

# Minimize Docketing Errors



**Automating your docketing process and establishing a centralized control point will save you time and decrease the risk of errors.**

Where would lawyers be without calendaring, docketing, and “to-do” lists? Not where they should be. These tools are essential for keeping you on track and out of trouble—like missing a court appearance or statute of limitations or, even worse, facing disbarment. As important as these tools are, many lawyers still rely on manual processes to protect their firms.

According to the *Profile of Legal Malpractice Claims 2004–2007* (published by the ABA Standing Committee on Lawyers’ Professional Liability), calendaring errors account for a significant portion of malpractice claims, especially in solo practices and small firms.

Typically, these calendaring errors fall into four categories:

- Failure to know or ascertain a deadline correctly (not knowing a limitation, notice period, or filing deadline)
- Failure to calendar properly (knowing the deadline but did not have it set in a calendar or tickler system)
- Failure to react to a calendar item (setting the deadline in a calendar or tickler system but missed it)
- Procrastination in performance of services or lack of follow-up

## A moving target

Court rules are complex and subject to frequent changes, such as new timing requirements and rules for calculating deadlines. Compounding the problem, court rules can vary by region and, in many states, are county specific. Varying rules can be a significant headache if your practice area covers multiples counties, each with its own separate set of requirements.

In spite of the risks, a surprising number of attorneys rely on getting a letter from the court to remind them of pending deadlines. Trusting email notices is an even worse idea—think of what could happen if that email was unknowingly blocked by a spam filter. In fact, this actually happened to one attorney and no, the judge did not accept the spam excuse.

## What you can do

The Colorado Bar Association Lawyers Professional Liability Committee drew up the “*Ten Commandments to Promote Effective Communication with Your Client and Avoid Malpractice.*” One of these “commandments” is especially helpful for avoiding response-related issues:

- VI. Use a docket or calendar management system to ensure timely compliance not only with filing requirements but also for client communication.

## Set up a dual-entry system

The law states that attorneys are responsible for the ultimate accuracy of their calendaring activities, no matter what system they use. As a best practice for building in safeguards, many firms use a dual-entry system, such as keeping two paper calendars, a paper calendar and an electronic calendar, or two electronic calendars. Entering information in two places increases your chances of compliance.

## Establish docketing guidelines

A comprehensive docketing system helps reduce the chances of administrative errors. Establish a centralized point of control in the firm and designate who will be accountable for the system and what steps will be followed for entering docket and calendar items. Firm policies and guidelines for docketing should be clear and made available to all members of the firm—in writing! No matter how comprehensive the system, if employees in the firm don't understand the system or use it, then the system won't work.

## Automate due dates and deadlines

An added advantage of electronic calendaring systems is that they often include court rules-based software, automatically adding technology safeguards into the mix. With a court rules database, you can reduce the computation risks associated with human error. Calendaring systems can be set up to include "week-ends and holidays" when calculating deadlines or "business days only", depending on your local jurisdiction requirements.

## Issue multiple alerts

Once your software-based calendaring system is in place, it can automatically generate alerts and reminders—flagging that an important date or deadline is approaching. And, the alerts can be automatically issued to multiple people in the firm, not just to the lawyer involved.

## Bottom Line

Your calendaring and docketing practices can impact your firm's liability insurance. Most insurance carriers will ask if you are using court rules-based calendaring, and some won't provide coverage if you're not. As a carrot instead of a stick, some insurance companies will give you a discount with proof of compliance.

## Know who you can trust

At **LexisNexis** we are committed to helping you spend more time practicing law and less time worrying about all the headaches of the business of law. Our solutions for small firms include award-winning software created with input from legal professionals and are backed up by a highly experienced and dedicated services and support team.

Docketing software like **Time Matters™** makes it possible to create a set of docketing rules and apply it to similar cases or matters. The items are related by dependency—for example, if certain tasks or calendared events are dependent on a trial date and the date is moved, tasks and calendared items not already completed can also be moved relative to the new trial date. Time Matters also helps you manage a wide range of agency and personal communications—including emails, written messages, phone messages, faxes, mail, and courier records—and relate them to a case, matter, project, and client data. You can easily track incoming and outgoing deliveries in a searchable, sortable list. And you can use Time Matters to turn collected data into meaningful information that will help you make insightful decisions on a case or for your business—to avoid liability and improve the bottom line.

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