

More than Just Docketing– Docketing as the Knowledge Hub

By: Yaniv Schiller



Acknowledgements

This paper would not be possible without the ongoing feedback, comments, suggestions, discussions and other communication from court personnel and CourtAlert clients. For over seventeen years CourtAlert clients have so graciously shared suggestions and feedback over the years.

We are also very thankful to the CourtAlert team, which has eagerly and zealously continued to pursue perfection in the materialization of these ideas, some of which have become very successful throughout the industry.

Background and purpose

While the calendaring/docketing department's main objective remains that the attorneys will not miss a deadline and that a complete record of the "as filed" documents is maintained, many additional benefits can be derived from the department's diligent and thorough work.

Especially when a modern, flexible and correctly written case management software is employed, but much can also be achieved by teaching a legacy case management systems new tricks.

This article will list a few of these benefits allowing the calendaring/docketing department to become even more of a focal, go-to, point in the organization. By collecting and accumulating

such information, both the organization as a whole and the docketing department will benefit. You will get to demonstrate your expertise and provide timely answers to some otherwise hard questions.

In this article, the term "Docketing" is used for both the personnel and the computer system ("case management" system). While the examples refer to a law firm, the same setup may be useful for law departments of large organizations.

Docketing Information elements required for "Firm Experience"

The term "firm experience" is used here to describe the beneficial by-product from a good docketing setup. The aggregation and efficient distribution of the "firm experience" will enhance your department as the target of firm-wide pilgrimage and become a priceless asset of your organization.

Case Headers

Identity - All cases need to be identified by Court, Venue and if applicable, location. There is to be one way to classify all the courts, the method needs to be intuitive (so new courts can be added using the same logic). The same court must have only one name. Now you can easily answer "What other cases have we litigated in Delaware?"

Judges and Magistrates - Record them as soon as one gets assigned. Even keep track of previously assigned judges. This information is incredibly helpful for the first year associate writing their



© CourtAlert 2018. No duplication in part or whole without written pre-authorization from the authors. Some parts of this paper refer to US Patent 8,996,590 which is licensed to CourtAlert.

motions and for information governance in identifying a possible conflict.

Judges Names and Party Names - Judges, parties, etc. all have one name to identify the entity. This is not trivial. For example, a law firm or party that has changed its name over time. Keep these names up to date. Judges that preside over more than one court should have consistent names. If your system stores judges globally, not filed by court, consider adding the court as a prefix to the Judge Name, this would help a lay consumer of the information quickly find the correct judge in a search.

Case classification – the codification that describes the case beyond the generic court case type/nature of suit. The more classifications attributed to the same case, the better. The challenge here is know what classifications could be important. Many firms choose to involve the business development group to help determine what should be recorded.

Staff members – now this is important - should be tied the same IDs and Names used in the firm’s Human Resources computer system to account, for example, to changes of the last name. The Teams should always be updated, primarily for risk purposes, but also so you can answer a partner’s question “What cases are my 3rd year associates working on?”

Free text, remarks and notes – the software should allow for limitless remarks and perhaps for a way to classify these remarks. For example, a detailed “cause of action” remark as compared to special handling and notations related to which approval is needed for each step of the particular case. These notes are very good for global searches, but remarks, inherently, are difficult to aggregate and therefore are of limited use in an statistical summary.

Consistency - The index number/docket number must be entered and formatted correctly – for example including the first digit location code in a Federal index number is important for identifying the case, also be consistent on never or always including the judge(s) initials.

Matter Numbers – For your system to integrate with your Document Management and with your Ethical walls, it is important that your matter numbers are in the same consistent format as your other systems. It is best to have a feed from your accounting system that would create new Matter numbers in the system, so you don’t have to. It is important to be able to create multiple cases assigned to the same Matter number when you deal with appeals and MDLs. Consistent and strictly defined matter numbers reduce the risk of not adhering to an ethical wall or retention policy that may be put in place.

Dockets and Events

The world, at least our world, is split between calendaring (recording future dates/deadlines) and docketing (recording what was filed or served). Calendaring-first, sometimes associated with sunny California is when the user keys in a trigger event and an automatic rules software calculates the dependent deadlines. Automatically, with the hard work of the rules experts who codify and maintain these rules, the related deadlines are created, armed with calculation details and citations. Documents should then be associated with the event either directly or through a docket.

Docketing, sometime associated with exciting New York, is where nothing is happening without a paper documents (typically filed electronically or served to the firm by other means). The docketing department maintains a record, a docket, with PDFs, of every document filed in court. This “as-filed”, final version is dockets and



© CourtAlert 2018. No duplication in part or whole without written pre-authorization from the authors. Some parts of this paper refer to US Patent 8,996,590 which is licensed to CourtAlert.

the files saved. Some computer systems make it very easy to create the docket and the PDF from the Notice of Electronic Filing (or similar State's name) sent by the court in electronically filed cases.

Docket text structure - To produce a meaningful Firm Experience and to assist any reader, the docket text structure should be similar for all dockets. This can be achieved in one of two methods:

1. A case management system that automatically retrieves the incoming notice of electronic filing emails and uses the text as a base to the docket text or,
2. Manually keying in the text, producing a daily "work report" and a manager reviewing what was keyed and marking for corrections. The author, for example, knows a few Managing Attorneys, Managing Clerks and docketing managers that spend their daily commute time doing exactly this.

Deadline Structure - A modern case management system typically includes access to automatic rules. These rules automatically trigger deadlines with a selection of a "triggering event". Automatic rules have become commodity; The difference between the vendors is how well they truly integrate with the case management, how they deal with rules changes on existing deadlines, and, most importantly, the customer support.

