

TAPE DICTATION: WHY THIS COULD BE KILLING YOUR PRACTICE

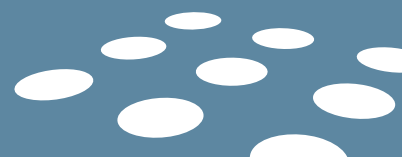
A WHITE PAPER BY LEADING
INDUSTRY COMMENTATOR
CHARLES CHRISTIAN

INTRODUCTION

IN THE UK *THE* BIG LEGAL TECHNOLOGY SUCCESS STORY OF THE PAST FIVE YEARS HAS BEEN THE ENTHUSIASTIC ADOPTION OF DIGITAL DICTATION TECHNOLOGY BY LAW FIRMS OF ALL SHAPES AND SIZES. BUT IS THIS JUST ANOTHER HARDWARE PLATFORM UPGRADE – REPLACING ANALOGUE TAPE MACHINES FOR DIGITAL RECORDERS – OR ARE THERE MORE FUNDAMENTAL STRATEGIC ISSUES AT PLAY?

IN THIS SPECIALLY COMMISSIONED WHITE PAPER, THE UK'S LEADING LEGAL TECHNOLOGY JOURNALIST AND COMMENTATOR CHARLES CHRISTIAN EXAMINES SOME OF THE LATEST RESEARCH WHICH SUGGESTS LAWYERS SHOULD SERIOUSLY CONSIDER SWITCHING TO DIGITAL BECAUSE STICKING WITH TAPE COULD DAMAGE BOTH THE HEALTH AND WEALTH OF THEIR PRACTICES...

Since the first PCs appeared on the scene in the early 1980s, law firms have become immune to the siren calls of technology suppliers wanting them to change, upgrade, switch-off and/or swap-out their existing systems in favour of newer products. For a change to make sense, there not only need to be sound benefits to be gained from moving to the new platform but – given the cost, disruption and re-training inevitably associated with any upgrade – there also has to be something seriously wrong with the old technology to fully justify the change. What this white paper sets out to do is look at the shortcomings of analogue tape dictation, and how digital dictation workflow can, and is proven to, remedy these.



01

CHARGEABLE TIME

It is a given that dictation submitted to secretaries for transcription is turned around and documents dispatched in the fastest time possible. After all, the quicker that documents are turned around, the more matters that can be completed and billed. However, research into the use of analogue tapes conducted in the UK during the end of 2006 and beginning of 2007, found that at the end of the average working day, the number of untranscribed tapes left outstanding per fee earner ranged from 1 to 3. Additionally, it found that 78% of fee earners have 2 or more tapes outstanding per day.

Or, to put it another way, the research found that no-one did not have at least one tape outstanding. Considering the survey also found that nearly 85% of tapes contained 5 or more dictations, that is a lot of work in progress that is not being progressed. In contrast, because digital dictation workflow systems are designed to maximise the use of available secretarial resource, all firms that switch to digital report faster document turnaround times and a reduction – and in some instances the complete elimination – of untranscribed work at the close of the day.

The delays and backlogs created by tape dictation adversely affect the cash flow of firms, as chargeable time cannot be processed where work remains outstanding.

02

SECURITY

Privacy, confidentiality and security are paramount to the nature of a law firm's work. Not only does the misplacement of a tape result in re-dictation for the fee earner – and the consequent waste of chargeable time – but should the tape become lost externally through theft, in delivery or storage, client confidentiality could be breached. The survey still found 71% of respondents reporting tapes being damaged or misplaced each month. Digital dictation systems, by contrast, compress and encrypt dictation to ensure security, in many instances also making use of three-tier architecture, standard SQL practices and Active Directory, to further enhance security and disaster recovery provisions.

