

The Florida Law Practice

LINK

For Florida Lawyers – By Florida Lawyers

A JOURNAL OF THE GENERAL PRACTICE, SOLO AND SMALL FIRM SECTION

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The Florida Bar

Winter 2010

Preventing Deadline Errors

by Lucia Duggins

Risk Manager

Florida Lawyers Mutual Insurance Company

Deadline and calendaring errors are among the leading causes of legal malpractice claims, accounting for 28% of claims reported in the latest *Profile of Legal Malpractice Claims*, published by the American Bar Association (2008). The good news is that most deadline-related errors can be prevented.

Deadlines are driven by many different sources, making all matters in a law firm time-sensitive, regardless of the area of law. The deadline may be dictated by a statute of limitations or by filing dates or by client service requirements. Consequently, good client service and good risk management dictate that all law firms follow a comprehensive deadline control system.

Missing a deadline may compromise a client's case, leading to serious legal and financial consequences, particularly if the claim is time-barred. Deadline errors that cause irreparable harm may be difficult to defend.

Should the deadline error result in a claim of legal malpractice against you, defending it may require a great deal of your time and money – the time you spend helping with your defense and the amount you pay to meet your policy deductible. If defense and indemnity costs exceed your lawyers professional liability insurance limits, your costs would increase even more. For your clients and for you and your firm, implement

and follow a comprehensive deadline control system in your practice.

The potential for improved law office management through computer enhancement is great. There are a variety of good computerized calendaring systems, some are stand alone, others are integrated with case management system software.

A centralized computerized system is desirable. Automated case management and calendaring/docketing software incorporate many excellent deadline control features and can be very effective if used properly. Computerized deadline calculation software will dictate the deadlines and tasks automatically once the matter is logged into the system. However automatic a system may be, active oversight by a lawyer is very important.

Elements of a Good Deadline Control System

- **Consistent and universal use of the system.** Many firms have an excellent deadline control system, however it is used selectively so the system works selectively. Your system is only as good as the information you provide. Think of the deadline control system as a checkpoint through which all clients and matters must pass. As soon as you take on a matter, put deadlines associated with each case handled by every attorney into the system.

- **Require everyone to participate in the deadline control system.** That includes partners. Your system may not work unless everyone

is required to follow through on notices. Regardless of the size of the firm, the solo lawyer or all partners and department heads should routinely monitor the system to verify that it is used universally and that deadline notices are correct and effective.

- **Thorough training of all staff and attorneys.** Cross-train staff and attorneys. Fully document the system so that staff changes don't shut it down. Plan formal lines of delegation, designating a backup lawyer to respond to deadlines if the responsible lawyer cannot.

- **Redundancy.** Disasters happen. If you use only one calendar, you may find yourself with no calendar, spending many grueling weeks reviewing files, calling opposing counsel, clients and judges to re-establish dates. In addition to the master calendar, redundancy may include the system back-up, individual PDAs, practice area calendars, etc.

See "Deadline Errors," page 11

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Message from the Chair



We've all said it, "time flies when you're having fun." With each passing year this phenomenon takes on in-

creasing speed. It's hard to believe we are already in the first quarter of 2010 – it feels like we've just begun the 2009-2010 year. The General Practice Solo and Small Firm Section continues to make significant progress.

Our new and improved website should be fully functional by March. As with all websites, we need content and we welcome your comments, suggestions and submissions. We invite you to utilize the website to stay abreast of upcoming events and to network with other Section members across the State. Our new directory and search engine will enhance your ability to find other members who may be able to assist in the development of your skills and your practice. You'll be able to search not only by name, but by location and practice area. Be sure and register your information

to take advantage of this significant member benefit.

