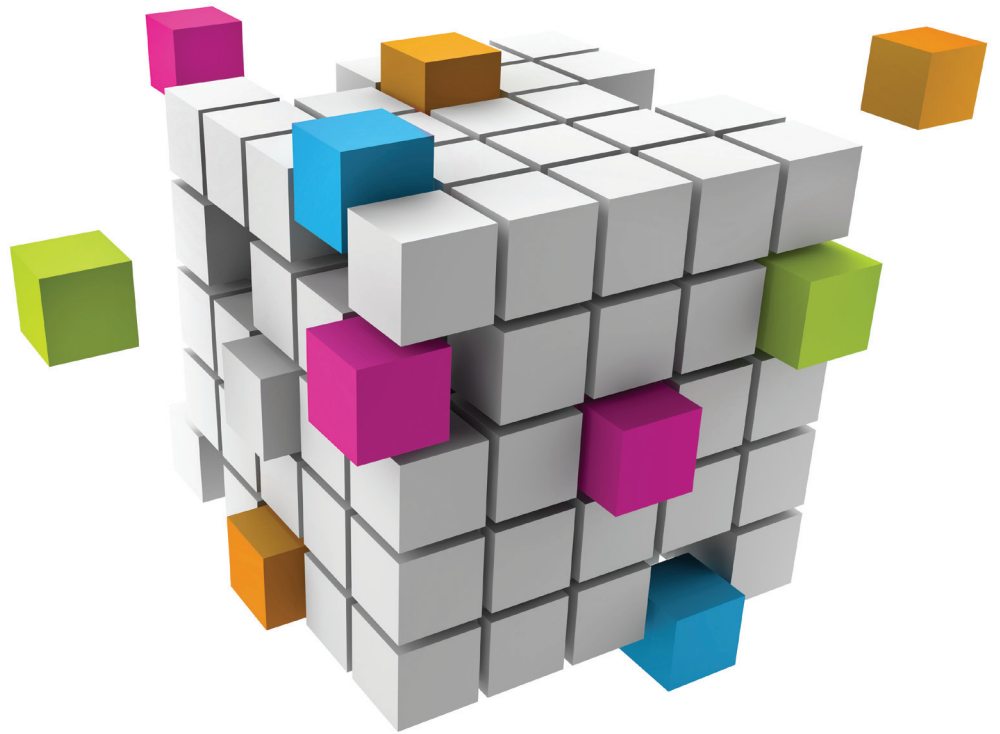


From the Frying Pan into the Fire

By Mark L. Austrian

Case management software does away with the need to circulate numerous e-mails containing results of legal research and factual investigations and renders the central file system obsolete.

Electronic Case Management in the Digital World



Much of the current dissatisfaction with current complex litigation processes stems from the extensive cost, delay, and frustration caused by the predominance of electronically stored information or ESI. However, the conversion

of information from hard copy documents into an electronic format allows counsel to organize information better for use during the entire litigation process and at trial to create a persuasive story. This article focuses

on the advantages and challenges of organizing and presenting information in the post-discovery phases of the trial through electronic case management (ECM), an issues-driven system that takes advantage of



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our world as it changes from a paper-based world to an electronics-based one.

The Litigation Process

A trial team must accomplish a series of tasks, in addition to developing a comprehensive discovery plan, prior to trial, including the following:

- Focus on evidentiary issues presented by ESI.
- Identify key issues for discovery, pretrial, and trial.
- Identify potential factual witnesses and persons with information.
- Consider the need for, identify, and work with outside experts.
- Research legal issues.
- Interview client and third-party witnesses for their version of the facts.
- Identify, retrieve, and organize important documents, mostly consisting of ESI.
- Prepare for and take depositions of opposing witnesses.
- Prepare client witnesses for depositions and trial.
- Integrate documents, prior testimony, and facts into a cohesive chronological-whole or on an issue-by-issue basis.
- Prepare, if appropriate, motions for summary judgment and other pretrial filings.
- Designate trial exhibits and anticipate exhibits for cross-examination.
- Develop direct and effective cross-examination outlines.
- Create and assemble persuasive, demonstrative and illustrative exhibits.
- Designate deposition testimony for use at trial.
- Prepare a “Proposed Findings of Fact” for judge trials.

