

Maximize Your Productivity:
Selecting the Right Systems for Your Law Office

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Speakers:

Carol L. Schlein, Esq.
President, Law Office Systems, Inc.
Montclair NJ
(973) 746.6454
carol@losinc.com
www.losinc.com

Franklyn C. Steinberg, Esq.
Law Offices of Franklyn C. Steinberg, III, P.C.
Somerville, NJ
(908) 685-0600
fcs@fcslaw.com
www.fcslaw.com

Marcia Turner
Network Administrator
Gebhardt &Kiefer, P.C.
Clinton, NJ
(908) 735-5161
mturner@gklegal.com
www.gklegal.com

Program Agenda

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- IV. What products are available?
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FRANKLYN C. STEINBERG III, ESQ.
LAW OFFICES OF FRANKLYN C. STEINBERG III

FRANKLYN C. STEINBERG, III, is the founder and principal of the Law Offices of Franklyn C. Steinberg, III, a regional law firm based in Somerville, New Jersey. The firm represents corporations and their executives, partnerships and small businesses, individuals and not-for-profit entities in practice areas that include litigation, employment, corporate and business transactions, aviation and sports and entertainment. Mr. Steinberg established the firm with the goal of offering the quality of services that are often associated with larger firms in a smaller, more personalized and cost-effective context. He believes that the use of technology is a key element in the firm's success in this regard.

Mr. Steinberg has been engaged in the private practice of law for nearly 25 years. A graduate of Denison University and Seton Hall University Law School, he served as a law clerk to the Hon. Frederick B. Lacey in the United States District Court for the District of New Jersey and received his early training as a trial lawyer at a prestigious New Jersey law firm. After achieving partnership status at another established New Jersey law firm, he decided to put his experience to work in his own practice.

Over the course of his career as a trial lawyer, Mr. Steinberg has litigated hundreds of matters before the State and Federal courts. His extensive experience includes jury and non-jury trials, arbitration, mediation and administrative proceedings encompassing commercial litigation, employment discrimination and unlawful termination controversies, intellectual property cases and medical malpractice actions, among others. He has argued appellate matters in the Federal Courts of Appeals, the Superior Court of New Jersey, Appellate Division, and the Supreme Court of New Jersey.

In recent years, a significant area of focus for Mr. Steinberg has been employment law. He often represents corporate executives and managers in employment disputes with major corporations. He also regularly provides advice to corporations and other business entities on matters relating to employment law and has spoken to business and professional groups on emerging issues in this area.

An avid pilot who holds both private and commercial licenses, Mr. Steinberg is also active in this area of special interest—aviation law. He has represented airport owners in zoning disputes and counsels those clients in general business matters. He also represents individual pilots in licensing proceedings before the Federal Aviation Administration and the National Transportation Safety Board.

Mr. Steinberg's professional affiliations include: the New Jersey State Bar Association, Labor and Employment Law Section; the American Trial Lawyers Association--New Jersey; the Mid-Atlantic Aviation Coalition; the Lawyer-Pilot's Bar Association; the Aircraft Owner's and Pilot's Association and the Somerset Business Partnership--Legislative Affairs Committee.

Franklyn C. Steinberg, III, Esq.

Frank Steinberg opened his first solo practice in 1985. He soon had computers, starting with CP/M machines and migrating to DOS. He used early versions of WordPerfect for word processing, TABS for time and billing and accounting, and experimented with Sidekick for scheduling. In late 1989 he accepted a position with a larger firm and spent much of his tenure there without a computer, just lawyering in the old-fashioned way.

After four years the entrepreneurial urge seized him again, and in 1995 he re-established his solo practice in Somerville as The Law Offices of Franklyn C. Steinberg, III. The firm now has three lawyers, and its practice focuses on complex commercial litigation, employment law and litigation, personal injury and workers' compensation, sports and entertainment law, and aviation. In addition to being the principal of the firm, Frank is the *de facto* chief technology officer (although he freely admits that he knows just enough about computers to be dangerous).

Hardware/System

Windows 98 Second Edition
MS Outlook and TimeMatters for email
Norton Antivirus
Dell Dimension 4100 PC's on a peer-to-peer network
Dell Latitude notebook computer
CD RW drives
Xerox DocuCenter digital copier
HP LaserJet 4100 TN printer
HP DeskJet 970cse color inkjet printer
Xerox P12 laser printer
Website
Canon Multipass F80 printer/copier/fax/scanner

Software Applications:

Corel WordPerfect 9
MS Office 2000
Time Matters Case/Calendar/Contact management (started with Amicus Attorney and migrated to Time Matters after a few years)
PCLaw for time and billing
Quickbooks 2000 for accounting
Easy Soft HUD
TheLaw.net
Lexis
Adobe Acrobat Reader
CaseMap/TimeMap/NoteMap

MARCIA TURNER
GEBHARDT & KIEFER, P.C.

18 Attorneys 5 Paralegals

Relative Experience

Marcia's computing background began in 1981 when she purchased her first computer for business use. Marcia customized Lotus 123 for use in construction management and payroll reporting and also added computerized general ledger accounting. Due to the investment in technology, the business's clerical needs could then be handled by one person. Financial statements, payroll reports and historical information for construction estimates were easily available and accounting costs were reduced. She has remained interested in using computers to increase office efficiency and decrease overhead costs.

When Marcia came to Gebhardt & Kiefer, P.C. in 1995, the firm utilized WordPerfect 5.1 for word processing and Timeslips 5 for billing. Marcia was asked to expand the billing operation to take full advantage of the Timeslips program's reporting features and also to establish a firmwide contact management system. Marcia has worked with the firm's billing and technology committee to research, recommend, purchase, coordinate installation and set up systems in the current technology environment. Since 1995, the firm upgraded Timeslips four times; moved from Dos to Windows on all workstations; added a Microsoft NT network including MS Exchange for email; added a website; put Time Matters in place for case management and recently added high speed digital copiers with scanning capability. Marcia has certified by DATATXT Corporation as a Time Matters Certified Administrator.

