

Desktop-to-Courthouse Risk Management Challenges

By Erez Bustan

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Decrease the chance of errors when transferring files from your computer to the courthouse by improving your workflow processes, and it will save your clients money, too.

Even in an increasingly paperless world, there are still cumbersome and expensive paper reporting processes at law firms. This is particularly true when it comes to generating forms and documents that travel from an attorney's computer to the courthouse. One of the biggest risks law firms face is missing court deadlines or filing incorrect or outdated forms. When examining ways to minimize risks, it is imperative for IT departments to consider all the elements that feed into an automated "desktop to courthouse" workflow solution. There are many points in the process where errors can occur, but with the right workflow solution in place, lawyers and staff can increase efficiencies and minimize risk by decreasing the chance of errors.

Court Forms Complications

Completing court forms may seem like a fairly straightforward process, but there are numerous opportunities for errors and wasted efforts. Although most firms have migrated to computerized files, court forms represent the last bastion of typewritten documents.

Court forms are increasingly available online, and law librarians no longer maintain form sets. Interestingly, this migration has altered but not necessarily decreased the number of form filing mistakes. With online forms, publishers tend to make changes more quickly than they have in the past. Since the forms are dynamic and changeable, filers are more likely to inadvertently complete an out-of-date form, particularly if they rely on legacy case documentation as the basis for a new filing.

Law firms may also struggle to locate and identify the best online resources. While the Internet has allowed more state and federal courts or agencies to post forms online—in some cases because of e-filing requirements—law firm staff must often play detective in their search for the applicable form. Plus, once they find the form, it is often available only as a static image. Formats can also vary widely (e.g., PDFs, WordPerfect, MS Word, Excel or OmniForm), which can present technical challenges and complicate proper completion.

Court Calendaring Headaches

According to American Bar Association reports, 19 percent of all claims made against lawyers can be attributed to calendaring errors. When it comes to manual court calendaring, many mistakes can occur through entering incorrect data, mishandled or lost mail, notices that were not passed on to the proper parties or individuals inaccurately interpreting court rules. All of these missteps can ultimately result in missed deadlines or a failure to file.

Relying on software not specifically designed for docket and calendar management can also present a serious problem, since these programs cannot automatically calculate or update court dates. Even with a legal-specific computer system in place, human error can always insert itself into the process. For example, a notice of electronic filing (NEF) may not be forwarded or logged in the calendar. Frequently, management may not review the firm's calendar process or even understand its critical role to the firm as a whole.

Best Practices to Reduce Errors

The chance of error increases when the life cycle of a matter is decentralized and internal communications are not regulated. Automating workflow and setting clear policies around this workflow will go a long way toward minimizing mistakes. Law firms should consider a centralized docketing solution that integrates with other network applications and uses consistent docketing policies defined by the firm's technology and risk management committees. Firms should also establish a central e-mail account for receiving court e-filing confirmations.

It would also be wise for firms to create a system of checks and balances between different departments and designate an on-staff software expert who can quickly troubleshoot issues. Lawyers and staff should receive periodic refresher training sessions to ensure that everyone understands the importance of maintaining correct data and a consistent workflow.

Despite the known risks that arise from court form and calendaring errors, metrics are not always easy to capture. However, consider this fairly common savings calculation: For a paralegal with a billable hourly rate of \$100, saving 30 minutes per day through improved workflow processes represents a yearly cost benefit of \$13,000. If an attorney's billable hourly rate is \$250, saving 15 minutes per day through improved workflow processes will yield a cost benefit of \$16,250. When this cost benefit is multiplied by 5 paralegals and 10 attorneys, the firm's yearly savings could total \$237,500.

During these difficult economic times, managing risk has become more important than ever for law firms and their clients. Some of the greatest risk areas that law firms face relate to court deadlines and forms. By carefully identifying weaknesses in the court calendaring and court form completion process, law firms can minimize the chance of errors and risks, both in terms of potential claims and professional reputation.

About the Author

Erez Bustan is President, CEO and Founder of American LegalNet, a forms, e-filing and docketing technology provider.
