

Using Practice Management to Avoid Malpractice

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Introduction

Common Malpractice Complaints

Fraud/Misconduct
Failure to know or understand the law
Failure to communicate properly or inform the client
Conflicts of interest
Scheduling errors
Missed court appearances
Missed deadlines

How Does Practice Management Work?

Organizes Information

Relational database (records are linked to each other)

Practice management systems store information in what is called a relational database. In non-technical terms, this means that information saved to the practice management system is saved in a way that links it to other information. For example, when you save a record of a matter into the system, you also save records of case related people, calendar events, tasks, notes, documents and other information.

All information related to a file is linked around a matter record

Information in a practice management system is matter centric. For example, when you save a document, you tell the system which case the document is for. This allows you to find the document quickly by simply looking at the matter. Similarly, you can locate any other items related to a matter in the same way.

Allows calendar items, deadlines, documents, notes, and phone calls to be saved

Most practice management systems allow many types of data to be saved to the system. Calendar items track important dates and appointments. Task items track deadlines. Notes serve as memos to the file. Phone call records memorialize a telephone conversation. All of these records saved in a way that makes them easy to locate.

Information is easy to search for and retrieve

Information in a practice management system can be searched and retrieved in a variety of ways. You can simply open the matter and see everything related to that matter. Alternatively, you could look at a client record and see everything for every matter related to that client. You can even search across the entire database for a single word in order to perform a conflict search.

Saves Time

Information is faster and easier to locate

Be honest. How much time do you spend looking for information in your office? Do you ever tear your office apart trying to find a single piece of paper? Many lawyers will admit that they spend quite a bit of time doing this – in some cases an hour per week or more. A practice management system makes it much easier to locate information. Much of the information you commonly need regarding your matters is stored within the system including phone numbers, email addresses and more.

Calculate due dates quickly based on rules

If a complaint is served on your client today, when is the answer due? Most lawyers know how many days from now it is due but how do they determine the exact date? In fact, many resort to counting the days on a paper calendar. Wouldn't it be easier to use a system that not only counts the days for you but schedules a task for you to file the answer on that date plus remind you as the deadline approaches?

Automate common activities

Even lawyers who use computers quite extensively waste time through duplicative data entry. A practice management system can automatically schedule multiple calendar events, create reminders and send messages to other attorneys in the office. Automation saves time and provides consistency in the way things are done in your office.

Automate common documents

In addition to automating common activities, practice management systems also allow you to automate documents. The information stored in your practice management system can be pulled out of the system and used to create a document. This can save a lot of time in the document generation process. It also reduces the potential for errors in the document as most of the text is standardized and only a few things are changed automatically each time.

Avoiding Malpractice

What Practice Management Cannot Do

Stop fraud
Make a lawyer understand the law

Clearly, a practice management system cannot do everything. It cannot stop two of the most common complaints made against lawyers. It cannot go to court for you or make you a better lawyer.

What Practice Management Can Do

On the other hand, a practice management system can help you organize your office. It can help you avoid many common errors and assist you in avoiding some of the most common types of malpractice claims.

Avoid conflicts through conflict searching and reporting tools

Every practice management product includes tools to help perform conflict searches. Most importantly, the search produces a report that can be circulated among the attorneys for review. Different systems produce different reports but they all provide a list of records where a “hit” was found. The report will also show all records that must be reviewed for conflicts.

Avoid conflicts through in depth searching of all data

In a practice management system, searches can be performed across all or part of the system database. You can perform a search across every record type. In other words, your search will not only produce a “hit” when the potential adverse party is a past client. It will also produce a hit when the adverse party had any contact with your firm. Perhaps, they were a witness in another case. While not necessarily a conflict, information of this type can be valuable when considering whether you will take a case.

Keep in touch with clients using reminders and alerts

One of the most common complaints against lawyers is that they fail to maintain proper communications with their clients. While there may be many reasons for failure to communicate on a timely basis, a practice management system can provide a place to memorialize communications that do take place. It can also create reminders and alerts to make sure that scheduled communications are not missed.