03

REMOTE WORKING

Closely allied to security is the issue of remote working. The survey found that 84% of fee earners author dictation while working from home and nearly 16% dictate at client sites or on the move, typically travelling by train. But the subsequent delivery of tape dictations can incur delay, risk and generally add to backlog of work awaiting transcription – for example, the survey found that over 90% of secretaries had to wait between 10 and 40 minutes each morning for their first tape. In a business such as law, where so much emphasis is placed on chargeable time, this is a serious waste of resources. In contrast, digital dictation solutions utilise a combination of laptop, VPN/RAS, Citrix or Terminal Services, web, professional dictation devices, or telephony (via PDA or mobile phone) to enable dictation to be fired back to office support immediately.

04

SECRETARIAL TEAM WORKING

In the world of tape, if a secretary is overloaded it is often practically very difficult to ask for help from other secretaries – the research suggests no tape-based firms share work as a matter of course, with the practice of secretaries helping each other out described as happening ‘sometimes’ or ‘rarely’. The net result is that the responsibility for clearing the backlog falls upon the individual secretary, with the consequences of slow turnaround times and missed deadlines. The research also found that while 15% of transcription was turned around within an hour, nearly 40% took between 2 and 4 hours, 30% took a day and 15% took up to 2 days. Not surprisingly, fee earners reported that less than half their dictation work was completed within their desired timescale.

With digital dictation however, the systems create a transparency of workload, where all secretaries can see exactly how much work is outstanding on screen, regardless of which department, floor or office they are based in. They can see at a glance which fee earner has created the dictation, the length of dictation, if the physical file is required and importantly, the ‘due by’ date. Cassette tape systems offer secretaries no capacity to prioritise and manage their workload; digital dictation solutions restore this. I’ve spoken to a lot of firms that have gone over to digital and the benefit almost universally cited by secretaries is that the visibility and flexibility of the systems puts them back in control of their working day and allows them to manage their time more effectively.

05

CONFIDENTIALITY

Cassette tapes can be picked up or opened by anyone internally and played at their leisure. Secretaries often have several tapes on their desk at any one time, including confidential client matters waiting to be transcribed. It is therefore impossible to 100% guarantee confidentiality or an ethical wall provision for your clients, particularly as (as already mentioned) over two-thirds of firms report problems with tapes being damaged or misplaced each month. In comparison, digital dictation software allows for confidential workflows and password protection so only those given permission to hear specific dictations are able to do so.

06

INTERNAL COOPERATION

Whether you have several departments within one office or indeed several offices across the firm, there will inevitably always be someone somewhere that has a workload too great to manage and someone elsewhere that will have the capacity to take on more work. The efficient distribution of workload optimises the use of existing available secretarial resource. Tape cassettes offer little or no flexibility for secretaries to help each other out.

Not surprisingly, when asked how frequently multi-site firms shared tape-based dictation between offices, 73% of respondents said ‘never’ and the remaining 27% said ‘rarely’. With a digital dictation solution running across a network, a secretary in a different department or office can be assigned a dictation within seconds, without compromising security or confidentiality – and fee earners can move freely between offices, submitting dictations to their usual secretary, without the inherent delays of moving a physical tape around.

07

COVER COSTS

When a secretary is off ill or on holiday, their outstanding cassette tapes sit in a growing pile at the end of their desk. Secretarial managers work hard to redistribute work, however firms often carry a team of float secretaries, pay secretarial overtime or bring in agency cover on a temporary basis to manage the load. With a digital dictation workflow solution, outstanding workload can be automatically divided up among other secretaries, with a minimal impact on each individual's volume of tasks. Firms I've spoken to consistently report that the subsequent saving in 'cover costs' can pay for digital dictation in one year.

The research found that while some firms were only spending £10,000 or less each year on cover costs related to tape transcription, 18% were spending as much as £20,000 a year and 27% were spending between £20,000 and £50,000 a year. Firms of all sizes have eradicated cover costs as a direct result of installing digital dictation.

