Time Matters for the PI Attorney
6/14/2006
Robert Gray
GrayLint Enterprises, Inc.

Personal Injury Case Management ................................................................. 1
Time Matters – Things You Might Like.......................................................... 2
Time Matters – Things You Might Not Like .................................................. 3
Other Options ............................................................................................... 3
Time Matters for Personal Injury
  Primary Tab ............................................................................................... 4
  Secondary Tab ......................................................................................... 5
  Additional Tab ......................................................................................... 6
  Matter Journal ......................................................................................... 7
CaseWORTH Add-on for Time Matters ......................................................... 7
  Damage Summary ................................................................................ 8
  Settlement Calculator .......................................................................... 9
  Settlement Statement ......................................................................... 9
Guide to Successful Case Management Software Implementation ............. 10
  Emotional Commitment .................................................................... 10
  Financial Commitment .................................................................... 10
    Network and Server Costs .......................................................... 10
    Software Costs ............................................................................. 10
    Implementation Costs ................................................................. 11
    Training Costs ............................................................................. 11
    Support Costs ............................................................................. 11
  Time Commitment .......................................................................... 12
  Our Recommended CMS Implementation Steps ..................................... 12
  Do It In Phases ................................................................................. 13
  WARNING: Antivirus Software .......................................................... 14
  The Most Important Step .................................................................. 14
Settlement Statement Sample Report ............................................................ 14

Personal Injury Case Management
GrayLint Enterprises is an independent technology consulting firm that specializes in law office technology. We have been working with lawyers and law firms in 4 states for 10 years now. As consultants, our job is to identify the best solution for a particular firm’s needs. We do not work for, and are not bound to represent, any one company. Each law firm does things differently, but over the years we have seen many things that are the same. Rather than reinventing the wheel for each client, our experience has allowed us to collect a selection of products and technologies that work well together in any law firm.

Every business needs a reliable place to store information where anyone in the firm can easily find it. There must be a reliable method in place to back this information up each day and periodically take a copy off site. Everyone needs solid access to the Internet, but must be protected from viruses and more recently, spyware, adware and Trojans. Email has changed the way everyone communicates and is a necessity on every desk. But with email comes the problem of unwanted SPAM messages, and an open door to viruses, worms and other problems. Like GrayLint, any qualified technology consultant should be able to put together a system to provide for these capabilities and protect from these dangers.

While basic technology needs for a law firm are the same as any other business, lawyers have some specialized needs. What makes GrayLint different from a regular Information Technology (IT) consultant, is our experience in combining these basic technology needs with legal specific technology. These legal specific solutions help attorneys to increase productivity and the quality of the work done by their firm. This translates directly into better case results and happy clients for the law firm.
The law is deadline and document intensive. If a corporate executive misses an appointment or deadline it is embarrassing but would probably not hurt his career. If an attorney misses a court date or filing deadline, it could mean a lost case and a malpractice suit, or worse. A calendar that offers lots of ticklers, or opportunities to see an upcoming deadline, is essential to every lawyer. Document production is a large part of the work done in a law firm. Technology exists to automate much of this document production creating consistently accurate documents in seconds.

Some attorneys choose to work in specific practice areas. Each of these practice areas come with their own specific problems and set of solutions. Most of them still revolve around deadlines and document production.

Personal injury plaintiff work is one type of law that stands apart from all others with regards to special needs. The PI attorney must track the details of medical bills, treatment timeline and summary, subrogation payments, lost wages, property damage and so on. In some cases the attorney has to project future lost income and/or medical damages and reduce them to present value. All of this information must be tracked and provided to the opposing party in a easy to follow format, with enough supporting documentation to back up the claim.

In a settlement negotiation with an insurance adjuster, both sides know the real money is in the emotional aspect of the case. Establishing these special damages is simply a stepping stone to discussing how badly the claimant is actually hurt and how it is going to impact their life. It is the attorneys job to get the insurance adjuster to quickly acknowledge a total of these special damages so he can move on to some multiple of that number to address the emotional aspects of the case. It is the insurance adjusters job to pick away at the details of the special damages to reduce that total before the negotiations move to the emotional aspects of the case. It’s easy to stand back and throw stones at a wall. Unfortunately, the hardest job in these negotiations falls to the plaintiff’s attorney.

