Advice on Organizing and Automating Your Elder Law Office

With the proper organizational tools, you can increase efficiency and productivity in your elder law office, save money, and decrease the stress level. Here's a look at some effective strategies and software options for legal office automation.

By Andrea L. Giltner

If you and your staff are experiencing longer work hours and higher stress levels, it may be due to inefficiencies in the office relating to duplication of work and the inability to locate critical information quickly. The good new is, the technological advances that have occurred over the past decade can allow you to work fewer hours, experience less stress, and enjoy greater flexibility with your schedules.

Understandably, many busy attorneys find the prospect of investing time and money in new software implementation to be daunting. However, by focusing on this daunting task for the short term, you can significantly improve office efficiency and achieve long-term savings in time and money.

Two Scenarios Typify the Legal Office

During my six-plus years of experience as a systems consultant and over eight years of experience as an office administrator, I have found that law firms typically function under one of two scenarios: Either 1) too much software is being used, or 2) too little or no software is being used.

In the first scenario, a variety of software applications are installed but little or no integration exists between them. The same information is entered into multiple programs, and that affects the integrity of all the data. For example, there may be separate programs for calendar, contact, case management, word processing, document management, e-mail, and phone messaging. Much of the same information needs to be entered into each of these different programs—however, without any integration among them, the same data-entry task is repeated numerous times.

To make matters worse, several different versions of each application are normally installed and used

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throughout the firm by different individuals. Uniformity in the systems environment is therefore lacking, and managing the data is a challenge. Files cannot be easily shared or accessed among the staff and this contributes to overall office inefficiency. A homogenous systems environment is key to an efficient and effective office.

In the second scenario, few or no software applications are utilized, with the usual exception of a word-processing program. Under these circumstances, even the word processor is underutilized and likely operated as a glorified typewriter. A majority of the daily tasks are performed manually and duplicated many times. In the manual office, the calendar is either handwritten in a Day-Timer®-like appointment book, maintained in a word-processing document, or kept individually on each person's computer in his or her application of choice. The information is not shared among staff members in the office. Each individual in the office also typically manages contact information using his or her method of choice. Typically, a card file or Rolodex®-type system is used. A common occurrence is that the same contact exists in multiple Rolodexes but with different name spellings, incorrect address information, and/or obsolete phone numbers.

When there *is* a change to a contact's information, it is a tedious task (and one that normally doesn't get done) to update all the contact files that exist throughout the office. Correspondence is inadvertently sent to the wrong addresses, and a great deal of time can be wasted in the attempt to get in touch with contacts using the wrong telephone numbers. When erroneous and/or outdated information is used, the office productivity level decreases. Another characteristic of the manual office is that phone messages are jotted down on little slips of paper that get lost, thrown away, or stuck to the bottom of coffee cups.

If you see similarities between the way your office functions and any of these scenarios, you may come to realize that your office would benefit from automating its existing procedures and systems to increase productivity and efficiency. Yet, prior to going through the physical aspects of office automation, the first order of business is to admit that there are issues and problems within the existing structure. In conjunction with that admission, a serious commitment must be made to take the necessary time, incur the applicable costs, and adhere to the procedural changes that automation will introduce. You will permanently change and modify the procedures in which daily office functions are currently being accomplished. To achieve the desired results, you will need to accept and implement the changes without any deviation or reversion back to old, comfortable behavior.

Whether a law firm falls under scenario one or two, in order to have an organized, efficient office, the firm must begin with a good case management system (CMS). A CMS is not limited to medium- or large-sized firms or particular areas of law; firms of all sizes and law office practices require a CMS.

At times this article refers to other individuals in the office; however, a CMS is equally necessary to a solo practitioner working alone. It seems that most elder law attorney offices have fewer than five employees in the firm. This might lead you to think that you don't have a need for a CMS or that a CMS is too robust for your elder law practice. While it is not necessary to employ *all* the features that a particular CMS offers, the importance of having key file information readily accessible is critical to firms of any size.

