

Chapter 7 - Managing Litigation Information Using Technology

IT Choices – outlineurs, document assembly, databases, full text, images, spreadsheets, real-time, and presentation.

In Section 6, we discussed the definition, features and limitations of outlineurs, databases, full text, images and other software. In this section, we will discuss the philosophy, techniques and actual applications of using IT software in a case. The following is a summary of some of the computer tools available to assist in controlling case information in a digital format. Understand the strengths and weaknesses of these tools as you decide how to best control your case information.

Outlineurs

- *Strengths:* Provides for the outlineurs of your case broken down by categories and subcategories. Suboutlineurs can be collapsed and expanded. It can also provide links with other programs, such as full text, databases, etc.
- *Limitations:* Does not permit large full text documents to be imported, or the abstracting of document data for sorting, reports, and so on.
- *Software:* \$100+
- *Primary Legal Application:* Outline the legal and factual strategy of your case. Acts as your command post or blueprint for your case.

Document Assembly

- *Strengths:* Combines word processing and database for quick assembly of legal documents. Case data can be reused.
- *Limitations:* Depending on software choice and level of document assembly, setup can be difficult. Requires setup using compatible word processor and database, such as HotDocs or Microsoft Access.
- *Software:* \$50+
- *Primary Legal Application:* Quick assembly of letters, pleadings, motions, status reports, and other documents requiring the merging of a word processing document and specific information contained in a database.

Full Text

- *Strengths:* Text can be searched for individual words or phrases
- *Limitations:* Standardized terms in documents are oftentimes not used requiring indexing, cross referencing, or thesaurus building.
- *Software:* \$200+ Paper Conversion to ASCII text: minimum \$1.00 per page, which includes error correction.
- *Primary Legal Application:* Searching depositions, trial transcripts, other legal materials in an ASCII format, such as witness interviews or work product.

Databases

- *Strengths:* Document information can be abstracted, indexed, and the results sorted by chronology, witness, legal or factual issues, or document type, etc.
- *Limitations:* Database can only be word searched, not the document itself. The document information must be coded and setup may be difficult, depending on choice of software.
- *Software:* \$100+
- *Database Design:* If designed in-house, it can be reused for other cases.
- *Data Entry:* Objective coding is priced at per field of information entered. Subjective coding usually done in-house.
- *Primary Legal Application:* Used to capture specific data off of documents, such as author, recipient, persons mentioned, legal issues, type of documents for chronology, witness or legal issue reports.

Images

- *Strengths:* Exact digital copy of documents can be stored in computer.
- *Limitations:* If TIFF, individual words on documents cannot be searched. Must be indexed or linked to database record to locate documents.
- *Software:* Free +
- *Scanning:* 10 cents per page and up.
- *Primary Legal Application:* Documents can be instantly viewed on-line and used for in-court presentation.

Spreadsheets

- *Strengths:* Performs simple or high level math calculations using built in formulas.
- *Limitations:* If used for data other than numbers, such as names and addresses, the data is not as easy to sort and share with other applications such as a word processor.
- *Software:* \$100+
- *Primary Legal Application:* Damages and other mathematical calculations.

Real-time Transcription Of Text and Video

- *Strengths:* Provides instant translation of testimony for review, impeachment or use during deposition or trial. Testimony and video can be sent to anyone in the world during trial or deposition, such as your expert who may be located in another city, over a regular phone line on the Internet.
- *Limitations:* Need videographer and highly skilled reporter who may charge a premium.
- *Software:* Free +
- *Primary Legal Application:* Depositions, trials, and other legal proceedings.

Presentation Software

- *Strengths:* Depending on the software, it provides the user the capability to create and present exhibits for the courtroom. Exhibits can be enlarged, drawn on and set side by side for comparison. Captures the jurors attention, fosters understanding, and saves time.
- *Limitations:* May require the services of outside vendors to assist in preparing.
- *Software:* \$100+
- *Primary Legal Applications:* Presentation for clients, settlement conferences or courtroom.

Integrated IT Software. There is no particular software package that performs all of the organizational tasks that are needed for a comprehensive electronic trial notebook. These tasks include an overall plan, document indexes, witness indexes, correspondence and deposition management, interrogatory control, production of documents control, admissions, pretrial orders, substantive motion preparation, opening statements, closing arguments, and so on.

However, with the selective use of outlineurs, document assembly, databases, full text retrieval, and imaging software, valuable solutions are available.

The integration of different software applications - word processing, databases, spreadsheets, full text and so on - that enable one to link and share vital case information is vitally important. This sharing of information between programs is essential for multitasking and the practice of law. The use of OLE, DDE and the seamless integration of software, such as the Microsoft Office Suite, provide significant productivity gains and control over the facts of your case. The challenge with software is to take the best of the different software packages and link and integrate them together to form a powerful “digital case notebook”.

On the market, there are some integrated litigation support programs that combine some or all of the following modules: transcript management (full text), document control (databases), case plan (outlineur), document pictures (images), and a single search engine. They allow for simultaneous searching of all information collected together. Other additional features of some integrated programs include in court presentation functions and legal authority databases. For example, Summation has an integrated database, full text, outlineur, real time, and imaging module, while LiveNote has integrated full text and real time modules.

Some products to consider are:

- Summation™ (www.summation.com), (database, full text, imaging, real time and outlineur);
- DepositionDirector™ (synchronizes video and text, trial presentation system, real-time video broadcasting for depositions and trials.) (www.indatacorp.com) (Summation and inData have integrated their software to work together);
- CaseMap and TimeMap (outlineur, timeline and case analysis software) (www.casesoft.com); and
- LiveNote™ (full text and real-time) (www.livenote.com).