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MALPRACTICE AVOIDANCE NEWSLETTER FOR OREGON LAWYERS

WORKING SMARTER BY USING TECHNOLOGY

Busy lawyers are always looking for ways to make their offices run more efficiently. For some, the answer may be improving office systems and procedures. For others, hiring the right mix of law office support staff is critical. In either case, don't overlook the important role technology plays in today's law office. This article describes how you can improve your productivity by making a few wise investments and taking full advantage of what you already have.

WORD PROCESSING

How well do you really know the features of your word processing program? While it can be challenging to carve out the time for proper training, learning to use this important tool can make a big difference in your office's efficiency. Creating templates, writing macros, learning how to use mail merge, and mastering features such as AutoCorrect, QuickCorrect, AutoText, and QuickWords can give a big boost to document production. Pledge today to pull out your calendar, find some time, and schedule a training day for you and your staff. Classes are taught through community colleges and private providers. The PLF practice management advisors are also available to give you a quick tutorial on key word processing features. Or plan to attend our free brown bag series scheduled for May 2005 in downtown Portland, where we will offer tips and tricks for Word and WordPerfect users.

MANAGING E-MAIL

If yesterday's struggle was managing the deluge of paper created by faxes and snail mail, today's struggle is managing your e-mail. The most important rule to remember is that all client communications, including e-mail messages, should be properly documented as part of your client file. You can accomplish this in any of three ways: (1) Print messages and save them as part of your paper file; (2) Use the "File, Save as" feature and save the message as text in the client's folder in your word processing program; or (3) Set up subfolders for each of your clients in your e-mail program. Case management software, discussed below, can also streamline e-mail management. No matter what your procedure, have a system in place for capturing and documenting your messages.

To control the onslaught of messages, take full advantage of your e-mail program's features. Outlook and most other programs offer filters or let you set up rules to ward off unwanted e-mail or to direct messages to a specific folder to be reviewed later. The latter can be a real time-saver if you participate in listservs. You can also establish more than one e-mail address and use different e-mail addresses for different purposes. Free e-mail accounts are available through resources such as www.hotmail.com and www.yahoo.com. For tips on how to fend off spam, see *Canning the Spam*, an article in the April 2004 issue of the Oregon State Bar *Bulletin*.

As with any technology tool, dangers accompany the benefits. Install, customize, and use anti-virus software, such as Norton or McAfee. Educate yourself and train staff not to open suspicious e-mail, and establish a use policy so employees understand what is and is not acceptable. (For additional information, see the discussion below on Key Utilities.)

TIME AND BILLING SOFTWARE

Tracking your time using handwritten time sheets or producing bills in a word processing program is a very inefficient way to bill clients. Once installed and customized, time and billing software automates these steps very nicely. By tracking your time in a time and billing program, you can easily run an accounts receivable report, view work in progress, generate a billing statement, or check a client's trust balance. Manual systems don't offer this flexibility. But if you invest in a time and billing program, don't make the mistake of continuing to keep handwritten time sheets that you later enter into your program. Recording your time twice (once manually and again in the program) defeats the purpose of automating time and billing. Discipline yourself to make time entries directly into the application. All time and billing programs allow you to open a new time slip, select the applicable client from a list, choose an activity (e.g., phone conference with client), calculate time spent, add any pertinent details, and post the entry. When you enter time directly into your time and billing program, you will always have an accurate record of how much work you have done in a case, how much the client owes, and what, if anything, will be remaining in trust after the client is billed. By using this technology to keep on top of your accounts receivable, you can also improve your collections.

When you buy a time and billing program, either purchase it as part of an all-in-one accounting package that handles all your accounting needs, or choose a program that integrates with your accounting software. If you have questions about choosing time and billing or accounting software, contact the practice management advisors at the PLF, 503-639-6911 or Oregon toll-free, 1-800-452-1639. As with any new technology, using a computer consultant to install and customize this software for you can save money in the long run. Also, be sure to allocate time and money for proper training – for you and your staff.

CASE MANAGEMENT

If you are looking for a way to better manage your files and client information, case management software may be the answer. This type of program integrates the most common office functions into one package – docketing, calendaring, conflict checking, tracking phone calls, organizing client information, managing documents, e-mail, etc. The most important key to successful implementation of case management software is patience. Introduce one component of the program at a time (e.g., docketing only or conflicts only) to gradually expose staff to the new program. This avoids the trap of overwhelming staff, expecting them to master all the features simultaneously.

When entering archival information into the system, start with current cases first, master your new program, then create a plan to enter data relating to closed files. Case management software is highly specialized. Hiring a consultant to install, customize, and properly train staff and lawyers is a wise investment.

Finally, while case management software can help reduce exposure to malpractice claims and ethics complaints, don't assume it will solve all your office system problems. Solid systems and procedures must be in place before making this important purchase. If you would like free, confidential assistance in setting up your office systems, contact the PLF practice management advisors at 503-639-6911 or 1-800-452-1639.

NETWORKING

Are you still exchanging documents with staff or other lawyers in your office via e-mail, CD, or disk? Can the members of your firm share calendars and access conflict information across your computer system? Establishing a peer-to-peer or server-based network is an efficient solution to sharing information and exchanging documents. With systems coming down in price, the decision is not whether to invest in the hardware, but how to go about setting up your network. Which operating system will you use? Who will be your "Network Administrator"? Will you use an outside consultant? Should you go wireless? Work with an expert to get answers to these questions, and develop an implementation strategy. Networking is a big step that should save you time and increase productivity, but unless you have the

right expertise, don't try to tackle it by yourself.

KEY UTILITIES

Nothing is more important than backing up your system daily. If this seems excessive, just ask yourself: Can I really afford to lose a day's work? The options for backing up are numerous – tapes, zip disks, CDs, DVDs, portable hard drives, and virtual backups over the Internet. Choose what works for you, but apply the cardinal rule: Rotate your backups on- and off-site. (Obviously, this is not an issue when you are backing up over the Internet.) Rotation allows you to restore data if your computer equipment is stolen (including backup media) or your computer system is damaged by fire, flood, burst pipes, etc. When you run a backup, consider capturing everything – both applications and data. Otherwise, if your system crashes you will have to reload all the software updates, security patches, and custom settings for each of your programs. Whichever approach you choose, remember to test your backups. Try to restore a document you know was deleted from the system. Don't wait until a computer crash to learn that your backup log is faulty or your backup media is corrupt. Run this important test at least once a month.

Another must-have utility in today's law office is solid anti-virus software. Norton and McAfee are the leaders. Both give users the ability to update their virus lists live over the Internet. Take advantage of this. Set your preferences in these programs to run an update automatically when you start your computer each day.

PRESENTATION SOFTWARE

Visually presented materials are 650 times more persuasive, believable, and memorable than materials presented nonvisually. Presentation software, such as PowerPoint and Corel Presentations, is often used in the courtroom but should also be considered for hearings, client education, and even marketing. For a good resource on this topic, visit the ABA bookstore at www.abanet.org and consider purchasing the ABA Law Practice Management section's excellent book, *Creative Presentations*.

ARE YOU READY NOW?

These ideas and tips were compiled from "Working Smarter: Using the Top 10 Legal Technologies," presented on March 25, 2004, at the ABA Techshow by Ellen Freedman of the Pennsylvania Bar Association and Reid Trautz of the District of Columbia Bar Association. Techshow is held each year in the spring and features the latest technological developments for the legal profession. If you've never been to Techshow, consider attending in 2005. For more information, visit www.abanet.org.

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