This dynamic process must be coordinated and knowledge transferred both from and to the client, opposing counsel, the court, and members of the trial team on a continual basis, not at a single point in time, and any new information must be integrated with existing information. Team members need systems that allow them to collaborate actively and incorporate their ideas and thoughts efficiently.

This need has existed ever since the copier was developed, and the courts have been assigned the task of resolving complex disputes with the help of counsel. The problem is that existing systems, procedures, and legal training in our legal world have

not kept up with the transition to ESI. This is most apparent in the continuing efforts to modify the Federal Rules. Electronic data, however, allows us to streamline the knowledge transfer and organization of valuable case information.

The current method of keeping everyone “up to speed” is to circulate numerous e-mails to the team containing results of legal research and factual investigations. The central file system is dead. Team members then store this information in individual folders that may—or may not—be organized by issues and available to other team members. This, however, is information transfer, not information organization. Lawyers’ factual and legal analysis stored on the ubiquitous “legal pad” or incorporated in long memoranda circulated by e-mail must be captured and preserved in an easily retrievable central location. Numerous meetings to coordinate tasks are an expensive luxury. Cases are often delayed by trial procedures, such as summary judgment motions. Without a centralized system, the danger remains that turnover among associates or partners in a long-running case will result in the loss of significant information.

The final, game-changing opportunity presented by ESI, larger computer storage capacity, the internet, and the cloud is that it allows lawyers and supporting personnel to work at home, during “vacations,” while travelling, and during out of the office pretrial processes such as deposition preparations.

Electronic Case Management

The digital revolution can work to counsel’s advantage in three important litigation areas: client and trial team communication; pretrial organization; and trial organization and presentation. The processes should parallel the litigation team’s overall Electronic Discovery Reference Model (EDRM), a framework for conceptualizing, organizing, and managing e-discovery projects.

Client and Trial Team Communication

Increasingly sophisticated technology and software allows effective team communication: all team members can be informed of case developments when they arise, and the trial team can work together, collaborate on and publish documents, maintain task lists, implement workflows, and share

information through the use of wikis and blogs. The sophisticated technology and software organizes “virtual teams.” As with other segments of ECM, this must be implemented early in the case.

Now the technology and software can be used in the litigation process to calendar events, keep track of outstanding projects, and hold documents such as pleadings.

The digital revolution can work to counsel’s advantage in three important litigation areas: client and trial team communication; pretrial organization; and trial organization and presentation.

When a task is assigned to a particular team member, both the person assigning the task and the person to whom the task is assigned can easily notify each other when the task has been submitted, what the deadline is, and who is responsible for completing the task. The results can be accessible to all members of the litigation team in different offices and clients can be given direct access. This further minimizes the need for intra-office conferences.

This, if used properly, can also simplify the central storage and accessibility of case documents, other than that relating to discovery. In the past, lawyers, their assistants, the client, and opposing counsel transmitted information by letter or memoranda. These documents were then circulated as needed and sent to central files with a notation on how they were to be filed and organized. Every person working on the case had to go to the central file and retrieve and copy any particular document. There had to be careful, and enforced, procedures for checking out and checking in case files. Now the circulation and storage of case files can be done more cheaply and effectively.



Unfortunately, this is often easier said than done. One of the most vexing problems for litigation teams in the post-eDiscovery process remains the circulation and storage of e-mails and attachments among team members and correspondence with opposing counsel. This problem arises because lawyers often store electronic information on local PC hard drives

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or have become accustomed to the “BYOD” method (that is, they rely on “bring your own device” method), as well as enterprise software. While some entities prohibit users from placing information on local hard drives, for any number of reasons, lawyers will not accept this limitation. Therefore, the litigation team must also create a central repository to store and organize the voluminous e-mail correspondence circulated during the pretrial process so that it can be searched and accessed by all team members.

