



## **DATE CONTROL: IT'S NOT JUST FOR LITIGATORS**

Ellen Freedman, CLM  
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The term docket control implies something which applies strictly to litigation, e.g. court docket and tracking statutes of limitation. And in its “pure” form, sophisticated docket software is designed to incorporate the court rules for various jurisdictions, and automatically apply them to create a “chain” of docket reminders based on the type and date of the event underlying the matter being handled. Over time, however, the term docket control has come to be applied much more broadly. When people use this term nowadays, they often refer to date control, or in other words, tracking of one’s to-do list, or tasks.

I am often amazed that the software to track dates is so inexpensive and readily available, but yet is highly underutilized. In fact, it’s now included in the office suites which typically come bundled with and installed on most computers.

Typically, at many of the law firms I visit, I find the floor of some attorney offices virtually covered with client files and stacks of paper. When I inquire as to the reason, I am sheepishly informed that this is the attorney’s “tickler file.” The attorney will maintain that out of sight is out of mind. I maintain that when the floor becomes mostly covered, the only way he/she is going to gain any reminder benefit is by tripping and falling face first into the file.

The “floor system” has several distinct disadvantages:

1. In the event of fire or flood the files on the floor have no protection and are the most vulnerable. Even if kept in a regular non-fire-rated file cabinet, most files will survive fire sufficiently to be at least partially restored. And firemen never say, “Aim that hose away from those files on the floor.”
2. Client confidentiality cannot be maintained if the file is on the floor in plain sight, unless one subscribes to the dubious “Raiders of the Lost Ark” theory, e.g. it becomes invisible amid all the other files on the floor.
3. The staff find their jobs more difficult when files are not put away. Filing becomes a hazardous and difficult proposition. Valuable and expensive time

is wasted trying to find files, and tripping over those around it. For paralegals who must “borrow” files to complete their assignments, it becomes a significant time waster, too.

4. If the attorney becomes suddenly ill or disabled, there is nothing to help another attorney know what deadlines are impending, and what promises to clients have been made, short of a full review of each file. In short, the “floor system” provides no audit trail for oversight.
5. The attorney’s office becomes virtually “unusable” for client meetings. Even worse, the impression conveyed upon the client walking by who glances into such an office is one of disorganization and poor responsiveness. Every client who sees an office in such disarray wonders whether their file will some day wind up somewhere on the floor, too — seemingly ignored, gathering dust, and in sight of prying eyes.

For the reasons stated above, I recommend that every file, no matter what type of matter it is, have a reminder set for the next required activity or for follow-up in not more than 6 months. With the reminder set, the file should be promptly turned over to the secretary or file clerk for return in its proper location. Reminders should include activities like follow-up telephone calls, checking to ensure items requested have been received, sending updates to clients, performing research on particular issues, performing a title search, production of documents when necessary, and so forth. In other words, ticklers, or reminders, should be set for any task or to-do which is to occur at a future date.

There are many advantages gained by automating reminders for the various activities involved in the course of working a file, and then returning the file for safekeeping:

1. Elimination of the possibility of a file going “bad” e.g. sitting for so long the client feels neglected or something which is supposed to happen doesn’t. The “floor system” is NOT exact or foolproof by any means.
2. Using a computer to track important tasks or to-do’s really IS foolproof, and requires no mental effort on your part once the entry has been made, until it pops up as a reminder for your attention.
3. Returning the file to a cabinet or file room provides better protection for the physical file. Of course, if your office employs file cabinets with “flipper” doors, the doors must be closed at the end of the day in order to provide the proper protection.
4. Better preservation of confidentiality. No one will accidentally see the file.
5. Improved appearance of attorney’s office.



6. Improved ability for others to find files.
7. Greater ease for staff to get the filing into the file, and reduced wasted staff time and frustration doing so. Filing is no one's favorite task – don't provide an excuse to help someone avoid it.
8. File room no longer becomes "dead file" storage area, as each file has a reminder date set for review or further activity.
9. Easier oversight by others of deadlines or other activities supposed to happen on the file. This is valuable as a tool to prevent malpractice if an attorney becomes suddenly disabled or leaves the firm. In fact, you can lower your malpractice insurance premium by consistently implementing automated date control throughout the firm.
10. It serves as a valuable tool for a supervising attorney, who rightfully fears making an assignment to an associate, and forgetting about it until a call from an angry client is received. By putting in a simple reminder, one can follow up in sufficient time to ensure client expectations are fully met.
11. It allows the attorney to review all impending deadlines by client or date at any given moment.

Every file has task or to-do dates occurring throughout its life cycle. The smart attorney will utilize software to ensure no deadline is overlooked, and that work is performed on schedule and as promised to the client. It doesn't matter whether it's accomplished by a simple solution like using Microsoft Outlook's tasks, or a more sophisticated tool like a case management software package. What matters is that the attorney use one of today's readily available technology tools to automate the reminder process, and help organize his practice, because effective date control applies to every attorney and every type of law.

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