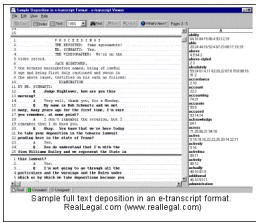


### Chapter 7 - Managing Litigation Information Using Technology

#### Full Text Search and Retrieval



Full text documents are those documents that have the "complete text" or "full text" of a document stored in a computer file. These documents can be word or phrase searched and you can instantly access the exact location of the words in the full text documents. Examples of full text documents include depositions and trial transcripts. However, essentially any document produced in a word processor is a "full text" document. Some other examples of full text documents that are accessible in an electronic file are witness interviews, reports, interrogatories, the Federal and State Rules of Civil Procedure, Criminal Procedure, Evidence, Appellate Procedure, and so forth.

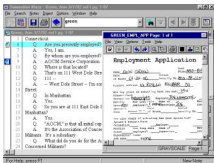
Depositions of witnesses in your case are essential to adequately prepare for trial. They are generally taken for discovery purposes or for recording testimony. Just as important as taking the depositions is the accessibility and control of this testimony after the depositions are taken. Many lawyers manually attach color-coded stickers or clips to "code" the depositions in reference to liability and damage issues. However, since the middle 1980's, computer programs have been available which permit you to electronically "view" and "code" these depositions, which gives you instantaneous access and control over this testimony. They are generally referred to as "full text search and retrieval" software.

*Full Text Legal Applications.* Some powerful deposition computer applications include:

- Quickly retrieving important testimony of any witness;
- Making summaries of depositions as you read the deposition on the screen, capturing any text in notes, and retrieving those annotations for powerful reports in a page, subject, or chronological format;
- Identifying and sorting testimony by user selected issues or subjects, i.e. subjects such as work history or educational background;
- Organizing all information witness Smith said concerning witness Jones and comparing it against other testimony given by witness Smith or Jones in other depositions or cases;
- Organizing all the favorable and unfavorable admissions in the case;
- Identifying and sorting events in chronological order;

- Organizing all material that supports filing a motion for summary judgment;
- Storing a large number of depositions on a computer;
- Tracking testimony from multiple parties or experts about a particular issue or exhibit;
- Pinpointing damaging testimony.

*ASCII Transcripts.* Upon specific request from the court reporter, ASCII or full text copies of deposition and trial testimony are available in a machine-readable format. When setting up a deposition, ensure that your court reporter can provide a copy of the deposition in a computer-usable format. They generally will provide the "hard copy" for the standard fee and a computer-usable copy for \$25.00 to \$50.00. If you fail to obtain a copy at the time of the deposition and the reporter deletes her computer file, it will generally cost \$1.00 PER PAGE to have the deposition converted to full text.



*Images Attached to Depositions.* Software is now available that provides instant access to images of exhibits from depositions. It allows exact images of your exhibits to be linked to testimony discussing the exhibit in your depositions for instant review.

For example, during a deposition, you may have a witness discuss her Employment Application and have it marked as Exhibit 1. Later, while reviewing the deposition testimony, you may need to view the Employment Application. Before, if you were reviewing the deposition on your computer, you had to retrieve the "hard copy" of the deposition and locate the exhibit in the back of the deposition to match it with the full text computerized testimony.

With imaging software, the exhibit can now be viewed on-screen with just a few keystrokes while you are viewing the full text deposition. All exhibits to depositions can be instantly viewed - handwritten statements, medical bills, income tax returns, medical records, bills, and more. In another example, in a commercial litigation case, a particular witness in his deposition may testify concerning eight different commercial documents in a case. Now, using imaging software and your current text retrieval software, these commercial documents can be scanned into the computer and linked directly to wherever the witness testifies about the exhibits in the computerized deposition.

A technology savvy court reporter will assist you with ensuring the exhibits are scanned and linked to the appropriate testimony in the deposition. Many court reporters now place special codes in the electronic transcript during the testimony to connect or “link” the exhibit to the testimony.