

## LawToolBox Reduces the Risk of Missed Deadlines which is the Biggest Source of Malpractice Claims against Legal Professionals

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Law firms have significant exposure to malpractice claims every year. An ABA survey from 2003 concluded in its analysis of this same survey that “lawyers have a 17 percent chance of being sued for malpractice each year”.

**1. The biggest legal malpractice risk is missed deadlines.** The ABA Survey in 1995 identified missed deadlines as accounting for almost 40% of malpractice claims against law firms. Several years later the results from another ABA Survey showed risk of malpractice claims based on missed deadlines had dropped to just over 30%:

Basis of Malpractice Allegations	%
Procrastination in performance	9.43%
Failure to calendar properly	5.19%
Failure to react to calendar	4.35%
Planning error – procedure choice	7.72%
Failure to know / ascertain deadline	7.09%
	33.78%

The ABA has suggested one rationale for this trend was that “[i]t appears that an increase use of calendar software may account in part for the decrease in this type of claim.” See, ABA Survey, at page 17.

**2. Mid-size firms have the biggest risk for missing deadlines.** The “Risk Factor” for a firm of a particular size is a function of the percent of malpractice claims brought against a law firm relative to the size of the firm. Analyzing malpractice claims based on size of the firm, statistics show that the firms with the highest risk are

those firms with between 2-10 attorneys. Statistics show that a firm with between 2-5 attorneys is 3 times more likely to have a malpractice claim brought against it than is a solo law firm, and a firm with between 6-10 attorneys is twice as likely to have a claim brought against it as is a solo firm. Large firms – perhaps because they have implemented sophisticated deadline management systems – also have a lower missed-deadline malpractice exposure:

firm size	Malpractice Claims	Percent of Market	Risk Factor (claims / market)
Solo	33	48	0.69
<b>2 to 5</b>	<b>33</b>	<b>15</b>	<b>2.20</b>
6 to 10	9	7	1.29
11 to 100	14	16	0.88
over 100	11	14	0.79

**3. Personal Injury Litigation, Real Estate and Family Law Have Highest Risk of Malpractice claims from Missing Deadlines.** Analyzing malpractice claims based on practice area, you can see that personal injury attorneys are at the greatest risk of malpractice claims with almost 30% of all claims that are asserted. Attorneys with a real estate practice make up the next largest group of malpractice claims at 17%, and family law attorneys make up the third largest group at risk for malpractice claims with approximately 10% of the malpractice claims being brought.

## Malpractice claims by practice areas

Analyzing ABA Survey Results from over 20 years, the following practice areas consistently resulted in the highest malpractice claims:

Personal Injury – Plaintiff:	19.96% (4.64 decrease from 1995)
Personal Injury – Defense:	9.96% (5.86 increase from 1995)
Real Estate:	16.46% (relatively constant)
Family Law:	9.58% (relatively constant)
Estate, Trust and Probate:	8.63% (relatively constant)

**4. Manually calculating and docketing deadlines significantly increases the risk of missing deadlines.** Firms that are managing deadlines by hand are at the biggest risk for missing deadlines. A past ITLA tech survey indicated that 50% of firms identify Outlook or “none” as their “docketing” software... Consider the likelihood for human error when a trial date that has been docketed in 4 attorneys Outlook calendars is moved .... If there are 25 deadlines that run off of a trial date, and the trial date is continued, that’s 100 outlook or calendar entries that must first be deleted and then typed back in, which is 200 opportunities or chances for human error to cause a mistake that results in a missed deadline. “The majority of firms I’ve visited are using Microsoft Outlook, a generic approach, and many of them are still missing deadlines”, says attorney Mark Bassingthwaighe, the Risk Management Coordinator of the Attorney Liability Protection Society.

**5. Automated Rules-based deadline management systems can reduce Malpractice insurance premiums.** Some firms have covered the cost of purchasing LawToolBox by qualifying for technology discounts on their malpractice premiums. One-third of the carriers responding to an ABA Study called “Profile of Malpractice Claims” indicate that they “no longer write policies for firms that do not have rules-based docketing systems.”

**6. Enforce Accountability.** A law firm should implement a deadline management system that raises accountability to a higher level of excellence. To address the risk of missing a deadline, LawToolBox automatically calculates deadlines based on the rules of procedure and automatically accounts for holidays, adding extra days based on method of service of pleadings. LawToolBox then links to relevant authorities so that attorneys can double-check our interpretation of the rules. LawToolBox is a deadline management solution that further raises the accountability of the docketing team because LawToolBox keeps an immutable history of changes documenting who edited what deadline and when.

Other ways law firms and legal organizations can raise the bar include:

1. Establish a risk management task force
2. Review procedures with malpractice carriers
3. Stress test business continuity and disaster recovery procedures
4. Document best calendaring practices
5. Implement procedures to audit deadline management
6. Ensure calendaring and deadline reminder redundancy
7. Leverage M365 security and tools

**6. Reduce Mistakes through Redundancy in your Deadline Management System.** If you know the correct deadline but your reminder system fails, you’ve exposed yourself to malpractice. You can mitigate this risk by ensuring that you have built-in redundancy to remind you of the upcoming deadline. LawToolBox has more built-in redundancy reminders than any other system:

1. Matter deadline charts
2. User date range reports
3. Practice group reports

4. Firm-wide deadline reports
5. Email reminders sent 7 days before deadlines
6. Deadline sync to group calendars
7. Deadline sync to user's individual calendars
8. Scheduled reports pushed to Microsoft Teams

**7. Addressing the Risk of Missed Deadlines is Top Priority for LawToolBox.** The overarching mission of LawToolBox is to elevating deadline management to a new level, to empower legal professionals to achieve great results for their clients, to take their practice of law to new heights, and to become the best attorneys they can be. Our solution at LawToolBox is designed to provide legal professionals with secure and easy-to-deploy tools to empower them to reduce risk and streamline their law practice. LawToolBox uses technology and innovation as a tool to level the playing field between large and small law firms, and to help ensure that litigation is resolved on the merits instead of being derailed by procedural mistakes, traps, and errors.

**8. Cost Benefit Analysis – LawToolBox pays for itself.** Law firms using LawToolBox frequently qualify for a discount on their insurance malpractice premium that can more than offset the entire cost of using LawToolBox. Even without the discount in malpractice premiums, legal professionals can calculate in seconds deadlines that would take them hours to do by hand. Multiply that time savings by hundreds of matters, and the law firm saves many thousands of dollars on every single case. [Cost Savings ROI Calculator](#). Properly managing deadlines and reducing malpractice risk also makes good business sense.