

# Legal case management software:

here and now and looking ahead

**David Bowden** describes the current trends in the market for case management software for legal service providers.

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### About the author

*David Bowden is a Solicitor-Advocate of David Bowden Law.*

Legal service providers face increasing demands to automate their processes and utilise case management software products. They need to ensure that they are making the best use of these products. In recent years, the market has consolidated and new products have emerged. There are differences between all the products, and users need to make intelligent choices to obtain the best value for money. Cloud computing continues to grow in popularity, and offers lawyers the chance to work remotely or when on the move.

Some law firms have been reticent to use cloud-based products for various reasons, but is this caution justified? This piece examines trends in case management software in recent years, and looks ahead to what practitioners think will be around the corner.

### Main product providers

There are a large number of software providers, including those that provide proprietary software, such as Oyez forms or Laserforms, or are licensed to supply official forms produced by HM Land Registry or HM Courts and Tribunals Service.

Within the legal marketplace there are solid case management packages offered by firms such as the following:

- Solicitors Own Software Ltd (SOS);
- Advanced Legal Business;
- Peppermint CX;
- Clio;
- LEAP Legal Software;
- Technology for Business; and
- Visualfiles.

At the top of any managing partner's mind will be billing the work in progress. Time-recording products, such as Rekoop or Omnia or Evolution, continue to prove popular and can stand alongside other case management software. Finally, CostsMaster seems to have proved itself as the gold standard for producing bills and costs budgets. In October 2016, Thomson Reuters launched its new Firm Central product aimed at law firms with fewer than 20 fee earners.

### Market developments in recent years

Martin Langan is a solicitor and director of Legal Workflow Ltd in Chichester. He notes the consolidation that has taken place in the market, with smaller firms being acquired by larger ones, which has meant that there had been more investment in the products on offer; however, the downside was this had led to less choice for users. What a particular firm wants is not necessarily what everyone else wants.

Sean Linley is a costs consultant at PIC Legal's Newcastle upon Tyne office. He says that there a number of firms bucking this trend by creating and utilising their own customised case management system. PIC Legal has created such a system called Clive for its use. Where a firm uses a proprietary package, it will often need a degree of personalisation done externally by an IT consultant or by an in-house developer.

Anita Amies is the Brighton-based practice manager of Sussex firm Coole Bevis LLP, who is responsible for a headcount of 70 staff across the firm's four offices in Brighton, Horsham, Hove and Worthing. She agrees with Martin Langan's point about consolidation, noting that originally MatterSphere was provided by SW Business

Services which was then acquired by Thomson Reuters. Anita Amies does not agree that consolidation has necessarily been a good thing, saying that she found it far easier to deal with SW Business Services and doubting whether medium- size law firms are of interest to larger providers.

Gareth Jones is a software solutions specialist, with responsibility at Thomson Reuters for developing its Firm Central product. He says that there has been a greater acceptance of practice management or case management systems by legal services providers. His view was that, previously, the market had been quite fragmented. Now, however lawyers, understood that technology can be a help and not a hindrance. He says that if you want to be efficient, case management is essential.

Julian Bryan is the chair of the Legal Software Suppliers Association. He points out that, contrary to predictions, what has not happened in the past five years is any major consolidation in the number of law firms operating in the UK. In fact, in England and Wales, the number of law firms regulated by the Solicitors Regulation Authority (SRA) has remained static and there are about 1,000 new law firms gaining approval to practice every year.

What has happened has been a massive shift towards cloud-based software provision. Five years ago, there was scepticism towards the cloud: both software suppliers and law firms were dipping their toes in the water with a token cloud offering. Today, at least one-third of all law firms' primary legal practice management system is cloud based, with lawyers expecting round-the-clock access for themselves.

Peter Baverstock is the CEO of LEAP. He agrees, saying that a lot of law firms are now getting smart with technology and, in the past five years, firms have started to realise the need to be available when clients want to talk to them. LEAP is the largest UK cloud provider to small law firms, with a client base of 1,200 UK firms using the cloud and another 600 firms using older technology. LEAP sees 300,000 documents a day being uploaded to the cloud by its client users.

### Product integration with other packages

Gareth Jones highlights that Firm Central links directly to Practical Law, and it also links in with Microsoft Outlook, including its diary and calendar functions. Firm Central also has its own time recording, billing, and invoicing components.

Anita Amies reports that SOS software provides value to fee earners because e-mails are automatically saved into a client matter. She is also keen to praise SOS for its user group, which is responsive to fixing glitches when an issue is identified. Coole Bevis uses the MatterSphere product, and has found that, in practice, time management is not always reconciled.

When selecting a system, Anita Amies says that firms should check that all forms used regularly pull through correctly, and

that documents can be edited when they are in a PDF format. She has encountered problems previously with one supplier, where her firm could pull through some documents and forms but not others, and then the firm was not able to edit them. Not only did she find this frustrating, but the point of a case management system was defeated because fee earners ended up saving documents on a private folder instead of centrally. She says that document formatting remains a live issue, particularly for litigators.

