Chapter 6
Calendar Control

Time is relative to the position of the observer. When the new client calls, next month looks wide open and promises flow freely. When the promised deadline approaches, things look different. Calendar control methods help us make promises we can keep.

A calendar system needs six elements for safe and effective calendar control:

- The *calendar control person* is an important element of the system. This person is responsible for daily maintenance and backups and for making sure that everyone properly uses the calendar. You also need a backup person who can fill in when the main responsible person is out.
- *Events (or Appointments)* in a calendar system are date-driven and time-driven items, for example, a court hearing. They are segregated from other types of items in most calendar software. Make sure the entries are double-checked before you put away the source documents, such as a deposition notice or an order that sets a case for trial.
- "*To-Do" items (or Tasks)* may be date-driven but are usually not time-driven. Examples are the steps in writing a brief or preparing for trial. Also, add a to-do item as a reminder to follow up an important outstanding task, such as obtaining the clerk's confirmation of filing a suit well before prescription runs.
- *Alerts (or Reminders)* are warnings of an event or a "To-Do item" in the future. If we forget to add an alert for an important event or "To-Do Item," we will squeeze ourselves so much that problems arise. Unless you're better than most about looking ahead on your calendar, a one-month alert for a brief that is due is necessary to avoid setting a trial or closing too close to the brief's due date. Many attorneys use two alerts, a long-range heads-up and an emergency status flag.
- *Maintenance* gives you the freedom to use the calendar system without worrying about perfection. Immediate calendar changes are best. But if every change in the schedule requires perfectly accurate modifications and assorted other data entry tasks, you won't use the calendar properly. If you can confine clean-up/updating functions to one session a day or week, perhaps delegating much of the work, you'll get more value and security out of the calendar system. During a maintenance scan, mark all questionable entries — things-not-completed-or-moved, duplications and changes not completely made earlier — and fix them after consultation with the responsible party. This is also a good time to add alerts.
- *Backups* are the last line of defense. Keep good daily rotating backups if you're on computer. Internet calendar systems automatically solve the backup problem if you use a reliable vendor. Use data-entry confirmation procedures as well, such as having your assistant check that you have entered every important date, by comparing your calendar entries to the mail and any file notes you've made. Have your assistant remind you in notes and in-person about the important deadlines.

State of the Art

We emphasize here the use of computer-based calendars because most lawyers have at least one computer these days. There is nothing wrong with the time-honored manual calendar systems if properly maintained. For information about setting up and using an index card system, see the Mississippi Bar Client Relations Form Book cited in the resources list at the end of this section.

If you are comfortable with computers and the Internet, you have many choices for cutting-edge calendar systems. Technology is constantly changing and depends on the natural preference of the user. For those reasons the LSBA is not specifically endorsing any product. However, a familiar example is Google Calendar. But other sources provide excellent alternatives, such as Apple iCloud or Microsoft Office Web, or Evernote, the useful multi-platform "cloud"-backup, note-taking software for computers, iPad, iPhone, as well as Android tablet and smartphone devices. Other examples include Wonderlist and Todoist which can send lawyer email and text messages when tasks are due and before.

Suppose you choose Google Calendar. Just sign up for a Gmail account on Google and start using the calendar with a smartphone app. It's all transparent to the user without much adjustment necessary. It's still there if your hard disk crashes. It automatically synchronizes from online to your desktop, laptop, tablet and smartphone, and your data can be protected by two-level authentication if you choose. A big payoff is efficiency. With a smartphone calendar, you'll never need to guess at an open date in a pre-trial conference because you forgot your calendar, or call somebody back to confirm an appointment you tentatively set from memory.

Signing up for free Gmail takes about five minutes, and immediately you have a fully functional calendar that you can't lose. It will send you reminders. It has a Tasks function, an automated list to keep track of undated projects, which you can prioritize as you wish. It has a Contacts function, which syncs to all your equipment.

Caveat: You will also need all the cross-checks and redundancies mentioned in this section to make sure human error doesn't make these well-designed free calendars into tools for committing malpractice! At a minimum, keep a second calendar as a backup for important deadlines.

Question: How does one know what dates to put on the calendar system?
Answer: Checklists!

We recommend at a minimum that you add events, to-do items and alerts to your calendar system every time you:

1. Accept a representation;

2. Receive a trial date or other setting;

3. Put the file away.

Checklists tell the lawyer what to put on the calendar for complicated cases and transactions. Use checklists as often as possible and keep them fresh with frequent improvements.

The following is an example of a simple master file checklist. This general checklist should be augmented with detailed checklists. Good commercial checklist systems are available. Choosing or creating moderate checklists that the lawyer and the staff will use is more important than searching for the exhaustively perfect checklist.

Additional Resources/References

- American Bar Association Web site, *www.abanet.org*.

- Allen, David, *Getting Things Done* (Viking, New York, 2001). Not keyed to law office management, but very exhaustive and well thought out.

- Altman Weil Publications, Inc., at (888)782-7297, *www.altmanweil.com*. Everything the big-firm lawyer would ever want to spend money on.

- Burns, David D., M.D., *Feeling Good*, (Avon Books trade paper, rev. 1999), Chapter 5, "Do-Nothingism: How to Beat It." Excellent on procrastination, especially the "Anti-Procrastination Sheet" exercise on page 99.

- Mallen, Ronald E. and Smith, Jeffrey M., *Legal Malpractice* (4th ed. 1996), Section 2.20, Appendix T, "Work Control." One of the major authorities in malpractice prevention.

- Mississippi Bar, *Client Relations: Forms, Letters & Useful Information* (undated). This excellent book includes a detailed and graphic description of a manual calendar control system using inexpensive card-file supplies.