Case Management Systems: Practical Tips for Implementation Success

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There is no question today that case management systems can literally transform the most disorganized law practices into super-efficient legal services delivery engines. Firms that effectively implement case management software systems consistently report: (1) higher profitability due in part to a reduction of previously wasted non-billable time looking for case information, (2) increased client satisfaction with firm response time to case status-related inquiries, (3) reduced "aggravation factor" and related increase in perceived quality of law practice life. Firms that haven't so effectively deployed case management products loudly proclaim them as the bane of their existences, not to mention the culprit responsible for far less money in the firm's coffers. So what are the differences between these two widely varying experience sets? It's all in how you roll it out and integrate it into the firm's workflow. Let's explore the factors that contribute to successful case management rollouts in firms of all sizes.

I. Your Must Get Consensus and "Buy In" From the Participants

Before you ever begin the process of selecting case management software, you need to educate everyone in the firm about exactly what it is, what it does, and how it will change the workflow and work practices.

You must first answer the question: "What is a case manager?" That is perhaps the easiest issue to address since the answer is almost literally, "a piece of software that does everything." Case management programs are literally the "kitchen sinks" of the legal software world, tracking all sorts of law firm information including:

- Case information about each of your matters - everything from party contact info to counsel, to courts, experts and witnesses, to tracking fact patterns and issues and case strategies.

- Calendaring, docketing and tickler systems as well as to-do list managers.

C Conflict of interest searches - light years ahead of the time-tested but terrifying method used by many firms where a lawyer sticks their head out of their office and shouts down the hall "Yoohoo! Has anyone ever heard of so and so?"

C Case notes, logged as you work your files - instead of endlessly proliferating sticky notes.

C E-mails and documents related to your cases - a centralizing source for all work product coming into the firm or flowing out.

C Firm administrative information - as important as tracking client-related matters since every firm's single most important client is . . . itself!

C Custom information for document assembly - the vast array of information tracked and stored by a case manager can be extracted and "flowed into documents.

C Portabilizing (a new word) case information - whether via laptop or Palm or Pocket PC, or between main office and branch office or a lawyer's home computer, all the information stored and tracked by the case management system can be accessible to everyone in the firm, from anywhere at any time - fulfilling finally the core idea of the "virtual law practice."

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Once the definitional question has been addressed, the next question to anticipate is "Why would our firm want a case manager?" The answer is found in the responses to the first question about what a case manager is and does. Who wouldn't want those kinds of capabilities in their practices? Who wouldn't want to cut their non-billable time wasted every day looking for case-related information or documents that can only otherwise be found in the inevitably misfiled paper file? Who wouldn't want to be able to answer client questions when they call instead of having to put them off and return their calls at a later time? Who wouldn't want to be able to rapidly generate more routinized documents like client correspondence, releases, motions, pleadings, and settlement agreements with better consistency and quality control than the typical "hunt for the "*" and replace it method"? Who wouldn't want to virtually eliminate the stressful situations where one of the lawyers turns the office upside down scrambling to find a paper file? So the "why" question tends to answer itself.

It is also advisable to anticipate and be prepared to address the inevitable question: "We have Outlook/GroupWise/Notes already - aren't those good enough case management programs?" That's like asking, "We have a 40 year old Radio Flyer wagon with three wheels and a broken handle? Can't we use that as our company car?" Seriously, it is as dramatic a comparison as that statement.

As to what you give up by opting for a "generic" personal information management system like Microsoft Outlook (which given its propensity to be the number one target for security exploitation and attention by criminals who write computers might be better titled, "Lookout") or Novell GroupWise, if you consider a modern case manager like Time Matters, CaseMaster or Amicus Attorney, for example, the functional chasm between the two classes of software is vast:

A key issue case calendaring v. people calendaring. Outlook and most PIMlike (Personal Information Manager) systems can easily only do the latter calendaring dates by individual people. They are simply not oriented to tracking multiple people who may be together working on a case and want to see a "case calendar" this can be an enormous issue that can waste huge amounts of people time in the office having to look at multiple calendars and jump back and forth. For example, let's say that on a major medical malpractice file your office is handling, you've got one partner in charge, an associate assigned to do what associates do best (everything your partners don't want to do :)), a paralegal and the firm's investigator/medical researcher. By associating these four people together in a scheduling group in a program like TimeMatters, Amicus Attorney or CaseMaster, you can then quickly get a case calendar view at any time and see what all four people are doing on the file. This may win an award for the Rhetorical Question of the Year but . . . isn't that MUCH easier than having to compare four separate calendars?