The Fourth Annual Solo and Small Firm Conference will be held at the Rosen Plaza Hotel, Orlando on Friday and Saturday March 26 and 27, 2010. This year's program is shaping up to be our best ever. Entitled, "Everything You Need to Know to be a Successful Attorney You Learned in Kindergarten (A Post-Law School Refresher Course), the programs and presenters are dynamic, fresh and eager to provide practical ways to improve yourself and your practice. Special guests include Susan Cartier Liebel from Solo Practice University; Laney Lyon-Chavis and Molly Hall from The Ultimate Smart Solution, LLC; Stephanie West-Allen from Brains on Purpose; and Julie Fleming from Life At The Bar, LLC. In addition to eleven (11) hours CLE (including four hours ethics), there will be door prizes, exhibitors and lots of networking. Friday evening's cocktail reception will include a DJ for remembering songs from your childhood. A special highlight of Saturday morning will be the ever popular and growing Small Firm Interview Program where solo and small firm employers can meet law students and upcoming graduates for summer, part-time and full-time

employment opportunities. We bring the candidates to you! Exhibitor and Sponsorship opportunities are still available.

In May, more than 40 members and friends of the Section will enjoy this year's out of country trip sailing the Mediterranean while earning CLE credits. Past trips have included a cruise through Nova Scotia, fun with the barristers in Ireland and adventures in Vancouver. Plan now for next year's trip – destination currently unknown, but priceless to your sanity and success!

Our book project, "101 Helpful Hints for Solo and Small Firm Practitioners" is still underway. There's still time to submit your suggestions and become part of this resource guide for your fellow practitioners. We've all learned some valuable lessons along the way – share your challenges and successes to help others avoid those inevitable challenges and increase their opportunities for success. Your incoming chair, Kirk Kirkconnell is spear-heading this project. Feel free to send your suggestions to Peggy@HoytBryan.com.

Peggy Hoyt
Chair, GPSSF

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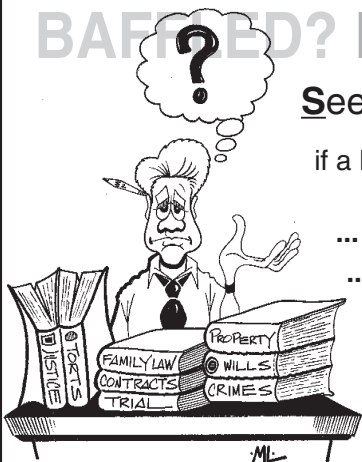
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Note to Debtors: Disclose All Causes of Action or Face the Consequences

by Camille J. Iurillo and Gina M. Pellegrino

The Bankruptcy Code provides that all assets must be disclosed in a bankruptcy case, including all causes of action against third parties, regardless of whether a lawsuit has been filed. Despite this important requirement, some debtors fail to disclose all of their assets in their bankruptcy schedules, including potential or pending causes of action in other courts. A debtor may reason that such an omission is justified because no money has yet been awarded, or the cause of action is not likely to be successful, or the bankruptcy trustee will not discover the existence of the cause of action during the bankruptcy case. Regardless of the debtor's reasoning, in the end, the cause of action will almost always be discovered, the debtor will lose his or her interest in the cause of action, and the cause of action will be deemed an asset of the bankruptcy estate.

When a pending cause of action is disclosed by a debtor in a bankruptcy case, and listed in the debtor's bankruptcy schedules, the bankruptcy trustee appointed may choose to abandon the cause of action. If the bankruptcy trustee abandons the cause of action, the cause of action belongs to the debtor and is not an asset of the bankruptcy estate. Thus, the debtor would be entitled to retain any money collected should a judgment be entered in the debtor's favor, arising out of the cause of action.

According to the applicable case law, the bankruptcy trustee may abandon a cause of action in one of two ways: technical abandonment or express abandonment. With respect to technical abandonment, the debtor discloses the cause of action in his or her bankruptcy schedules, but the cause of action is not administered by the bankruptcy trustee by the time the bankruptcy case closes, in accordance with 11 U.S.C. § 554(c). *See, In re Davis*, 2002 WL 33939739, 4-5 (Bankr. D. Idaho 2002). Therefore, if a cause of action is not administered by the bankruptcy trustee by the time the bankruptcy case closes, but the

cause of action was disclosed in the debtor's schedules, the cause of action is deemed technically abandoned by the trustee. Regarding express abandonment, such abandonment is generally sought by motion, or through a general notice issued by the trustee; in either case, notice and a hearing, or an opportunity for a hearing, is required, in accordance with 11 U.S.C. §§ 554(a) and (b). *Id.* at 4-5.