GEBHARDT & KIEFER

CURRENT COMPUTING ENVIRONMENT

Hardware/System

Windows NT Network
MS Exchange/Outlook email
Backup Exec to tape drive for offsite storage
McAfee Viruscan and Groupshield antivirus protection
Windows 2000/XP workstations from Dell
CD RW drives
Canon Image Runner 5000i digital copier/printer/scanner
Website
PCAnywhere
GoToMyPC

Software Applications:

Corel Suite
MS Office 2000/XP
Timeslips and TSRemote
Time Matters Case/Calendar/Contact management
FET
Easy Soft HUD
Easy Soft CIS
Stedmans medical dictionary
Full Authority
ECopy Suite
Adobe Acrobat with StampPDF
Westlaw

CAROL L. SCHLEIN, ESQ., President LAW OFFICE SYSTEMS, INC.

Carol L. Schlein, Esq. is an attorney and president of *Law Office Systems, Inc.*, a training and consulting firm specializing in the automation needs of law firms in the New York metropolitan area. She has been consulting to small and medium size law firms for more than 15 years. Her specialties include training, customization, and implementation of legal software. She is an Authorized Independent Consultant (AIC) on **Time Matters**, a legal case management program and **Billing Matters**, a time and billing program, a Certified Consultant for **Timeslips**, a Value Added Reseller (VAR) for **Worldox**, a document management program and formerly a Certified Consultant on **Amicus Attorney**. Her firm also offers training and customization on Corel **WordPerfect** and Microsoft **Word** and assistance on Quickbooks accounting software.

Ms. Schlein is a frequent lecturer on topics of law office automation for the American Bar Association, the New York State Bar Association, the New Jersey State Bar Association, local bar associations and other organizations. She is a former member of the Council for the ABA's Law Practice Management Section and former Chair of that Section's Computer Division. She is also active in the New York and New Jersey State Bar Associations. Ms. Schlein designed and was the primary instructor for the "Lawyer Friendly" Computer Classes offered by the New Jersey State Bar Association and has also taught classes for the Association of the Bar of the City of New York. Ms. Schlein is a former member of the Advisory Board for *Law Products Technology News*.

Ms. Schlein writes a monthly Law Office Technology Question and Answer column for *New Jersey Lawyer*. She is the founder and facilitator of the NY Area Time Matters User Group and offers training classes. Ms. Schlein has been a contributing author for many books published by the Law Practice Management Section of the American Bar Association.

What Every Law Firm Needs - New Jersey Lawyer May 5, 2003

By Carol L. Schlein

To compete for clients, whether they are individuals, insurance companies or major corporations, law firms of every size need to use their technology intelligently and utilize a core set of hardware and software tools to serve those clients. Here are some of my top recommendations.

Keep Your Hardware Up to Date

It never ceases to amaze me how many phone calls I get asking whether they can upgrade to the latest of whatever software program on a computer that is five or more years old. While you don't need to purchase the latest and greatest and replace your computers every year, you should be planning for at least a three or four year cycle for the computers in your office. Whether we like it or not, Microsoft has announced a three year life cycle for each version of Windows. From the time it first ships, Microsoft ends your ability to purchase the current version of their operating system on new computers or even in computer stores within three years. The domino effect of this is that legal software developers need to write their new versions for the current version of Windows, often making them require their own customers to upgrade or lose access to service releases or telephone support.

Another aspect of this issue is to consider much larger hard drives and more memory than you can imagine you will need. If you have not used e-mail much in the past or considered scanning documents you receive from clients and adversaries, you may severely underestimate your storage and processing needs.

Keep Current with Software

In my experience, upgrading from one version to the next is simpler and less expensive than holding back and being forced to upgrade several versions at once. For most products (there are some exceptions), the changes from one version to another are incremental and easily learned. Conversions of data are also usually simpler and faster between sequential versions. While sometimes there are good reasons to delay upgrading, most times, after a few months in commercial use, most main stream products are stable. What most lawyers fail to understand, though, is that all modern software is subject to bugs and problems. They are too complex and the combinations of systems they now run on are impossible to be completely tested.

Prepare for Disasters of All Kinds

Being prepared for disasters requires you to consider the different kinds of disasters that can occur and develop strategies to deal with each. The first reason for having a backup is to be able to put your data back to the way it was before something catastrophic happened. The second reason is in case something happens to your office. The way I have always described this type of backup is to assume that when you go out to lunch or home in the evening, that you are unable to get back into your office for an extended

period due to circumstances outside your control. While the most vivid recent example was the World Trade Center, there are many others that have destroyed lawyers' offices. Floods, fires and theft are more common disasters that can prevent your use of your office and its equipment. Sabotage by fired or disgruntled employees is statistically the most important reason for having regular, reliable backups that are stored off-site.

Save Time by Having High Speed Internet Access

Don't think you are saving money by having a \$20 per month dial-up subscription to AOL for e-mail and internet access. If you only check e-mail once every few days and avoid doing research or looking up information on the Internet, it could be because it takes you too long. A high-speed Internet connection, either a DSL phone line based system or a cable modem, dramatically changes the way you work with both e-mail and the Internet. Even if you double the cost of your monthly charges, you will find you spend less time waiting to send and receive your e-mail. With a dial-up connection, it's faster to locate a telephone book or map to get directions to a client's office. As you get more comfortable with locating information on the Internet, you will find you can quickly get telephone numbers, directions or look at clients' or competitors' web sites. Locating information about legal related events, legislation, information about local organizations or potential clients is easier when you don't have to wait for web sites to load. Imagine if you had to walk or use a bicycle to go long distances rather than getting into a car. Once you get a high speed connection, you'll wonder how you functioned without it.

