



Effective risk management necessitates that every firm have policies and procedures in place for the use and maintenance of a docket and calendar system with redundancies. Some malpractice insurance carriers require that firms have a docketing system in place as a condition of insurance. Docketing is a critical process for any law firm, from the solo proprietor who only handles real estate closings to the mega-firm with a broad range of complex areas of practice. The docket function doesn't produce billable hours. It is invisible to clients. But, an incomplete process or failure to follow established protocols can mean a claim that harms the firm's reputation and bottom line. A claim for a missed filing date is virtually impossible to defend.

The firm should maintain a centralized, firm-wide docket and calendar system. The system should be computerized and address the following functions:

- Record and track all matters that are or will be before a court or administrative agency.
- Maintain an action history and to send reminders when action needs to be taken (including non-litigation events).
- Record and track documents to be filed in courts and with other agencies.
- Record and track information to be obtained from courts and administrative agencies.

There are key elements for an effective docketing system:

Easy to use

The process must be user-friendly or your staff will find excuses not to use it or develop personal short cuts that no one else knows about and may be inadequate. A process that is too complicated or cumbersome also invites errors if steps are missed.

Written procedures

Having written rules in your employee manual brings consistency to the process and eases the transition when new staff are hired. The rules must clearly apply to all attorney and support staff. There should be no exception to this policy. Adequate training is critical. Absent an employee manual, the docketing rules should be committed to writing and disseminated to all staff in the firm. Conduct an annual review of the process with all staff.

Redundancies

A redundant system should be maintained under which the office's central calendar is backed-up by the attorneys' individually maintained calendars. Lawyers' individual calendars should be maintained at least in duplicate (i.e., by the lawyer and by his or her legal assistant). Multiple entries that can be compared to each other increases accuracy. Having more than one docket platform also ensures that all will not be lost if a computer is hacked, stolen or lost or if a fire destroys a paper calendar. The firm's

back-up data should be stored off-site in the event a disaster disables the on-site data storage.

Having a computer desktop calendar upload to a smartphone means that the attorney always has the docket information but this does not allow for cross checking. The calendar on the phone is simply a copy of the calendar on the computer. Accessing the court's calendar can verify court dates but may not address all of the other interim deadlines that are required and should not be relied on as a full calendar.

Supervision

The firm's attorneys must be responsible for the overall planning and execution of the docketing process. This does not mean that the attorneys have to physically enter each docketed item but that once they establish the rules, they pay attention to the docketing on their files and supervise their staff's procedures. Periodic reviews should be scheduled on a regular basis in addition to on-going review of files as they are worked.

What type of docket should you use?

This is an individual choice based on the make-up of the firm and the areas of practice. A computerized system is preferred, in combination with one or more of the following options:

- Single calendar: one paper desk calendar or a master listing for the entire firm that is circulated to all attorneys.
- Dual calendar: a manual calendar for the attorney and a separate manual calendar for the secretary or legal assistant.
- Tickler: index cards filed by month/day/year with flags (often color-coded) for priority items.

The computerized platform may be a generic calendar such as Outlook or a case management program designed for law firms. The latter may allow for automatic setting of dates based on programmed logic in the system. This may also provide automatic re-setting of future calendar items based on changes in the case.

Other considerations

- Assign one individual the responsibility for the input of dates and deadlines in the system and for assuring compliance with critical time limitations.
- Designate another individual as back-up docket controller with secondary responsibility for the input of dates and deadlines in the system.
- Take particular steps to assure that the person(s) responsible for the docket and calendar system follow the firm's docket and calendar policy to the letter.

- Incoming mail, faxes, and/or overnight or hand deliveries should be centrally and immediately scrutinized for dates and deadlines by an assigned "calendar person" and those dates should be recorded in the docket and calendar of the firm and the individual lawyer.

Review **plaintiff matters** at intake for applicable statute(s) of limitation with that and other deadline dates recorded conspicuously in the file, with multiple reminders for each item.

The firm should utilize a New Client/Matter Intake Form containing the basic information needed from a potential client to determine whether to accept or decline the representation. The New Client/Matter Information Form should include specific questions to elicit initial deadlines for actions. However, do not rely on the client's representations alone but do an independent investigation of the matter. Is there a police report? Do any out of state rules apply? Is a government agency involved, invoking particular statute of limitations rules?

Every completed New Client/Matter Form for every matter accepted should be promptly delivered to the designated controllers of the docket control system so they can record the dates of initial deadlines.

If the firm has a **litigation practice**, the docket/calendar system should include all pleading deadlines, all court filings, court dates and appearances, all discovery dates and all opposing party deadlines.

If the firm has a **tax, trust or estate practice**, the docket/calendar system should include all tax return filing dates and all litigation deadlines.

If the firm has a **real estate practice**, the docket/calendar system should include all contract deadlines, all loan and documentation deadlines, all inspection and due diligence deadlines, all closing dates, all lien notification dates and all recording deadlines.

If the firm has a **corporate/commercial practice**, the docket/calendar system should include all annual meetings, all tax return and financial statement deadlines and all regulatory filing deadlines.

If the firm has a **regulatory practice**, the docket/calendar system should include all filing and recording deadlines.

If the firm has a **patent/copyright/trademark practice**, the docket/calendar system should include all deadlines for filing applications, domestic and foreign, and all dates of annuity or maintenance payments. Written calendar reminders for individual lawyers should be generated at least weekly. There should be at least three reminders prior to the arrival of any given deadline date. One person at the firm should be responsible for assuring compliance with critical time limitations.

Having a well-planned and consistently executed docketing procedure will help keep the law practice running smoothly and avoid claims for missed deadlines.

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