For each case, a good PI plaintiff’s attorney will master the sometimes complex set of bills, damages, and expenses and be prepared to refute every attempt the adjuster makes to poke holes in the total. All the while the PI attorney should be able to think on his feet and look ahead at different “what if” scenarios to see how a concession early in the negotiations will impact the client and firm net in the final settlement. If the attorney does not have good command of the numbers the adjuster will smell blood in the water. At best his objections will delay the negotiations, or worse the client may end up with less than they deserve.

Like any consultant, we constantly evaluate new products and technologies to identify the best possible solutions for our clients. We don’t work for any specific company. We are not paid directly by anyone but our clients. As independent consultants, it is always our goal to provide the best solutions for our clients technology problems.

Over the years we have researched and worked with a number of different Case Management Systems (CMS). Being a company that works with different types of law firms, we have looked for products that do a good job for a broad audience. There are actually plenty of good products out there. I can’t really think of any that would be considered in the top 5 that I would say anything bad about. They each have their strengths and weaknesses, but if you do your homework and make sure you know what you are getting, any of them would be far better than no CMS at all.

Working with a product that addresses a broad audience allows us to focus our energy on learning that product very well. We can choose find the most powerful tool available and become experts with it, or we could spread ourselves thin across many products and only be “pretty good” with any of them. With this in mind we looked at the various products on the market to identify the one that offered the most flexibility and largest set of capabilities. We believe Time Matters is the best product available to service the needs of a broad range of law practices.

**Time Matters – Things You Might Like…**

- Time Matters is designed from the ground with flexibility in mind. It does not come out of the box configured for a specific type of practice. It is left to the firm to shape Time Matters how they want to
practice law. If you do Social Security, Criminal, PI and Real Estate, Time Matters can be setup to support all these equally well in the same firm.

- Time Matters has an incredibly deep list of features. In addition to the ability to mold the screens at your whim, Time Matters offers many capabilities under the hood. You may say I don’t need all those features, and you are probably right – today. It’s nice to know that when you decide you want to do something new in a few years you will already own and be using a tool that can do the job. It’s like inheriting a huge toolbox from your father in law. You may only use the hammer and screwdriver for years. But when the faucet starts dripping it’s nice to know all you have to do is open another draw to find a pipe wrench.

- Time Matters is the most popular CMS on the market (see the TechnoLawyer @ Awards). Tens of thousands of firms use Time Matters every day. At first glance software shouldn’t be about a popularity contest, but there is more to consider. The company with the most clients has the most money to build a better product. Now that Lexis Nexis has bought Time Matters you know the kind of R&D money they have available. A large installed base of firms (different types of firms) gives Time Matters access to thousands of attorneys ideas for how to make the product better for everyone. The other advantage to a large installed base is lower cost per unit. When a small company with 1000 firms needs more money for R&D or marketing they probably have to go back to the same well – their existing clients. A small company may expect you to pay more for the product on the front end and continue to and pay and pay year after year. NOTE: Find out how many installed firms a company has before you buy. If there aren’t many, ask about annual costs.

**Time Matters – Things You Might Not Like…**

- Some attorneys are excited about the ability to customize Time Matters to the way they want to practice law. Some attorneys may prefer that the software manufacturer make the decisions for them and choose preconfigured software rather than make it their own. The Time Matters purchase price is less than a number of other products on the market. One reason is because the manufacturer expects you to spend some time and money on making it your own. If you want a blank canvas with a huge palette of paints, Time Matters is for you. If you practice more than one type of law, you really should consider Time Matters. If you only do PI work and nothing else, you should at least consider using Time Matters with some customization and available add-ons (more on this later).

- Of all its features and capabilities, Time Matters doesn’t address some of the specific needs of a Personal Injury attorney. Right after you install Time Matters, there is no direct way to track medical bills, subro, lost income, etc. There are add-on options available that add these features, but they do not come in the box with Time Matters (more on this later).

**Other Options**

All this Time Matters talk may seem to be a contradiction to my claim of “independent” consultant. Remember, it is our job to find the best solution for our clients. With our ability to customize and shape Time Matters exactly to each clients needs it often is the best solution. We found Time Matters and choose to work with that product for what it can offer our clients. Time Matters did not find us. Over the years, other CMS manufacturers have approached us to work with their products, but none of these products offer any compelling capability that we see as a benefit to our clients.