Sean Linley likes the Rekoop time management system which, although it is a standalone product, can also be used alongside other case management products. Rekoop has predictive time recording, so that if there are gaps in the day it is intuitive to know what a fee earner has been working on. When an e-mail is sent, Rekoop will know that it has been sent. Where a fee earner has been working on a document in Microsoft Word, Rekoop will work out how long from the time the document was opened until it was closed.

Peter Baverstock is keen to stress how the LEAP product integrates with Microsoft Office 365, partly because it has developers working directly with Microsoft. LEAP has a precedent bank of over 3,000 forms and looks after 16,000 documents worldwide.

### Using a cloud-based case management product

Some firms have also embraced cloud-based storage data solutions using products provided by companies, such as Dropbox, Sugar Sync, Amazon and Google Drive, so that their fee earners can access files where ever they are. Although Gareth Jones admits that Thomson Reuter's Firm Central product is a cloud-based product, he stresses that all the data is held on a UK data cloud server.

Coole Bevis has an external IT provider and two IT managers. Anita Amies says that the firm has its own server and does not use the cloud. This works well for a traditional law firm where many fee earners are desk based, and Anita is concerned about the risk if laptop computers containing confidential data were stolen.

However, others are keen to bring out the benefits of the cloud. Sean Linley refers to a case study where a firm had water leaking into its office, and its server was taken offline and was out of action for a week. Martin Langan too points out that firms which keep their servers on their own premises are vulnerable to fire, flooding or theft.

Peter Baverstock agrees, noting that the recent ransomware attacks affected servers but not those using the cloud. LEAP stores its UK firm data in an Amazon web services data centre in Ireland. His view is that the cloud is more secure than a firm's own server on site, and it also offers remote access working on devices such as androids, tablets, smartphones as well as

desktop PCs.

PIC Legal uses Microsoft SharePoint internally, and this has the benefit that fee earners can access documents produced in all the firm's offices. Martin Langan points out that if a firm takes cloud provision from an accredited company, it can be reasonably sure that it will be secure. He says that if a firm is using the cloud and has problems with its connection, then it can connect or log on from another location. Conversely, if everything is on site, then nothing can be done by anyone until it is fixed. He refers to certainty in budgeting with cloud provision. Martin Langan's view is that most of the arguments against using the cloud have now disappeared, provided firms take heed of advice from the SRA and other reputable resources. The cloud-based products, such as Dropbox or Firm Central, can all be accessed from a tablet or smartphone.

### Data security and guidance from regulators

Part 8 of the CILEx Code of Conduct 2017 states that: 'You have a duty to ensure the safety and security of electronic and paper documents in your possession. They must be stored safely and disclosed only to those entitled to receive them.'

Gareth Jones points out that Thomson Reuters follows the guidance issued in November 2013 by the SRA, and that Firm Central is compliant for ISO 9001 Quality Management and ISO 27001 Information Security Management.<sup>1</sup> Firm Central is also SOC 2 compliant.

Anita Amies stresses that you must train the lowest common denominator in a firm to prevent bugs getting into your system in the first place.

William Chapman is a barrister at 7 Bedford Row Chambers in London, who has also written commercial software and is proficient in C++, Javascript, Python and Visual Basic. He is also keen to highlight positive data security aspects of using the cloud.

He starts from the premise that all data is as secure as your password. His view is that it would be very difficult for someone to breach security on Dropbox because it has a two-stage verification process, which involves sending a SMS text to your mobile phone when you log in. He also points out that data clouds such as Dropbox are so huge that it would be a drop in the ocean for someone trying to find your data on its server.

In December 2015, the Bar Council's IT panel issued a three-page document, which points out that cloud computing does not remove the need for a good backup system.<sup>2</sup>

### Impact of the General Data Protection Regulation

On 25 May 2018, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal

data and on the free movement of such data, and repealing Directive 95/46/EC, to be known as the General Data Protection Regulation (GDPR), comes into force across the EU. It contains some key new provisions that legal service providers will need to be ready for such as the following:

- Article 17: the new right for a law firm's clients to be forgotten and have their personal data erased on a case management system when that data is 'no longer necessary in relation to the purposes for which they were collected or otherwise processed'.

- Article 32: makes a data processor responsible for data security as well as a data controller.

- Article 33: notifying personal data breaches to the Information Commissioner's Office.

- Article 34: notifying any personal data breaches to a client.

Julian Bryan predicts that the legal industry will be weaving a potentially challenging route through the opposing needs to keep data for retrospective inspection by regulatory bodies and destroying data relating to individuals. This will be made all the more challenging as additional law firms take advantage of the benefits of cloud-based systems and when the GDPR comes in force.

Ultimately, data made by law firms is owned by them, and firms have a duty to protect what they have created. As more data moves from party to party across the web, managing and protecting minors and vulnerable citizens, in particular, will be more difficult. Statements made by software suppliers that they 'never delete data' are not acceptable today, let alone in an environment where so much more is being sent between parties.

