



GETTING YOUR MONEY'S WORTH FROM YOUR CASE MANAGEMENT SYSTEM

By *Julia Gordon and Colleen Cotter*¹

Introduction

Is your program getting its money's worth from its management system? We recently interviewed more than 150 users of eight different case management systems



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at 16 different programs for our work in writing the recent report released by Legal Aid of East Tennessee, "Selecting and Implementing a

Case Management System: A Guide to Managers."²

Based on our experience, we believe that few programs use their case management systems to their fullest potential. This is true regardless of which Case Management System (CMS) is used, the program's size, or the relative technological savvy of its staff.

This finding has numerous implications for program management. Most obviously, programs are not reaping the benefits of the sophisticated technology that they already own. As a result, programs end up spending time, energy, and money that they can ill afford to purchase a "better" system that they hope will solve the problems; staff morale suffers when there is a problem or a perceived problem with the CMS; and, when a CMS is not used properly, data it contains can be compromised.

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Obviously, if a program is using a very outdated CMS (such as a DOS-based system), if the database is already corrupted, and/or if the CMS is experiencing extensive downtime due to internal flaws, a new system makes sense. But if the problems are related more to staff satisfaction and to ease of use or usefulness of the system, it is our view that most legal services programs would benefit from a concerted effort to use their existing CMS to a fuller extent rather than to incur the high dollar cost and enormous costs in time and energy that a system conversion entails. Such an effort would be led by the program's management team and would include providing high quality, on-going training; ensuring staff buy-in and usage of the system; creating robust and usable content for the system; and providing adequate IT support to use the system.

In this article, we outline some of the features that we found were most frequently underused; examine the various reasons for this underuse; and provide some suggestions for improving CMS usage.

Most Frequently Underused Features

The CMS features that programs underuse range from fairly simple ones such as calendars and task lists to more complicated features such as document assembly and "smart" intake questionnaires and work protocols. Some staff members are not even aware of the features that their systems contain; in fact, when asked for a CMS "wish list," many staff wish for a feature that their CMS already offers.

Features that programs most frequently underuse include:

- **Document Assembly:** This feature enables programs to design document templates for everything from rejection letters to pleadings. When a document assembly capacity is part of or linked to a CMS, the templates can extract information from client files such as names, addresses, gender and insert the information into designated fields.

- **Built-in Questionnaires:** This feature gives CMS users the ability to access a pre-set list of questions to ask clients in particular situations, such as during intake. The questionnaires generally can be linked to problem type, presenting the intake worker with questions that are relevant to the situation at hand. Some more sophisticated systems have a “branching logic” capacity which uses an “if x then y” scenario. For example, in an eviction intake, the questionnaire presents different sets of questions depending on whether the intake worker indicates that the caller has received a summons. Or, a list of criteria can pop up when a case is being closed, reminding caseworkers of items in the record that are not yet completed.
- **Work Protocols:** A CMS can contain pre-set work protocols to help casehandlers plan their activities to support cases, intakes and other work. These protocols can be linked to problem code or other variables so that they automatically generate to-do lists and tickler deadlines for relevant cases. For example, a program that is beginning to work in the area of predatory lending can develop a protocol that will include links to research and in-house memos, a schedule for undertaking discovery, a list of potential strategies, a list of documents that should be reviewed, and a schedule for filing a complaint and preparing for summary judgment and trial. Systems which use branching logic, discussed above, provide additional tools for work protocols.
- **Electronic Files:** Programs can use their CMS to maintain complete case files electronically. The files can include notations with all of the activities related to the case, including written and email correspondence, pleadings, research results, notes of conversations, and documents received from opposing counsel or third parties. Such electronic files also can be used for non-case activity. For example, a CMS can keep a complete file containing all information relevant to the program’s community legal education activities related to predatory lending, including pamphlets, outlines for presentations, and contacts of partner organizations. Similarly, a CMS can create a file for each grant the program receives, including information about reports, grant proposals and contracts.
- **Contact Management:** Using this feature, programs can centralize all of the program’s contacts and link those contacts to relevant case, matter, and activity files, thereby enabling the program to update address and phone information across case files with one entry and also to have a central location for information about various persons, i.e., other cases in which an attorney has represented an adverse party, a judge has ruled, or a doctor has served as an expert witness.
- **Data Analysis:** Programs record a vast amount of information in their case management systems, but do not often extract that information in any form that is useful to the internal operations of that program. While programs do report required information to funders, they do not always use collected data to track patterns of client problems or analyze information about strategies used and outcomes achieved, often because staff members do not have facility with running customized reports. This type of analysis — including charts, graphs, and mapping with GIS software — can help programs design more effective approaches to resolving issues encountered by the client community and can help them allocate resources more effectively.

