

Chapter 7 - Managing Litigation Information Using Technology

Indexing or Coding Your Documents.

Indexing or Coding Your Documents. One key method of organizing and controlling the information in your cases is coding or abstracting the document information. CODING or ABSTRACTING means the determination and transfer of designated classes of information from each document onto a computer form that is designed for entering the selected information into the litigation support system. If you intend to image your documents, indexing the documents is required because an image of a document cannot be searched. However, if the document had been converted to machine-readable text using OCR, then the documents could be word searched.

The extent of indexing or coding depends on the usefulness of document. This will also determine whether certain documents should be converted to full text. There are two primary coding methods – bibliographic or objective coding, and subjective coding.

Bibliographic Indexing (BI) or Objective Coding. In computer document control terminology, objective coding is coding that can be easily obtained from the face of a document. It does not require any "subjective" reasoning or thought process. Objective coding merely requires the recognition of certain fields of information, such as the author, date, addressee, and the like. Approximately 16 pages can be objectively coded per hour. For example, objective coding of a document could include document number (or "Bates" number), document date, document type (if apparent), document title or description, the connection of persons with the document, such as author, addressee, persons mentioned, recipients, attachments, and exhibit numbers.

The most common coding of documents is bibliographic indexing (BI). BI is creating one database record for each document in a collection. Bibliographic indexing is increasing as use of imaging becomes more popular and the need for document control increases.

BI should be used when:

- Imaging is going to be used;
- One has a large number of documents but is unsure of their relative importance;
- Budget considerations do not allow for a more detailed database; or when
- Paralegals or others will do further detailed or subjective coding in the office.

Subjective Coding. Subjective coding of a document involves determining the document's relevance to particular legal or factual issues and summarizing the document. This includes an understanding of the legal issues of the case and the application of those issues to the facts of the case. Reading and understanding the text of the document, relevance, issue identification, summary, confidentiality code, comments, and whether to convert to full text are considered subjective coding. Often, legal technicians or paralegals are able to code this information for eventual review by the attorney in charge of the case. Approximately 8 document pages can be subjectively coded in an hour.

Codes are generally work product and not subject to discovery. However, codes used by your client in his business are probably discoverable and not protected by work-product. Since subjective coding is time-consuming and expensive, ensure that only your critical documents are coded.