However, generally speaking, according to the relevant case law, a bankruptcy trustee may not abandon a cause of action that was never disclosed in the debtor's bankruptcy schedules. For instance, the Court in *In re Miller*, 347 B.R. 48, 53-4 (Bankr. S.D. Tex. 2006) explained "it would be truly unjust, and a source of endless mischief, if a debtor could deny to the trustee the right to pursue assets merely by failing to list the assets in Bankruptcy Schedules." Similarly, the Court in *In re Bryson*, 53 B.R. 3, 4 (Bankr. M.D. Fla. 1985) reasoned that an asset not disclosed in the bankruptcy schedules is not deemed abandoned by the trustee because the omission prevents the trustee from having any knowledge of its existence.

In addition, even if a debtor discloses a cause of action in the bank-

ruptcy schedules and the bankruptcy trustee abandons the cause of action, that trustee may seek to revoke his or her abandonment if the trustee was misled by the debtor's disclosures. For example, the trustee may be able to revoke the abandonment if the trustee can demonstrate that he or she was misled as to the value of the cause of action, as disclosed by the debtor in the bankruptcy schedules. *See, In re Adair*, 253 B.R. 85 (9th Cir. BAP 2000).

In summary, it is important for debtors and their attorneys to realize that all causes of action need to be disclosed in bankruptcy schedules, even if those causes of action are not likely to be successful. Furthermore, any cause of action disclosed should not be revealed in a manner that would be misleading to a bankruptcy trustee.

Iurillo & Associates, P.A., located in downtown St. Petersburg, is comprised of *Camille J. Iurillo, Shareholder*; *Gina M. Pellegrino, Associate*, and *Sabrina C. Beavens, Associate*. The primary areas of practice of *Iurillo & Associates, P.A.* are *Commercial and Bankruptcy Litigation and Debtors' and Creditors' Rights*.

The Florida Law Practice LINK is prepared and published by The Florida Bar General Practice, Solo & Small Firm Section.

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The Florida Bar Continuing Legal Education Committee and the General Practice,
Solo & Small Firm Section present the



Solo & Small Firm Annual Conference

Everything You Need to Know to be a Successful
Attorney You Learned in Kindergarten
(A Post-Law School Refresher Course)

March 26-27, 2010

**The Rosen Plaza Hotel
9700 International Drive
Orlando 32819-8114
(407) 996-9700**

Course No. 1000R

Schedule of Events

Friday, March 26

8:00 a.m. – 9:00 a.m.

Late Registration and Continental Breakfast

9:00 a.m. – 9:10 a.m.

Opening Remarks

Teresa Byrd Morgan, CLE and Program Chair

9:10 a.m. – 10:00 a.m.

Share Everything - Marketing Your Firm from an Abundance Perspective

Margaret “Peggy” Hoyt, Chair, General Practice, Solo and Small Firm Section

10:00 a.m. – 10:50 a.m.

Play Fair and Don’t Hit People - Practicing with Professionalism

Eugene “Gene” Shuey, Gainesville

10:50 a.m. – 11:10 a.m.

Break

11:10 a.m. – 12:00 noon

Put Things Back Where You Found Them and Clean Up Your Own Mess - Managing a Successful Law Practice

Judith Equels, LOMAS, The Florida Bar

12:00 noon – 1:20 p.m.

Keynote Address and Luncheon (included in registration fee)

Susan Cartier Liebel, Solo Practice University, New Haven, CT

1:20 p.m. – 2:10 p.m.

Don’t Take Things That Aren’t Yours - Maintaining a “Squeaky Clean” Trust Account

Judith Equels, LOMAS, The Florida Bar

2:10 p.m. – 3:00 p.m.