Why Do Programs Underuse Features and What Can They Do About It?

Not Enough Training

There are a number of common reasons that programs underuse CMS features such as those described above. First and foremost is lack of training and familiarity with the features of the CMS. Most programs only offer formal training on their CMS at the time of its installation. The value of this training convention is severely limited by several factors: (1) when people are learning a new system, it is impossible for them to absorb all the details at once; (2) most people learn a feature best right when they need to use it, i.e., “just in time” training; (3) staff who join the program after the CMS has been purchased frequently do not receive any formal training at all; and (4) when a CMS is updated by the vendor, features or formatting often changes. It is essential that programs provide ongoing training for staff. A comprehensive training program would include formal training for new staff members and more in-depth training as staff members become more familiar with the CMS, as well as the creation of appropriate written or electronic documentation and the

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explicit training of staff on the use of that documentation. (In many programs, documentation exists but staff never look at it.)

Other important components of training are help-desk-style “just in time” training opportunities, offered either through an in-house IT expert or “power user” or through the CMS vendor or an outside consultant, and in-house user groups — both electronic and in-person — in which staff members can ask questions, present new ways to use the CMS, and share accomplishments.³

There are several keys to training success: the information presented in the training should be relevant to (and demonstrated to be relevant to) the way the program uses the CMS; the information should be presented in short increments or modules; staff should learn information as close as possible to the time when they will use it; the trainers or help-desk staff should not only be knowledgeable about the CMS and the way the program operates, but they should also be good and patient teachers; and the ratio of trainers to students should be as low as possible (one-on-one training is the ideal, although not always achievable).

Staff Not Committed to Using CMS

In part as a result of insufficient training, many program staff members have a very limited understanding of their CMS. As one person put it, “No single person at [my program] has a complete grasp of what the system can do.” If people do not understand what the system can do, it is impossible for them to imagine how it can support them in their work.

This lack of understanding leads many staff to view using the CMS as a job requirement imposed upon them by management for the sole purpose of reporting to funders — which is an attitude that is not conducive either to good morale or to using the CMS to support higher quality work. In some programs, staff resistance to the CMS dates back to the time of the CMS purchase; if line staff were not given the opportunity to participate in the selection process and have never felt any buy-in to the CMS and its use, they often resist using it for any more than is absolutely required.

Staff Buy-In and Senior Staff Leadership

To address this problem, program leadership must first convince staff and managers of the value of their

CMS. Staff must be educated about the ways they can use the CMS to make their jobs easier and to help them provide higher quality legal assistance to their clients; they must also be educated about the value of the knowledge management system they will develop if they consistently use the CMS software and thereby share information and tools rather than continuing to use their own separate software and thereby isolating their work and knowledge. An important part of obtaining staff buy-in is the leadership provided by key staff. In addition to the “techie” on staff, involve staff members who are acknowledged leaders and respected lawyers, such as litigation directors and other senior staff. If they become convinced of the value of the CMS and actually use it, others will follow.

