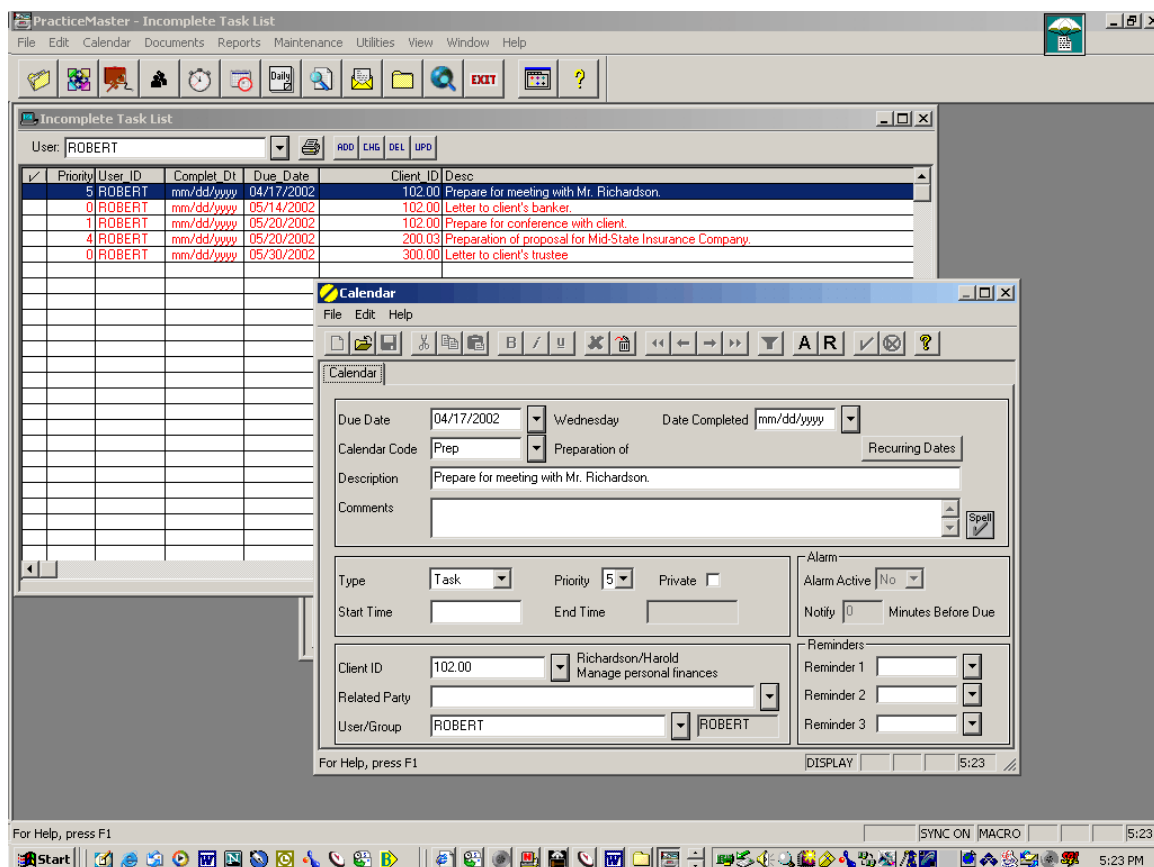
Attorney ToDo List

In addition, you should be able to focus on a particular type of deadline, e.g., statute of limitations deadlines, and see all such deadlines dated within a certain time frame. You should be able to further filter this by also focusing on a certain attorney. This process allows any attorney to see a list of all his or her statute of limitations deadlines that are due in the next six months.

Document Management

Documents should be stored in the computer system by the client and matter, just as paper documents are stored. Because the LPMS already has a client-matter organizational structure, it is redundant and possibly confusing to create a similar structure for storing word processing documents. Managing (saving, finding, and opening) documents via the LPMS is easier and faster, and also lets you view the documents in context with everything else in the case. Some LPMSs allow you to access the document management system from within Word or WordPerfect.

