

Is case management a waste of money?

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Our outspoken regular columnist and pioneer in innovative solutions, Kerry Underwood, makes no secret of his loathing of case management software. We asked Malcom York, developer of ConveyanceLink, to put the case 'for' and sent his views back to Kerry Underwood... then let battle commence...

It all started with an article, published in Solicitors Journal back in April, where Kerry Underwood said:

'Case management systems are entirely useless, expensive and very damaging. They slow down every type of work. It is true that bad firms may do routine work better with case management systems than without, but good firms do not need them, and do not use them. Ask the City firms. Indeed so slow and inefficient are such systems that some firms operating them will not take cases in the last year of limitation! Case management systems are at worse a con and at best a prop for firms who should not be in business anyway. Computerisation has led to the virtual collapse of the National Health.'

Malcolm York: You [Kerry Underwood] have been openly critical of the worthiness of case management systems. In fact you have gone as far as to say that case management systems are a con. Well, I would like to know why you believe CM systems are a con. Where's your evidence?

Fortunately, credible conveyancing law firms are not as short-sighted and inflexible as you appear to be regarding the benefits of case management. It is time to wake up and recognise that law firms need to modernise, embrace technology and wave goodbye to the quill and ink if they hope to survive and remain profitable. There is more competition out there among law firms than ever before and it is no good firms burying their heads in the sand with the 'why change it if it ain't broke' attitude. They simply won't be able to compete against firms that are IT-savvy.

We speak to hundreds of law firms each year and the feedback we receive, whether they choose our solution or not, is that case management is making a real and tangible

difference in terms of time efficiency, customer satisfaction and profitability. We are after all looking to make money, aren't we Kerry?

Every court in the land promotes case management, the land registry are working towards an 'e-system' to streamline conveyancing, there are tax breaks for companies embracing technology and more important consumers, those people who pay our wages, deserve an efficient competitive service from their lawyers.

The increased transparency that case management delivers also sits comfortably with the general public who now demand a much higher level of service. Our clients and their customers can now track the progress of their transactions online – improving transparency for the customer and reducing the number of inbound calls to the conveyancer thus freeing up time. So, I ask you Kerry, how can case management be a con?

Kerry Underwood: Deliberately or otherwise, you confuse efficient use of modern information technology with case management systems.

I agree with you about the need for law firms to modernise and embrace technology. My firm said goodbye to the quill a long time ago. We also waved goodbye to secretaries, time-recording and, where possible, hourly rates and all of the other outdated practices. All of our lawyers, and we have only lawyers, not paralegals, have and use computers and do all of their own keyboarding. All of us at Underwoods touch-type.

We have all of the textbooks and law reports that we need online. We have electronic case summaries for each file. All my lectures are available on DVD. I personally work from my firm's South African office for much of the year. Everything has to be scanned and communicated electronically. My firm, as Underwoods South Africa, leads the way in the electronic offshoring of English legal work. We have a sophisticated electronic precedent and diary system which we have developed in-house. How much more IT-savvy can we be?

But, and here is the rub, we use technology to assist and support our highly talented lawyers, not to control the mindless unthinking button-pushers who pass for fee-earners in case-managed firms.

Maybe there is the possibility of a sensibly priced good case management system, but I have never seen one and I have tried dozens. Invariably they dumb down the process and ensure that clients never get the all-round advice that they need. As to profitability, we all know that on remortgage work – the classic case-managed area of law – solicitors make more money flogging the title insurance necessary to compensate for the fact that they do not actually do the proper legal work, that is, investigating title. That is the end- game of case-management systems.

No client ever gets a better service because of a case management system.

Malcolm York: I, along with all of our member law firms, would strongly disagree with your last comment that "no client ever gets a better service because of a case

management system”, as indeed would the consumer who has benefited from the greater transparency that case management delivers.

Our website, where homemovers can track the progress of a transaction, receives more than 8,000 hits every day. We also send out somewhere in the region of 12,000 text and email messages daily, all on behalf of the law firms using ConveyanceLink.

At this point, I would again like to draw your attention back to the original claim you made, that case management systems are a con. You have still failed to provide any evidence to substantiate this claim. I am still waiting.