As I mentioned in the Time Matters – Things You Might Not Like section, there are other options that an attorney that specializes in PI work might want to consider. Needles offers some nice PI specific features that really are worth considering for any PI firm. If your firm is an advertising PI machine that runs many settled cases through the doors each month, Needles is clearly the product I would recommend. Needles is customizable and can support some other types of law, but their claim to fame is clearly their PI specific features. As a smaller company, they simply cannot compete with the development resources available in Lexis Nexis, so compare features and capabilities carefully.

Another CMS with PI specific features I would recommend you consider is Trial Works. Like Needles, they don’t have Lexis Nexis’ deep development pockets, but the product is worth considering. They do offer a demo CD or live demos on the web.
Time Matters for Personal Injury

So if Time Matters doesn't support PI work directly out of the box, why should you consider it? Most firms practice in a number of areas other than personal injury. Some specialized programs work well for PI specific firms, but Time Matters is a more powerful tool for a firm with a more varied practice. For example, Time Matters may be configured to support Criminal Defense, Social Security, Bankruptcy, Collections and Personal Injury.

We recommend the combination of Time Matters with the CaseWORTH add on to our PI clients. This gives you the best of both worlds. You have all the power and flexibility of a mature well funded product with the cutting edge PI features available only in CaseWORTH. Before you make a decision you owe it to yourself to consider this combination along with all other options.

Here are some customized Time Matters screens for a PI car wreck matter. Notice the special, car wreck specific, fields on the screen. This is not how the screen looks when you install Time Matters. This screen has been customized to hold car wreck information. If you create a new case in Time Matters, a Bankruptcy case for example, the screen would automatically change to offer Bankruptcy specific fields instead of the car wreck fields.

**Primary Tab**

This example of the Primary tab makes basic case information available at a glance.
Secondary Tab

The Secondary tab contains more details about the case. Here we see details on the defendants, the Primary Medical Provider and witnesses.
Additional Tab

The Additional tab has been customized to (in this case “Acc/Ins Info”) hold details about the accident, vehicle damage, insurance contacts, and policy information. This tab could be setup to hold a completely different set of information in a Slip and Fall or Medical Malpractice case.

<table>
<thead>
<tr>
<th>Accident Info</th>
<th>Accident Info</th>
<th>Accident Info</th>
<th>Accident Info</th>
<th>Accident Info</th>
<th>Accident Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>Opposing Party</td>
<td>Client</td>
<td>Opposing Party</td>
<td>Client</td>
<td>Opposing Party</td>
</tr>
<tr>
<td>Adjuster</td>
<td>Firm</td>
<td>Adjuster</td>
<td>Firm</td>
<td>Adjuster</td>
<td>Firm</td>
</tr>
<tr>
<td>City/County</td>
<td>Attorney</td>
<td>City/County</td>
<td>Attorney</td>
<td>City/County</td>
<td>Attorney</td>
</tr>
<tr>
<td>Client</td>
<td>City/County</td>
<td>Client</td>
<td>City/County</td>
<td>Client</td>
<td>City/County</td>
</tr>
</tbody>
</table>

- **Client**: Ronald Smith
- **Opposing Party**: Rogers & Johnson Trucking and Bill Planter
- **Firm**: Stonewall Insurance
- **Address**: 100 42nd Street Towers, New York, NY 11022
- **Tel/Fax**: 234-555-1234

<table>
<thead>
<tr>
<th>Lab</th>
<th>Mod</th>
<th>Disability</th>
<th>UM Limit</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>175,000.00</td>
<td>125,000.00</td>
<td>125,000.00</td>
<td>125,000.00</td>
<td>125,000.00</td>
</tr>
</tbody>
</table>

- **Claim #:**
- **Trial Date:**
- **Speed Limit:**
- **Weather:**
- **Contributors:**
- **Citations:** Bill Planter - Speeding, Following too close


**Matter Journal**

The customizable Matter Journal pulls all of the details of a any case to one screen showing a big picture of the recent and upcoming activity. The Matter Journal detail may be narrowed to highlight the outstanding work that that needs to be completed today.

Time Matters is a powerful, mature product used by an enormous number of law firms. With Lexis Nexis’ acquisition of Time Matters the future clearly holds more innovation and capabilities. There is a large group of knowledgeable technology consultants that have worked hard to become, and remain factory certified in the ability to customize the product, support and train your staff. For these reasons and more, Time Matters is worth your careful consideration when choosing a CMS for you firm.

