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Upgrading Dictation

By Eric Harrison

EDISON N.J.'s Methfessel & Werbel represents insurance companies and their policyholders. There's a steady stream of cases, and the insurers expect us to take charge of the cases quickly and handle them efficiently. With seven partners, 28 associates, and 50 support staff, we work to keep our fees modest and our productivity high.

Our attorneys use dictation to create documents. Until 2004, we dictated using Sony microcassettes, which secretaries later transcribed with desktop transcription machines. The little tape recorders seemed the height of modernity; we had no reason to change.

Then, to the surprise of everyone in the firm, one of our partners, John Methfessel, left in 2003 to start a new company – a digital dictation company called Verdatum, based in New York City. Later our lawyer-turned-entrepreneur dropped by our offices with a digital dictation system built solely for law firms and explained how digital dictation could



increase our productivity, cut our costs and delight our cost-conscious clients. We decided to check out this new technology.

In 2000, we formed a team to analyze the potential advantages of digital technology and to decide if we should switch to it. The team included senior partner Joel Werbel, attorney manager Matthew Werbel, controller Len Seltzer and manager JoAnn Pagano. They found themselves in uncharted territory. The technology was so new that they could not find other firms using it. There was no easy way to compare it competitively with dictating to cassette tape.

What inspired us to continue examining this new technology was the realization that any major gain in productivity

and cost control would propel us to the top of the insurers' list of approved law firms. As we analyzed digital dictation technology, we also became increasingly aware of the drawbacks of dictating to microcassettes.

Like the other lawyers in the firm, I dictated most of my work into a microcassette. I would typically dictate several different documents or notes onto the same cassette and then tape the cassette to a sheet of paper with instructions and billing entries and leave it on a shelf. Someone would later pick up the cassette and deliver it to our in-house transcribers.

If one piece of dictation was more urgent than another, I could note that on the sheet; but there was no simple way for the transcribers to find the urgent task. They had to run the tape backward and forward until they located it. There was also no easy way for me to learn the status of my work.

If I dictated work while I was on the road, I would hang onto the cassettes until I got back to the office and then have them transcribed. I felt that mailing or messengering them to the office was too risky.

The whole process from first considering the new technology to actually

Eric Harrison is a partner with Methfessel & Werbel based in Edison, NJ. E-mail Harrison@methwerb.com.

having it up and running took several months, with a lot of that time spent debating whether the return on investment would justify the change.

Other companies we considered included Dictaphone Corp. and WinScribe Inc., but their products were both too expensive for our budget, and not engineered to accommodate the unique needs of a law firm.

We needed a system that would install easily without the need for new network infrastructure such as servers, yet would assure our clients that our work product was secure. It had to be very easy for our technology-resistant attorneys to use, but had to offer advanced features — such as the ability to insert text, legal research (such as LexisNexis' Lexis and Thomson Corp.'s Westlaw), and documents from our document management system. It also had to give us central management of all secretaries, whether they were in-house, at home-based, or outsourced.

A strong point in favor of the Verdatum software was that it would integrate with our existing iManage content management software (the company is now Interwoven, Inc.). We could then manage all our work with a single internet-based system.

Verdatum developed a system tailored specifically for our firm. To create dictation, our lawyers (only attorneys dictate at our firm) simply click the "create new audio" button. We have set up templates in the system, which allow us to specify how we want to automate the workflow and what input we will or won't require from an attorney or other user.

For an example, if the lawyer is dictating billing, he or she simply hits the billing template. The dictation is profiled, the user dictates, and when done, simply hits the complete button.

Automated workflow routes it to the appropriate department. There are similar set ups for all of the other documents dictated by our attorneys and professionals.

Once dictation is complete and sent, the secretary is notified within one minute that it's in his or her queue. The secretary looks at it to see if there are any comments or instructions from the author. He or she can view the priority, length, or virtually any other detail about it and decide which dictation to begin transcribing.

Our attorneys can view from their desktop the progress of transcription, and can even recall it to edit or send it to another typist.

HARDWARE

On the hardware side, there are a number of dictation devices available, ranging from \$100-\$300. We chose one that gave our attorneys full software functionality while in the office, yet could be unplugged and used as a mobile device. It required less user training and less money for support than two separate devices. Shortly we'll reduce that expense even further. We've ordered Verdatum software that installs on a PDA and turns it into a dictation machine. For transcriptionists, the hardware cost was a non-issue. Each was outfitted with a pedal and headphones for \$70, much less than the cost of the old machines.