What a CMS Will Provide

Calendar Management

How elder law attorneys manage their calendar(s) is the particular office function that immediately catches my attention when I visit or phone an office. Often, when I call an office to schedule an appointment, I am put on hold, have to wait for a period of time, and then am told that I will have to call back (or they will call me back) to schedule the appointment because they don't have the calendar(s) readily available. This is very frustrating for both me and the office staff person with whom I am speaking.

The simple task of scheduling an appointment remains incomplete, and becomes part of a to-do list. Calendaring appointments is a fundamental function in an office that shouldn't require a waiting period. Appointments, court appearances, and deadlines are top priority in an elder law attorney's office, and they cannot be missed. Therefore, accurate calendaring is critical and needs to be addressed first.

Immediate access to all staff members' calendars is not a consideration. A CMS will provide immediate, current, and real-time access to all individual's calendars in the office. A CMS will also allow you to view multiple calendars at one time in different views, such as daily, weekly, or monthly, and provide easy scheduling for groups and resources (such as conference rooms).

Contact Management

Accurate contact information (name, address, phone number, fax number, cell phone, etc.) in a central depository is just as important as accurate calendar information. Contact information maintained in a CMS will be located in one place that can efficiently be managed and kept current.

A CMS will provide a global contact list that is accessible to everyone in the office at the same time. Additions and changes to the contact list are updated in real time, which means everyone in the office has immediate access to the most up-to-date information.

Case Management

A good CMS program is a relational database. A relational database will store data in two or more tables and enable you to define relationships between the tables. Simply stated, all the information in the CMS that relates to a particular case file will link directly to that case file.

Appointments and tasks that relate to a case can not only be seen on the calendar but right within the CMS's case file. All contacts related to a case will be seen within the case file. And any other related record type that the CMS offers will be associated in the case file as well (i.e., e-mail, phone messages, notes, etc.). Therefore, everything you need to know about the case file will be a keystroke or mouse click way.

Document Management

Do you find yourself spending an excessive amount of time trying to locate documents on your computer that someone else originated? What happens when Mrs. Jane Doe is on her way into your office to sign her Living Will that the intern, secretary, paralegal, or associate created yesterday but neglected to print out a hard copy? You may appreciate their creativity and use of the English language, however it is not so useful when you're attempting to locate the document and they laugh when you ask them where they saved it—they lightheartedly reply, "On the computer."

Clearly, document management is a necessary feature of a CMS. When using a CMS, documents are linked directly into the electronic case file allowing them to be a click away. The phrase "document management" often scares people, and it is one of the first features that firms feel they can do without. Many elder law practices believe that they are too small for this type of feature. However, firms of any size will understand the advantage of being able to quickly retrieve a particular file's documents with a couple of clicks of the mouse.

E-Mail Management

E-mail is a major channel for the communication and transfer of documents among lawyers. It's quick, it's easy, it's inexpensive and it's 24/7 (providing your Internet service isn't down). You can get up in the middle of the night, send a document that you forgot to transmit earlier in the day, and then rest assured that it will be waiting for the recipients the next time they check their e-mail. Because e-mail has become an essential facet of lawyers' daily operations, it only makes sense that a CMS have the ability to include incoming and outgoing e-mails that are associated with their respective case files.

Remote Access and Portability

CMS programs also offer database synchronization. You can leave the office with a complete duplicate of the CMS on your laptop. You can add and change information and upon returning to the office, "synchronize" from your laptop to the main database to incorporate all your additions, deletions, and modifications. The synchronization is bidirectional; therefore the laptop database will concurrently get updated with the current information in the main database.

To attain even greater convenience, you can synchronize a handheld device such as the Palm® organizer, Handspring® or Pocket PC®. At a minimum, a handheld device will electronically store your calendar and contact information that comes from the CMS. Some devices will also allow you to synchronize notes and e-mail. With this information at your fingertips while you are out of the office and mobile, you will not have to contact your staff for address or phone information or to find out when and where your next appointment is.

Case Management Summary

The electronic CMS will provide you with the luxury of booting up your computer, opening the CMS and having all the pertinent case file information at your fingertips. At a minimum, a good CMS program will incorporate calendar, contact, and case information. This information will be easy to share and access by all individuals in the office.