Pretrial Electronic Case Management

One of the important tasks of any team leader is to work with the team to establish the organizational structure and information management practices. Consideration should be given to creating a written document containing basic organizational elements so that all team members are aware of how information is to be managed, organized, analyzed, and distributed. For example, policies should be established for organizing deposition information and consideration given to organizing information contained in a transcript once a deposition is concluded to delineate who will review it, how it will be analyzed, and how the information will be integrated with the other

case information. Finally, pretrial case management must maintain the integrity of the ESI throughout the process to insure that the data can be properly authenticated at trial. This is especially important when ESI contains important metadata.

Selection of Software and Training

The first step, the selection of the software and hardware and any necessary training for attorneys, must be done at the beginning of a case. It cannot wait until the e-Discovery issues are resolved. The e-Discovery process is interwoven with the case development by the Federal Rules. Questions such as the format for exchanging ESI must be discussed at the initial Rule 26(f) conference. Federal Rule 26 (a) (1)(ii) requires parties to exchange information that they intend to rely on at trial before the more formal document requests are served. It is incumbent upon counsel to identify the basic issues in a case and collect important information even before the e-Discovery exchange takes place. In addition, the format for the exchange of ESI should also take into consideration the needs of the software for the ultimate management of the entire case. Thus, case management procedures should be in place before e-Discovery begins.

Deciding which software to use for case management and how it will be used cannot be made by the junior associate on the team. It should involve a firmwide process, the firm’s IT and case management departments should assist, and the firm management should approve. Firms should avoid the use of different systems to reduce training and support costs. This is often easier said than done, since once lawyers become familiar with one system, they are reluctant to learn the requirements of different software, regardless of the advantages. The basic theme always to be addressed is not “what the software can do” but “can the software help me accomplish what I need it to do?” The software should be cost effective and simple enough for all members of the trial team to use. The software should approximate how lawyers organize their information during the pre-computer era to create and organize lists of issues, important facts, chronologies, and key witnesses. The resulting database should provide easy access to the supporting doc-

umentation, be capable of being modified by all of the attorneys, integrate seamlessly with companion software, and be sufficiently flexible to incorporate additional facts and issues as a case progresses.

A word of caution, which applies to almost all litigation software: all the software has many more features than a practicing attorney could possibly understand or use. Nonetheless, the greatest barrier to using currently available technology is the unwillingness of attorneys—at all levels—to devote the time necessary to learn and incorporate these systems into their daily litigation activities. This is made even more difficult as software developers seek to “improve” a product and roll out new versions that require lawyers to learn new techniques, even when they are completely satisfied with the existing software.

The main point is that unless all team members understand and believe that the process will allow them to accomplish their individual goals better, they will not use it and will revert to older techniques and habits. This is especially true of busy trial lawyers and associates under the pressure of billable hour requirements. Compounding the problem is the almost total lack of courses devoted to this process in law schools.

Case Assessment Software Database

There are generally three categories of information that litigation attorneys must contend with: information that is “relevant”; information that is “important”; and information that is “essential” to the successful prosecution or defense of a case. Information that may be “relevant” is the subject of e-Discovery and the various collection, search, storage, and retrieval software and techniques that are associated with it. Information that may be “relevant” must be culled down through various reviews and stored in a separate or related database. This article does not discuss early case assessment or go through the various steps in the Electronic Discovery Reference Model (EDRM). Rather, it assumes that ESI has been transferred to the e-Discovery platform and is ready for further analysis directed to pretrial and trial preparation.

When all of the documents are loaded into the initial computer platform, the next step is to develop a system of retrieving the

documents in some systematic way for use in the case, as opposed to discovery. Depending on the size and complexity of the matter, this may be all that the case requires. From the electronic database that has been objectively coded, the documents can be easily organized and searched. Similarly, the documents can be sorted specifically by coded field, for example, an “author” field. Doc-

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uments can be further organized through various systems of “tags.” Essentially, this allows each document to be grouped by category or issue. Some of these case-specific tags can also be used in future stages of the litigation to coincide with a listing of significant issues that should be created. In large cases, however, the next step is to segregate “important” data. Depending on the size of the database, this can be done either by using various search techniques or viewing the documents individually.

