THE PERENNIAL CASE MANAGEMENT QUESTION: LEGAL-SPECIFIC OR GENERIC? OR "FROM CHAOS TO CASES"

by
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A reader asks:

> *"We are an 8 lawyer firm whose practice is exclusively personal injury and medical malpractice is wrestling with whether to install case management (and has narrowed the choices down to Abacus or Time Matters) or Outlook on their new network. They are wondering: "What do we give up by going with Microsoft Outlook instead of case management, e.g. can't we get "close enough" (in terms of calendar management, contacts, and so forth) with sufficient tweaking using Outlook?"*

Dear Reader:

First I would refer you to my "Second Opinions" article on "Small Firm Calendaring" that appeared in "Law Technology News" and "The TechnoLawyer Community" and is online at http://www.lawtechnews.com/january00/second_opinions_p11.html. It is a start, at least from the perspective of comparing "generic" calendars to "legal-specific" products.

Of course a lot depends on what case management actually means, but using the mainstream "kitchen sink" feature-set model used by products like Amicus, Abacus, Time Matters, etc, I'll proceed. I would also refer your firm to the December/January 2000 issue of "Law Office Computing" for their annual case management review--it's quite comprehensive.

As to what you give up by opting for a "generic" calendaring system, if you consider Time Matters, for example (and Amicus would present a similar list), there's a lot:

1. **A key issue -- case calendaring v. people calendaring**. Outlook and most PIM-like (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, 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?

2. **Case information tracking** - Outlook doesn't track much - legal case managers track enormous amounts of information. This ranges the spectrum from:

    - ✔ Related party contact information
    - ✔ Court/administrative body info
    - ✔ Insurance company info including claims adjustor contacts
    - ✔ 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
- ✔ Case-type specific info using DATA.TXT Forms (again, using TimeMatters as an example) or User-Defined fields (i.e. if your firm also does Worker's Comp defense work, you may want to see onscreen fields tagged for tracking the Hearing Examiner, the case's assigned Claim Number, the Case Number assigned by the Worker's Comp division, etc.).

And all this information is very easily searchable, printable, Palm-able, etc.

3. **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.

4. **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!

5. **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.

6. **Easy integration of contact info with your word processor** - With Time Matters anyway, easy integration of address/contact info into WordPerfect - as an example, my company has long-used a set of WP macros we call the "MicroLaw Legal Macro Library for WordPerfect." While customized for each firm, the essential core macros are the same - the "Smart

Correspondence" macro can pull addresses right from TimeMatters into WordPerfect 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 ...)

7. **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.

8. **The Timeline/Chronology function** to show the progress of work on a case or to see a visual representation of a pattern or chain of case events is incredibly useful (although be sure to look at CaseSoft's new TimeMap too--it's seriously cool stuff specifically for this purpose ... for that matter, your firm 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 co-authored with Sheryn Bruehl on Knowledge Management in the February/March 2000 issue of "Law Office Computing" at http://www.lawofficecomputing.com/jan99/issues/fm00/FM00_TOC.htm and recently a TechnoFeature on The TechnoLawyer Community.

9. **Synchronizing with laptop/remote systems far more easily** than Outlook is accessible ... the ability in Time Matters 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 e-mail is nothing short of ingenious.

And there's certainly more -- Time Matters feature info is at http://www.timematters.com/tmw3/3newuser.htm. Abacus, Amicus and the forthcoming total rewrite of STI's TABS CaseMaster all are worthy of a look as well. Info can be found at http://www.abacuslaw.com, http://www.amicus.com, http://www.stilegal.com. Be sure to look at Sheryn Bruehl and Tom O'Connor's comprehensive Case Management feature comparison chart at http://www.lawofficecomputing.com -- click on REVISED CASE MANAGEMENT SOFTWARE FEATURES CHART at the right side of the home page.