Protect Yourself Against Viruses and Intruders

With that high speed Internet connection comes dangers. If you have an always-on Internet connection, you need to have a firewall to protect your office computers from intruders. The best firewalls are hardware-based such as those from SOHO which cost about \$500 for a small firm. There are also software-based firewalls such as ZoneAlarm, which has a free version available on the Internet at www.zonealarm.com, which prevent hackers from getting access to your computer. You also need to have virus software and keep your definitions current. Unfortunately, new viruses are constantly appearing and you need to be vigilant to protect your computer and its files from damage. If you are on a network, it is well worth the peace of mind to get a corporate-level subscription based virus program such as the Norton Corporate Edition, which can be set to automatically update each computer connected to your server.

Get an Internet Identity

If your firm doesn't have a domain name yet, you are overdue. Clients and potential clients have become more sophisticated and want to be able to check out their lawyers on the web before hiring them. Even more than in previous years, it is very inexpensive to register a domain name, that is, a permanent internet identity, for your firm. When you register a domain name, you can often get some e-mail accounts as well as storage space and possibly a hosting service for a reasonable monthly fee. Last year, I volunteered at my daughter's school to help with the parent's association web site. I was able to register a domain name for under \$10. I was also able to find hosting services for less than \$20 per month and many templates and services that can be used to set up a basic site. While these inexpensive resources are a good start, especially for firms with limited funds for

marketing, this is an area where you get what you pay for.

Depending on the nature of your practice and where and how your potential clients find you, you may find it advantageous to hire a professional web designer to assist you in designing a suitable site to attract new clients and keep your existing ones. A professional web designer will know how to design your site to make it easy to find information and easy to navigate. They will also know how to get your site proper placement so it can be found by people searching the various search engines such as Google, MSN and Yahoo.

Software Essentials

It's almost impossible to buy a new computer that doesn't come with either the Microsoft Office Suite or the Corel Suite. Years ago, people spent countless hours creating macros and customizing their word processors to make them more efficient to use. While many of those functions are now more accessible within the programs without resorting to customization, there are still some functions that could be made simpler. It's relatively simple and worthwhile to add toolbar buttons for printing envelopes and labels and choosing printer bins. Learning to use the productivity functions such as QuickCorrect (known as AutoText in Word) will payback regularly as you create documents more efficiently. It's also worth an investment in learning the basic tools available in the spreadsheets and presentation programs that come with these suites.

As technology has matured, it has put increasing demands on legal professionals. In the 1970's, clients communicated primarily by telephone and mail. Even though it was almost 100 years old already, by the mid-1980's, fax machines had become de rigeur. This meant clients could get documents to their attorneys almost instantly and expect responses back in a timely fashion. The last decade has further improved the ability for lawyers and their clients to communicate almost instantly in a variety of ways in a myriad of places. Cell phones, blackberries and remote access to e-mail have elevated clients' expectations about their work with lawyers. Lawyers must become masters of these tools and know how to set their clients' expectations so they can continue to provide quality legal services.

Along with these tools, it has become imperative for most firms to have software to assist with capturing the time and expenses spent on a client's behalf and issuing them a bill for those services. Being able to monitor payments and follow up with clients who have fallen behind in paying their bills is critical to law firms, especially in a bad economy. In upcoming columns, we will look at the latest versions of the leading small and medium size law firm timekeeping and billing programs along with the newest entry, Billing Matters, from the people who also make Time Matters.

There are many different approaches for keeping track of your cases, the lawyers' calendars and the firm's contact lists. The software solutions range from the software that comes with a Palm Pilot to Microsoft Outlook to sophisticated case and practice management programs. While all have their merit, the practice management products such as Time Matters, Practice Master, Amicus Attorney, Abacus Law and ProLaw, offer several significant advantages over their more generic counterparts. First, they offer a

case or project component which can be extremely useful in organizing your contacts, todos and appointments. Second, they provide links to other legal software such as the billing programs and document assembly programs like Hot Docs and Ghost Fill. Finally, they provide the functionality to track and monitor more work than can be done without these types of tools. In an upcoming column, we will look in depth at the latest versions of the leading legal practice management programs.

We've focused on what law firms should do to use technology to better attract and serve their clients. As you consider implementing these suggestions, keep these adages in mind, "You get what you pay for" and "Do your homework." Finally, if you get in over your head, don't be afraid to ask for help!

Upgrade or Convert? What's New with Legal Billing Programs - New Jersey Lawyer March 3, 2003

By Carol L. Schlein

Ten years ago, there were still law firms that didn't have dedicated programs to collect time and expense entries and print bills for their clients. While most firms used their billing programs for recording their time, some used their word processor to create tracking documents that were modified to become bills while others used their billing program to capture the time but prepared the document that was sent to the client in their word processor.

Today, with the exception of firms that do strictly flat fee or contingency based cases, most firms have a program on their computers that they are using to automate some aspect of time keeping and billing. Whether they are happy with what they have is another story.

What should you do if you are one of those lawyers who is unhappy with your firm's billing program? How do you decide whether to upgrade to the latest version, change to a competitors product or stick with what you have, see if there are ways to resolve the problems and hold your nose? What are your options? What will it take to get going in the new version? Just how big a nightmare can it be?

Before making a single move or phone call, take stock of the scope of your problem. Determine what are the sources of the problems. Are they the result of your billing software? Are they due to the parade of billing clerks who have been employed by your firm over the last decade? Are they a sign that your six year old hardware is on its last legs and may be due for replacement? Are you running a version that is no longer supported by the manufacturer and might have problems being transferred or running reliably on newer computers?

There are many factors to consider when evaluating the health of your billing system. A common scenario is the firm that was using an integrated billing program (that combines the billing and accounting components and shares information back and forth between them) and over time found the data on both sides of the product to be increasingly unreliable. In one case, the firm had spent much time and effort working with the company and their local consultants to troubleshoot the problems. Despite their efforts, however, they were unable to straighten out the balance amounts owed by the firm's clients. As a result, they were anxious to move to another billing program. Another common scenario which makes starting over more appealing is when the previous billing clerk or clerks have misused the program resulting in a situation where there is no easy way to determine what records have been billed and what haven't or what checks have been applied to balances and which ones weren't. Even worse are the situations where the billing program was used for time entries but not final bills so there were never final bills prepared through the software.