Eliminate scheduling mishaps through ticklers

Practice management systems provide alerts, reminders, watches and other tickler systems to remind lawyers of upcoming deadlines. These systems provide warnings of deadlines that are approaching so that the deadlines can be met. The deadlines can be set to automatically appear for certain types of events or be customized at the time the event is created.

Supervise staff with delegation tracking

A practice management system can do more than just keep track of deadlines and calendar events that an attorney places on their own calendar. Most systems allow users to view other user’s calendars. In contrast to other calendar systems, it is very easy to simply pull up someone else’s calendar or a list of the task that have been assigned to another staff member.

Popular Practice Management Systems

There are many practice management systems designed for the legal market. Each has slightly different features. For more information, visit the product website or arrange a demonstration.

Time Matters

LexisNexis

www.timematters.com

PracticeMaster

Software Technology, Inc.

www.tabs3.com

Amicus Attorney

Gavel and Gown

www.amicusattorney.com

ProLaw

www.elite.com/prolaw

Client Profiles

www.clientprofiles.com

Jeffrey S. Krause, Esq.

Jeffrey S. Krause is a Wisconsin attorney and is the owner and founder of Krause Practice Management, LLC, a consultation firm that provides technology advice and service to law firms of all sizes, with a focus on the efficient use of technology in the law office.

Mr. Krause is a Certified Independent Consultant (CIC) for the popular Time Matters Business and Practice Management software as well as Billing Matters, HotDocs and PCLaw. He has worked with Time Matters through its last nine versions and has assisted hundreds of law firms during his ten years as a CIC. He also assists law firms with many other popular products including TABS3, PracticeMaster, Worldox, digital dictation and scanning solutions.

Mr. Krause is a frequent author and speaker on legal technology subjects. His Practice Management Blog (<http://blog.krausepm.com>) covers subjects ranging from law firm marketing to product tips and tricks. He can be reached by email at jeff@krausepm.com.

About Krause Practice Management, LLC

Krause Practice Management was founded in June, 2007 by Jeffrey S. Krause. KPM provides technology consultation services to law firms and other professional offices of all sizes. They focus on implementing case management, billing and accounting, document management, and document assembly systems.

No firm is too large or too small to work with Krause Practice Management. Jeff Krause has worked with hundreds of firms ranging from solo practitioners to firms with over 100 attorneys. Visit us at <http://www.krausepm.com>.

About Lawtopia, LLC

Lawtopia is a partnership of nine of the most successful legal technology service providers in the country. Our members included attorneys, experience law firm staff, certified public accountants and information technology professionals. Every member company brings a wealth of experience providing legal technology services to clients of all sizes. Visit us at <http://www.lawtopiallc.com>

Using Practice Management Software to Avoid Malpractice

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Common Malpractice Claims

- Fraud/Misconduct
- Failure to know or understand the law
- Failure to communicate properly or inform the client
- Conflicts of interest
- Scheduling errors
- Missed court appearances
- Missed deadlines

What Practice Management Cannot Do

- Stop fraud
- Make a lawyer understand the law

What Practice Management Can Do

- Avoid conflicts through conflict searching and reporting tools
- Avoid conflicts through in depth searching of all data
- Keep in touch with clients using reminders and alerts
- Eliminate scheduling mishaps through ticklers
- Supervise staff with delegation tracking

How Does Practice Management Work?

- **Organizes Information**
- Relational database (records are linked to each other)
- All information related to a file is linked around a matter record
- Allows calendar items, deadlines, documents, notes, and phone calls to be saved
- Information is easy to search for and retrieve

How Does Practice Management Work?

- **Saves Time**
- Information is faster and easier to locate
- Calculate due dates quickly based on rules
- Automate common activities
- Automate common documents

Popular Practice Management Systems

- Time Matters
- Practice Master
- Amicus Attorney
- ProLaw
- Client Profiles