### Other issues around case management software

When two or more law firms merge, this will necessitate melding together two sets of data. Anita Amies stressed that the role of an IT supplier is key, and a merger will require a lot of work to be done in-house.

When Coole & Haddock merged with Woolley Bevis Diplock LLP, in April 2016, Anita Amies found that a lot of nominal code listings were different in the two legacy firms. She cautions that a firm should not underestimate the labour required in-house after a merger.

### Products, pricing and value for money

What all these providers seem to have in common is a reluctance to advertise the price of what they are offering. Anita Amies praises Thomson Reuter's Practical Law product, but says that what her firm pays for an annual Practical Law subscription is too high and should be set at what it would cost to employ a professional support lawyer who worked in-house to provide the same service. She likes the 'pick-and-mix' pricing model that Lexis®PSL adopts, which allows her firm to choose which

modules it wants.

One notable exception is LEAP, which costs £95 per month per user. This price also includes building and hosting a website for a law firm user. Peter Baverstock says that the cost of LEAP is transparent, including innovative features beyond the traditional case management solution, which represents value for money, and that firms can save thousands of pounds a year by buying it.

Martin Langan says that LegalWorkflow agrees a specification with a law firm client as to what needs to be done to customise products to work best for them, and then agrees a fixed fee for that work. Thomson Reuters has a user licence pricing model for its new Firm Central product, but declined to say at what level this is fixed. Martin Langan said that law firms which simply buy an off-the-shelf-case management product, without giving thought to what their needs were and any customisation to meet them, were risking pouring money down the drain.

### Predictions for the future

Perhaps surprisingly for a barrister, William Chapman predicts that in the future everyone will be paperless and will be using a data storage product, such as Dropbox or G-Suite. He points out that this will make people more mobile and reduce the need for expensive infrastructure. As to Dropbox, William Chapman highlights that it works, is robust, has never failed him so far, and is never slow to synchronise - usually taking only a few seconds.

Martin Langan agrees that going forward either more or most work will be done in the cloud. He wonders too how much further the market will go, noting that much legal software was created originally in the 1970s and has not changed an awful lot since then. He predicts that in the next five or 10 years, we will see more agile systems; the standard will be that things are done online with your clients and that there would be more cloud-centric software.

Sean Linley agrees that in the future things will be far more process driven, for example, for low-value personal injury matters. He thinks that there will be more intuitive developments such as the use of artificial intelligence (AI) which will prompt you about what to do next in a case. He too believes that the cloud will develop further because more people will want to work at home or on the move. Lord Justice Jackson, in his *Review of civil litigation costs: final report*, said that lawyer's charges had been too high for too long, and so firms would have to adapt and become more cost effective.<sup>3</sup> While a lot of effort will be taken away, the downside will be less of a customer-service focus except for high-value matters and a corresponding decompression in the value of legal work.

Anita Amies says that it is inevitable that the old secretarial role will fade, but that this will not happen in full until some of the more traditional lawyers retire. Although in the future there will be fewer secretaries, for those who remain their role will be

upskilled. She and her firm remain alert to the threat posed by virtual law firms, which she believes will continue to grow and become much more professional.

Gareth Jones predicts that case management systems will have more and more functionality added to them. He also thinks that voice recognition will be used more. He sees that systems will offer better linking of case and matter management. Sharing the views of cloud adopters, he too says that it will continue to offer lots of possibilities.

Julian Bryan notes that the cloud makes it much easier for law firms to interact with each other and their clients. In conveyancing, there are a number of software providers bridging the link between estate agent and conveyancer by referring business between each party. He predicts that law firms will look to outsource functions, such as cashiering, payroll and typing, to more cost-effective solutions where expertise is concentrated and labour is, potentially, cheaper. He thinks that AI and machine learning will start to have an impact on the delivery of these back-office services. He predicts that, in the future, there will be far greater data sharing, but much more on a privileged 'need-to-know' basis. He says that software suppliers will have to adapt their systems to accommodate these opposing challenges, and lever competitive advantage from providing the appropriate functionality to accommodate this rather than hiding behind castle walls.

Peter Baverstock predicts that law firms which embrace technology will enable their staff to work flexibly and from home, and correspondingly they will be more productive. He predicts too that a lot more clients will want to work digitally and that those firms which do not digitise will struggle. He also believes that smaller law firms will be around for a long time to come. However, he says there is pain in going paperless, and there remains trust in having a paper document. He too sees that there will be more market consolidation among software providers.

<sup>1</sup> *Silver Linings: cloud computing, law firms and risk*, available at: [www.sra.org.uk/risk/risk-resources.page](http://www.sra.org.uk/risk/risk-resources.page)

<sup>2</sup> 'Cloud computing – security issues to consider', December 2015, available at: [www.barcouncil.org.uk/media/407878/cloud\\_computing.pdf](http://www.barcouncil.org.uk/media/407878/cloud_computing.pdf)

<sup>3</sup> Available at: <http://tinyurl.com/go6s5co>