Say You’re Sorry When You Hurt Someone - Defending a Malpractice Claim with Grace and Professionalism

Richard Allen, Orlando

3:00 p.m. – 3:20 p.m.

Break

3:20 p.m. – 4:10 p.m.

When You Go Out In the World, Watch Out For Traffic, Hold Hands, and Stick Together - Practicing Law is a Team Sport

Laney Lyons-Chavis, The Ultimate Smart Solution LLC, Tampa

Molly Hall, The Ultimate Smart Solution LLC, Tampa

4:10 p.m. – 5:00 p.m.

Live a Balanced Life - Learn Some and Think Some and Paint and Sing and Dance and Play and Work Every Day Some - “Having Fun and Being a Successful Lawyer” is Not an Oxymoron

Stephanie West-Allen, Brains on Purpose, Denver, CO

5:30 p.m. – 7:30 p.m.

Reception

Schedule of Events - continued, next page

Schedule of Events (cont'd)

Saturday, March 27

8:00 a.m. – 9:00 a.m.

Registration & Continental Breakfast

9:00 a.m. – 9:10 a.m.

Opening Remarks

Teresa Byrd Morgan, CLE and Program Chair

9:10 a.m. – 10:00 a.m.

**Goldfish and Hamsters and White Mice and Even the Seed in the Styrofoam Cup - They All Die. So Do We.
- Planning for the Getting Out of (and into!) Your Own Law Firm**

Steve Riley, Tampa

10:00 a.m. – 10:20 a.m.

Break

10:20 a.m. – 11:10 a.m.

Be Aware of Wonder - Remember the Little Seed in the Styrofoam Cup: The Roots Go Down and the Plant Goes Up and Nobody Really Knows How or Why - Welcoming the Magic of Technology Into Your Law Practice

Kevin Johnson, Tampa

Daniel Perry, Orlando

10:20 a.m. – 11:45 a.m.

(Concurrent Law Student Session)

Making the Leap - New Rooms, New Assignments and Your First Real Report Card - What Small Firms Need from New Associates - Panel Discussion

Moderator: Linda Calvert Hanson, Gainesville

Angela Cranford, Lake City

Ben Hunter, Oviedo

Kristen Magana, Orlando

Christine Franco, Tampa

Kirk Kirkconnell, Winter Park

11:10 a.m. – 12:00 noon

Remember the Dick-and-Jane Books and the First Word You Learned? The Biggest Word of All - LOOK! - Finding Your Perfect Clients

Julie Fleming, Life At The Bar LLC, Atlanta, GA

12:00 noon – 2:00 p.m.

Box Lunch & Panel Discussion (included in registration fee)

Judith Equels, LOMAS, The Florida Bar

Julie Fleming, Life At The Bar LLC, Atlanta, GA

Steve Riley, Tampa

Stephanie West-Allen, Brains on Purpose, Denver, CO

Susan Cartier Liebel, Solo Practice University, New Haven, CT

Small Firm Interview Program

The Small Firm Interview Program enables employers to interview law students and recent graduates from all of Florida's law schools at no cost. It will take place in Orlando following the GPSSF Solo and Small Firm Conference on **March 27, 2010**. After reviewing resumes from interested applicants, employers can select one to six candidates to interview between **12:00 and 2:00 p.m.** You can interview applicants for any hiring needs, whether it be entry level positions, part time research or writing positions, summer 2010 clerkships or project based legal work. The employer registration deadline is **February 16, 2010** and interview space is limited. Members of the General Practice, Solo & Small Firm Section will receive first option for interviews. For employer registration or additional details, please contact **Kristen Bryant**, Director of the Small Firm Project, University of Florida Levin College of Law Center for Career Development at bryantk@law.ufl.edu or (352) 273-0860.

CLE CREDIT

CLER PROGRAM

(Max. Credit: 11.0 hours)

General: 11.0 hours

Ethics: 4.0 hours

Paralegals may receive CLE credit for attending this program.

