

Reprinted with Permission from the February 4, 2008 Issue of:

New Jersey Lawyer, the Newspaper

Latest upgrades require retooling old processes

By Carol L. Schlein

Remember when you got your driver's license? Suddenly, you were able to go places and do things you couldn't do before. Technology changes — and even changes in personnel — can inspire improvements to your office's use of technology.

Many software tools used by law firms are on an annual upgrade cycle. While keeping up becomes expensive and time-consuming, the improvements often are overlooked and underutilized. I was reminded of this recently when a client asked how the firm can use Time Matters to better manage the deadlines and paperwork associated with handling clients' franchise contracts and trademark applications. With the introduction of version 9, LexisNexis added a "user defined record types" feature, which can help manage all sorts of information. They can be customized like other record types in Time Matters, and the entered data can be searched and merged into documents. My client created "trademark" records and added fields of information that could be tracked and attached to clients' matters.

In my own office, the addition of a new administrative assistant led me to rethink all sorts of functions and procedures (fortunately, for the better!). One of my goals was to have my assistant enter client-related expenses into the billing system. We quickly realized it was difficult to determine from our calendars whether we visited a client's office or did a remote-access session. We charge for mileage, tolls, parking and public transportation costs when visiting clients' offices but there are no expenses for online support sessions. To complicate things further, we now have a second office in New York. The mileage and tolls to clients depends on which office is closer to the client. As we discussed possible solutions, I insisted we think through the entire process and see if we could simplify and streamline expense entries.

We started by looking at the categories (classification codes in Time Matters lingo) we use for calendar events. We simplified the list of codes. We kept some, like "TBC" for client appointments "to be confirmed." We eliminated codes for client appointments and meetings, and added codes for onsite visits and remote sessions. Next, we looked at the fields of information we were entering on the events (besides the obvious ones like date, time, staff, client, matter and event description). Particularly when we've made appointments through e-mail or substantially in advance of the appointment date, my assistant calls and confirms the engagement just in case there was an error or a change in my client's schedule. We added a code for cancelled appointments so we can easily identify actual appointments from those that never happened, as well as several fields on the event screen to record the confirmation information. My assistant also helps by preparing my physical files for onsite visits. Depending on the nature of the

visit, I may need the client's file, recent notes printed from Time Matters, directions to the office or some combination of these. We added fields so I can indicate what's needed for each appointment.

Client expenses

The next issue was where and how to track client expenses for onsite visits. We decided on the new "user defined record" type and created one for client expenses with checkboxes for different types of travel-related charges like mileage, tolls, parking, public transportation and travel time. We check off those items that apply to the specific client.

Finally, I added a trigger that sends a message to my assistant when either of us has billed the onsite event and marked it done. This messenger links my assistant to the event entry where she can find the appropriate client expense record for that matter and add the needed expense entries for the onsite visit.

Transferring calls

Sometimes a minor feature in a product will solve a firm's major problem. For example, one client mentioned a dilemma with incoming phone calls: The receptionist could determine whether an attorney was on the telephone, but couldn't assess whether the call was winding up or continuing. The partners sought a solution that would allow them to be notified about an incoming call and then decide whether the caller should either be placed on hold or leave a voice message.

The firm's practice management system includes a feature similar to instant messenger. The receptionist sends the name of the caller to the attorney, who types either "H" for hold or "V" for voice mail. This practice has dramatically improved the attorneys' efficiency in handling critical calls and limiting phone tag.

Storing data

When upgrading systems, firms have an opportunity to re-examine their office procedures to determine whether they're operating as smartly as possible. For years, many firms have relied on "duping and copying" old documents to make new ones. It was never ideal because it was too easy to inadvertently leave a client-specific reference from the original source. Today, however, as most firms have migrated to versions of Microsoft Word, the specter of metadata becomes a real liability. In the past, when most firms were using WordPerfect, metadata wasn't an issue because little of it was buried in the documents. With Word's popularity, metadata — essentially data about data — has become a factor to be monitored. A knowledgeable person receiving a Word document can determine the original author, revision history, editing changes and other details.

While tools can remove metadata before sharing the file with others, you're better off establishing templates for frequently used document formats. If your document needs are simple, you can use the merge or template feature of your word processor. Some leading practice management systems also include the ability to create document formats. If you have more-complex documents, consider document assembly programs like HotDocs. When these tools are combined with data in your firm's practice management program, creating new documents is as simple as locating a previous document, copying it, changing the client-specific elements and saving it for a different matter. With the new electronic discovery rules, it's particularly important to take precautions with the creation and storage of the data.

Intake forms

Most firms have an intake form for new clients and matters. Firms that handle a variety of legal matters may have different forms for each practice area. When talking to one client recently about setting up new entries in its new practice management system, we realized that often critical information wasn't included on these forms when attorneys first met with a client. On some of each practice area's intake form, required information was buried in the middle or near the end. We set about redesigning the forms, so that core information required for every

case, regardless of type, is at the top of every form. The next section is required information for the specific type of case. The remaining part of the intake form contains additional information helpful when evaluating a new client and handling the initial steps for the client's matter. The result is a more-efficient process since all intake forms are more consistent, and the staff has the necessary data to set up files correctly from the beginning.

Internal communication

The acceptance and use of e-mail by legal professionals has resulted in a transformation in how lawyers communicate with clients, courts and adversaries, whether on the other side of town or other side of the world. Too often, though, I've seen too many firms use the same method for collaborating with their office colleagues.

Within a firm, there's no reason to attach (and in the process, make an extra copy of) a document that's on the firm's server. The better method is to point someone to the name and location of the document. Some practice management systems allow users to link a message to the document's location; document management systems that integrate with e-mail programs also let users e-mail a link rather than a copy of the entire document.

With the marketing of legal software — particularly with the frequency of new versions — it's easy to get caught up in focusing on the products instead of the problems you're trying to solve. It's still important to consider what your firm needs and what problems you're trying to solve. Go beyond the immediate need and think about the entire system. See if you can be more creative and streamline the entire process.

While different products allow for different solutions, the exercise of analyzing your current systems, needs and processes is the first step to improving the firm's procedures using its technology tools.

Carol L. Schlein is president of Law Office Systems in Montclair, a training and consulting firm specializing in law firm automation. Copies of her previous columns are on losinc.com, which also lists upcoming meetings and training classes. For information, e-mail info@losinc.com or check the website. Schlein formerly chaired the Computer and Technology Division of the ABA Law Practice Management Section and can be reached at carol@losinc.com.

Questions for Carol L. Schlein on law office technology may be e-mailed to New Jersey Lawyer at news@njlnews.com or faxed to (908) 226-0165.