Most of these situations could have been rectified by additional training or a better commitment by the firm management to ensure that the billing program was being used properly and effectively before the problem got insurmountable. In these circumstances, a critical evaluation of the sources of the problem will help in determining whether some of the problem was attributable to specific features and limitations of the billing program itself. For example, if the final bill formats were unsuitable to send to the firm's clients, all the fixing in the world wouldn't result in the firm preparing their clients' bills through their billing program. On the other hand, if the balances are out of whack because the former billing clerk did not enter and process information consistently, the program itself may not be the problem.

Many smaller law firms use some version of Timeslips, which has the largest installation base among law firm billing products. As a result of problems with their rewrite of the program going from version 8 to 9, many firms remained (and are still running) on version 8. This past summer, the company announced it would no longer offer technical support for this version. In the late fall, the company also ended support for version 9 and 9.1.

Deciding whether to take the chance and continue with an unsupported version or upgrading, there are several other issues to consider. First, consider how many, if any problems, you have had with your current version. Second, determine what features have been added by the manufacturer since your version that might be helpful or streamline or eliminate a tedious process or workaround. For example, older versions of Timeslips did not permit a timekeeper to have more than six billing rates. As a result, many firms created additional fictitious timekeepers to accommodate additional rate arrangements. In later versions, these can now be consolidated with the benefit of better management reports. Similarly, if your firm is using either version 9 or 9.1 of Timeslips, version 11 is much more stable and runs better. There may be similar issues with other vendor's billing programs as well, particularly if your firm is running an older version. Third, and most importantly, determine whether your firm's existing hardware and software are compatible with the proposed new version. Also consider the corollary of this: be aware of the limitations of running older versions on newer versions of Windows. Older billing programs (and computer software generally) were written long before the introduction of Windows XP. Each new version of Windows adds new features but also changes the way software written for it runs. Several vendors have reported that older versions of their products cannot be safely run on Windows XP because there are some lines of code within Windows XP that can actually corrupt or damage data in these vendors' products. Microsoft's cycle of retiring its operating systems every three years causes all of the other vendors to upgrade their products. This is the main reason legal software vendors have begun to end support on their older versions. Before deciding whether to stick with your current billing program, change to another or upgrade to the latest version, verify that your firm's hardware and software requirements meet the minimum specifications required by the product you are considering. There is almost nothing more unpleasant than to find out that the \$500 upgrade won't work without several thousand dollars worth of hardware or other upgrades. On the other hand, it is equally frustrating to schedule an upgrade and find out the firm doesn't have the right

hardware or other requirement needed. Most vendors include their specifications on their web sites.

Another issue to consider, especially if you are thinking about changing from one product to another is to evaluate the options available to import your existing data into the new program. Some companies, like Software Technology, Inc., who make TABS III, offer to convert Timeslips data for a fee. Other programs include an Import utility which may allow you to import the data yourself. Include in your planning the costs of having someone in your office have to rekey client and matter information and opening balances if you plan to jump ship from your current vendor.

When weighing a conversion from one vendor's billing program to another, don't overlook your firm's case management program as a resource for populating the new program with cleaner data than might be left over in your outgoing billing program. If you are considering switching products, be sure to review all of the functions you currently use along with features you are seeking. Pay special attention to bill layouts and report options and formats. If you use products which can link to your billing program, such as accounting programs like Intuit's Quickbooks or any of the popular legal case management programs, make sure the links work the way you want them to and that the nature of the information shared between them meets your needs.

To put some of these considerations in perspective, consider the recommendations I made a several firms I recently consulted: one had been using six year old equipment but had regularly upgraded their TABS III billing program. In their situation, we determined their billing program, while they had some frustrations, did not require an upgrade and would benefit from the faster processors that would be included in their overdue hardware upgrade. Another, a sole practitioner was running a three year old computer with Timeslips version 8. Her needs were very basic and even though her husband, who is an attorney with another firm, was urging her to upgrade to the newest version, we determined that an upgrade would require new computers and training and as a solo who didn't have any support issues with her program over the last few years, an upgrade was an unnecessary expense at this time. In contrast, another firm, running version 9.1 of Timeslips has had system crashes repeatedly over the last four years since they upgraded to version 9 and then version 9.1. Ironically, in their instance, the problem has been their network hardware which they were reluctant to test or fix. Resolving the network related issues made most of their problems disappear. However, couple the problems they had with the end of support for their version, their scenario ended with a decision to upgrade to Timeslips version 11. Finally, another recent situation involved a firm which had been using PCLaw but had lost confidence in the balances it had for their clients and their consultant had been unable to help them rectify these so that they could effectively rely on the balances they were telling clients they owed. In their situation, they decided to switch to another billing program and used the names and addresses from their case management program to start up.

Upgrading or switching billing programs is not for the faint of heart – they require time to bill out existing records in the old program, convert the data and learn the new program

while office deadlines and pressures continue. Making a bad choice can come back and haunt you and, more importantly, your firm's cash flow. In short, do your homework!

Take Stock of last year for Corrections in '03 - New Jersey Lawyer January 20, 2003

by Carol L. Schlein

The new year is a time when we reflect on where we've been, what we've accomplished, where we are going and what we want to achieve. While taking stock of your personal goals and dreams, it's a good time to evaluate your firm.

While I will focus on technology, your evaluation should also include general office practices such as your marketing to attract new clients, procedures for capturing information about potential clients, and intake procedures for new cases.

Take a look at your partners, associates and staff. Are they happy? Do you provide them with a comfortable environment where they want to be productive and contribute to the benefit of the firm and its clients? Are you offering competitive salaries and benefits? Are there intangibles you can offer, such as the option to work from home, that compensate for a slightly lower salary? Have they received sufficient training on the tasks incorporated in their jobs? Are those procedures well-documented?