Seminar credit may be applied to satisfy CLER / Certification requirements in the amounts specified above, not to exceed the maximum credit. See the CLE link at www.floridabar.org for more information.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar News or available in your CLE record on-line) you will be sent a Reporting Affidavit if you have not completed your required hours (must be returned by your CLER reporting date).

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Refund Policy

Requests for refund or credit toward the purchase of the audio or course books for this program **must be in writing and postmarked** no later than two business days following the course presentation. Registration fees are non-transferrable, unless transferred to a colleague registering at the same price paid. A \$25 service fee applies to refund requests. Registrants who do not notify The Florida Bar by 5:00 p.m., March 19, 2010 that they will be unable to attend the seminar, will have an additional \$45 retained. Persons attending under the policy of fee waivers will be required to pay \$45.

Hotel Reservations

A block of rooms has been reserved at the Rosen Plaza Hotel, at the rate of \$139 single/double occupancy. To make reservations, call the Rosen Plaza Hotel directly at (407) 996-9700. Reservations must be made by 3/5/10 to assure the group rate and availability. After that date, the group rate will be granted on a "space available" basis.

Registration

Register me for the "Solo & Small Firm Annual Conference - Everything You Need to Know to be a Successful Attorney You Learned in Kindergarten (A Post-Law School Refresher Course)"

ONE LOCATION: (259) THE ROSEN PLAZA HOTEL, ORLANDO (MARCH 26-27, 2010)

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- ☐ Persons attending under the policy of fee waivers: \$45
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys if directly related to their client practice. (We reserve the right to verify employment.) Fee Waivers are only applicable for in-person attendees.

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Private taping of this program is not permitted. **Delivery time is 4 to 6 weeks after 3/26/10. TO ORDER AUDIO CD OR COURSE BOOKS**, fill out the order form above, including a street address for delivery. **Please add sales tax to the price of tapes or books. Tax exempt entities must pay the non-section member price.**

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Related Florida Bar Publications can be found at <http://www.lexisnexis.com/flabar/>

The Absolute Biggest Mistake in Hiring!

by Molly Hall and Laney Chavis

There are many techniques to *hiring, training and developing team*, some of which we will cover later in this blog. But no matter how many people are on your team - if it's just three of you or 100 of you - there is **one key** to hiring that is an absolute and can *never be ignored*.

When dealing with people, and team members are people, it's hard to deal in absolutes. Sometimes people defy the rules or the expectations, but this one is a definite. The key is hiring 100% of the time based on **integrity**.

Webster's Dictionary Definition of Integrity: A firm adherence to a code of especially moral or artistic values

Our Definition of Integrity: Do what you say you are going to do, when you say you are going to do it with a 100% authentic stand - every step of the way.

Integrity is one of the most crucial yet mind boggling of terms. Integrity is an 'airy fairy' term rarely understood. To give you perspective, it is sometimes used at the same time with "moral", but it is separate and distinct. Let us help clear up the distinction and more so, share **why it matters** in the hiring process!

If a team member doesn't have integrity it doesn't matter how talented they are, how good they are at what they do, how many hours they work or anything else you normally judge performance on, they **are not a fit for your team**. Not only will they eventually not work out, but they will poison your team and you will lose good team members along with them. Or worse yet, team members who are out of integrity will stay and continue to be a communicable disease to every client and new team member that walks through your door. Don't continue to allow a poisonous apple to take root in your workplace.

If your gut is saying "something doesn't feel right in the belly", don't even bother hiring them. Integrity is **not trainable**, you have it or you don't. You can't pay for it, work hard-

er for it or teach it - it's there or it isn't.

Let Molly put this into perspective for you with a real life example...

Amy passed every interview, Kolbe matching and reference check with flying colors. Less than five days into the job, red flags were popping up everywhere. Here is one simple illustration - and you don't need much more than this. This is more than enough evidence of lack of integrity. It started off with her first business trip on the proverbial company dime where her room service bill was \$65.00... for one person, for one dinner. Let me paint the picture, this was a single mom of two teenage boys who were getting ready to head off to college, on public assistance and her annual salary was \$19,000. This was not a CEO making six figures. This was a person with the entitlement mentality that she was going to get fat (literally with a \$65 meal!!!) off the company hog. Lack of integrity. It doesn't need to be more complicated than that friends.