In addition, a good CMS will also include document management and document assembly features that are compatible with either MS Word® or Corel WordPerfect®. E-mail and phone messages will seamlessly integrate and you will have the ability to write and print extensive notes in the case and contact files. Finally, a good CMS is easy to customize and tailor to meet the specific needs and requirements of your elder law practice.

According to Scott Solkoff, a certified elder law specialist in Florida, "An integrated CMS has changed not only the way I work but the way I live. I have more time to do what I want or need to be doing. The greater organization has led to seemingly unrelated office improvements."

Cost Considerations

When presented with the idea of a CMS or a proposal to implement a CMS, some elder law attorneys initially perceive it as a pricey endeavor, while others are surprised by its affordability. An effective CMS, at almost any price, is a bargain. If properly chosen and implemented, a CMS will pay for itself time and again in increased productivity and office efficiency and decreased stress resulting from time lost locating misplaced files or documents and tracking down calendars. The initial cash investment is short term, but the return on that cash investment is for the life of your elder law practice. You can reasonably expect to recoup your total implementation cost in less than three months.

I have prepared a simple return on investment (ROI) calculation below. The purpose of this calculation is to give you a general idea of how much money you are potentially losing without a CMS in place, and how quickly you can turn the loss around into a profit with minimal cash investment. The following figures are estimates; you can rework this equation using your own values.

Estimated Office Time Lost due to Inefficiency:

1 hour/day X $125/hour (billable rate)
= $2,500/month
($125/day or $625/week for 4 weeks)

Estimated Implementation (investment) in a CMS:

$500 (estimated cost of software,
single user version)
+
$1,725 (estimated 15 hours of
consultant service time at $115/hour)

$2,225 Out-of-pocket cost

You could potentially recover your investment costs in the second month of implementing and using a CMS.

In the ROI calculation, I did not include the time involved preparing for a CMS implementation or the learning curve time a CMS will undoubtedly present. My objective is to provide you with a simple equation that will help you visualize the insignificant amount of money that is invested in the short term for reaping the benefits of a long-term solution. I want you to see beyond the initial out-of-pocket costs to assure you that it is practical and affordable to implement a CMS in your office.

Four Steps to Transitioning Your Office to a CMS

Once you've decided to implement a CMS and you've made a commitment to spending the time and putting forth the effort involved, the essential four steps to transitioning your office to a CMS can commence. They are as follows:

1. Analyze your practice and define your workflow.
2. Explore and select a CMS and a consultant.
3. Plan for and implement the CMS.
4. Train the entire office staff on the CMS and subsequent new office procedures.

Step 1. Analyze Your Practice and Define Your Work Flow

The data that are collected in step one will provide you with an idea of what you need to look for in a CMS, what features in a CMS are of particular importance to your office, and what aspects of your elder law practice can and should become automated. The analysis that you complete is meant to assist you in pinpointing where major inefficiencies lie so that you can make an informed decision when selecting the most appropriate CMS for your office.

To begin, schedule time with your staff to evaluate your practice and how work flows through the office. Determine how your office is presently functioning by preparing checklists and workflow analyses. Take an inventory of all the software applications (and their respective versions) in the office, and note what they are used for and by whom. If software isn't being used for a particular task (i.e., a task is manually completed), make a notation as to how the procedure is being done and what tool(s) is (are) used to finish the task.

The simple grid provided below lists the basic items considered necessary in a law office (exclusive of applications specific to elder law, time and billing, and accounting). Provide this worksheet (or a similar one) to everyone in the office and ask him or her to complete it. The data can then be reviewed to determine how each of your staff members is presently accomplishing his or her daily functions.

	Software Used Name/Version	Manual System
Calendar		
Contact Management		
Case Management		
Word Processing		
Document Assembly		
Document Management		
E-mail		
Phone Messages		
Case Notes		

Next, create a workflow analysis. The workflow analysis will specify the various processes and flow of information through your office.

A good place to begin the workflow analysis is to consider all the procedures that are followed for accepting a new client. Record the steps that must occur from the time a prospective client calls or walks into your office until the time he or she retains you and becomes your client.