The end of the year is a good time to compare this year to previous years. Did your firm earn more or less income? Where did your new clients come from? Did some types of work earn you more money than others? Extrapolating this information from your accounting and billing programs will help you predict what 2003 will bring for your firm. In your accounting program, among the reports you should look at are the Profit and Loss Statement comparing this year to last year, noting where you have large changes, either up or down. If your expenses are way up, consider what steps you can do to bring them back under control. If your income is lower, think about what you did differently and what you can do in the coming year to improve your receipts. Use your billing program to look at which practice areas and which attorneys were responsible for any gains or losses in income. If you haven't tracked your work like this, start at the beginning of the year to monitor who brought in what work, who realized the most (got paid for the work they did) and what types of work make up your practice and its revenue. Even the most basic programs used in law offices can be configured to collect this information.

If you have had the right combination of computer programs in use in your firm, you will be able to do a meaningful evaluation of your firm and use that information to plan your path for the coming years.

Even the smallest firms should have a network to allow them to share files and information. For an office with two or three people, a peer-to-peer network consisting of computers with their own network interface cards (NICs) connected to a hub, router or switch and "mapped" with a common storage drive for documents and data, will suffice. A peer-to-peer network is easy to set up and lets you use one of the computers (preferably one with the fastest processor and a large hard drive) as a "designated server."

For firms with more than a few people (or with a bigger budget), should have a dedicated server, that is, a high powered computer designed to be a reliable server with a large hard drive, backup tape system, virus protection software and, depending on the size of your firm or the nature of the applications you use, a mirrored drive or an extra processor to minimize down time.

Recently, some clients have had wireless solutions recommended by their hardware vendors. My feeling is that while this is promising technology and attractive in lessening the need for wiring and the ability to float around your office to do your work, the speed of transmissions is much slower and the performance with the wireless networks are not as reliable as wired. For the time being, leave the wireless networks for hard-to-wire spaces and home networks.

While reflecting on the current state of your firm's technology, you need to consider the arsenal of software you need to properly run and evaluate your firm. Without question, every law firm needs a word processing program to prepare documents. However, be sure you and your staff are using it as efficiently as possible. It's amazing how many firms have upgraded from one version to the next and they are still preparing documents as if their computers were just a baby-step past electronic typewriters. When I look at documents prepared by some of my clients, I am always surprised to find files that do not have headers or footers, have a typed Table of Contents rather than an automatically generated one or have spaces leading paragraphs instead of tabs. Many secretaries cling to the "dupe and copy" method for creating new documents from old ones rather than having more sophisticated document preparation options available when word processing programs are accessing data from case management programs.

If your firm suffers from any of these, you should consider refresher training for your people so they can learn faster and easier ways to prepare documents for your clients. Closely related to this is consideration of a document management system. For years, I have been of the opinion that smaller firms can thrive with "home-grown" document management by setting up their word processor to automatically put the file path and document name at the bottom of each page of printed documents and by designing a folder and document naming scheme so that there is predictability about what to call the next document and where to find it. Recently, however, I have begun to realize that it is the exceptional small firm that can consistently enforce these systems. Additionally, for firms that have been using computers for ten to twenty years, the accumulated number of files, prepared by numerous people with different methods, inhibits a firm from effectively leveraging their own work product. Document management programs like Worldox and Imanage give lawyers a tool to research their own firm's documents when preparing new documents on similar issues. Controlling versions and collaborating with others within the firm or outside the firm are other benefits that come with these products. While the entry price for these programs may seem above the budget of the average small firm, the immediate benefits of having better access to their own documents often outweighs the costs.

Case or Practice Management Software has been slowly making inroads into law firms.

If you have just struggled through an annual collecting of names and addresses of clients to send holiday cards, you may be a good candidate for a case management program. One of their benefits is that they provide you with a firm-wide contact list. In many of the programs, you can add custom fields so you can track what mailings each person on your contact list should receive and then easily select those people to whom you want to send a holiday greeting. Tracking how clients came to your firm will assist you in better evaluating your referral sources. Are most of your new clients coming from existing clients? Are they being referred by other attorneys? Are they the result of programs you did for a local business group? An advertisement in a newspaper? Knowing how potential clients find your firm lets you spend your marketing time and dollars more wisely. Using the source information from your case management program along with financial analysis of the value of the business from the past year in your billing or accounting program will let you fine-tune your efforts to focus on the most lucrative work.

Clients and potential clients can be left with either a good or bad impression when trying to schedule time to meet or speak with a lawyer. A case management program, with its shared calendar, will allow any person in your office to assist in scheduling calls or meetings with clients and prospective clients. Compare this to the office where, when a long-standing clients calls to ask an attorney a quick question and is told, "I am not sure where Mr. Lawyer is and don't really know when he will be back in the office." No one likes their time wasted – especially by a professional who charges \$200 or more per hour.

Countless times, I have met with an attorney who was sure he needed X software when his staff was spending hours each month retyping lawyers' time entries into their billing program and therefore, not getting time to work on projects that would save time for everyone in the firm. The beginning of a new year is the time we naturally reflect on our lives. Take some time to focus on your firm, its technology and its people. When I consult with clients, I often ask, "what's working and what's broken?" This often gets lawyers to look beyond the software categories and focus on the issues that need work in their firm. Now's a good time to consider what's working and what's not in your firm and fix some of the broken ones as your new year's resolution for your firm.

**Management Software:
Clearly Working Smarter, Not Harder – New Jersey Lawyer
March 1, 2002**

by Carol L. Schlein

In the last few years, case or practice management has been the hottest software being purchased by law firms. These programs manage individual and group calendars, provide a central contact and case list, track deadlines and tasks and a wide range of other functions, depending on the particular package.