Requiring the Use of the CMS

Unfortunately, even after a program provides training and obtains buy-in, staff members sometimes remain resistant to using the CMS, especially those who have been with the program for many years and developed their practice before the existence of electronic tools. But the CMS is most valuable if staff members regularly enter information; the efficiencies and consistency that a program can gain from using electronic files, work plans, questionnaires and document assembly are lost if they are not used consistently by all staff. The information contained in the CMS constitutes the legal services knowledge management system and is at the core of how the organization provides and improves on services.⁴ Thus, programs might consider requiring their staff to use the CMS fully as part of their job requirement, just as they are now required to maintain complete paper files. Such a requirement is not unreasonable if a CMS is to become the true work platform of an organization.⁵

Integrating with Other Preferred Software:

Another important consideration is whether staff members resist using the CMS because they are already happy with the way existing software supports their work. For example, in the vast majority of the programs we interviewed, staff preferred to use their existing calendaring software, such as Outlook, which they viewed as easy to use and quite robust. In those cases, it may make the most sense for the program to explore ways to integrate popular existing software with the CMS for the optimal use of both. One development that will make integration easier is the legal services XML project, which is developing database standards that will permit easier exchange of information across

different software programs.⁶ Beware, however, that staff may be failing to use all of the functionality available in non-CMS software and that an expressed preference for another type of software may really be about resistance to change rather than reliance on better functionality.

Content Creation Has Not Happened

Another primary reason that programs underuse CMS features is that the program has not created the content necessary for the use of those features. This is substantive work rather than technical work. For example, in order to use a document assembly feature, someone needs to select or even create the templates to be used, upload them to the system, and publicize them to all relevant staff. Similarly, a CMS with the ability to create intake questionnaires or work protocols — especially when the CMS has the advanced capability of using branching logic — is not of any use unless the program actually develops the content of those questionnaires or work protocols.

In some cases, the program has not completed the non-technical work because management has not placed a priority on the work and has not assigned it to a staff person or committee with firm deadlines or responsibilities. Thus, the prioritization of the work and the assignment of the work to specific people or committees, with specific deadlines and goals, is essential to completing the project.

In other cases, program attorneys resist the very notion of standardization, finding the idea downright insulting or simply believing that the way they personally do something is the best for clients. These attorneys therefore refuse to facilitate a process that will result in the creation of templates or work protocols, even when such templates or work protocols are completely editable by the user. In this case, program leadership must be clear that the goal is to share knowledge among staff, which will ultimately benefit both staff and clients, and that it is important for the organization to ensure that best practices standards are upheld.

Much of this design work must be accomplished by lawyers, not by technology support staff. In order to accomplish this work, programs will be best served by assigning responsibility for developing these features and, just as important, ensuring that the staff members with those responsibilities have the time and support they need to accomplish those tasks. This will not be a project that can be completed overnight. Those with this responsibility will serve fewer clients in the short run in order to develop these tools to enable the pro-

gram to serve more clients in the long run.

As part of this process, it is important to set priorities. Focus first on the group among the staff who will be most likely to use the features developed. Will the intake workers use questionnaires? Will the public benefits paralegals use work plans? Will lawyers doing divorce and custody cases use form pleadings? Put the development resources into tools that are most likely to be used. Once some staff members are using a particular set of tools, the program will learn lessons about more effective and efficient development and implementation and the staff using the tools will become advocates for them. Other staff members can then be persuaded of the value of these tools.

Inadequate Technical Support

Many programs underuse their CMS because the frequent occurrence of technical problems — the inability to access the system, having the system freeze up while it is being used, problems saving data, etc. — leaves them unable to trust the system and therefore unwilling to put all their eggs in one basket, so to speak. Over and over again, staff told us that if they treated the CMS as the primary platform for their work (as most CMS vendors intend them to be), during downtime they would be unable to do any work at all. In most cases, staff did not understand the reasons for CMS downtime.

While most staff blamed the CMS for any problems, more frequently the problems were in reality caused by systems external to the CMS itself, such as a malfunctioning Citrix system, outdated computers, or the inputting of faulty data. (Of course, sometimes the problems really are caused by the CMS, such as when the database in an older system gets too big or when too many patches and updates have overwhelmed the basic structure of the system, and in those cases the CMS will need replacing.)

