



RELIEVING CONGESTION IN RECORDS AND TRACKING

LAW FIRMS AND LEGAL DEPARTMENTS NO LONGER HAVE TO WAIT MONTHS TO COMPLETE THEIR CASE FILES. THEY CAN NOW SUBSTANTIALLY SHORTEN RECORDS RETRIEVAL TIME BY OUTSOURCING TO SPECIALISTS: DIGITAL DOCUMENT RETRIEVAL COMPANIES.



BY NOEL MIJARES

Law firms and legal departments can no longer afford traditional methods of retrieving and tracking records. Records retrieval, which is in the critical path to closing a case, often takes months to complete. Congestion uses up staff time and budgets, forcing trial lawyers to work for little or nothing. Congestion also can cause adjusters to drop law firms who can't control costs.

The good news: Specialized technology, methods and skills can relieve the congestion. What once took months with traditional methods can now be done in weeks. And while staff in law firms and legal departments can clear *some* of the congestion, business partner specialists can clear it *all* – totally offloading the onerous work from legal administrators and their colleagues. *You never really did enjoy chasing custodians, did you?*

WHERE CONGESTION OCCURS, AND WHY

The most common congestion point is the front end of the retrieval process, when the litigation support unit is thoroughly dependent on custodians, prepays, invoices and film breakdowns. An attorney may be demanding immediate availability of records; meanwhile, a paralegal is trying to juggle 10 or 20 locations that are still missing from the case file.

Attorneys need to have their legal assistants and paralegals at their sides for a variety of reasons: to remind them of what took place in a deposition, or to tell them where to find something the plaintiff mentioned, or to help with myriad other things that make attorneys more effective. But all too often, the litigation support unit is busy chasing custodians, paying fees and receiving and responding to hundreds of e-mails each day.

Members of the litigation support unit were neither hired nor *trained* to do those things. As a result, they cannot be expected to have the time or the motivation to do them well. So, they do their ordering and tracking in bursts. To prevent congestion, however, ordering and tracking should be part of a smooth, continuous, daily process. The lack of this daily process – and the technology that enables it – is the main cause of congestion.

The other common point of congestion is at the back end, when members of the litigation support unit have done everything they need to do, have paid for the records and have set a schedule to copy the records – and then find that they don't have the complete file.

If the litigation support unit is stuck trying to find a missing record, an attorney may go less than fully prepared to a deposition, mediation, pre-trial hearing or trial. The attorney may ask for something to be admitted into evidence that should have been discussed during discovery. And, as you know, judges tend to remember these discrepancies and which firms commit them.

So, it's important to be able to expedite case files so attorneys can have the information they need. Legal administrators must have systems in place that give attorneys quick access to information. That information should be digitized and immediately downloadable – *not* in the form of paper records sitting in file cabinets or storage areas.

TECHNOLOGY, METHODS AND SKILLS

Fortunately, law firms and legal departments no longer have to suffer congestion and wait months to complete their case files. They can now substantially shorten records retrieval time by outsourcing to specialists: digital document retrieval companies. These companies have three capabilities that are difficult to replicate within a law firm or legal department:

- **Technology.** Specialists employ scaled-up systems – not only massive data centers and backup systems, but also high-capacity networks, scanners and copiers. They use custom retrieval and tracking software and are constantly expanding and adapting the software to meet clients' changing requirements and expectations. And, of course, they can supply any record in digital or hard-copy form – whatever the client prefers.
- **Methods.** Staff members are tracking all day, every day, and they know every status change within seconds. For example, they begin tracking each subpoena immediately when it's created. They know when it's been sent to the client for signature, when the signed copy has been received and when it has been sent to opposing counsel for notice of discovery. When records arrive, staff members scan them, process them for quality assurance, upload them and notify the client and opposing counsel. The methodology provides total accountability.
- **Skills.** The staff members are hired and trained to specialize in records retrieval and tracking. Some staffers do nothing but track records; they know, from start to finish, every aspect of a record and the case file it goes in. They know where a record is at any moment. To the litigation support unit at a law firm, tracking is a distraction; to an employee at a specialist business partner, tracking is a step in a career.

With these capabilities, specialists can retrieve your records faster: typically within 30 to 45 days, often less than 30 days and even within a few hours on a rush order. (Other work does *not* come to a halt while the rush order is being filled.)



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THE IMPORTANCE OF CONSOLIDATION

The most important thing an experienced business partner does to relieve congestion is to *consolidate*. What the law firm or legal department did in 18 to 20 steps, the company does in three. Consider the differences in process.

For a *traditional* retrieval, performed inside a law firm or legal department:

1. An attorney issues subpoenas.
2. Legal assistants and paralegals prepare subpoenas for signatures.
3. Subpoenas get dropped into a bin for pickup.
4. A process server picks up a subpoena.
5. The process server serves the subpoena.
6. A legal assistant or paralegal receives an affidavit and usually must follow up on its status.
7. The litigation support unit chases the custodian: *Are records ready?*
8. The custodian finally declares: *Records are ready.*
9. The litigation support unit requests a check from accounting.
10. Accounting cuts a check
11. A legal assistant or paralegal mails the check.
12. A legal assistant or paralegal receives records via mail.
13. A legal assistant or paralegal opens records.
14. A legal assistant or paralegal puts records in an inbox.
15. A legal assistant or paralegal hole-punches records.
16. A legal assistant or paralegal Bates-stamps and paginates the records.
17. Legal assistant or paralegal files records in the case folder
18. An attorney or paralegal reviews the records.
19. An attorney or paralegal OKs the records or, worse, discovers gaps in the records.
20. The litigation support unit starts over at Step 7.

A *consolidated* retrieval process, performed by a specialist partner, has three steps:

1. Prepare the documents.
2. Serve the documents.
3. Obtain the records

Inside law firms or legal departments, legal administrators and litigation support units can alleviate several burdens. They no longer need to worry about getting subpoenas served or potential overcharges or delays. They don't have to worry about making custodial calls looking for records they haven't received because the business partner has a call center to handle that. They don't have to worry about requesting checks from the accounting department for witness fees or custodial fees because the business partner cuts those checks. They don't have to worry about getting the records organized, Bates-stamped, paginated and digitized. They never have to sit in front of a copier all day – or all week.

Their attorneys also don't have to drag boxes with them when they travel. They simply log on to a website. Everything is at their fingertips in seconds. They have the information they need, and they can arrive at "case closed" a lot sooner.

Ultimately, the business partner consolidates all process servers and all other vendors. To the law firm or legal department, the partnership delivers one point of reference – and a wealth of resources and service. *

about the author

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