Keys of Integrity

Integrity is a tricky thing. Sometimes the people with the least seem to have the most talent, charm and charisma. Talent, ability and knowledge is **not enough**. In fact, these should be the last ingredients added to the mix. Don't be fooled into thinking you can work around lack of integrity. Hiring a team member with no integrity is the biggest mistake you can make.

Integrity **IS**...when these might show up in the workplace:

- Doing the right thing when nobody is watching
- Taking a complaint to someone who can do something about it
- Refraining from gossip & when a co-worker has a complaint they say "how can I help you with this?" vs. going along for the gossip ride and creating a truth that the "workplace sucks"
- Their "weekend" life is totally in line w/their "weekday" life (when you have integrity you have it everywhere in your life)

NO Integrity is ... when these things show up in the workplace:

- Talking of cheating on a spouse/partner, shopping till they drop when they say they don't make enough money, slamming friends, neighbors and ex-coworkers.
- Starting conversations with "don't tell anybody, but..." or "you didn't hear it from me...". If you say it out loud, it will and should be expected that it will be repeated.

Declaring Integrity As a Must Exercise:

As a team leader, get everyone involved and develop a set of core values for you as a team to live by. Have each team member define the core values that are important to them. Then everyone convene (we always recommend over coffee and food) and declare what your team as a whole will stand for, operate by and expect every employee/team member to live by.

Some examples: respect for others (we treat others how we wish to be treated), commitment to family (we put our families first and support everyone in putting their families first), community contribution, spiritual guidance and growth (we contribute to our community by sponsoring a local charity each year/do the breast cancer walk/work in a soup kitchen at Thanksgiving, etc. that will contribute to an environment of peace that will greatly impact our clients and our lives.)

These core values can be used to assess new team members as well evaluate existing team during team reviews. Think about framing your list of core values so your clients, referral sources and even vendors know what is important to you as a "family and community based business" and why we do what we do for you. Not only are you creating a place of peace and possibility but a beautiful, deliberate by-product of increased referrals. Who would read those core values and NOT want to refer their friends and family to you?

Creating core values is one small way to begin to get you and your

See "*Biggest Mistake*," page 11

The Florida Bar CLE Audio/Video List

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KEY TO ABBREVIATIONS - CERTIFICATION CREDIT HOURS

AD = Admiralty and Maritime	ED = Elder Law
AG = State & Federal Government & Admin. Practice	EP = Wills, Trusts, & Estates
AP = Appellate Practice	FL = Marital & Family Law
AT = Antitrust & Trust Regulation	HL = Health Law
AV = Aviation	IL = International Law
BL = Business Litigation	IP = Intellectual Property
CA = Criminal Appeal	IM = Immigration & Nationality
CC = City, County, Local Government	LE = Labor & Employment
CL = Construction Law	RE = Real Estate
CR = Criminal Trial	TX = Tax
CT = Civil Trial	WC = Workers' Compensation

PLEASE ALLOW FOUR WEEKS FOR DELIVERY.

Revised 12/2/2009

Course No.	COURSE TITLE	CREDITS HOURS			Approval Period	COSTS S = Section Member N = Non-Section Member	
	FORMAT AVAILABLE CD = AUDIO CD V = VIDEOTAPE (VHS) DVD = VIDEO ON DVD	General	E = Ethics P = Professionalism S = Substance Abuse MIA = Mental Illness Awareness	Certification		CD	Video or DVD
0751	4th Annual Ethics Update CD Only	5.0	5.0 E	0	10/10/2008-04/10/2010	S = Comp N = \$50.00*	Not Available In DVD
0752	Solo & Small Firm Annual Conference CD Only	11.5	0	0	03/20/2009-09/20/2010	S = \$265.00 N = \$290.00	Not Available In DVD
0707	Florida Law Update 2009 CD Only	7.5	1.0 E	CA = 2.0 CR = 2.0 FL = 1.0 RE = 1.0 AG = 7.5 EP = 1.5	06/24/2009-12/24/2010	S = \$150.00 N = \$175.00	Not Available In DVD
0900	Ethical Use of Technology CD Only	5.0	5.0 E	0	10/30/2009-04/30/2011	S = \$130.00 N = \$155.00	Not Available in DVD

To order the above, go to www.floridabar.org and click on CLE.