**CaseWORTH Add-on for Time Matters**

CaseWORTH is an add-on product that may be used directly with Time Matters to support the PI specific features you are looking for. CaseWORTH software enables your firm to track all the medical expenses, insurance payments, lost wages and other expenses for a client. It projects future medicals and loss of earning capacity and calculates their present value, eliminating the need for an economist on some cases. No other product on the market offers this feature. It tracks demand and offer history as the attorney negotiates with the insurance company. The Settlement Calculator uses the totals to instantly calculate how much the client, and the firm, will put in their pocket after all the bills and liens are paid. The “What If” calculator allows you to examine the results in different settlement scenarios. CaseWORTH helps you master the numbers and provides a detailed paper report to prove your claim to the insurance adjustor or the jury. Once a settlement agreement is made, CaseWORTH prints a detailed Settlement Statement for the Claimant to sign.

CaseWORTH also offers a Time Matters customization package that will configure your Time Matters screens for your PI cases (these are the screens you see above). You are still free to shape them the way you want, but this gives you a solid PI system without any additional effort on your part or requiring you to hire a consultant.

Each button on the top of the screen shows a different tab for entering different types of damages and expenses. Notice the total of each damage or expense is always displayed on the button.

The Damage Package report is a customizable collection of all the damage and expense details. This report is designed to send or email directly to the opposing party. This gives the insurance adjustor a
clear picture of what the attorney can prove, and helps quickly establish a special damages total so the attorney can begin to negotiate about the impact on the client’s life.

**Damage Summary**

The staff enters damage details on the colored button tabs. The white button tabs are the analysis tabs for the attorney. They show the big picture view of the case. For example, this <Damage Summary> screenshot shows the details of all damages and expenses with a breakdown of Diagnostic, Pharmaceutical and Treatment expenses by doctor.
**Settlement Calculator**

The Settlement Calculator tracks offer and demand history, always showing how close you are to a settlement. As damages and expenses change, the calculator will always tell you the exact settlement required to meet the claimant’s authorized net. The calculator always shows the current disbursements of any possible settlement along with the claimant and firm net. Finally, the “What If” calculator allows you to adjust the numbers to look at different settlement and negotiations scenarios, with the ability to document each scenario for future reference.

**Settlement Statement**

Finally, the Settlement Calculator automatically generates a detailed settlement statement showing the breakdown of disbursements and highlighting any medical provider or subro negotiations the attorney made on the client’s behalf.

**NOTE:** Please see the sample Settlement Statement at the end of this document.

CaseWORTH adds valuable features to Time Matters that are not available anywhere else. This is a powerful combination that should be considered by any firm that handles personal injury cases.
Guide to Successful Case Management Software Implementation

Having seen many successful and unfortunately a number of unsuccessful CMS installations, I can give you some universal guidelines to help you avoid some mistakes and enjoy a successful implementation. You wouldn’t still be with me if you weren’t interested in the benefits a CMS will offer. That said, these guidelines will give you a reality check on what is actually required. The end result is definitely worth the effort, but my goal is to make sure you understand what it takes to get there.

**Emotional Commitment**

This is a life change for you and your staff. It’s like starting a diet or quitting smoking. You know you will be better off in the end, but it will be difficult at first. You must understand making it work requires commitment from everyone in the firm. The most successful installations I have seen were in firms where this commitment started from the top down. If some members of the firm, whether it be attorneys or staff, aren’t really interested in seeing the project succeed, it will likely fail. Everyone must be on the same page with an understanding of the benefits and the work required to get there. If you want to succeed and have dissenters in your firm, you need to either do what is necessary to build their excitement for the idea, or make it clear the new commitment will be required for them to keep their job.

**Financial Commitment**

Expect the financial commitment to go way beyond the purchase of the software. A good rule of thumb is expect to pay 2-3 times as much as the software cost for professional installation, configuration and training. If your staff have an uncommon (and I mean uncommon) technical ability and understanding, you might get by without any support and training. Consider what everyone says about someone who chooses to represent themselves in court. You know the saying. As a technology consultant I can tell you that applies to attorneys that are their own IT consultants. Even if you have a super human grasp of technology that you somehow get without researching, studying and working with technology 8-10 hours every day, at the very least you can make more money doing your job as a lawyer than you can playing around with your PC’s. Hire a consultant. I know some very technically inclined attorneys. Guys who have a very uncommon grasp of technology. They all pay us to do their consulting work.

