

Chapter 7 - Managing Litigation Information Using Technology

Interrogatories, Pleadings, Motions and Request for Admissions

One of the primary sources of case discovery is interrogatories. Succinct interrogatories enable one to determine the legal and factual parameters of the case. It will disclose witnesses, legal and factual theories, medical information, and a variety of other critical information. Traditionally, interrogatory answers have been provided to the opposing attorney in a paper format with attached exhibits. The answers can range from a few pages to hundreds of pages, depending upon the case. It is not unusual for a second or third set of interrogatories or supplements to be filed with resulting answers.

The information in the answers to interrogatories is a nightmare to control. Generally, the answers are TYPED into the space on the interrogatories. Oftentimes, the space is insufficient and continuance of the answer is on a separate document attached to the answers. Manually locating information in interrogatories is a time-consuming tedious process that rewards the firm with a large staff.

In order to control interrogatories by a computer, one needs first to ensure the questions, answers, and any attached exhibits are in an electronic format, and then use tools such as full text, databases or images to organize the answers. There are three possible ways the information will be provided to you:

1. A full text copy of answers and exhibits or a full text copy of answers and a set of imaged exhibits. This is obviously the ideal way of receiving the answers, since one can load these electronic responses into the computer and have instant searching capability over the case information. Absent a court procedural rule in your jurisdiction that mandates this type of electronic exchange of data, it is unlikely that the answers and exhibits will be provided to you in this format.
2. Obtain from opposing counsel a full text copy of answers and a set of paper exhibits that are attached. If you receive the answers in a full text format then if you image the paper exhibits and link them to the relevant answers, you will have the information in an electronic format.

One approach to obtaining a full text copy of the answers from opposing counsel is to offer to provide the questions in a word processing format if the questions and answers will be returned

in a word processing format. For example, I have been successful in offering to save opposing counsel secretary's time by providing the questions in a full text format, if they will provide the answers in a full text format. The secretary can take the questions and load them into a word processor and have as much space as she wants to type in the answers. This is much easier and faster for her then to use a typewriter to try to fit the answer into the space provided on the interrogatory or attach a continuance of the answer.