Then, once the person becomes a client, further document the steps that are taken to proceed with his or her particular matter. Depending on the different areas of elder law you practice, different procedures will be followed for different types of client matters (i.e., estate planning, guardianship, trusts, Medicare/Medicaid, etc.).

Step 2. Explore and Select

Step two may very well be the most overwhelming task of the office-automation process. At this phase, you not only need to research CMSs but you also need to find a competent consultant to guide you through the implementation process to make it as seamless as possible. The consultant will also examine information you gathered in step one and incorporate it into the CMS.

In all fairness, I must preface this section with the fact that I am somewhat biased when it comes to case management systems because I am an Authorized Independent Consultant for the Time Matters® program. However, I am not convinced that Time Matters is the solution for everyone. Each firm's needs and requirements differ, and I do not believe that any one program is the cure-all for an entire population. Having said that, I can tell you that in the software price range of less than $500 for a single-user license, the leaders in case management software (and not necessarily in the order listed) are Time Matters((www.timematters.com), Amicus Attorney((www.amicusattorney.com) and Abacus Law((www.abacuslaw.com). Therefore, to embark on your journey to seek out the most suitable CMS for your firm, I would suggest that you begin by reviewing each of these three programs. I will not outline or review the specifics of any of the three programs I referred to, nor will I compare their features. I mention these three programs only for the purpose of providing you with a solid starting point that will get you moving in the appropriate direction.

After you have reviewed several programs that seem desirable to you and will meet your office's specific needs and requirements, locate local consultants that specialize in these programs. You can generally either call the CMS vendors' offices or go to their Web sites to get listings of consultants in your area.

During the consultant selection phase, make certain that the consultant you choose has experience with the program and can assist you with all the steps of the project. This includes installation, implementation (customization, setup, etc.), training, and ongoing support. Also ensure that the consultant can provide you with support via telephone, e-mail, or remote access. Most important, make sure that the consultant is clearly aware of your expectations and that he or she can commit to finishing the project in the time frame you envision.

Consultants will usually conduct product demonstrations at your office, and some will do demonstrations free of charge. Find a consultant that will travel to your office, provide you with a product demonstration, and answer your specific questions in person. This will also serve as the consultant's interview. Finding a consultant with whom you have a good working relationship is crucial. You will be investing your valuable time and money in both your CMS and your consultant. Meeting the consultant in person and interacting during the demonstration is the best way to find out whether the consultant is someone you would want to work with.

The most advantageous situation is when the consultant is located in your geographical area and can easily travel to your office to provide you with hands-on support before, during, and after implementation. Depending on your location, however, you may not have this luxury. If the consultant is not located in your area, be prepared to pay for travel costs in addition to the services that the consultant will provide you. Do not get discouraged if a consultant is not located in your area. If it costs several hundred dollars extra for travel expenses to get the right consultant to your office to put into operation the CMS of your choice, it is worth the added investment.

Sometimes, the price for consultants will vary greatly. If you have multiple consultants in your area for a particular program, don't assume that the less expensive consultant is the better choice since it appears it will save you money. Remember the old saying, "You get what you pay for"? If one consultant charges $75 per hour and another charges $100 per hour, there probably is a good reason for this (i.e., the $75-per-hour person doesn't have the same knowledge or experience as the $100-per-hour consultant). Food for thought: If it takes the $75-per-hour consultant two hours to do the same task that the $100-per-hour consultant can accomplish in one hour, you're already losing money with the less expensive consultant.

Please heed the following statement/warning: Using a friend's or relative's son or niece, etc. who is "very good at computers" may be tempting, but is akin to hiring "little Jimmy" to prepare your will because he just finished his pre-law courses at college. Also, allowing your computer/network vendor to attempt to install, set up, customize and train on a CMS he or she is unfamiliar with is not the most efficient, cost-effective avenue to choose either. The computer/network technician may try to sell you on the idea that he or she can do it cheaper and quicker and that all software installations are the same. But, be cognizant of the fact that all software is not the same—and don't allow a vendor to convince you differently (even if the vendor has good intentions). You will most likely end up with extremely disappointing and potentially costly results, and ultimately will either not use the program, spend countless hours on the telephone with technical support, or hire a certified consultant after the fact to come to your office and fix the mistakes. The intended cost-cutting choice could end up costing you more than it would have cost to hire a specialized, experienced consultant in the first place.