Attorney-managed Database

There are a number of systems that use organizational software composed of rational spreadsheets that can be used by lawyers to collect and manage the truly important information effectively. For purposes of this article, this will be referred to as “case management software” or “CMS.” While many information database options offer case management capabilities, our experience is that in very large cases, they are more effective when their use is limited to data collection and overall organization. Once the documents have been

categorized by issue tags in the database and unnecessary information screened out, the important documents can be imported into the CMS software. Care must be taken to make sure that the proper software is chosen and used to do this so that the team doesn’t need to import on a document-by-document basis, and there must be a decision made on the format to be used in the Documents Database.

We recommend choosing case management software that acts as a cross between Microsoft Excel and Outlook software to organize facts, documents, issues, and witnesses into spreadsheet format. In the case management process, this software would create three basic databases: a “Facts database,” an “Objects Database,” and an “Issues Database.” Within the Objects Database, for instance, there would be numerous sub-databases, including Persons, Documents, Demonstratives, and Pleadings. In each of the databases there would be a choice of fields such as date and description, among others. Many of these fields would be searchable by key words. Thus, all information referring to a particular person entered into one of these fields can be retrieved easily.

The CMS could be accessed and modified simultaneously by each of the attorneys on the trial team and would store the information immediately without any need to enter a specific “save” direction. All team members could add important facts, documents, or issues to the database. When trial team members are on the road, they can then create a “replica” and take the database with them and update the database as they learn additional information. This information could be synchronized with the master database when they return to the office. This greatly simplifies the need to circulate summaries and memoranda constantly to each member of the trial team as new information becomes available. In the alternative, the CMS could be accessed through the firm’s remote access capabilities.

Information to Include

At the most basic, the electronic case management files created by the software should include facts, the cast of characters, documents, demonstratives, pleadings, and all the supporting information that goes along with these.

Issues Database

Every case should start with an initial analysis of the issues, potential witnesses, and currently available documents and facts. One of the more effective methods of obtaining and organizing these thoughts is through brainstorming sessions. From there, counsel learns additional facts, does legal research, identifies additional witnesses, and collects documents (in whatever format) to support the overall legal strategy. The sophisticated technology and software, referred to above, can assist attorneys structure the preparation of a case in a unified format and in a logical progression.

This is important since lawyers need to categorize the evidence by specific issue. This list must be well thought out and limited to broad general categories. Too many issues will lead to confusion. Unless each team member understands what an issue really means, there is a risk that the information applicable to one really important issue will be misidentified, and different attorneys may add an issue or sub-issue that has already been included in the list. These issues are entered into the CMS “issues” field and serves as the basis for categorizing factual and documentary information on an issue-by-issue basis. Versatility allows for the inclusion of items in addition to case issues, such as persons and events.

“Cast of Characters” or Persons Sub-database

Certainly one of the most important pieces of information developed through the pretrial investigation is a listing of persons who have, or may have, information relevant to the dispute. This occurs continuously through initial brainstorming sessions, discussions with the client, and review of documents and depositions. Case management software offers a centrally located resource for the trial team. As individual potential witnesses are interviewed, this list can be used for refreshing recollection of past events, as a glossary for special terms unique to the litigation, and of course, as a basis for witness lists at trial. There will be a “linked file” field, which allows for a reference to background information on the person such as articles and bios. This database is especially useful for new members of the team and does not require them to review numerous documents simply to get a feel for the key players.

It is also crucial to consider whether supporting personnel, such as secretaries and personal assistants, should be involved in the data entry process and trained on the system. The answer is “yes.” The “Persons Sub-database,” in addition to general information such as the individual’s employee or role in the case, would have more “mundane” information, often referred to as “object detail.” This can include information such as e-mail, gender, addresses, phone numbers, and deposition date. The information often needs to be collected and available but not necessary put into individual visual fields.

At a more mundane level, by entering the name of the person, the program automatically would save the spelling and creates a “short name.” This happens throughout the other databases and removes the risk that a person’s name will be spelled incorrectly and a word search will miss an important piece of information.