The installation took a little more than a day, with an additional day or two for training. The installation was performed centrally from IT's desktop using scripts developed with Microsoft Windows Installer, and was pushed across the network to all users.

Configuration was done by using the integration with the Worksite document



management system. All we had to do was bring iManage users over as Verdatum users. They were all brought over at the same time, and the system was implemented on a firm-wide basis.

A mini-crisis erupted right at the outset when a rumor spread through the firm that we were installing some kind of voice-recognition system that would eliminate most support staffs jobs. We moved quickly to squelch that rumor and assure people that their jobs were safe. We demonstrated the system and showed that the same process of dictation/typing occurs but on the network rather than tape. The support staff is used to our introducing advanced technology, so once they understood the change they were relieved.

Another problem that took us by surprise was the difficulty a few of our attorneys had in making the switch from analog to digital dictation. They liked the microcassettes and couldn't see the need for change. Time cured that problem, as the advantages of digital dictation became increasingly obvious.

The gains in productivity and cost control have been enormous. Our professionals dictate pretty much the same way as before, using hand-held, ergonomically designed microphones, but now their dictation goes into an audio file on the user's computer — from which it can be accessed as easily as you access word-processed text. An audio VU meter confirms that the attorneys are recording.

The system also allows easy edits. When I dictate, I often find that something I dictated at the beginning of a piece should come later and vice versa. With cassettes, if I had an afterthought, there was no way to insert the new

information within the original dictation. Instead I had to dictate the new material separately with a note to the transcriber indicating where it went.

Now, with digital technology, I can go right to the spot of the correction and insert the new text. I just move the dictation point to where I want to insert other dictation, click insert, and dictate. I can do that by listening to the dictation and stopping at the insert point, or moving a scrubber bar, which displays the time elapsed to the exact point I need.

When I was using cassettes, making corrections was difficult. I had to rewind to the spot of the correction and record over it. If I accidentally erased the wrong text, I could not undo the erasure. If I have to erase text, I can do it easily. If I make a mistake and erase something I meant to keep, I can tap an "undo" button and restore the erased dictation.

Another advantage of digital dictation is the ability to imbed printed or other graphic material right in the dictation. Rather than dictating citations, a lawyer can simply scan them into the place where they belong within the dictation. The process is as easy as using the cut and paste commands. Large amounts of text, pictures, Westlaw or Lexis material, templates or any other digital materials are simply copied using the copy button, and inserted into the dictation using the insert button.

When the secretary reaches that point in the dictation, the program tells him or her to hit the paste button, which pastes the material right into the document being transcribed.

Now when I'm on the road or working at home, I no longer have to worry about a cassette being misplaced or damaged. There is no cassette. I simply dictate into a remote recorder. I then plug my remote

recorder into my laptop (or any other machine with access to the internet, such as an internet kiosk in an airport), link onto our web page, and transmit my work to the office.

The internal productivity gains have been substantial. In July of 2003 we were supporting 28 attorneys with 25 typists,

“ *We send our dictation to an outside transcription service that does excellent work at a low cost.* **”**

who generated a total of 6,863 documents. The following July, we were supporting 35 attorneys with 28 typists who generated 7,196 documents.

We've also gained by being able to send our dictation to an outside transcription service that does excellent work at a low cost. At 5 p.m. each evening we transmit our work via the Internet to the service; the next morning at 8 a.m. our completed work is waiting for us. The work of a typist here, who costs the firm \$50,000 (for 46 weeks of work per year) fully loaded, can now be done by an outsourced typist costing \$17,000.

QUALITY

The quality of the work is above that which used to be done in-house. When we initially started the program, we performed the quality control internally, but after several months felt comfortable enough to let the work be returned straight to the attorneys.

The work is done on an on-demand



basis. Since July 2004 we have replaced through attrition seven typists here with seven located in India. (Two part-time typists were let go.) This has allowed us

to invest more to retain our best secretaries and to give them greater responsibility. It has also allowed us to shift some of their tasks to fee-based paralegal work, creating an enhanced revenue stream for the firm.

All of the typing, whether it continues to be done internally or externally is managed by one person who can reassign dictation to accommodate the needs of our lawyers. Verdatum has told us that their next version will allow us to set parameters so that this happens automatically.

We are also able to get productivity reports on our typists, which enables us to manage them more effectively and reward them accordingly.

Since we changed to the digital dictation system in 2004, Verdatum has upgraded the system twice. We understand that the next upgrade will give us a wireless capability. Then we will be able to do our dictation virtually anywhere and immediately send it out for transcription. Also, it will allow us to track and recover our costs for overtime and outsourced transcription. **LTN**

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