

# ***Westport Insurance Corporation***

## **Basic Docket and Calendar System**

**Lawyers Risk Management Note:** It is a necessary part of effective law office management to have policies and procedures for a docket and calendar system. 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. The system should be computerized. It should include a master calendar for all matters, which are or will be before a court or an administrative agency.

A docket system should:

- a. Record and track all matters that are or will be before a court or administrative agency, to maintain history and to send reminders when action needs to be taken (including non-litigation events).
- b. Record and track documents to be filed in courts and the Recorder's Office.
- c. Record and track copies and 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 this policy, as well as all other firm policies, upon joining the firm. The firm should remind the lawyers and employees of policies such as this periodically.

Until the firm's policy on docket and calendar is put in writing, preferably in a manual of firm policies and procedures, 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. The policy should also be communicated at least annually at training sessions or seminars.

The firm should take particular steps to assure that the persons responsible for the docket and calendar system follow the firm's docket and calendar policy to the letter.

The firm's back-up data should be stored off-site in the event a disaster disables the on-site data storage.

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 secretary or a legal assistant).

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

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An 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 limitation.

Statutes of limitations and other deadline dates should be 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/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. A back-up person should be designated.

All lawyers in the firm should be required to participate in the centralized docket control system. There should be no exception to this policy.