In addition, programs sometimes do not use the features of the CMS because those features simply are too complicated for laypeople. Although every CMS vendor will explain how simple its system is, the fact is that most busy legal services attorneys are not inclined to spend a lot of time figuring out software.

To address these issues, programs need to invest in adequate IT support. Simply put, attorneys who are working on cases that significantly impact the lives of their clients cannot afford to miss a filing deadline or provide incorrect information to a tribunal. For legal services programs relying on any computer database, access to technical assistance 24 hours a day, 7 days a

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week is essential.⁷ Trained and available IT staff or consultants can prevent and resolve technical problems that would otherwise interfere with a program's ability to use its CMS, including connectivity and software and hardware problems. And, for a program to take advantage of more complex CMS features such as custom report writing, management must be willing to invest in vendor or consultant time to create mechanisms by which all relevant staff can use the CMS to support their own personal work.

Similarly, the program will need to invest in the high quality hardware and networking systems that will support this reliance on electronic tools. Investment in technology needs to be part of the operating budget of the organization and cannot be dependent on donated equipment or one-time funding.

Conclusion

Today's case management systems are full-featured. Even the simplest and least expensive software can serve as a platform for the preponderance of a program's work. Yet, even as they spend significant dollars to purchase such systems, many legal services programs are still using only a fraction of the power of their CMS. We suggest that programs provide high quality, ongoing training; ensure staff buy-in and usage of the system; create robust and usable content for the system; and provide adequate IT support to use the system. If the program's leadership is committed to these steps, the program can finally realize the benefits to service delivery and program operations that will flow from the optimum use of a CMS.

1 Julia Gordon is a consultant to legal aid programs, other social services programs, and funders of legal aid. She previously worked as a senior staff attorney at the Center for Law and Social Policy, where she initiated and led a national project on technology and legal services, created the Equal Justice Website, and conducted a groundbreaking national study of the effectiveness of telephone hotlines in providing legal advice to low-income clients (the Hotline Outcomes Assessment Study). Prior to that, Julia served as the deputy director of Equal Justice Works and as a litigation associate and pro bono coordinator at the Washington, DC, law firm of Wilmer, Cutler & Pickering. Julia is a graduate of Harvard College and Harvard Law School. Julia may be reached at julia@juliagordon.net.

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- 2 The full report can be found at www.lstech.org.
- 3 During our CMS focus groups, we had an experience that was repeated at least once at each program we visited. In the focus group, we would ask staff what they wish their CMS would do that it did not already do. When one person gave an answer, another person in the group would contradict them and explain that the CMS in fact did perform that function or have that feature. Many of our interviews ended with staff going off to train each other on the CMS.
- 4 While a detailed discussion of legal services knowledge management is beyond the scope of this article, the underuse of CMS features means that most programs are still only using their CMS as a case reporting tool, rather than as the case/knowledge management tool that it should be. For example, a user can query the system to find out information about client demographics, common case characteristics, information about judges or expert witnesses, how a case is being handled by a new attorney or how a successful case should be handled, rather than limiting CMS use to CSR reporting.
- 5 In one program we visited, management explained that they had chosen not to make use of electronic case files for attorneys a requirement because they were concerned that such a requirement would become an issue in already difficult union negotiations. Yet at the same program, staff told us that they wished management would make it a requirement — those who liked the system wanted everyone to use it, and those who did not like the system wanted clarity about their use of it — and they also told us that it would never have crossed their minds to include this issue in their other demands of management.
- 6 For more information on legal services XML, see http://lstech.org/workgroups/tech_standards.
- 7 Even when a program does have IT support on-call with a beeper, some attorneys claim they felt reluctant to use it on a weekend or late at night because they "shouldn't" be working at that hour. Management must send a clear message about the use of beepers or calls outside of regular office hours so that attorneys know they can rely on the support.