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Case Management: Dealing with Limitations, Deadlines, and Delay on Civil Litigation Files

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**CASE MANAGEMENT: DEALING WITH LIMITATIONS, DEADLINES,
AND DELAY ON CIVIL LITIGATION FILES**

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INTRODUCTION

One of the most important tasks in managing litigation files, particularly civil litigation files, is keeping a very close eye on deadlines. Having a robust and redundant diarization and limitation system in place to track deadlines well in advance of their arrival is critical. A system that tracks deadlines will, of course, be of no use if those managing the file do not properly enter the deadlines into the system, or worse, are not even aware of the important deadlines. This paper will examine some major categories of deadlines that civil litigation lawyers typically deal with:

1. initial limitation periods to commence proceedings,
2. the deadline to serve after pleadings have been filed,
3. deadlines to respond to claims, counterclaims, and amend pleadings,
4. limitation periods that apply to third-party claims,
5. deadlines that apply to affidavits of record, and
6. deadlines regarding the advancement of actions (i.e., inexcusable and inordinate delay and the dreaded drop-dead rule).

Paralegals can play a very important role in the process of tracking deadlines. Carefully watching files and creating systems to avoid missing deadlines is critical to running a file. Sometimes lawyers tend to focus on the underlying legal issues and may not pay enough attention to deadlines—deadlines that may make all other legal matters on the file irrelevant if missed (i.e., your action could be struck).

In our firm, we have a limitation/deadline system that involves 3 redundant, independent layers:

- the limitation system built into our accounting software,
- our calendar system (with numerous reminders that are entered as part of our protocol),
and
- separate software that we purchased, which is used to manage files (this one also sends the whole firm reminders via email).

All three are shared by everyone at the office. Although we have the ability to sync these systems up so that one entry could feed the necessary information to all three systems, we choose not to do so.