08

MANAGEMENT REPORTING

With tape, it is impossible for anyone to know at any one time exactly how much work is outstanding on cassettes across the firm. The research found that not only were no secretaries able to tell how many dictations they had at any one time, but they also had to spend time winding through the tapes to locate instructions and establish priority. Unlike tape, digital dictation software allows total visibility and tracking of management information across users, departments and sites. Reports such as the number of dictations completed today, number outstanding at the end of the day and secretarial performance over time, are instantly available to management.

09

LEGAL SYSTEMS INTEGRATION

One of the big trends in legal technology at the moment is the move towards matter-centric computing – half of the firms responding to the survey identified it as a priority, with nearly 38% saying they hoped to achieve it within 12 months. In effect, this is the creation of the digital equivalent of the old manila folder in which all the correspondence and paper work relating to particular clients' matter would be kept. It means the integration of billing, practice management, file & case management and document management systems.

For firms with digital dictation, there is a clear synergy here. Not only can the voice files be stored against the central repository, but dictation can actually take place from within these applications (typically DMS and case management), thus once more saving time in the document creation process. With tape however, this is not possible and dictation remains a stand-alone activity outside the normal office automation environment. In fact, over 85% of respondents to the survey reported uncertainties in knowing whether they needed access to other files before they commenced a transcription.

10

CLIENT SERVICE

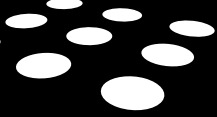
It goes without saying that the inefficiency of tape inevitably impacts on the levels of service firms are able to offer their clients. When asked what their biggest gripes with tapes were, 62% of fee earners cited restricted functionality, 31% pointed to missed deadlines and 8% said the inability to support remote working. Nearly 43% of secretaries complained about poor sound quality (57% said the sound quality was so poor that they were unable to complete the transcription), 29% cited the inability to share their workload, 21% said the inability to prioritise and 7% said misplaced tapes. Elsewhere in the survey, 35% of respondents described the efficiency of tape systems as 'poor' or 'very poor' – nobody gave it a high rating – and 21% reported that their tape equipment broke down 'frequently'.

Digital dictation systems address all these issues – and the accumulated improvements add up to a significant impact on the quality of client service. Secretaries make fewer mistakes as the sound quality is clearer, documents can be turned around quicker as the process no longer rests on the shoulders of just one secretary, and fee earners are able to spend more time managing client relationships rather than redictating instructions that have been misplaced or mangled on tape.

THE TRADITIONAL ARGUMENT AGAINST UPGRADING OR CHANGING ANY TECHNOLOGY PLATFORM IS THAT 'IF IT AIN'T BROKE, DON'T FIX IT' – BUT ANALOGUE TAPE IS BROKE AND THE ONLY WAY TO FIX IT IS TO SWITCH TO DIGITAL DICTATION SYSTEMS. THAT, OR THE ALTERNATIVE OF TOLERATING ONGOING INEFFICIENCY WITHIN YOUR OWN FIRM AND RISK SEEING BOTH YOUR PROFITABLY MARGINS PLUMMET AND THE QUALITY OF SERVICE YOU DELIVER TO YOUR CLIENTS GO INTO TERMINAL DECLINE.

ADD IN ALL THE OTHER BENEFITS AND FINANCIAL EFFICIENCIES AND THE QUESTION BECOMES NOT 'WHY SHOULD YOU SWITCH TO DIGITAL?' BUT RATHER 'WHY ARE YOU STILL STUCK IN THE TAPE AGE?'

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Charles Christian is a former practising barrister turned independent commentator and industry analyst who has been writing, reporting and advising on developments in law office technology and online legal services for over 30 years. A national legal magazine called him 'one of the top ten key individuals who act as movers and shakers in the legal IT world today' while his newsletter Legal Technology Insider was described in The Times as 'the invaluable monthly whose pages adorn the desks of most serious legal technologists'. That same newspaper also described the Insider website as 'the UK's definitive online resource for legal technology information'.

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DIGITAL DICTATION