

Managing Deadline for the Modern Law Practice

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Rules-Based Deadlines

Missed deadlines are the number one source of attorney malpractice claims. Don't put your firm at risk.



Technology can strengthen the “practice of law” through many different types of legal research products, including: practice-specific forms libraries, tools to automate various processes like assembling documents and work flow, and tools to calculate deadlines based on applicable administrative or civil rules of procedure. In contrast to tools that help with the “business of law” (time tracking, billing, lead generation, customer intake, client communication) technology focused on the practice of law helps attorneys to represent their clients more efficiently and effectively. In short, technology that strengthens the “practice of law” helps litigators to win their cases, and it helps transactional attorneys to deliver the best end-result for their clients.

LawToolBox has been singularly focused on building and maintaining the most powerful “rules-based deadline management system” to ever exist. Our experts review rules of procedure and build the first version of a deadline calculator, the legal content team moves the product to production for use by clients, and then our deadlines become even better because it incorporates the feedback of our client base which includes the best legal minds in the world. We monitor court websites for rule changes and our legal team reviews any alerts every morning to determine if modifications need to be made to any ruleset. This process aggregates the mind-share of our the courts system and our client base and is part of an organic and ongoing process to constantly improve our library of deadline rulesets.

To calculate deadlines a end-user sets up a matter in LawToolBox and selects an applicable rule-set like “Los Angeles Superior Court”, and then the end-user selects a trigger from a list for that specific rule-set like the “Date Trial Commences.” Then LawToolBox will take the applicable date and run it through its system to generate – for this example – over 70 deadlines that account for local rules and applicable court holidays. LawToolBox (1) calculates deadlines, (2) creates reminders of each upcoming deadlines, (3) generates reports by case, user, group, or firm, and (4) synchronizes deadlines to the users calendaring software.

Managing deadlines is mission critical for legal professionals not only because it will help them navigate through procedure quickly (so firms can spend more time on the substantive issues that will determine whether they win or lose their case) but because it reduces the risk of missed deadlines which is the single biggest source of malpractice claims by clients against their attorneys.

According to a past study by the ABA, “lawyers have a 17 percent chance of being sued for malpractice each year.” Here is how the statistics broke down in the ABA Malpractice Survey 2006:

Procrastination in performance/follow up	9.43%
Failure to Calendar Properly	5.19%
Clerical Error	4.74%
Failure to React to Calendar	4.35%
Failure to File Document - No Deadline	4.28%
Lost File, Document Evidence	0.37%
Failure to Know / Properly Apply Law	10.98%
Inadequate Discovery / Investigation	10.37%
Planning Error - Procedure Choice	7.72%
Failure to Know/ Ascertain Deadline	7.09%
Conflict of Interest	6.28%
Error in Public Record Search	2.54%
Failure to Understand / Anticipate Tax	1.26%
Error Mathematical Calculation	1.04%
Client relations (w/ various sub-categories)	14.57%
Intentional Wrongs (w/ various sub-categories)	9.79%

According to historical ABA surveys, from 1995 to 2006 there was a 15% percent drop in malpractice claims based on missed deadlines. The ABA concluded: “It appears that an increase use of calendar software may account in part for the decrease in this type of claim”. ABA Malpractice Survey 2006.

Analyzing malpractice claims based on practice area, personal injury attorneys are at the greatest risk of malpractice claims with almost 30% of all claims that are asserted. Attorneys with a real estate practice make up the next largest group of malpractice claims at 17%, and family law attorneys make up the third largest group at risk for malpractice claims with approximately 10% of the malpractice claims being brought. Analyzing ABA Survey Results from over 20 years, the following trends can be observed:

Personal Injury – Plaintiff:	19.96% (4.64 decrease from 1995)
Personal Injury – Defense:	9.96% (5.86 increase from 1995)
Real Estate:	16.46% (relatively constant)
Family Law:	9.58% (relatively constant)
Estate, Trust and Probate:	8.63% (relatively constant)

The “Risk Factor” for a firm of a particular size is a function of the percent of malpractice claims brought against a law firm relative to the number of firms of that size in the entire marketplace. Analyzing malpractice claims based on size of the firm, statistics show that the firms with the highest risk are those firms with between 2-10 attorneys. Statistics show that a firm with between 2-5 attorneys is 3 times more likely to have a malpractice claim brought against it than is a solo law firm, and a firm with between 6-10 attorneys is twice as likely to have a claim brought against it as is a solo firm:

firm size	Malpractic Claims	Percent of Market	Risk Factor (claims / market)
Solo	33	48	0.69
2 to 5	33	15	2.20
6 to 10	9	7	1.29
11 to 100	14	16	0.88
over 100	11	14	0.79

Even this brief review of malpractice claims based on missed deadlines shows why, according to an ABA Study called “Profile of Malpractice Claims”, many carriers are “NO LONGER WRITE POLICIES FOR FIRMS THAT DO NOT HAVE RULES-BASED DOCKETING SYSTEMS” (emphasis added). At a minimum, carriers will usually give a significant discount for using a rules-based deadline management system that will often pay for use of LawToolBox entirely!

Our most advanced features are first surfaced inside our award-winning apps for Office 365, then we subsequently roll out these features to our integration partners through our API. But regardless of whether end-users access LawToolBox deadlines through our app or an integration, the key to deadline management is accuracy and speed of calculations, and redundancy in reminders (deadline charts, add to calendar, email reminders, reports by user and firm).

The best practice for any modern law firm is to use technology to enhance internal processes, but in addition to using LawToolBox, firms must have their own internal policies for who docket deadlines as legal papers come in or are filed, who prints and distributes deadline reports, and an attorney from each firm should review the rule-set deadlines generated electronically to both build a sense of confidence that they can rely on the system as well as to see if feedback should be provided to LawToolBox.

When you combine (1) deadlines automatically calculated by LawToolBox, (2) advanced features like our “history of changes” which tells you who edited a deadline and when, with (3) sound deadline management policies within a firm, you have taken an important step in building the modern law practice. As the Risk Management Coordinator for the Attorney Liability Protection Society said, “Its pure gold if you can get a firm to use its case-management system to raise accountability to a higher level.”