Case-Centric Document Management

Document Assembly

Your staff should be able to create frequently used documents, like retainer agreements, complaints, interrogatories, loan agreements, wills, etc., using the information already in the system and by responding to short, simple prompts that a staff person can easily answer. This results in higher quality documents because there are less likely to be errors due to cut and pasting. It is also faster to create documents in this way.

Work Flow Management

You should be able to enter the standard appointments, to-do's, and documents that you will need to open a routine case, e.g., an auto tort, by making only one entry. If the date entries can be calculated from a single starting date, then a pattern can be set and the dates of the appointment, to-do entries, and documents can be entered automatically. If the starting date changes, e.g., the court reschedules the trial date, then the system should revise all of the records and correct the dates that were initially calculated.

The more the LPMS can be tailored to your work flow, the more efficient and productive your can be. Creating a standard work flow, or outline, to illustrate the steps necessary to accomplish a task, and which steps have been complete, makes it easier to manage your work.

Work Flow Diagram

Customization

Make sure that the system is customizable to your particular needs. In a personal injury case, you may need to track several limitations dates and medical expenses. In a divorce case, you may need to track the date of separation and martial property. The system should show only the appropriate information for that case.

It should be easy to "slice and dice" the information in the system. If someone unexpectedly goes on sick leave, you should be able to take all of that person's to-do's for the next two weeks that haven't been completed and transfer them to another individual. Then, if the person returns from sick leave early, you should be able to transfer the undone items back to the original staff person.

Time/Billing and Accounting

Time and billing functions, and accounting functions, are needed in every law practice, although the needs are not the same for an contingent fee practice as an hourly fee practice. In the past, the programs that performed case management functions well did not perform billing and accounting functions well, and vice-versa. Most firms found that several separate, "best of breed" programs met their needs better than a single "all-in-one" program. That has changed, and there are several all-in-one programs that handle all these functions well. If all of your data is in one program it is easy to view all of the information about a matter, such as injuries, medical expenses, and costs advanced, in order to settle a case, thus saving time and increasing productivity.

Time and Cost Advanced Records Showing Sub-Totals

Reports

Once you've collected all the information about your practice in the system, it's much easier to create whatever management reports you need to run your practice better. You can easily see who is referring cases to you, and show your appreciation. Better yet, you can send the referring attorneys monthly reports showing the status of all their referred cases with virtually no work on your part because the information is already in the system. It's just a matter of slicing and dicing it.

Referral Source Report

Security

The user's ID and password should be required to access the system, and multiple levels of security should limit the ability to view/change/delete certain information. Or, if information like a trial date is changed, a message should be sent automatically to the person whose calendar was changed notifying them of the change.

Using a practice management program can utilize the power of the computer to make it easier to retrieve information about your cases, make performing routine tasks simpler and faster, reduce your reliance on paper files, and organize your practice better. This will make you and your staff more efficient, more productive, and more profitable. You will be able to provide higher quality legal services to your clients at less cost.

The cost of these programs, about $150 to $1,000 per user, is modest, compared to the gains in productivity you will experience. Because you can process your workload faster, you have more time to perform other work. It's like having 10 hours in an eight-hour day.

Once you decide that the benefits of computerized case management merit implementing it in your firm, how do you do it? There are three critical factors involved:

- ❑ Buy-In.
- ❑ Customization.
- ❑ Training.

Buy-In

In order for a law practice management system implementation to be successful, everyone in the firm must be on the same "page" and buy in (commit) to the concept. You need buy-in, both from the top down, and from the bottom up.

Buy-in from the top down means that the head honcho(s) need to get on the band wagon and extol the virtues of the practice management system that will be implemented. Even if the managing partners do not have computers on their desks, they should be preaching about the advantages that a practice management system will bring to the firm. There should be no question that the practice management system train is leaving the station, and anyone who doesn't get on board will be left behind.

Buy-in from the top down consists not only of agreeing that implementing a case management system is a good idea, but also making it as easy as possible for the staff to learn the system by choosing the right one for your practice, and not scrimping on customization and training. It doesn't do any good to buy the best program available if no one knows how to use it.