Case information tracking - Outlook doesn't track much legal case managers track enormous amounts of information. As previously indicated, this ranges the spectrum from:

* Related party contact information.
* Court/administrative body info.
* Opposing counsel info.
* Facts of the case.
* A chronology of case related events as well as the case "flow" once the suit is filed and the REAL fun begins.
* A case to do list with a system of sophisticated and impossible to ignore "alerts" (malpractice carriers LOVE this!)
* "Date chaining" capabilities that permits series of related events to be tied together and automatically counted and posted (i.e., using a Statute of Limitations date as a key date and automatically counting back and posting 1, 7, 30, 60, 90, 180, and 365 day ticklers, or alternatively, a trial date and counting back all the dates on a typical trial court scheduling order and three ticklers for each) these can save literally hours of posting time and reduce manual date miscounting errors, not to mention the ability to move the entire "chain" if a trial gets bumped.
* Conflicts related items for conflicts searching.

And all this information is very easily searchable, printable, Palmable, etc.

* Document management - while I tend to feel most firms are still better off with separate document management products (an entirely separate discussion let's keep on track here for a bit), there ARE some helpful capabilities for attaching documents to cases and being able to launch them while looking at ... and thinking about ... the case being worked on. Such capability doesn't exist with generic personal information managers.
* Conflicts checking - how many small firms have a system for checking for conflicts of interest when a new case is opened that is about as sophisticated as standing out in the hall and yelling "Anyone ever heard of ABC Corporation?" If there's no answer, the case is accepted because the conflicts check" is done. The problem of course is that is the day that the partner who just finished a suit against ABC Corp.'s holding company is out fly fishing sans pager and cell phone ... thus ... silence from the end of the hall. Malpractice carriers just HATE that method . . . they really, really do. In legal case managers, conflicts checking is actually an incredibly powerful text search system, scouring every scrap of case information in your system, down to the level of individual time slip entries! Generic personal information managers and conflicts searches? 'Fraid not.
* Integration with billing systems like TABS, PCLaw, Jr., Timeslips, QuickBooks Pro, etc. for passing client/matter information back and forth and also for passing time entries from the case manager to the billing system. Typically a couple of months of captured time that would otherwise fall between the cracks should pay for the ENTIRE case management implementation ... easily in many cases. And this doesn't even begin to consider the efficiencies gained by the reduction of duplicative information entry. There is no such functionality with generic personal information managers.
* Easy integration of contact info with your word processor - With case managers, there is relatively easy integration of address/contact info into WordPerfect or Word documents as an example, my company has long used a set of WP macros we call the "MicroLaw Legal Macro Library for WordPerfect and Word" (www.microlaw.com/cle/wpindex.html). While customized for each firm, the essential core macros are the same the "Smart Correspondence" macro can pull addresses right from TimeMatters, for example, into Word as part of a process of inserting inside or cc/bcc addresses on correspondence we've not been able to accomplish that in any way approaching "simplicity" with the Outlook/WordPerfect combination although I suspect it MIGHT be possible with VBA programming (but of course, VBA opens my clients to a serious macro virus threat too ...)
* Document assembly – building "smart documents" treating the mass of information stored and track by a legal case manager as the perfect repository for assembling routinized documents, you can integrate with Word or WordPerfect, with or

without HotDocs for comprehensive document assembly. To NOT do this is utterly illogical for routine documents where little changes content wise other than the client names, counsel names, captions, etc.