While you search for that evidence, maybe you would like to consider this. We have undertaken extensive market research and found that in fact all of the top 100 UK law firms have case or practice management systems – data we would be happy to share with you. This proves your previous claim, that ‘good’ law firms do not need them and do not use them, to be completely misguided and inaccurate.

And what’s this? Underwoods’ lawyers now no longer need the help of support staff thanks to technological advancements. I’m sure the consumer would be interested to hear how their lawyer is spending his or her time. I would imagine a fully qualified lawyer would have better things to do with their day than administrative tasks that could be better handled by lower level staff with the aid of a good case management system. I always thought the key to better client relations was actually spending more time with clients, giving them the all-round advice they need.

The truth of the matter is, I’m not standing here saying that a good case management system will ever claim to replace highly qualified lawyers and neither would I expect or want them to. What I’m simply saying is that good case management systems do improve efficiency levels and do increase profitability.

I can still tell that you’re not convinced. May I at least take this opportunity to congratulate you on your keyboard advancements and I’m interested to read that you have set up your own in-house electronic precedent and diary system. This must have been implemented at great cost, both financially and in terms of time.

Are you aware then that you are in fact some of the way to having your own case management system? A fully functional case management system will offer full automation of every day tasks, removes the need for dual entry of critical data and will assist greatly in time and resource planning. These are just some of the many benefits of a good case management system and you are clearly a fan without realising it.

I agree that there is a need for a sensibly priced case management system which is why our pricing model has, and will always be based on a per transaction fee rather than a per user licence fee, which can work out to be expensive.

With our pricing model, if any law firm using ConveyanceLink did not see the value or efficiency gains, they would simply stop using the program. This makes us ideal for the large successful law firms and also the smaller firms like yourself. In fact, so confident are we that our system works and meets the needs in terms of price and ease of use

that we would like to invite you to try out our system and of course we would welcome your feedback.

Kerry Underwood: Once again, you have conflated different concepts by saying that all of the top UK law firms have case or practice management systems. I have no problem with the latter. It is the substitution of a case management system and computer operatives for lawyers that I object to.

I agree that the key to better client relations is spending more time with clients giving them all round advice. That is precisely what case management systems fail to do. Indeed they are often used, together with the tracking to which you refer, to avoid seeing clients altogether. Very many personal injury so-called law firms never see clients, but rather case-manage the cases that they buy from insurers. Without such payment, such firms would never get work. There is no client relationship. Effectively, the client is the legal expenses insurer/claims management company.

Remember that my original piece was about litigation and not conveyancing. I accept that registered residential conveyancing is now so straightforward that it probably does not need to be done by lawyers, with or without computers, but we have plenty of clients happy to pay the extra fees for the better all-round advice. Every conveyancing client would benefit from advice about pensions, inheritance tax planning, avoiding endowment policies etc. No case management system recognises the simple fact that every client is different and every case is different.

Case management systems are a con. They seek to convince people that the client gets as good a service as from a solicitor. That is just not the case. They devalue the client and devalue the law firm. Your use of the word 'consumer' rather than 'client' says it all.

The phrase about knowing "the price of everything and the value of nothing" comes to mind.

Malcolm York: Yet again we refer you back to our previous comment that good case management systems will never claim to replace highly qualified lawyers and neither would I or any other case management provider expect or want them to.

I am glad to see that we are in agreement that the key to better client relations is spending more time with clients giving all round advice. However, it is rather concerning then that your own 'highly qualified lawyers' are wasting their clients time doing their own admin. instead of providing advice. The fact is that by using case management systems solicitors have more time freed up to spend with their clients.

Further, automated SMS messages, email updates and web tracking are an improvement to customer service NOT a replacement. It is widely accepted that consumers demand to be kept updated using the latest technologies. Please note that my use of 'consumer' is simply to differentiate between our 'clients' – the law firm, and our client's client – the consumer.

Mr Underwood you have managed to deftly avoid our requests to prove with factual evidence not just opinion that case management systems are a con. I have offered to share all of our research and evidence with you but you have so far failed to take us up on that offer.

In the words of Mark Twain....'Few things are harder to put up with than the annoyance of a good example'.

Reference:

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Postscript:

Malcolm York is the sales and marketing director of ConveyanceLink. Kerry Underwood is senior partner in Underwoods