

Lawyers Professional Liability Docket and Calendar System Basics

Lawyers Risk Management Note: 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. The firm should maintain a centralized, firm-wide docket and calendar system that is user friendly. The system should be computerized.

A docket system should:

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

The law firm's policy on docketing and calendaring should be in writing. If the firm has a manual of policies and procedures, this policy should be contained in the manual. The manual or other collection of firm policies and procedures should be accessible to all lawyers and employees of the firm. All lawyers and employees should be required to become familiar with these policies upon joining the firm.

If the firm does not have written policies and procedures on docket and calendar control, the firm should take steps to make sure that all lawyers and other employees are aware of the policy. Initially, this should occur when they

first join the firm at a formal orientation program. Whether the policy is part of a written manual or not, it should be communicated at least annually at training sessions or seminars.

The firm should 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.

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 in duplicate (i.e., by the lawyer and by his or her legal assistant).

One individual should be assigned the responsibility for the input of dates and deadlines in the system and for assuring compliance with critical time limitations.

Another individual should be designated as back-up docket controller with secondary responsibility for the input of dates and deadlines in the system.

Incoming mail, faxes, and/or overnight or hand deliveries should be centrally 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.

All **plaintiff matters** should be reviewed at intake for applicable statute(s) of limitations with that and other deadline dates recorded conspicuously in the file.

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.

The firm should have a policy that every completed New Client/Matter Form for every matter accepted by the firm is 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.

All lawyers in the firm should be required to participate in the centralized docket control system.

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This information is merely a guide and does not include all potential risk management practices and in no way should be considered a representation that, if the above tips are practiced consistently, there will not a claim made against you. The above information is necessarily high level and is based on generally recommended risk management practices and is not intended to be exhaustive or all-inclusive. It should, under no circumstances, be construed to constitute legal advice.