**Network and Server Costs**

You need to be prepared to pay to get your network and/or server in good shape. Any software will fail on unreliable hardware. You need to be sure your system is right before you start. That doesn’t just mean check to see if you have enough RAM in your workstation, that means be prepared to make the changes necessary to make the system work. **NOTE: One of the most disturbing things we see when we pick up a new law firm client is how they store their client documents. I’ve seen every crazy scheme for organizing (or not organizing) documents you can imagine. Every firm should have a mandatory policy for where to store documents and how to name them. The most common problem we see is everyone storing documents on their own PC and letting everyone else access those documents from across the network. Sue stores her cases on her PC, but every once in a while Sally needs to edit one of Sue’s docs, so she accesses Sue’s PC and maybe saves it back to Sue’s PC or maybe saves it to her own. The end result is one clients documents are scattered all over the network where no one can find "all" of them and there is no verifiable way to back them all up. Bottom line: All client documents belong on the server in a folder tree something like this: “Clients\[Client Name]\[Case Name or Number]\[Document name including the initials of the person that created the document]”**

**Software Costs**

Research the product you are considering. Some charge for each PC, some charge a different rate for attorney and support staff, some charge by the number of cases in your system. Some even charge by the month. Some manufacturers offer different levels of their software (like Professional/Enterprise) that come at different costs. Find out if there is a required paid maintenance plan. Check out the support policy. Find out how often they release version upgrades for additional cost. Know what you are getting
before you buy. Watch a demonstration, get a trail version. Play with it. Don’t just look at one and make a decision without spending some time with it. Hire a consultant to help if you if you don’t feel qualified to do the research and make the decision. A consultant can tell you the pros and cons and let you make the decision. **NOTE:** Some software is designed to be close to what a specialized firm needs right out of the box. By definition, specialized software has a smaller audience and therefore a higher cost. By contrast, some software is designed to address a broad audience and is capable of detailed customization to make it what you want. Typically these software packages have a lower purchase price, but you should expect to pay more after the fact to make it exactly what you want it to be.

**Implementation Costs**

It’s true that many CMS packages can be installed by simply as sticking the CD in and clicking <Next>, but that hardly counts as “implementation”. Each of these products offer 100’s or 1000’s of configurable features. The real benefit comes from knowing enough about the product to recognize which features would give your firm the most bang for the buck – by buck I mean investment in time and effort. Think about how much value you can provide to one of your clients for 2 hours of your billable time. The same applies to what technology consultants can do for you.

**Training Costs**

Don’t expect to just purchase and install some software and hope your staff will be able to work it out. If you have some technically competent people on your staff, they will probably be able to pick up 60% of what they need to know over a prolonged period of time. That is assuming they really want the system to work. We have been hired by many self starter firms that where “getting by” on their own, but were amazed when the light finally came on after seeing how it is supposed to be done. Consider your options for how to get training for your staff. Some manufacturers will fly someone in, some have courses you can fly your staff out to attend. Some manufactures have local representatives by way of independent consultants that can come onsite and help you as you need it. Some manufacturers and consultants will work with you remotely controlling your PC over the web while you speak to them on the phone. One thing to remember when evaluating your training options – don’t bite off more than you can chew. I know firms that sent their staff to a 3 day intensive class. The staff people have told me they were overwhelmed by the pace before the end of the first day and completely lost by the end of the second day. These large classes follow a set schedule and don’t address the individual needs of the students. You will be more successful and probably save some money by picking a training option that is spread out over time. Limit any the first training session to ½ day, then let the staff go try what they learned. It is helpful to have someone available to answer questions as they start using the program to enter information. Then follow up with more training a few days later to help with questions and introduce the next phase. Make it clear to your staff that they are free to ask for help when they need it. Don’t leave them on their own to get frustrated with the software and ultimately the whole project.

**Support Costs**

Like training, you should research what support options are available for the product you are considering. Initial installation may be simple, or might require some technical help. Whatever software you choose is likely to need some initial tuning to work well for your firm. You will probably be able to get it up and running by yourself, but if you expect to get the most from your investment in the shortest time, you should consider asking for help from someone that really knows the software you have chosen. The available support options are usually similar to the training options. There might be traditional phone support, remote control support via the web, or a local consultant that can come onsite. The manufacturer may offer a block of support incidents for a flat rate, or charge a per incident fee. An “incident” is one problem, with one solution. If you have three questions, you may be charged for three incidents. Consultants typically charge by the hour. The manufacturer may also offer, or even require an annual maintenance plan for support and/or software upgrades. Be sure to consider this in your budget. **NOTE:** Remote web support has revolutionized the IT support industry in the last few years. Five years ago our typical day was spent driving to a client site to charge them for travel and a minimum one hour support visit. Now rather than leave the office, we are able to help clients from multiple sites in multiple states in a single morning. The remote support technology allows us to reach through the Internet to actually see and control a client’s PC when they call for help. The client calls, explains the problem, we ask permission to get on their PC, they watch us move their mouse as we explain the answer over the phone. We charge our client our same hourly rate, but only for the time spent rather than the one hour minimum.
So if we spend 20 minutes, the charge is for 20 minutes; plus there is no travel charge. This helps us service more clients in less time and allows us to work in a larger geographical area. It helps our clients because they can get the answer to a simple but annoying problem for a few dollars rather than paying someone to come across town or from another state.