The leading case management programs for small to medium size law firms in alphabetical order are Abacus Law [Abacus Data Systems, Inc. 6725 Mesa Ridge Road, Suite 204, San Diego California 92121 (800) 726-3339 www.abacuslaw.com] Amicus Attorney [Gavel and Gown Software, 184 Pearl Street, Suite 304, Toronto Ontario, M15H 1L5, Canada (800) 472-2289 www.amicusattorney.com], Practice Master (formerly Case Master) [Software Technology Inc., 1621 Cushman Drive, Lincoln, NE 68512 (402) 423-1440 www.stilegal.com], ProLaw [West Group, P.O. Box 20628, Albuquerque, NM 87154 (800) 977-6529 www.prolaw.com] and Time Matters [DATA.TXT Corporation, 215 Commonwealth Court, Cary, North Carolina 27511 (800) DATATXT or (800) 328-2898 www.timematters.com]. Although exact numbers of installations are hard to determine, in terms of market share, their order is almost exactly reversed. There are several case management programs that are target lawyers with specific practices such as personal injury lawyers. Two of these are Needles [Chesapeake Interlink, 8 Music Fair Road, Suite E, Owings Mills, MD 21117 (410) 363-1976 www.needleslaw.com] and SAGA Practice Manager 211 East 43rd Street, Suite 1802 New York, NY 10017 (212) 370-5700 www.sagasys.com].

No matter which program you select, you will find it will help you and your firm manage your time and client deadlines more effectively and efficiently. Lawyers are attracted to case management tools because they solve critical business problems. Many attorneys find themselves with larger caseloads. Keeping track of what is going on in each file for each client can be a major challenge. Imagine your client's reaction when you have the notes of your last conversation at your fingertips. Compare that to the lawyer who has to call their client back after someone locates their paper file to figure out who the caller is and determine why they have called. Your legal malpractice exposure is another reason many firms implement case management programs. At a minimum, you need two different methods for managing client-related deadlines. I am not an ethics expert but it would seem to me that having a calendar and tickler system on your computer that can be printed, copied to another computer or another device such as a hand-held computer like a Palm Pilot or a Blackberry would be more reliable than a master calendar kept on paper in the firm's red book.

Another motivator for lawyers to implement case management tools is to better share their case and client information with their partners and staff. Within their office, notes about the status of a case can be easily accessed regardless of where the physical file is

stored. Telephone numbers, e-mail addresses, lists of parties involved in various cases can be easily identified, again without going on a treasure hunt to find the file. Connecting contacts to their cases lets you quickly identify the key players in a deal or prepare a service list. If you are negotiating with an insurance adjuster, you can have her consider all of your cases with her rather than deal with them individually. One of the trends with these products is to allow you to open up a small part of your data to your clients. Using the Internet and tight security, you will be able to allow a client to review the status of their case directly. Improving staff productivity and better tracking of assigned tasks are additional perks that come with successfully implemented case management programs.

With any of the leading case management programs, you can monitor your case files better. Keeping track of critical deadlines, easily determining who the parties are in a case or transaction, creating documents to respond to issues in the case and assigning and managing staff tasks for those cases are something that can be done within the case management products. There are differences in how each of the leading programs handle these tasks. How well they fit with your procedures and nuances of your particular firm can determine whether they will be successfully implemented or become expensive shelfware.

Keeping track of all of the people in a file is easy when your software lets you associate a contact with one or many cases. Lawyers need to deal with a lot of people and they often play different roles in different cases. In one instance, the person might be your expert while in the next case, they are on the other side. Ever get a call from someone whose name sounds familiar but you can't remember why? Search for their name or part of their telephone number to see if they are already in your database and what you discussed. If you are thoughtful in how you design your contact screens, you can track information that can help you analyze your marketing efforts or assist you to do more pro-active marketing to potential or former clients based on various criteria. As a technology consultant, I often get a call from an attorney who has been procrastinating updating his firm's software who then waits anywhere from a few months to several years before they are ready to make the change. I often search for telephone numbers when we get potential client calls to see if I have already met or spoken with someone from the same firm. It really impresses prospective or former clients when I can quickly recall details from our last meeting or telephone call. You can easily review which cases you have with a specific adjuster or law firm without having to locate all of the physical files. This may allow you to strike a better deal while the iron is hot.

Unless you are a sole practitioner with no staff, there is at least one other person who needs to know where you will be and when. Lawyers who don't share their calendars with their staff are being shortsighted and potentially offending clients. Imagine the difference between the response, "he is at a hearing and will be back in an hour" as opposed to "I am not sure where he is or when he will be back." Who would you want helping you?

These programs can dramatically help you improve your communications with your

clients. Instead of waiting until they have a crisis and need your assistance, you can more easily send newsletters, mailings or e-mails to them within these programs. My firm used to do quarterly newsletters to clients and potential clients. What used to take hours has been replaced by an hour or two which includes drafting the document. These mailings are now more finely tuned to the audience. Rather than send a general mailing to all of my clients, we are able to send a memo to my clients on older versions of specific products discussing our recommendations about when and how to upgrade.

It goes without saying that missing critical deadlines is something every lawyer dreads. These programs allow you to track upcoming deadlines with multiple reminders. In addition to dealing with upcoming deadlines, you can also use the priorities within these products to better organize your day to handle the most urgent tasks first. With some of the more customizable products, creative consultants have designed delegation systems enabling lawyers to assign tasks to their staff and monitor the progress until they are completed. No more forgetting about important projects simply because you asked someone else to take care of it. You can check on the progress yourself. Some programs include sets of court deadlines with monthly subscription fees while others let you create your own set of rules or chains to structure common tasks and deadlines.

All of these programs link to any number of timekeeping and billing programs. Many of them let you time your work while completing a task, returning a telephone call, responding or preparing an e-mail or creating a document. The time captured can then be used as the basis of a slip in the linked billing program. This eliminates the need for everyone in your office to master the case management and billing program or even have a second program running on their computers. Recording your time while doing the tasks is a sure-fire way to capture more time than recalling it later on paper.

Streamlining document production seems to be on everyone's wish list. Selecting contacts to create service lists, mailing labels, e-mail distribution lists, letters, pleadings, fax cover sheets or complex documents assembled using programs like Hot Docs from Capsoft can literally be a few keystrokes. Depending on the depth of the particular case management program's built-in document management, you also have easy access to those documents so that you can discuss them intelligently when a client calls without having to go on a scavenger hunt to locate the file. Many of these programs also link to the popular document management programs providing even more search tools.