* The Timeline/Chronology function - in TimeMatters, for example, this shows the progress of work on a case and lets you see a pattern or chain of case events - incredibly useful (although be sure to look at CaseSoft's new TimeMap tooit's seriously cool stuff specifically for this purpose ... for that matter, firms should certainly look at CaseMap also as a more free-form approach to overall knowledge management, of which I believe case management is a subset I would refer the firm to an article I coauthored with Sheryn Bruehl on Knowledge Management in the February/March 2000 issue of "Law Office Computing" magazine (www.lawofficecomputing.com).
* Synchronizing with laptop/remote systems far more easily than Outlook is accessible ... the ability in Time Matters and Amicus Attorney, for example, to send a remote update file to a branch office PC, a mobile lawyer's laptop or a partner's home PC system, via plain 'ole email is nothing short of ingenious.

At this point, it should be very clear that generic personal information managers like Microsoft Outlook, Novell GroupWise and their genre are clearly not the functional equivalent, or even a suitable replacement for, legal case management systems.

The next step is get consensus on the "team reasons" for implementing the case management software. Smart firm Technology Committee heads and Managing Partners who might be the advocates of case management anticipate and answer the most important question for everyone in the firm: "What's in it for me"? You must be able to clearly demonstrate the personal benefits of case management software to every class of person in the firm. Failure to do so will mean that roadblocks will appear. Sometimes these roadblocks may be entirely insurmountable. At best, these obstacles can undermine the success of the project; at worst, they can derail the project and turn it into an expensive disaster for which someone will have to take the blame. Instead, focus on what makes different people tick and what are the right "buttons" to push to get the "buy-in" you seek. Examples include:

* Partners - bill more time during the same length workday and make more money.
* Managing Partners - making more money is always a good thing but staying out of trouble is equally important - case managers help lawyers avoid malpracticing by making it difficult to miss deadlines and make it easier to keep clients apprized of case statuses.
* Associates - respond to clients' and partners' requests faster which makes you look good.

* Paralegals - respond to clients' and partners' requests faster which makes you look good and also reduces stress.
* Firm Administrators - a Godsend for tracking otherwise disparate information such as equipment leases and depreciation schedules, tracking lawyer CLE attendance, logging staff vacation time and other human resource information, monitoring legal research subscriptions, tracking equipment maintenance.

All of these tie into primary concerns of each group of participants in the case management process. Case management satisfies very basic and very motivating needs for everyone in the firm. But the typical lawyer or legal assistant will not arrive at this conclusion on their own - they need to be educated and led to see these expected results. Once the revelations occur, you'll be hard-pressed to rein in the enthusiasm everyone will demonstrate.

II. Deciding on a Case Management System

For most law practices, it is neither economical or logical to try and decide on a case manager without outside assistance. Representing yourself "pro se" in making case management decisions would be like one of your clients deciding to handle a corporate merger on their own you just know that it's going to be a very expensive disaster!

There are many qualified case management experts and resources available to assist in this process. A collection of the continent's most capable legal technology consultants is found at LawCommerce's website. A group called T3: Top Tier Technologists is the first independent association of legal technology consultants. Membership is a restricted based on a selective and critical peer review process to determine qualifications. Many of the group's members have significant case management expertise. Information on the T3 Network can be seen at www.lawcommerce.com/t3.

If you are interested in a specific case manager, the major companies generally have a roster of qualified and in many cases, certified consultants who can assist with planning, customizing and deploying their software. See, for example, TimeMatters consultants info at www.timematters.com/sales/consult1.htm and Amicus Attorney consultants info at www.amicusattorney.com/partners/index.html. Note that these may not be independent advisors necessarily, but they will be able to assist with the specific program for which they are certified. If you seek independent guidance, be sure to specifically verify that qualification.

Books and periodicals are great sources of information. One of the leading publications on the topic of legal case management is Andrew Adkins' recently published book entitled

"Computerized Case Management Systems: Choosing and Implementing the Right Software for You" with info available at www.abanet.org/lpm/catalog/5110409.html. Law Office Computing magazine also features a major case management review article every year in their December/January issue (www.lawofficecomputing.com).

Attending legal technology CLE conferences that feature case management-focused education is another effective approach. National conferences include LegalTech (information at www.legaltech.com), ABA TECHSHOW (www.techshow.com), LegalWorks (www.glasserlegalworks.com) as well as many state bar sponsored functions. Case management is a hot topic and it is likely you will find a multitude of available sessions.