**Time Commitment**

Positive life changes don’t happen overnight. The real work begins after the software is installed. Expect it to take your staff a few days to enter enough information for your new CMS to start showing some value. The beginning is rough going. When you enter a case (matter) you will be stopped to enter the client, then it will stop you to enter the attorney and the judge. This is similar to setting up a new accounting system. Before you can make a payment you have to setup a bank account and enter a vendor. As the information in your CMS grows you will be stopped less often to fill in required information. This is one reason there is value in entering all the lawyers, judges, insurance adjustors and so on that you come into contact with. If you want them to do enter all this information during regular business hours, expect your staffs regular daily work to suffer or expect the system to take longer to implement. Pressure to do their regular work and enter data for the same pay, or a prolonged delay in entering the data, may be all it takes to kill staff enthusiasm and your project. Things you can do to help this process:

- Consider hiring a consultant to convert any existing contact and calendar information you already have in other software. Be sure to set a limit on the time they can bill you for the conversion. Some consultants will work tirelessly to convert your data at an hourly rate. If you have lots of data to manually enter or have converted it is worth more. You must decide how much you are willing to spend to convert the amount of data you have.
- Consider paying your staff extra to stay late or work weekends to do data entry.
- Consider hiring a paid temp to come do heads down data entry. Have someone spend an hour to train them and watch their progress as they start. Then go back and check their work twice a day to make sure they are doing it correctly.
- Pay a high school or college student from your staff or a friend. Again, make sure they are shown how to correctly enter the data and monitor their progress. NOTE: Before you hire any outside help, make sure someone in your staff has spent a few hours doing data entry themselves. Have the consultant work with this person to make sure they understand the progress. Then assign this person to train and monitor the temp.

**Our Recommended CMS Implementation Steps**

1. Start by entering your existing contacts (people). That means active clients, every lawyer and judge you know, everyone your firm comes into contact with. Look for contacts in everyone’s rolodex, email address book, your accounting software, etc. Enter attorneys, judges, adjusters, agents and investigators you frequently have contact with. Use the ATLA directory for attorney and judge info. Encourage every member of the firm to take a minute to enter the people they talk to, rather than just saving their info on paper. The ability to pull up someone’s contact info from any computer is one of the easiest CMS benefits to gain and makes everyone happy. I’ve seen firms use nothing but the global contact list and calendar features and be happy for a couple of years.

2. Next start using the calendar. Deadlines are one of the most important things in an attorneys work. Learn to use the calendar early. Learn how the ticklers work. As an advanced step, see if the calendar is capable of notifying you of document deadlines and missed phone calls.

3. The next thing to do is start entering actual case files (matters). Many people get confused when they make the transition from paper files to a CMS because they think of the paper case file as the case and the client at the same time. Computer software separates these. Remember, a contact is a person. A person may have one or more cases. A person’s contact is not their case and holds things like their address, phone, email, birth date, etc. A case holds the information that details why they hired you and what you need to do for them. It tells who the plaintiff and defendant are and which is your client. It contains the details of the incident, who the opposing attorney and judge are, insurance contacts, etc. The case will show you copies of contact information, but the contact information should not be entered directly into the case. If you enter contacts directly into a case those contacts are not available to use in other cases. All the work (documents, phone calls, notes, calendar events, and so on) in the case is attached to the case
just like putting it all in the paper file. **Here’s what to do:** Pick three cases for each of your staff. Don’t make any of them overly complex or difficult. Learn the hard things later. Be sure to pick one that is recently closed and everyone is familiar with. Enter everything about this case. Have your consultant train your staff where every bit of information goes. This will give each person in the firm a familiar example to refer to when they enter new cases. The other two cases should be about halfway complete. That will give them some current cases to update as they change each day.