Buy-in from the bottom up means that the staff needs to be committed to learning the system because if they decide it's going to make their lives harder, not easier, you've got big trouble. Can you spell "passive resistance?"

Implementing any new system in any type of office involves a certain amount of pain to climb up the learning curve. Some people adapt to change better than others. Everyone needs an incentive to climb out of their comfort zone to learn the new system. With partners, it may be more profits and more peace of mind. With staff, though, you need to make sure there is an incentive for

them to make the extra effort necessary to learn the new system. Although everyone likes a bonus, and to the extent that a practice management system makes you more profitable you can share the benefits with the staff, studies show that being appreciated for their effort is just as important to an employee's job satisfaction. Most people realize that having better computer skills makes them more valuable to the firm, as well as in the job market. Once the staff sees how much easier the system makes their jobs, they likely will hop on board and be the biggest fans of the system.

Don't sabotage your implementation by expecting the staff to perform the same amount of work they usually perform while learning the new system. Normally, productivity decreases for a couple of weeks while everyone is learning the new system. Nothing will undercut an implementation like an attorney berating a staff person for not getting the work done during the first weeks in the new system as fast as it was done under the old system. Champagne and flowers should be dispensed liberally. Before rolling out the system, try to take care of your deadlines for several weeks after the roll-out so they won't have to be done at the last minute.

Customization

Tailoring a law practice management system to your practice is really where you get the biggest bang for your buck. The more you put into customizing your system, the more you will get out of it. Every law practice, even those that handle the same types of cases, has different procedures. There is no one "best" way to run a law practice, and lawyers typically do not want to be told how they should practice, especially by a computer program.

"If you don't know where you're going, you're never going to get there." You need to first decide what you want your LPMS to do, then choose the program that works best for you. This requires that you have knowledge both of your practice and of the functions of the LPMS programs on the market. Hopefully, you know your practice, and at least some of what you want to achieve, e.g., a list of upcoming limitations deadlines. However, until you know all of the functions LPMS programs offer, it's hard to decide what functions you need. If you didn't know that you could create a case status list with the push of a button, you wouldn't know to ask for it.

To learn the capabilities of the various LPMS programs on the market, you need to either invest the time reviewing the developers' Web sites, reading their marketing materials, installing and evaluating their programs, etc., or hire someone whose job it is to know that information, just as you would hire an expert in a medical malpractice case. If you hire a consultant, make sure you hire one who has worked with law firms, and better yet, has actual law practice experience. Ask your colleagues or your local bar for recommendations.

You can then compare your needs to the functions of the various programs that are available. You also need to determine how much time and effort you want to invest in customizing the program to your practice, and choose a program that fits your firm's level of technological expertise. Some programs are easier to learn, but have fewer capabilities than programs that have more functionality

but take more time to learn. Some programs work better if you implement all functions at once. Other programs are easier to implement in phases. If your staff is techno-averse, you might want to ease them into the LPMS one function at a time.

Don't assign responsibility for customizing the LPMS to the most technologically savvy lawyer in the office. Choose a cross-section of the firm, and include staff, paralegals, associates, and partners. Include not only the techno-savvy, but also the techno-averse and those in the middle.

System design covers many aspects. One aspect is storing and retrieving all of the information you normally acquire in a matter. You need to look at each practice area and determine what information you need to store and retrieve. Some information is required regardless of case type, e.g., name, referral source, etc. Some information, e.g., limitations deadline and date of marriage, depends on the case type. This will reduce the need to handle the paper file every time you work on it. It will also make it possible to create routine documents from the information already in the system.

Another aspect of system design is mapping the LPMS to your workflow. The more "cookie cutter," or repetitive, your workflow, the easier it is to tailor your LPMS to the way your firm handles various types of matters. Typically, a personal injury case is subject to a fairly rigid set of procedures until suit is filed. Divorce cases do not follow a rigid path, but have certain mileposts. Intellectual property matters have very little standard procedures.