Watch for case management-related articles online as well. Current examples include Oklahoma consultant Sheryl Cramer's article about "Shopping for a Case Management System" on LLRX.com (specifically at www.llrx.com/features/casemanagement.htm) and fellow Oklahoman, Jim Calloway's article that makes "The Case for Case Management Systems" in the online version of the Oklahoma Bar Journal at www.okbar.org/barjournal/featurestories/fs011202calloway.htm. Finally, my own materials about "Turning Chaos into Cases: Small Firm Case Management System"; CLE materials created for Minnesota CLE at www.microlaw.com/cle/casemanindex.html#cm1. All are great primers on the process of reviewing different case managers and determining which makes sense for your specific practice mix.

III. Building Your Planning Team: "Plan" is NOT a Four Letter Dirty Word!

Nothing is more important than planning. This "techno.truth" cannot be overstated when the subject is case management systems. Unlike many other software applications you might deploy in your practice, with case managers, you can't just click "install" and expect instant productivity miracles.The key to case management success is acknowledging that such a project is similar to managing a complex litigated case for one of your clients. Think of it as a multi-step process, spread over a period of time where the talents and efforts of a number of people in the practice will be coordinated. And all that coordinated effort is directed at winning the case for the client. But in this situation, the case is the "case management project" and the client you're going to win for is none other than . . . YOUR OWN FIRM!

Start the process by build an implementation team your "Case Management SWAT Team." Pick a cross section of people from the firm so you have representation from a variety of perspectives. This means that there should be a partner (at least one in a smaller firm - in a larger firm there might be a partner from each practice department). There should be an associate or perhaps more than one in a larger firm. Associates see the process of case handling from a different viewpoint than partners and have much to offer in this process. Include your firm's administrator as well as the head of your technology committee (you do have a technology committee, don't you?). Include a paralegal and legal assistant from each practice group. And include your consultant who is helping guide you through the implementation process.

Your Case Management SWAT team should then develop an action plan, plotting out the timeline of the entire process. Your consultant, who may be the veteran of many case management implementations in many different kinds of practice has experiences that can and should be tapped at this stage. In a sense, it is the same as sitting down with a legal pad, or a "thought processor" such as CaseMap (www.casesoft.com) and outlining the skeletal structure of the process from beginning to end. Allow at LEAST 30 days to arrive at an action plan of how to best configure and rollout your new case manager. Don't worry about filling in every minute detail in your action plan outline - much of what happens will be fleshed out along the way.

Which leads us to . . .

IV. Training: Think Backwards for Success!

With most software in the average law practice, you install it and then learn it. A basic process most of us have been through more times than we care to remember - it feels like one of the core principles of using our technology systems. Not with case managers! With case management systems, the process is precisely backwards - 180 degrees opposite! You first need to learn the program, and THEN you can install it!

Your case management implementation team has to take time to learn the software in order to determine the best configuration approaches, develop a comprehensive training plan that fits your firm, your schedule and your practice approach, and also to decide when to activate advanced capabilities like document assembly systems. This is impossible to plan and coordinate unless there is a fairly deep understanding of the software. Of course, getting to this level of comprehension without physically installing the software may be impractical or even impossible. Systems like TimeMatters and most other products can be installed in a "demo" or "tutorial" mode allowing the firm to work through the key functions of the program and its "flow" using canned demonstration data files.

It can be very cost-effective to utilize your consultant in providing a detailed overview of the program and explaining the level of customizability that exists within each major area of the software. A morning of such review can help the Case Management SWAT team really supercharge its action plan creation process and better direct the ensuing discussions about the initial configuration and customization of the program to best fit the firm's practice approach and workflow patterns.

V. The Paper Process: Documenting Your Practice "Flow"

Before you even think of how to configure a new case manager, first document the "flow" of your practice. For most firms, this exercise in and of itself will have significant long-term value. In many cases, the procedures related to file management, case handling, case closing and archiving may have been the product of a long-deceased founding partner who learned his/her approach from their mentor who wrote a procedure sheet in 1947 - when mimeograph technology was all the rage.