Our reader asked a second question that deserves some attention as well:

> *"Isn't case management only for larger firms, e.g. is there anyone out there our size using case management, and if so do they feel it has been a worthwhile investment?"*

The answer is pretty clear - and based on live feedback, rather than anecdote-laced supposition. Tens of thousands of small firms -- maybe more. OF COURSE, a small firm needs case management. It has cases. It has information. It has clients. It has more information than any single human can likely comprehensively memorize. To me, this is like saying "do we need to breath?" The reality of course is that EVERY firm has a case management system ... the firm you talk about has a system ... made up of manual disparate pieces: their paper filing system, their paper calendars or Outlook, their client documents, their form documents, their tickler cards or whatever they use, etc. To not use SOME sort of automated tools to track this information is just plain bad business. And this can be done with law firm-specific, very inexpensive programs that have the kinds of features previously described, I personally think a firm--from a solo to a global mega-firm would needs its collective head examined if they didn't use one.

And yet another question, equally worthy of attention:

> *"Isn't a case management program more suitable for insurance defense firms than for plaintiff's firms like ours?"*

Um . . . what's the difference? Both have cases with tons of open information, names and addresses, tons of calendaring and tickler info. This is the case whether the firm does PI work, insurance defense work, estate planning, family law or bankruptcy work. All lawyers who actually work on cases need to manage information--it has nothing to do with the type of practice from a broad "needs" perspective. Where legal-specific case managers have an edge over generic PIM-like products is their customizability to individual areas of practice, as previously mentioned.

Amazingly, they asked yet ANOTHER question:

> *"Will it [the new case management system and its implementation] destroy office morale, e.g. won't the staff hate it because of the extra work it might require, particularly to get in existing information?"*

On the contrary -- the ability to find all the information with a few mouse clicks ... without having to deal with the stress of running around the office trying to find the "Smith" file which could be wedged into any one of five different lawyers' piles, or call directory assistance for $1 only to get the wrong phone number for an expert and waste about 20 minutes, etc. etc.

I think that legal-specific case managers can significantly reduce the stress load overall. And that's not even looking at things like a lawyer or paralegal with a synched laptop having 100% access to the case information, without the headache of making a modem connection, while prepping for a trial the next morning in a distant hotel room. Or the lack of stress because a case is turned down due to an obscure conflict (found by the case management software -- deeply buried in a time entry--which would never have been found manually) instead of working on the case for two months, generating $4000 in fees and then having to explain "Oops, we're really sorry but ...." to both the client and months later, to the former client's malpractice counsel in a deposition. All of these things significantly reduce the stress of modern small and large firm law practice ... and consequently improve the quality of life of those lawyers and their staff. As Martha "Billions in My IPO" Stewart is fond of saying "and that's a good thing." <g>

Is using a case management system any more work than a law practice that does things more manually? More work than what? I think it's significantly less work, and easier work, than what your firm is likely doing now. After all, you have the same information to track whether you use a software-based legal case manager, a generic PIM-like product or manual systems (or some combination of the last two). It all has to go somewhere. It all has to get handled and tracked by someone. I think it's a lot less work to put it into one consistent on-screen system than several different applications or worse, in several applications AND in several paper systems. So I think the opposite is the case--case managers mean more streamlined information entry and less up-front work. Of course that doesn't even begin to address the scads of time saved because information can be found without turning the office physically upside-down.

Further, I would encourage people in a firm like this to attend available legal technology CLE sessions on case management and information organization. For example, they could also purchase the CD-ROM materials from ABA TECHSHOW 2000 -- tons of case management info for small firms there (http://www.techshow.com) or even the audio tapes of those ABA TECHSHOW 2000 sessions. Some upcoming CLE events include the Kentucky Law & Technology Show in mid-June, LegalTech LA in late June, various other state Bar conventions, and your local bar may have has something on its CLE agenda as well.

I hope this helps you - remember, be sure to practice smart computing!

> **Ross Kodner** is a “recovering lawyer” who saw the light and founded Milwaukee’s MicroLaw, Inc. a legal technology consultancy and systems integrator way back in 1985. He is the Chair of the ABA Law Practice Management Section’s Computer & Technology Division and is a member of the ABA TECHSHOW 2001 Executive Board. While his personal motto is “Friends don’t let friends word process without Reveal Codes,” he does love his Microsoft Force Feedback Steering Wheel.