With the Time Matters - Lexis Nexis Partnership and the purchase of ProLaw by the West Group, these products are working hard to incorporate tools to manage and track legal research and add substantive practice specific tools. Both companies are hard at work adding forms, fields and design options based on their existing form books and other products that assist lawyers in specific areas of law.

Probably the best thing about these programs is their ability to let you work anywhere. Most of them link to many of the hand held devices like the Palm Pilots, Handspring Visors and Blackberries. Internet access from any web browser anywhere in the world is already available with the World Edition of Time Matters. While I prefer to take a rest

from my work when I travel, there is a comfort in knowing that I can get to my firm's information when I am away from the office.

The case management programs give you better control over your cases and deadlines by not letting them slip through the cracks. They also give you the big picture so you can determine what marketing efforts work and which ones should be abandoned. Without my case management system, I would have many more sleepless nights.

Carol L. Schlein, Esq. is president of Law Office Systems in Montclair, NJ, a training and consulting firm specializing in law firm automation. Copies of previous columns can be found on her company web site at www.losinc.com. She has organized the NJ and NY area Time Matters User Groups. For information about the next meeting or about upcoming training classes, check her website or e-mail info@losinc.com. Schlein formerly chaired the Computer and Technology Division of the ABA Law Practice Management Section and can be reached at (973) 746-6454 or at carol@losinc.com.

Ten Technology Resolutions to Live By - New Jersey Lawyer January 14, 2002

by Carol L. Schlein

New Year's Eve is the traditional time to make New Years' Resolutions. It's when we evaluate our personal relationships, flaws and failures and resolve to make improvements. This year, don't limit your resolutions to the personal side of your life. Start the New Year right by considering these ten resolutions.

1. We will backup our files regularly

Even if you have a single computer with your word processing forms, re-creating your work can be time consuming and expensive. If you are on a network, you should have a high capacity, high speed tape drive that can make a snapshot of all of the files on your server each night. You should have enough tapes to alternate. A typical backup system might include ten tapes to allow you to do daily backups over a two week period. Depending on the nature of your data, you may also want a set of tapes to archive your files onto a monthly tape that goes into offsite storage and does not get updated.

In addition to making a backup of your server, you should also backup your critical programs. Timekeeping and billing programs and case management programs are databases that have become essential to the functioning of law firms. Imagine losing all of the information stored in any of these programs or having to recreate a month's worth of time entries, expenses and payments. You may wonder, "Why do we need to backup our case management program when we have a tape backing up our server each night?" First, by backing up the programs with their own internal routines, you ensure that the files that need to be closed to make a reliable backup have been properly shut. Second, by making daily backups of these databases, you place five days worth of backups on the server, which in turn copies them to each evening's tape. This extra redundancy will give you more options in the event you need to restore data. Finally, by backing up your practice management or billing program to your server, you can, if needed, easily restore data using the built-in options within the program rather than spending time locating the previous evenings' tape and restoring it through the tape backup software. You may even want to go further and do a mid-day backup to ensure the current day's data is recoverable if something terrible happens later.

Too few people know how or test how to restore files from tapes. Even fewer know how or go to the trouble to test what data is on the tapes until a crisis arises. Just as we have gotten trained to check the batteries on our home smoke alarms when the time changes, it's a good idea to ensure that you know how to restore and test with a small file periodically.

If your firm has a computer with a CD-ROM drive that can record data onto CD-RW CD's, you might also want to copy your firm's forms and databases to CD's as extra insurance. The main benefit of CD's is that the files stored on them are more easily

transferred to other computers when needed. In contrast, tape systems use proprietary formats and require a similar tape drive in the receiving computer.

2. We will do more training and support our people better with technology.

When firms convert from one program or version to another, they often accompany the conversion with some training. Unfortunately, for many firms, that is all the training their staff and lawyers ever get on the new application. Most of us cannot absorb more than an hour or two of material at a time. Shorter, more regularly scheduled training on specific topics can be very effective in improving peoples' use of a firms' critical applications. For example, when starting with a program as complex as case management, most people can master the basics of entering contacts, cases and events. Fine tuning could focus on advanced search techniques, reports and other functions.

3. We will send out bills to our clients regularly.

Your firm's cash flow depends on a steady stream of income from the work you do for your clients. Sending bills regularly in a format that is clear and accurate will go a long way to improving your firm's finances. Consider your bills part of your firm's marketing. It's another way to communicate with your clients and let them know what you are doing on their behalf. Adapt to electronic billing if your client prefers it. Think about making your "end of month" earlier so that your bill is on your client's desk when they pay their bills at the beginning of the month.

4. Use your existing technology better.

If you haven't taken the time to convert your standard documents into merges or document assembly templates, take the plunge. Preparing fax cover sheets or basic letters should not take more than a minute. If you are using a case management program, set up the links to your documents so you can leverage the information already available to create and manage documents.

5. We will view technology as an investment not a cost.

Historically, law firms saw the technology component of their firm's budget as a bi-annual or half decade cost. By saving up and doing major transitions, the firms reasoned that they would get a significant benefit from the new hardware and software. This philosophy overlapped with an unrealistic expectation that, with technology, there would be a need for fewer support staff. Ironically, these major upgrades were usually accompanied by the need for extensive training, conversion of data and general disruption to the office. Forward looking firms recognize that technology is an investment, not a cost. It needs to be maintained and updated regularly. By staying current or close to current with hardware and software, firms have less traumatic upgrades and require less training, conversion assistance and usually become more proficient on the new programs more quickly and easily. Jumping one or two versions of a program is an easier transition than moving from a no longer supported version that

can't be converted. While it sounds counterintuitive, in the long run, the costs associated with more frequent upgrades are less than those for firms who nursed their old technology to its demise.