The more you can document how a certain type of legal matter should be handled, the more you can automate the process by which the work is performed. For each practice area, gather all of the checklists, procedures manuals, and routine documents. Spread them out on a table, and document the steps in the life cycle of a typical matter of that type. Use the "typical case," and don't try to cover every conceivable contingency. Most LPMS programs have a variety of tools to help you map your workflow to the program. Going through this process not only makes you focus on how the staff handles matters in your office (which may surprise you), but also gives you a chance to change the process to take advantage of the new tools you have at your disposal, such as:

❑ Seeing multiple calendars on the screen at one time to expedite scheduling.

❑ Viewing everyone connected to a case, and their relationship to the case.

❑ Seeing a timeline of everything that has happened in a matter.

❑ Creating a series of tasks necessary in order to, for example, obtain medical records and accident reports automatically when opening a new PI case, with a completely different set of tasks created when opening other types of cases.

❑ Tracking the status of all assignments you delegate to others.

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❏　　　Searching for potential conflicts of interest throughout all matters, contacts, file notes, etc.

❏　　　Assigning a task to someone via a pop-up message.

❏　　　Synchronizing contact and calendar information with a PDA (personal digital assistant), such as a Palm or Pocket PC device so that you always have your "Rolodex" and calendar with you.

Training

Sometimes referred to "underware," the third component of a computer system (the others being hardware and software), training is the most underappreciated part of any system. But, like its counterpart, although you might not be able to see it, it will determine how comfortable the whole ensemble is. Lack of training, or poor training, is the biggest cause of LPMS implementation failures. Unfortunately, when an implementation fails, it is twice as hard to achieve success the second time around because everyone has a preconceived notion of what the result will be.

Usually, this is not the fault of the staff, but due to the training not addressing how the staff is expected to use the system in "real life," not just using demonstration data on a system customized differently than the way the firm's system is customized. Another cause of failure is not using hands-on training. "Lecture training" goes in one ear and out the other, and is about as successful as teaching someone to dance by lecturing to them. Yet another cause is constantly interrupting the staff during training to handle "emergencies," so that they lose all concentration.

Try to train in small groups. Train people with similar training needs together. Providing post-classroom training ("floor training") is very important to answer questions and handle problems not foreseen during classroom training, and avoids a dramatic drop in productivity when every question results in half the staff stopping what they are doing to ponder the question to which no one knows the answer.

Even after the formal training period, make sure there is a support system in place so that everyone knows how to get their questions answered. There should be at least one "guru" on site that has received advanced or administrator training who can coordinate answering everyone's questions, and who has access to the application vendor to answer questions that the guru cannot.

Another cause of poor training is lack of sufficient training, and a major reason for a lack of sufficient training is because the cost of training can always be reduced, whereas the cost of the hardware or software is fixed by the vendor. Although the temptation to scrimp on training will be present, avoid it at all costs. Better to delay the implementation until you can properly fund the project than to try to get by with insufficient training and ending up with a system no one likes or knows how to use.

Most firms find that it is more cost-effective to hire a professional trainer who knows the LPMS program, and who has customized the program for the firm, than to try to self-train. Every day that the firm is not up to speed on using the new LPMS means that it is less productive than it should be. The cost of the lost productivity from poor training, or stretching the implementation period over several weeks while the staff figures out the program for themselves, is much greater than the cost of good training that reduces the implementation period to a couple of days.

Selected Law Practice Management System Programs

Some of the most popular LPMS programs are listed below. This is by no means an exhaustive list. There are many excellent programs that are not listed. At last count, there were over 60 LPMS programs on the market.

- ❑ Abacus Law, www.abacuslaw.com.
- ❑ Amicus Attorney, www.amicusattorney.com
- ❑ Legal Files, www.legalfiles.com.
- ❑ Needles, www.needles.com.
- ❑ PracticeMaster, www.practicemaster.com.
- ❑ ProLaw, www.prolaw.com.
- ❑ Time Matters, www.timematters.com
- ❑ Trial Works, www.trialworks.com.

Robert S. McNeill is the principal of The McNeill Group, which helps law firms, corporate law departments and government agencies leverage technology to become more efficient, productive, and profitable. The McNeill Group concentrates its law practice management technology consulting services in the areas of workflow analysis, systems design, training, and support, to create an integrated law practice management system.

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