4. Once the matters are created, start attaching your documents to them. Your goal should be to build a single place to look to find everything about a case. Attaching documents should be simple with any CMS package.

5. Your CMS may come with Document Management System (DMS) features. That means the CMS can automatically decide where to store documents on your server based on rules you setup. This is a great thing because it discourages the staff from putting documents on their own PC, a floppy they have lying around, the PC across the hall, etc. Basically making it impossible to ever find all the documents for any case. If you setup the DMS feature, I recommend you consider leaving your existing client document folder as is on the server. Build a new empty folder (call it “clients”) and build the DMS rules to store all future documents there. You can still link old documents to the case from the old folder. It is just too confusing to try to build a DMS rule and make that work with an existing set of folders manually created by multiple people over several years.

6. Consider scanning inbound documents. If you don’t have one, get a big network copier/scanner/printer. We recommend Ricoh, and Canon. They will want to set it up to scan to your own desktop PC. Tell them “NO”. You don’t want your clients docs on your PC. You want them on the server where they can be found and backed up. Have it setup to store the scanned documents on a shared folder where everyone can pick them up and move them to the DMS folders. Or have them set it up to store the scanned documents in a specific folder for each user. Either way, it should all be server based.

7. Begin to take advantage of automated document production features. Most legal documents are used over and over. They are simply changed to name the specific client, case and so on. Think of a document as a form with blanks (or questions) where all the bits you change go. Now consider the information stored in your CMS. If you have set it up properly, the information stored in the CMS should contain the answers to the blanks (or questions) in most documents. Most CMS packages have some sort of ability to merge CMS data into document forms. This feature allows your staff to instantly generate complex, perfect every time, documents. A demonstration of this capability is a great way to get the staff excited about the project. Some CMS programs will actually allow the document itself to remind (tickle) you of its own deadline.

8. Finally one of the most complex capabilities a CMS may offer is the ability to build work flows. Many of the tasks your staff performs (sometimes all the tasks in an entire case) are always the same. For example collections work, or social security work is typically the same from case to case. That means the same documents and deadlines in the same order. A work flow can allow you to build rules to walk your staff through these steps. This sounds interesting when you talk about entering one case and automatically scheduling 6 deadlines and 8 documents. It gets really exciting when you enter 30 collections cases and the system automatically schedules 180 deadlines and 240 documents for your staff to complete.

**Do It In Phases**

Don’t bite off more than you can chew. Many of the capabilities described in the previous list could be implemented over 3-6 months depending on how well your staff is absorbing each step into their daily routine. Your staff/firm may not be ready for scanning, document automation or the Work Flow features for 8-10 months or even a couple of years after the installation. Every firm is different. Just consider the level of technical skill and commitment you see in your firm and be willing to change your plans as time passes. I’ve seen firms go out and borrow money to implement a huge system. It often turns out to be too much change for everyone to take. With every piece that is completed and working there is still something to do, something that still doesn’t work. It is too stressful on the staff and frankly the consultant. Remember, one bite at a time. Implement something and enjoy — relish the rewards for a little while before you start the next piece. It’s easy to keep everyone excited about the next step when they are happy with the last one. I can’t stress how important this is! Prioritize the pieces that are most
important to you and implement them at a rate that doesn’t overwhelm your staff. I can’t tell you how many times I have heard “Well all that stuff is important”. These are the implementations that fail.

**WARNING: Antivirus Software**

Antivirus software is an absolute requirement in the modern office. Without getting into the technical details, some anti-virus programs will damage the data stored by some CMS systems. Please be sure to have your consultant configure your anti-virus software to “exclude” the CMS data folder from both real time and scheduled scans. **IMPORTANT NOTE:** The vast majority of new clients we pick up have antivirus software installed on their systems but they have not paid attention to keeping their subscription updated. New viruses are released every day. For each new virus there must be a new “cure” or software update. Just like drug companies, anti-virus companies need you to keep paying them to keep developing new drugs. They collect this money by selling you an updated version of their software every year. If you are running a copy of Norton Antivirus that expired in 2004 you are still protected from all the nasty bugs that were out there – in 2004. Imagine how many new viruses been created since then. Any new virus released since your software expired is simply ignored and left to do its worst. Check all your systems and update your software. Or better yet, get a server based system that updates all the PCs from one place.

