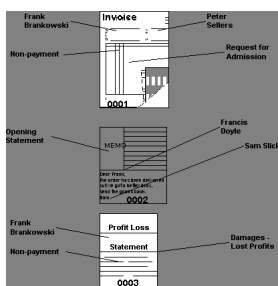


### Chapter 7 - Managing Litigation Information Using Technology

#### Approaches to Connecting the Legal and Factual information in Your Case

After obtaining or converting your case information to an electronic format, the key is the ability to organize and connect the information for a variety of legal uses. The information should be organized in a method to enable one to immediately retrieve legal and factual information for a summary judgment, witness deposition preparation, opening statement, closing argument, and so forth. The linkage or methodology to connect this information is key to the electronic control of your case. Some suggested methods to connect and organize your information are:



**Coding.** One of the primary ways to connect information in your case is through the use of codes. Codes can be developed to reflect the legal, factual, witness and other issues in your case. Once you isolate specific case information, that information can be coded and, therefore, CONNECTED to a factual or legal issue. For example, if a party, in his interrogatory answers, says that improper speed is an issue because he saw the defendant traveling at a high rate of speed, then that factual information should be coded with an improper speed code and a witness code. If two other witnesses are also going to testify about improper speed, then that specific factual information should be linked to the witnesses and the legal issue wherever it is located. If the factual information is in interrogatories, depositions or any other source, then the codes will “chain” the information together for valuable reports. Reports can then be generated based upon the codes, requesting all factual information about improper speed and which witnesses will testify about this important factual issue. Herein lies the secret to the organization of your case.

To the right are three documents that are connected to the legal, name, and other information in your case. The critical “linking” information can be entered into a database and expanded reports can be instantly generated. As the case grows, additional new documents can be abstracted and new reports generated.

After coding these three documents in a database, the following reports can be instantly generated and then updated as new information is entered.

## Witness Report

### Witness

Doc. #

Doc. Type

Doc. Description

Notes

Brankowski, Frank

0001

Invoice

Invoice for widgets

Authenticate

0003

Financial Statement

Profit/Loss Statement for 3rd Q.

Ask Frank about Marginalia

Doyle, Francis

0002

Memo

Discloses reason for breach of contract

Present as image to jury

Sellers, Peter

0001

Invoice

Invoice for widgets

Authenticate

Slick, Sam

0002

Memo

Discloses reason for breach of contract

Present as image to jury

## **Legal Issues Report**

### **Legal Issues**

**Doc. #**

**Doc Type**

**Doc Descrip.**

**Notes**

Damages - Lost Profits

0003

Financial Statement

Profit/Loss Statement for 3rd Q.

Ask Frank about Marginalia

Non-Payment

0001

Invoice

Invoice for widgets

Authenticate

0003

Financial Statement

Profit/Loss Statement for 3rd Q.

Ask Frank about Marginalia

## **Other Issues - Procedural Report**

Other Issues

Doc. #

Doc Type

Doc Descrip.

Notes

Opening Statement

0002

Memo

Discloses reason for breach of contract

Present as image to jury

Request for Admission

0001

Invoice

Invoice for widgets

Authenticate

However, the difficulty with coding is that all software does not support the coding and reporting process. Whether it is database, full text, imaging, or an outliner codes should be inserted to enable the user to group and link this information. After linking, the ideal situation is to be able to view on-screen or print legal and witness reports of the connected information, in the order desired by the user.

*Complete Full Text and Database Search.* One solution used by some practitioners to the non-integration of different software packages is to save electronic reports of the different formats - full text, databases, outliners, and so forth and then import them into a sophisticated full text program for searching by individual codes, cross-references, etc. This has been used successfully in a number of cases.

*Cut and Paste.* In this method, one would cut important legal and factual information and paste it into a designated section of a "trial notebook". If you intend to cross-examine the defendant about the speed of his vehicle, then any reference to the speed by him or any other witness in a deposition, interrogatory, request for admission, or police report is cut and pasted into a special section of your trial notebook. For example, if you are setting up your trial notebook in a word processor, then one would paste this information under a section entitled DEFENDANT - CROSS, IMPROPER SPEED. This reflects the digital way of using a scissors to cut and paste into a trial notebook.

This method requires that the same factual information be repasted under other factual or legal areas where the facts are relevant, such as in your OPENING STATEMENT or CLOSING ARGUMENT section, and so on. If the legal issues change, then material will have to be repasted, depending upon the new categories.