

The Future of Case Management

Law firms have used case management systems for many years to support highly process driven parts of the practice. Property conveyancing, debt collection and various areas of private client work all benefit from the automation of a standard series of actions. More recently law firms have started to look seriously at general workflow software to help them comply with money laundering regulations and risk management procedures. In between these two, partners are starting to ask whether systems exist to help them with management and control of the more general matters they are working with on a day to day basis.

The answer to this question is quite definitely yes, and in fact many current case management systems and all of the general workflow packages can be used in this way. The various approaches all have their advantages and disadvantages, but a key issue that needs to be addressed is the way lawyers view their work on a matter. The current practice areas that use case management software not only have a very repeatable pattern of work, but have clearly defined tasks that do not change between matters. The other areas of work in a law firm have always held that the individual tasks will vary between matters, and therefore that a case management system cannot be used.

So what does a case management system actually do? At the simplest level it helps track the tasks on a matter, recording what has been done, what is left to do and providing a framework for generating reminders and prompts where deadlines occur. It also provides an essence of collaboration on larger cases by ensuring all the information is kept centrally and accessible to all members of the team. All of these features are obviously of benefit to any piece of work, and firms are right to be considering ways to broaden the use of case management tools.

What differentiates a more general system for supporting work on a matter from the common perception of a case management system is the requirement for a lawyer to define tasks for each individual matter, many of which will be entered as the matter progresses. In many ways this makes a general case management system a sophisticated to-do list, which is one of the things it should be. The difference between this and using your Outlook to-do list is that these tasks belong to the matter and not to the individual, and that dependencies can be set to show which tasks need to be done in a certain order. Prioritisations can also help set which task should be tackled next. A good case management system will often allow tasks that have been allocated to individuals to be pushed to that person's Outlook list, and in all cases work, deadlines and reminders are summarised across matters for fee earners to show what they should be doing now, what they should be doing next, and highlight and critical areas that need to be addresses urgently.

What is required to make a system such as this a valuable addition to a firm is an understanding on the part of the lawyers that some preplanning of the work to be done is

essential, and that most matters have a high degree of commonality when viewed at a high level. In the same way that a good story must have a beginning, a middle, and an end, so a non contentious legal transaction follows a process of inception, planning, documentation and completion. While the individual tasks may not be known or fixed at the start of a new matter, the high level processes are much more consistent. Some may well be common to all matters, some may be common to all corporate work, and some may only apply to M&A work. An ability to view the matter in advance at these various levels will allow case management systems to provide a high degree of assistance to a lawyer. If that lawyer only sees the matter as the level of individual tasks, few if any of which may be defined at the start, then the concepts of case management will only be a hindrance.

So are these systems best evolved from case management or workflow systems? Powerful workflow systems are expensive and take time to configure, and lend themselves well to the automation of complex repetitive processes, especially where there are many options and decisions to be made as part of the process. Traditional case management systems automate simple repetitive processes, which as an aside should make them ideal candidates for supporting the client inception process. The more general requirement is for simple automation of a complex work, which is achieved by leaving the complexity in the hands of the lawyers, and letting the software take away the drudgery of the simple aspects of managing a case. Add to this the fact that almost all highly specific case management systems are in fact built on a much more flexible platform, to allow vendors to reuse their own system to produce multiple specific systems, and it becomes obvious that the current case management software can easily be used in a much more widespread way across most firms, with small changes to the way it is implemented and to the way lawyers interact with it.

Of course the transition in a firm from taking matters as they come to planning and controlling the tasks allows a firm to take advantage of a wide range of systems and best practice advice from the wider world of project management. Start using estimates of time and cost at task level and link this to your time recording and practice management systems and a whole new world of resource management and planning becomes possible, but that is a discussion for another time.

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