Documents Sub-database

Most CMS do not have their own viewers to display a document. Instead, they open documents using external programs such as Adobe Acrobat, IPRO, and LiveNote and can also hook up to Windows applications such as Microsoft Word and Excel. The same documents are often stored in different formats in Relativity, Concordance, LiveNote, or IPRO. It is important very early in a case for the attorneys to understand and agree where the documents will be stored so that all of the important information is in one place, and if possible, in one format, so that they can be accessible to everyone and can be stored on every computer’s hard drive for easy access out of the office. Often attorneys receiving, for example, a document attached to an e-mail, may store the document on their own hard drive without transferring it to a commonly accessible storage facility. This must be avoided.

A “document” spreadsheet generated from the CMS would contain all of the documents that the trial team believes are “important.” They normally would be presented in chronological order. These documents would be linked to sources that allow the user to access the document easily.

These documents can be matched with particular issues, either when they are initially entered or as the case progresses

and sorted or “filtered” on this basis. The documents can be further filtered if the only documents desired are those that can be used on the issue, for example, of the “Agreement Between Parties.”

Case management software allows the facts and documents to be easily organized chronologically. A separate field can be created for the deposition of “X,” and this list provided to a secretary or clerk, who can then print out the documents for use during a deposition directly from the database. Since the CMS permits an attorney to access the actual documents easily, view them on the computer screen, or print them out individually, this greatly simplifies deposition preparation and eliminates the expense of having paralegals create huge binders of potentially useful documents or going to the files to retrieve individual documents for attorney review.

All of the screens in the CMS, along with the documents, can be loaded into a computer hard drive or CD for use during a deposition, interview, brainstorming session, or working from home. This eliminates the need to copy huge volumes of paper documents. In most firms, the database can be accessed through the firm intranet. If a printer is available, the documents can be copied for unexpected developments during a deposition or at trial.

Facts Database

Facts can be entered into a Fact Database by each member of a trial team as each piece of information is developed during trial preparation. These facts can come from documents, interviews, depositions, memoranda, or any other source. The database would have a place in a source field to state where the information came from, such as a document or an interview. Often, team members need an additional piece of information: which team member actually created this entry. With this information, another team member can approach the individual who entered the information to get additional background. The CMS automatically would enter the identification of the person entering this information under a “created by” field, which also creates the date and time.

Selected deposition excerpts can be transferred from software such as LiveNote to the Fact Database. One issue that needs to be considered is the software that will be

used *with* the main CMS. This often affects the types of functions that the CMS can perform. For example, there are two types of Adobe software: “Reader” and “Pro,” or “Professional.” With the basic Reader software, a Fact database can also be annotated so that an attorney can access directly the source documents in the objects database. With Adobe Professional, the partic-

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ular passage in the individual document can be copied into the fact “text” field. This is obviously quite useful because different attorneys may review the same document and want to include different segments in the database.

With the CMS, documents referring to, referencing, or mentioning a particular witness or subject matter can also be segregated, and in preparation for depositions and interviews, identified at a substantially reduced cost. The various spreadsheets from the CMS can also be exported to other software such as Excel for other uses.

The data in the Facts Database can be easily broken down by issue, witness, and many additional categories. It can be linked to actual source documents, allowing an assistant to search for and retrieve them, among other things. It is completely interactive, so that every team member can add facts that they believe are important to the database, and they would be automatically put into chronological sequence.

Often, the source of the particular fact is important, *i.e.*, client files, deposition of a particular witness, document, among

others. As mentioned, this information can be included in the Fact Database. In addition, since the CMS can link to the scanned image in IPRO, and the document containing this fact can be viewed simultaneously, there is no need to go through individual files to retrieve the document. As an attorney views the facts as they relate to a particular document, the attorney can also indicate whether the fact is disputed or undisputed for purposes of a summary judgment motion. There also should be a column in the Objects Database where the attorneys can indicate their evaluation of potential witnesses. Visuals, such as PowerPoint slides, that have been created for presentations can also be placed into the CMS and indexed according to the issues selected.