**The Most Important Step...**

You must understand, like any growth, this is a process. You can not just buy the software install it and expect anything to happen for your firm. If left alone, people tend to return to their old ways. I can’t tell you how many times I have spent an entire day training a firm’s excited staff about a new product or process that they were truly interested in, only to talk to them the next morning and hear “Yeah, that was neat, but I’ve got to get some work done.” The worked doesn’t stop and production must continue, but left on their own your staff will return to the old way of doing things. Remember without firm wide commitment the project will likely fail.

Follow up with your staff. Buy lunch and have daily status meetings for the first week. Switch to once a week in the second week. Encourage them to share questions, problems and ideas. Get answers to their questions even if that means bringing someone in. Stay on them for 30 days. Once they are that deep in it they will have adjusted to the new way.

Remember this is a long term, life changing commitment. Choosing a CMS is like picking a spouse. You can get rid of it later, but it is going to cost you a significant loss of invested time, effort and money – not to mention some heartache. Switching to different software might make you happier in the long run but it will be painful in the short term. Do yourself a favor; choose carefully, implement correctly, and get it right the first time.

**Settlement Statement Sample Report**

Next page...
Settlement Statement

Claimant: 

Settlement Date: __________________________ 
Claimant Address: __________________________

SETTLEMENT: $775,000.00 
LESS ATTORNEY’S FEES (39.1%): $303,025.00 
Subtotal: $471,975.00

FIRM EXPENSES:

Smith, Smith and Johnson
04/04/2004 Postage for discovery (FedEx) $71.54 
04/11/2004 Copies of Discovery (Kinkos) $117.48 
04/28/2004 Postage (FedEx) $21.35 
05/07/2004 File Copies for Sam Robinson (Kinkos) $63.21 
05/10/2004 Expert Witness fee (Sam Robinson - Tire) $1,100.00 
05/11/2004 Postage (FedEx) $17.14 
06/02/2004 Filing fees (Circuit Court) $250.00 

LESS FIRM EXPENSES PAID: -$1,640.72 
Subtotal: $470,334.28

MEDICAL EXPENSES:

Dr. Don Brown $733.69 
Discount negotiated by your attorney: 50% $366.51 
Dr. Charles Peck $1,333.00 
Griffin Anesthesiology $256.98 
Jenkins Rehabilitation Center $3,375.00 
Johnson Radiology Clinic $90.00 
Claimant specifically requests Do Not Pay for 
this medical provider and accepts full 
responsibility for any remaining amount due 
(claimant initial here):

Lawrence Christopher - St. John’s Hospital $3,679.63 
Discount negotiated by your attorney: 61% $2,258.03 
Tad’s Pharmacy $120.00 
UTMS Hospital $2,664.02 
Claimant specifically requests Do Not Pay for 
this medical provider and accepts full 
responsibility for any remaining amount due 
(claimant initial here):

ABC Ambulance Service $973.50 
Blackwell and Finch Physical Therapy $960.00 
Douglas Anesthesiology $256.98

Confidential & Privileged

CaseWORTH File: "C:\Program Files\WorthMORE Software\CASEWORTH\Ronald Smith\Ronald Smith.cwf" 
CaseWORTH Licensed for the exclusive use of Smart, Quick & Goode Law Firm

Print Date: 6/19/2006 Page 1 of 2
Settlement Statement

Claimant: Smart, Quick & Goode Law Firm
Attorney: Barry Smart

LESS MEDICALS PAID: $10,000.00
Subtotal: $460,334.28

SUBROGATION:
BSMS Insurance $25,029.99

LESS SUBROGATION PAID: $25,029.99

REMAINING AMOUNT TO CLAIMANT: $435,304.29

I, the undersigned, hereby declare that I have read the above and foregoing settlement statement, and hereby consent to all disbursements contained therein and further release the firm and my attorney from further responsibility, duties and all liability with regard to this matter.

I certify that I am not aware of any Medicare/Medicaid/Workers Compensation payments (other than any listed above) that have been paid for any services rendered due to the injuries I have received in this case.

I am completely satisfied with the above compromise settlement, with the services of the firm and my attorney, and with the amount of the fee charged and with the expenses listed above.

I understand that I am responsible for all medical expenses incurred in connection with this incident. I specifically agree to indemnify and hold harmless the firm and my attorney for any expenses incurred in connection with this incident.

APPROVED:

_________________________________________ Date: __________________
(Claimant)

_________________________________________ Date: __________________
Attorney: Barry Smart (Attorney)
Smart, Quick & Goode Law Firm

Confidential & Privileged