BIGGEST MISTAKE

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team on the same page. To learn the fundamentals to the Attorney & Staff Mindset Necessary to Create an Extraordinary Practice, register now for our Webinar, **November 5th from 4-5pm EST. Limited Space! Register Now!**

This October 26, 2009 blog posting is located on The Ultimate Smart Solution™ website at <http://theultimatesmartsolution.com/>. Ms. Hall and Ms. Chavis will be speaking at the upcoming Solo and Small Firm Annual Conference in Orlando on March 26.

DEADLINE ERRORS


from page 1

- **Regular back-up stored away from the office.** It is critical that whatever deadline system your firm uses be backed up daily and stored off-site.

- **Deadline tickler reminders and file review reminders.** A calendar system without a tickler component to alert you to approaching deadlines may not function as you had anticipated. Enter dates in advance of a deadline to tickle or remind you, to give you time to complete the work prior to the deadline. For example, calendar a statute of limitations for ticklers four months out, two months out and then one month out. A daily review of the required activities and warnings of impending deadlines on your cases is ideal.

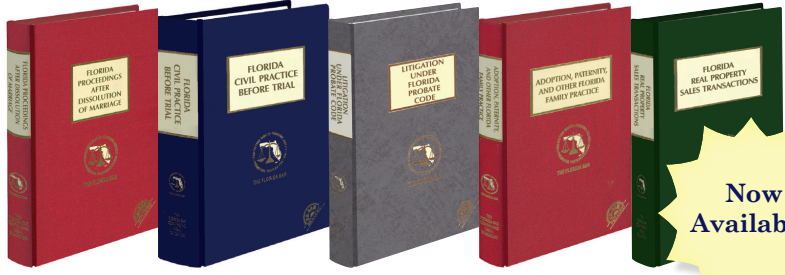
- **Legal-specific and court rules based.** Include all statutes and rules relevant to each case in order to track mandated filing periods, expiration, defaults and other time limits.

- **Perpetual calendaring.** Consider calendaring out deadlines to as long as five years. Unless it is properly entered in the deadline system, a matter with a distant deadline can become



Announcement from The Florida Bar

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a time bomb, silently ticking until it is too late. See the claims scenario at the conclusion of this article.

- **Program for change.** Rarely does a matter proceed exactly as you expect, so build flexibility into your deadline control system. You may have to adjust the timeline to a change in strategy. Or you may need to modify deadlines to keep up with new laws and developments in case law.

Many claims arise, not from a system failure, but from the failure to place an item within the system or failure to act upon a notice once it has been given. Anyone can make a mistake, but if the system is administered properly, someone else may be able to catch the problem in time to prevent harm.

Claims Scenario

Why take the time to enter a statute of limitations into your deadline system when you always file suit as soon as you take a case? After all, there's no danger of the statute running if you file right away – is there? No, but the statute of limitations is not the only deadline. Consider this scenario:

Lawyer A accepted a case with a fast approaching statute of limitations; to make sure he didn't miss

the statute, he filed suit immediately. The case was later dismissed for failure to prosecute.

Because Lawyer A filed the suit immediately, he failed to enter the statute, or any of the other deadlines, in the calendar. The attempt to re-file the case failed because the statute had run by that time. Had Lawyer A entered the statute of limitations into the firm's deadline control system, the associated dates would have been scheduled, including the deadline for failure to prosecute.

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June 24, 2010

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(Note: Dates and locations subject
to change.)