Transcripts

In most cases, after documents, the next largest body of information is contained in deposition testimony. This information must be integrated with the data already collected and the critical deposition segments that can be used in cross-examination readily identified. Most depositions are now supplied to counsel in hard copy and in an ASCII II (American Standard Code for Information Interchange) electronic format. In LiveNote, which can read ASCII, the electronic transcript viewer allows the user to view and manipulate the testimony similar to a Microsoft Word document. Moreover, testimony can be entered and searched in "real time" during a deposition or trial using a court reporter's computer aided transcription system. LiveNote can store and play videotaped depositions, as well as

accompanying exhibits. LiveNote can also create video clips from synchronized videotaped depositions.

One of the best ways for attorneys to manage deposition testimony is to review it shortly after the deposition is taken (preferably by the attorney at the deposition). The attorney can identify the most significant testimony, annotate it, and transfer it to the CMS, allowing it to be integrated into the information already entered. The particular deposition testimony can also be annotated to particular issues in the case. Ultimately, portions of the deposition testimony pertinent to the key issues can be copied into trial presentation software. For instance, the following deposition "Q and A" could be imported into the CMS as follows:

Deposition

- Q. Did they make anything else you recall besides bottles?
- A. Yeah. We made baby food jars and we made beer bottles, Whiskey bottles, applesauce jars, mayonnaise

From the fact screen, the attorney could pull up the specific testimony. If the attorney is preparing a witness sheet either for direct or cross-examination, the actual testimony be easily copied and pasted into the witness sheet for reference. See Figure 1.

Legal Research Sub-database

Example: Legal Research Screen

Another key component of case management software has to do with the organization and retrieval of legal research on the specific cases. Once again legal research is primarily conducted through computer databases. With traditional methods, if a

lawyer locates an important series of cases, the first step is often to copy the case, highlight significant passages, and put them in an indexed notebook. The end result is a series of notebooks, copied for all of the attorneys who may be interested. The Legal Research Sub-database makes the cases easily accessible, culls the research by issue, copies the important passages into the database, and permits a much more efficient knowledge transfer and basic resource for brief and memo writing. The key passages can be easily copied into a memo or a brief. See Figure 2.

How Can Attorneys Use This Information?

With the creation of an attorney-useful database, counsel can focus on the specific pretrial tasks noted in the beginning of this article in a more efficient, cost-effective manner.

Chronologies and Timelines

One of the most helpful organizational tools for a particular matter is an overall factual chronology or a factual chronology by individual issue. Attorneys normally present matters to the jury in chronological fashion. An overall chronology created by thinking "globally" about a case is never as complete as one created working issue by issue. Taking an issue-driven approach to building a chronology helps lawyers understand the relationships between facts and issues and makes it easy to spot gaps in the available evidence. Case management software allows an attorney to create a separate chronology looking solely at the facts relating to a specific issue with the push of a button. The attorneys can also enter into the Fact Database section facts that they wish they had or believe exist but have not yet established. This is consistent with the overall case analysis, where the goal is to create a coherent story for the jury, without which juries will be left to fill in facts on their own, simply to complete the story

Figure 1
Example: Fact Screen

Date & Time	Fact Text	Description	Linked Issues	Source(s)
??/??/2009	Hyson explains his concept of jars	[21:19 - 21:22]	Hyson Materials	Deposition of Charles Rader ["Charles Rader" 20 19 20 22 a]

Figure 2
Example: Legal Research Screen

Name	Jurisdiction +	Type +	Citation	Description	Notes	Linked Issues	Linked File
Jones v. Franklin	DC Circuit	Case Law	232 F2d 252	Says there is no broker agreement unless in writing	This case is nuts	Agreements between Parties	\\kellydrye.com\Redirect\DC\Austma\My Documents\EDiscovery\D\Onofrio v. SFX Sports (Forensics).pdf - (Acrobat)

line. This technique also is a useful method for determining which facts need to be obtained during the investigation and discovery process.

The CMS may also have a companion product that takes the information from the Fact Database section and places it in visual form. This can be used at trial, but equally important, it can be used during the pretrial stage to examine visually the actual relationship between various events. This is often much more informative to an attorney than looking at a table.

