

## ***How to Prevent Costly Errors when Dedocketing Deadlines***

Removing deadlines from the docket, also known as dedocketing, can lead to costly consequences if done incorrectly. This article will explain the varying terminology used to refer to the dedocketing process and provide practical advice for reducing the risk of errors when dedocketing.

Organizations use various terms to describe the process of updating or removing deadlines on a docket, including crossing-off, completing, clearing, and dedocketing. Historically, "crossing-off" referred to marking off a deadline on a paper docket. It literally referred to drawing a line through the deadline in the docket book. In contrast, "completing" usually refers to updating a deadline in an electronic docketing system to indicate that something has been filed to satisfy the deadline. On the other hand, "clearing" usually means that nothing will be filed in response to the deadline. This is also sometimes called "No Action Required" or "NAR." When a deadline is cleared, the entry remains in the docketing system, but the deadline is no longer shown as due or past due on a docket report. "Deleting" a deadline means removing both the action and the deadline entirely from the docketing system, which is not advisable as it can result in the loss of all record of the deadline. This article will use the more generic term "dedocketing" to refer to any of the above-described processes in either a paper docket system or an electronic docket system.

It is important to have a reliable process in place for dedocketing to reduce the risk of errors. Many organizations rely on a single person to remove deadlines from the docket, but this can be risky. Even the most careful and experienced individual can make mistakes. The consequences of a dedocketing mistake can be costly if the mistake results in an unrecoverable deadline disappearing from the docket before anything is filed. To mitigate this risk, it is a better practice to have two people involved in the dedocketing process. This is sometimes called a "second pair of eyes" or "second eye" review. Simply having two people involved in dedocketing deadlines can reduce the risk of errors considerably.

When it comes to dedocketing unrecoverable deadlines, such as foreign filing deadlines, it is crucial to take more precautions to prevent errors. This is because a dedocketing error can remove an unrecoverable deadline from future docket reports, making the error very difficult to detect and correct. One approach to reduce the risk of dedocketing errors is to maintain a backup docket of all unrecoverable deadlines. This can be done by tracking all unrecoverable deadlines in two different systems, with different people adding and updating the deadlines in each system. Periodic reviews of deadlines tracked in the backup docket system are conducted to determine if the necessary item was filed for each unrecoverable deadline. Deadlines are not removed from the backup docket system until someone has confirmed (preferably in writing) that the necessary filing was done or a decision was made not to file. This backup docket system serves as a safety net in case a deadline disappears from the primary docketing system because it was incorrectly and/or prematurely dedocketed.

Another additional precaution although less common is to require client verification of the dedocketing for unrecoverable deadlines in addition to a firm's internal "second eye" review. This provides an extra layer of confirmation and makes sure the dedocketing is accurate and reliable.

In conclusion, removing deadlines from the docket is a critical task that must be done with utmost care. By adopting the best practices described in this article, organizations can significantly reduce the risk of potentially costly dedocketing errors. For more information on dedocketing, watch the webinar on "Docket Cross-Off Vulnerabilities and Best Practices" on the Black Hills IP website.