Document your work flow by writing out checklists. These should document all your procedures from case intake and file opening to the file closing/archiving process. Step by step - everything you do, who does it and then let it sink in. Your SWAT team should read it and re-read it together. Use an LCD projector and flash it on your whiteboard in huge characters. Then tear it to pieces - critically look at every step and ask "why do we do that" and "can we remove that step." The goal is to SIMPLIFY the processes. Fewer steps equal fewer mistakes equals less people time to accomplish things equals lower cost of operation equals higher profits while also providing more timely and higher quality services to your clients. In other words, target your processes towards the pinnacle of all law practice goals: better, faster, cheaper . . . and with less stress and aggravation in the process.

Decide how you need to streamline your procedures on paper first, before you ever try and do it with your case management system. Once you've worked together to understand your procedures and have streamlined them and agreed on them, you're ready to translate these processes and work flow steps into automated form using your new case management software - which leads us to the next step . . .

VI. Customize! Customize! Customize!

Case managers like TimeMatters, Amicus, ProLaw, CaseMaster and the raft of other products are "techno.chameleons;" programs that can adapt to any area of law practice and ultimately look as if they were custom-written to fit that particular area of practice. Using a case manager in its "plain vanilla" configuration is like trying to be happy with a new suit that is four sizes to big and a color you can't stand . . . it will feel lacking and a poor fit - and looking at it and wearing it every day will start to make you angrier and angrier.

The key is to become tailors - software tailors. One of the most impressive characteristic of mainstream case managers today is the extent to which they can be relatively easily customized: twisted, molded, and modified to fit your workflow and your practice needs - dictated by the areas of practice your firm focuses on. Customization can include adding to or modify common screens for tracking matter information, contact/address information, date entry screens, how conflict of interest information related to adverse parties is tracked. Case managers generally permit you to build powerful automated date "chain templates" and "assembleable" documents by area of practice. All of these areas need attention as part of the preparation process.

Can customization be done after the fact, months later after the firm has been using the software? Certainly. But more successful implementations consider as many of these issues as they can predict and anticipate in advance so that the new software fits like a glove the first time its lawyers and staff "slip it on." This leaves a positive impression on the entire firm and encourages use and even creates a sense of excitement and anticipation about the learning process. This is far preferable to the alternative - grumbling people who question the selection of the software and whether it will ever save more time than it takes to learn it and use it.

VII. Summary: Tips for Case Management Rollout Success

PLAN! PLAN! PLAN! PLAN! PLAN! Capitalize it! Write in 12 foot tall blinking neon letters! Failure to adequately plan the entire process typically leads to one thing - a miserably failed project and someone who will be the scapegoat for a costly mistake. So don't make the mistake - PLAN AHEAD! Failing to plan is like failing to prepare for trial - walking in the day of trial without knowing the facts, without having any witnesses, with no questions to ask and never having met your client. A total disaster. No different a result should be expected if you slap a case manager on your system, unveil it to your staff the next morning and say "Voila! Our new case manager - now can someone calendar my dates and get my trial brief done in the next hour?"

GET HELP! Case managers, no matter which product is being considered, have nearly endless setup, configuration and usage options. How can you intelligently choose the best way to set these up by the "random" approach? You need to know the product or you need someone to guide you.

BUILD A TEAM! Involve both lawyers and staff in the planning and training process.

DON'T SKIMP! The cost of acquiring the software is the tip of the iceberg. Just as with the "Titanic", not knowing about the 7/8 of the iceberg that was invisible below the surface led to disaster, failing to understand that most of the cost and effort in the process takes place AFTER you've bought the software will lead to disaster - or at best, a completely mediocre implementation. Get the outside help you need - don't do case management pro se if you don't have the internal experience.

TEACH! TEACH! TEACH! TEACH! There are no magic bullets here you need to devote enough time to learn to use the product. Otherwise, you're wasting your money!

The bottom line is that case management software is the long-awaited "killer legal app." But it can only fulfill high expectations if you understand and follow the key steps for implementation success. Don't waste even one more day hemorrhaging otherwise billable time subsidizing your inefficient workflow processes! Take the case management path today - no time like the present!

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