Step 3. Planning and Implementation

After the CMS and consultant have been selected, you will be ready to prepare and plan to implement the new system. A clearly documented logistical plan for rollout needs to be put in place at this point, and should be agreed upon by you and your consultant.

Create a bulleted list of items to be done prior to, during, and after implementation. The consultant you choose should provide you with an implementation package that outlines all the necessary steps. It is imperative that the accepted plan is followed methodically and logically in order for the implementation to progress smoothly.

The timing of the implementation is crucial to your business. You will need to decide if this is something that will take place during the week or over a weekend or holiday. If it is going to occur over a weekend or holiday, will the consultant charge overtime rates? If you do not want to incur overtime costs, you might consider choosing a slower time during the month that will allow for some disruption to your business.

Step 4. Training

When the CMS is operational, fully functional, and customized to meet your firm's needs, it is time to move on to the final implementation step—training. Training should not be considered an optional component of the CMS implementation. In order for the CMS to be successful, training is essential and must be mandatory for everyone in the office.

Untrained individuals will not use the application, and the ultimate success of any CMS depends on whether everyone in the firm is using it. Time and again firms purchase sophisticated programs only to skimp on the training. They are under the impression that they can either (a) read the book, or (b) "play with" the program and train themselves. These alternative options to training rarely have positive outcomes.

A lawyer's time is better utilized billing clients and concentrating on his or her caseload, not trying to figure out the new software program or train individuals on software in the office. If you think it's expensive to purchase training, consider the costs of having untrained people.

Securing Your Data

There are two other extremely important and heavily overlooked items that are a vital part of any system (regardless of whether a CMS is in use). Once your CMS is operational, do not move forward with any data input or setup unless you have a *reliable data back-up system* and a *current, regularly updated anti-virus software program*.

Accidents happen, hard drives crash, power failures occur, and data get corrupted. You usually can't foresee or prevent all these things from happening, but you can be prepared if they do. You invest a great deal of time, effort, and money in maintaining all your data, so to have it all lost in one quick second is disastrous and can be extremely costly and detrimental to your business. Some businesses are unable to recover after an unforeseen incident.

Unfortunately, I have had the displeasure of witnessing the aftermath of several firms losing their data because they thought they were getting nightly system backups but they indeed were not. Their systems' experts did not routinely perform checks and verifications to ensure that their data were safe and recoverable. If you think it's a hassle to back up the data or take the extra five minutes or so to check the backups, think of the hassle it would be if all your data were gone.

Anti-virus programs are just as important as data backups because they ensure that your computer files do not get infected, damaged, or lost due to a computer virus. I have also seen firms lose data due to viruses. More often, if a system gets infected with a computer virus the office will experience a severe amount of downtime that can put the office at a standstill for days while the virus is thoroughly cleaned and removed from the entire system.

Both data backups and anti-virus programs require routine maintenance and attendance. A backup schedule should be put into place that will allow for rotating tapes on a daily basis. At least once per month, a tape should be taken off-site and stored in a safe, fireproof box. Backup tape "compares" should be run on a weekly basis, at a minimum, to ensure that the backup system is working and files can be restored should it become necessary.

New computer viruses are spread almost daily. A good anti-virus program will periodically go out to its own Web site and download the most updated virus definitions to your computer thus keeping you current. Remember when you buy an anti-virus program that the list of viruses that it checks for may be up to six months old. Without frequent updates it cannot protect you. It's like having a burglar alarm that is not connected to the police station.

Again, keep in mind that data system backups and anti-virus programs are not just to protect your case management systems; they are integral parts of any computer system and your operation as a whole.

Conclusion

While you can't walk into your office today and have the days' work completed with the flip of a switch—and the "paperless" office is not yet a reality—you *can* strive for and achieve a better office environment where the workflow is easily shared throughout the office and performed electronically. This, in turn, will reduce the amount of paper that has to flow through the office, therefore saving time, reducing the chance of error, eliminating duplicate entries, and creating a more efficient, productive, and relaxed office setting.