The traditional document index is not a substitute for a factual chronology. A document index organizes knowledge by document rather than by fact. This approach ends up concealing facts rather than achieving the primary goal of a chronology—making case facts explicit. Important documents are frequently the source of *multiple* facts. If the document chronology lists the name of the document, its author and recipients, the facts that it contains are never made clear. Furthermore, including a summary of each document in the document index is not much of an improvement. The problem would still remain: facts that may have occurred over a span of years are trapped in a single summary.

Witness Preparation for Depositions and Trials

The essence of pre-deposition witness preparation is first to determine what the client knows and does not know. When the matters in dispute occurred in the distant past, this process must include methods to refresh a witness's recollection. This is done through the presentation of ideas and documents to "jog" the witness' memory. Thus, an attorney must know all of the available information to assist the witness and also locate areas of conflict with other witnesses and testimony that may be inconsistent with the written record. The CMS-generated reports greatly simplify that process by identifying important documents that relate to individual witnesses in a chronological sequence, as well as a written chronology of events. Once the discovery process has concluded and all of the important factual information has been transferred from depositions and incorporated into the CMS database, the trial preparation process can proceed effectively with an integrated view

of the evidence as it relates to the particular witness without an extensive repetitive review of the entire discovery.

Adverse Depositions

Attorneys approach deposition preparation in different ways. Case management software allows the collection of documents with relative ease depending on the approach. Almost every case demands an analysis of the individual facts and documents relating to a very specific issue and some attorneys look to structure the deposition on an issue basis. This can be done with other databases, but then the result is the production of every document with the individual's name on it, and the process of identifying the significant documents is duplicated. The key is not to repeat the document review process to identify significant documents numerous times.

Some depositions proceed in a chronological sequence. The questioner will ask general questions and, as the deposition proceeds, become more focused to verify facts that are known, learn facts that are not known, and test legal theories. For those attorneys who prepare detailed witness sheets with anticipated answers spelled out, information can be exported from the CMS into those witness sheets.

It is also most useful to identify exhibits for these depositions by an exhibit number, such as PX 1, or DX 1, instead of by witness name. These entries can then be added to the Documents Database in a "Deposition Exhibit" field as the transcript is reviewed and annotated and information is transferred into the CMS.

Motions for Summary Judgment and Proposed Findings of Fact

Counsel may file motions for summary judgment because they believe that this will resolve one or more issues in the case. A central part of any such motion is a "Statement of Agreed Facts." This document is almost always organized in numbered, chronological sequence. The Facts Database within the CMS would have fields entitled "Material" and "Status (Disputed/Undisputed)." This permits an attorney to easily sort on this basis and create an outline for the court filing. The sorted facts can be exported to a word-processing document as an initial draft of the filed doc-

ument. Even if no summary judgment is filed, a similar document, "Proposed Findings of Fact," can be prepared in a judge trial.

Witness Lists, Exhibit Lists, Designation of Testimony

Essentially, exhibit lists and witness lists are created automatically, and the only issue for the trial team is to cull down the entries to those which will actually be used at trial.

Trial Presentation

Once the basic case strategy is agreed upon and the facts, documents, and witnesses necessary to implement that strategy at trial have been identified, the next question is how to organize the information for the actual trial. If the electronic case management process discussed above has been used properly, the next step is relatively straightforward. All of the documents and prior testimony is already in digital form in the case management software and can be loaded directly into trial presentation software. While trials often have unexpected moments, trial presentation software can organize the materials the attorney intends to use by trial phase (*e.g.*, opening and closing) and by individual witness, either for direct or cross-examination. As with all the current suites of litigation software, if the attorney is using the software for the first time, it is wise to have experienced IT assistance in a piece of complex litigation. The principle advantage of trial presentation software is not, however, organization of information. Rather it is the ease by which visual information can be presented at trial. The documents can be shown on a monitor or projection screen as the witness is testifying. Trial presentation software have many useful tools that allow, for example, text to be highlighted, photographs to be presented and annotated, and videotape depositions to be played in individual segments. Individual documents for cross-examination are also easily located within the database.

Conclusion

In sum, electronic case management using basic computer hardware and software should be used in all types of litigation matters to improve efficiency and effectiveness. 