It is generally better to have a case management vendor that utilizes a "best of breed" approach to system integration. Select a rule vendor the same way you select an HR, Accounting, Document Management and Conflicts Systems that work best for you.

Additionally, using automatic rules will help to verify that standardly formatted text is used throughout the system.

Documents

Version – The docketing department should keep in an organized method a PDF image of all filed documents, being electronically filed cases or manually filed cases. The PDF image must be the latest, "as filed" version and not a working copy

OCR capable – Most Federal courts require PDF/A format which can be OCR'd. For other documents and emails, it is best to convert to a PDF so the file becomes immutable and easy to consume.

Storage - Store your PDFs in the firm document management system – It is best to store the PDF at a firm wide Document Management system, iManage® or NetDocs® for example. This way the attorney, paralegal or legal assistance can get the document on their own without needing to reach out to the Docketing department or, even worse, download it again from PACER.

Profile - Invest time in planning the document profile. The PDF documents are to reach the promised land of the document management with no or minimal human intervention. It is important that the information be pre-filled, with the best naming convention you can dream of so documents will be easily found. The most important decision is finding a name that is sortable, and keeping the convention consistent, so it is easy to find documents when browsing for them. A good profile and a good document description will include many data elements from the docketing department and a text-searchable text of the entire docket. I have spent many hours discussing naming conventions with clients and I've learned one important lesson:



© CourtAlert 2018. No duplication in part or whole without written pre-authorization from the authors. Some parts of this paper refer to US Patent 8,996,590 which is licensed to CourtAlert.

Consistency is better than good. Different team members may have different ideas of what is important to include in the file name. Some may like the date, ECF number, index number and docket text. Others may want only the original file name. Find something that works for you, and stick with it.

Case Outcome

This is a new and growing demand of law firm, a quantitatively and standardized attempt to codify how a case ended. This is not a simple challenge as “winning” is a wide spectrum of results.

It would be best to tie the information with the very confidential revenue, or even profit, figure for the Matter. At a minimum the absolutely correct Client/Matter numbers must be used, and this should be done by the Case Management system tied into the Accounting system (such as Elite®). This is where Case Management and Cost Accounting should interact.

The Case Outcome data is to be entered by the most knowledgeable person in the Docketing Department. It is not a simple task, for example the courts typically shy away from a similar challenge and the court does not record a clear outcome result. Often, generic text such as “Motion Decided as Indicated” is used.

If I do all this, what are the benefits

Dashboards – those pretty little widgets that attorneys love and make for a great 30,000-foot view of your case load. A dashboard of your litigation experience can immediately give the right people the ability to drill in on information that they are looking for, and gives them an easy

way to view graphically firmwide and attorney specific statistics

Reports – Take advantage of either built in reports that come with a quality case management software, or user created reports using specialized software (perhaps various user interfaces built upon Crystal Reporting). Excel extracts also allow you to slice and dice your data using pivot tables in ways that your case management system couldn’t do alone.

User inquiries – a good software will have an “inquiry view/module” that allow the user to control the format of the output and not only the input parameters. Fancy systems actually emulate Excel power reading real-time from the case management database. The inquiry module should be available to all attorneys and relevant staff in the firm, subject to “ethical walls”.

Answer attorneys’ questions – this is where you shine. The recipient of a quality and timely answer will forever be thankful. While some popular tools offer general industry experience, they do not do an in-depth analysis of your own firm’s case load. Here are a few examples:

1. A partner is preparing for a hearing before a judge – what is our firm experience with this judge? Who in the firm was successful with this judge?
2. An associate is looking for a Motion to Compel Discovery before a certain judge that resulted in a positive way, the decision was in “our” favor.
3. A potential client, or an existing one, needs to be convinced that the firm has (a



© CourtAlert 2018. No duplication in part or whole without written pre-authorization from the authors. Some parts of this paper refer to US Patent 8,996,590 which is licensed to CourtAlert.

positive) experience in certain type, classes of cases. One or many classifications combined

4. A combination of several criteria: Cases of this and that classifications, show me all the docket that have this specific text in them. All this for certain jurisdictions or judge(s), for example.

A Word about Knowledge Management

The above description is for the entire Docketing system. Advanced Searches return cases and documents based on the criteria we mentioned above. This is fantastic. The only thing better is a case management that includes a Knowledge Management component (“KM”) as well. KM refers to the process of taking a smaller subset of your documents and marking good writing samples and precedent. A KM component integrated within the case management has the advantage that it “reads” the data directly from the case management. KM system is used by associates to create new legal documents based upon documents that were successful in the past

About the author

Yaniv Schiller is the Chief Operating Officer of CourtAlert®

CourtAlert® is a case management and case tracking/business development vendor. Some innovations in the CourtAlert Case Management system are included in US Patent 8,996,590. CourtAlert is located online at www.CourtAlert.com or physically near Times Square, New York City. CourtAlert is always eager to hear from you and any answer any questions. We look forward to hearing from you.



info@CourtAlert.com

(212) 227-0391



KM system have a few characteristics

First, there is a Gate Keeper whose work is to decide which document is good enough to serve as precedent, a sample.

Then, add additional information that may not have been stored initially, for example the name of the author, the partner whose signature is on the document is recorded.

Finally, the search interface needs to be simple yet powerful, the associates are looking up the information at all hours and having an intuitive interface that allows them to search by multiple criteria will yield great results.

Summary

In addition to the importance attributed to Docketing/Calendar, that is the emphasis on quality, timeliness and reliability, many firms have learned that the treasure troves of information housed in the case management system can also be used for valuable dissemination of the firm’s experience and will make your department a focal point of the organization.

© CourtAlert 2018. No duplication in part or whole without written pre-authorization from the authors. Some parts of this paper refer to US Patent 8,996,590 which is licensed to CourtAlert.