6. We will carefully analyze our current procedures and problems before buying new hardware or software to resolve them.

It's tempting to focus on the category of application when it comes to solving your firm's technology problems. Before figuring out what program you need, you should spend some time determining what problems you are trying to solve. Often, you will find existing programs can resolve an issue or that a change in firm procedures would provide a better solution than purchasing another piece of software. For example, if the lawyers take too long in editing and finalizing client bills, you may not need a new timekeeping and billing program, you may need some assistance in streamlining the process so that associates' time is edited prior to the partner reviewing the pre-bill worksheet. Similarly, revamping the firms' task codes or abbreviations might result in fewer typographical errors and time descriptions that are more consistent and closer to the final version. Often, changing manual procedures to complement the automation can go a long way to streamlining the production of documents, bills and other information. Often, procedures pre-date modern automation and have not be revisited to determine whether the reasons for the instructions are still valid with newer tools. Among my favorites are systems requiring multiple copies of correspondence when the firm's copies are easily accessible on the firm's network.

7. We will implement a case management program to capitalize on the information already in our office and better coordinate our contacts, cases and calendars.

If your firm does not yet have a case or practice management program, this is the year to buy and implement one. Even though this might sound like a contradiction to resolution number 6, the nature and scope of these programs are such that, at least some of the issues your firm has can be solved with one of the leading case management programs. These programs let you link critical information with your timekeeping and billing programs, e-mail, fax software, Palm or Windows-based portable devices. They also allow you to use the information they collect to prepare and store documents. In addition to eliminating the need to manage multiple copies of the same information about your clients, these programs also assist you in managing the firm's calendars, client marketing and case management. With backing from Lexis-Nexis and West, respectively, the leading programs are Time Matters and ProLaw. Other major contenders for the small and medium size law offices include Amicus Attorney, Abacus Law and Case Master.

8. We will keep our virus software up to date and be careful about what e-mail messages we open, even if they are from friends.

Programmers who write viruses and worms that can destroy data or clog the arteries of the Internet work faster than the companies that write the files to disinfect or disable the

viruses. Ask any lawyer whose firm has been hit with a virus whether the few minutes required to update the virus definitions and scan your hard drive are worth it. Once you've been hit with a virus, you understand the frustration of having to restore a backup, disinfect your system and hope that you haven't lost any critical information. A few minutes of time is all it takes to download the latest virus definitions. You should also have your computer set to scan all of its files on a weekly basis. This can occur in the evening or at lunchtime to minimize the interference with your normal work. The corporate versions of the Anti Virus software, while more expensive, can be configured to automatically update your server and each workstation.

The other aspect to safe computing is to use your head. If an e-mail looks suspicious, treat it with kid gloves. If you are unsure, don't open any attachment until you verify that the file is not infected by manually scanning the file with your updated Anti Virus software. These days, virus or worm files are often sent by taking over someone's address book and sending a bogus message to the first fifty or so people in their address book. Viruses can be made to appear as if they have come from friends with whom you regularly correspond.

One way to check about possible viruses is to search for the text of the message, the subject or the name of the attachment on one of the research sites associated with the major anti-virus software makers (www.symantec.com or www.nai.com). While we're on the subject of resolutions, I recently received several warnings about possible virus files I had been sent accidentally by family members. Before sharing your concerns with others, be sure the information you intend to disperse is legitimate. Most of the recent warnings of possible viruses attached to e-mails I was sent seem to be hoaxes. You can check the hoax section of both the McAfee and Norton Anti Virus software sites to verify the danger of a virus or determine whether it is a hoax.

9. We will try to use e-mail and our firm's web site to communicate more regularly with our clients and contacts.

Those of us who finished our formal education before personal computers were commonplace do not often think about how best to use the technology we now have available. Ever gotten a call from someone asking whether you had received their e-mail message? Have you considered using your e-mail software to communicate more and better with your clients? E-mail is a tool that makes it easy to regularly reach large numbers of people without the manual tasks or expenses normally associated with marketing. E-mail does not require you to fold letters, seal envelopes, place postage on envelopes and carry them to a mailbox or post office to send them. Today, with HTML and Adobe Acrobat files, you can create smart looking documents that are easily shared with clients and potential clients. Periodic updates are easier through e-mail.

E-mail is a proactive mechanism to reach clients and prospects. You can also use your firm's web site to regularly communicate with your clients and provide prospects with the answers to frequently asked questions, thereby eliminating the need for your staff or lawyers to repeat information that doesn't require an explanation, clarification or other

personal touch. If your firm doesn't yet have a web site, add this as another of your firm's resolutions. Today, more and more potential clients are locating their attorneys on the web. Even if they get your name from a former client, they may want to "check you out" on line before signing your retainer agreement. Use your web site to show them how your firm is the right one to meet their needs.

10. We resolve to use our existing technology better.

If your firm is typical, most of the technology tools you already have in your office are under utilized. My guess is that most people use only a small percentage of the features of their word processor. If you own one of the word processing suites, when was the last time you thought to create a document for a client meeting using the slide show presentation program that came with the suite? Have you ever taken time to explore options under the different menus in your applications or read through the What's New part of help when you upgraded? Even technologically comfortable people are busy and rarely take the time needed to fully maximize their own tools. Even tools as comfortable as your cell phone have some shortcuts that can allow you to use them better and more safely. For instance, did you know you can program the number keys to be quick dials for the most frequently called people in your cell phone's address book? Every computer program is chock full of shortcuts and features that were requested by people who had problems similar to those of your firm. Make a point of learning more about what your existing tools can do this year.

This past year, we were all reminded how fragile our lives really are. Don't forget the reasons you work hard and be sure to take the time to be with your family and friends.

Carol L. Schlein is president of Law Office Systems in Montclair, a training and consulting firm specializing in law firm automation. Schlein formerly chaired the Computer and Technology Division of the ABA Law Practice Management Section. Copies of previous columns are on her company website, www.losinc.com. For information about her quarterly meetings for Time Matters users and training services, check the website or e-mail info@losinc.com.

