3Kites Consulting Limited

A light touch is as good as a wink to a case management system – Part 1

We are often asked about light touch case management or matter management as if there are clear definitions about what such management tools actually do for law firms. In truth, this space has become muddied by a multitude of different terms so it might be helpful to provide an overview as to what we at 3Kites think each should mean.

Case management:

This is probably the easiest place to start as it is the longest established process application here. We would define case management as a guided workflow framework usually applied to high volume, lower margin worktypes (such as insurance litigation, plot sales) where an increasing level of automation is required simply to compete in a cost-effective way. Along with guided workflows, these tools are also document creation factories using parameters gathered during the process from on-screen forms to generate pre-populated documentation. The flows are often used by case handlers rather than the lawyers who may provide a supervisory role or become actively involved only where cases need legally-trained judgement to be applied.

As my colleague Bob will often say from his experience of creating CMS (and PMS) products at Axxia and LexisNexis, case is the stickiest of tools given the investment of IP that is vested in the platform over many years. To replace, say, an Axxia system providing both PMS and case functionality with a new PMS is to complete only half of the job, and the easiest half at that. Putting in the replacement case management platform is reasonably trivial but replacing the guided flows that have been written across the business over sometimes 20 years and more may take many, many months of analysis and flow development. The conversion strategy is another complication and often results in the old and new platforms being operated side-by-side to transition workflows one after the other until the old system can be switched off.

Example products include Eclipse, Linetime, Visualfiles, etc.

Matter management as light touch case management:

This is a more elective approach to case management whereby users may choose which parts of a guided flow to follow and which documents to generate automatically on the basis that matters might not be as prescriptive here. It could be that some phases are automated whilst others are freeform and, either way, tracking milestones and governance may also provide key benefits. The use of such systems can increase efficiency and help lawyers to shift their focus from more administrative tasks to those where their experience provides the greatest benefits for clients. However, because these are elective, take up may be more limited which does make transition to a replacement less onerous than for case but unless there is a real focus on adoption, the investment could be wasted.

Example products (which might also be used for case) include MatterSphere, Peppermint, Sliced Bread, etc.

Matter management as document management:

For many asking us about matter management, what they actually mean is a way of organising their documents and emails in a useable and shared structure of folders which replicates the best parts of the paper file with all the benefits of a document management system (DMS) including sharing, email filing and electronic search. Few firms have still to replace file shares with a DMS although Microsoft Teams has muddied this particular pond, especially over lockdown. Whilst Teams was available prior to the spring of 2020, its use has become almost ubiquitous since then and has confused the document strategy of many firms which now have to deal with separate repositories vying for attention and version control.

Example products include iManage, NetDocuments, Repstor, etc.

Matter management as practice/financial management:

For yet others asking us about matter management, what they actually mean is viewing information about their clients and matters. This is often surfaced via the practice management system (PMS) which can, in the hands of some products, provide dashboards showing how work is progressing against phased estimates, how much money a client owes, what the terms are for any matter and who is involved in what capacity.

These PMSs can combine details and items from other systems as they relate to a client or matter to provide a more complete picture predicated on a lawyer's day job rather than on the technology. In some cases, they will also provide (or allow manual entry of) a percentage complete figure to improve the understanding of progress. Some firms are also providing clients with access to subsets of such information, and this is only likely to increase in response to pressure from clients or from competitor firms which provide some form of transparency to good effect.

Example products include Aderant Expert, Fulcrum SAP GT, TR Elite 3E, etc.

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If your firm is looking for assistance with any of the areas outlined above, please contact Paul Longhurst at 3Kites Consulting – 07785 254909, paul.longhurst@3kites.com.