

Litigation Support Databases

By Gayle R. Absi

The benefits of litigation support databases include the ability to quickly search across all pieces of your litigation file including transcripts, discovery documents, pleadings, correspondence, deposition summaries etc. and pinpoint results with accuracy. Additionally, it provides legal personnel with a tool to maintain the litigation file. It reduces or eliminates the need for multiple copies of documents by witness, issue, or chronological order and shuffling through boxes of documents, pulling, copying and re-filing documents repeatedly. Information put into a database is recorded in one central place, one time and is searched and printed out by all users. The investment of creating a database is re-paid during later phases of the litigation. This article will highlight some of the key features of litigation databases.

Depositions

A component of litigation support is the ability to full text search transcripts. Court reporters provide the transcript in electronic form to be loaded into a search engine. Searching transcripts for references to single or multiple terms provides legal personnel with a tool to find information quickly. Loading depositions into a litigation support database provides users additional tools such as hyper-linking to other key pieces of information within a database, for example to other transcript references, to images of the deposition exhibits or other documents like pleadings. It also provides the ability to create electronic deposition summaries and note taking (electronic sticky notes). Loading transcripts is fast and simple and allows searching transcripts in combination with the other information contained within the case. The immediate benefits are such that all transcripts should be loaded.

Databases for Document Control and Organization

Create databases to track discovery documents. Although, documents do not have to be imaged to have a database, imaging documents is more efficient than tracking them in paper form. It is the same price, if not less expensive to image paper documents as opposed to photocopying them. In addition, the bates label is applied to the document at the time of imaging. Vendors are available to image documents and provide a load file for the litigation database and documents.

Imaging Paper Documents

Documents will require preparation known as “slip-sheeting” or document unitization. When a document is imaged and loaded into a database, the database

needs to know where one document ends and the next starts. This is accomplished with load files.

Scanned images are pictures of documents. Some examples of image formats are TIFF, JPG, or PDF. The text of the image is not searchable but the coded elements in the database are searched to retrieve documents. OCR (Optical Character Recognition) converts the image and turns its content back into editable text. Therefore, the document is full text searchable. While the technology does improve each year, OCR is not perfect. Certain types of documents do not OCR well, so a cost benefit analysis should be considered.

After making document-scanning decisions, documents are loaded into the database. Each database record has a set of fields associated to it. There are fields that are typical to all well designed databases; however, it is common to have specialized fields to track certain unique pieces of information that are relevant in a particular case. This foresight will provide a useful database and decrease the need to make database design modifications once data has been entered. A properly designed database is the single most important factor to successful implementation.

Coding

Coding is the process of populating the fields created in the database with information. Coding can be broken into three categories: objective, subjective and work product. Objective coding tracks basic bibliographic information on a document. This type of coding does not require in depth knowledge of the case and its issues. Document clerks or outsource vendors are good resources for this level of coding. *All documents should be objectively coded.* Subjective coding requires an analysis of the document. Legal personnel assigned to the case should do this type of coding. *Issue coding is often one of the most valuable attributes of a litigation database. A good litigation support plan will consider these concerns and the budget will reflect this.* Work Product tracks the status and dynamic use of each document.

Electronic Data

Any information that is stored in electronic form such as documents, data contained within databases, electronic calendaring, PDAs, time and billing systems, electronic mail, voice mail, videos, or data from specialized products such as CAD is discoverable. Electronic data and its associated metadata can be loaded into litigation support databases.

Review, Analyze, Search and Report and Present

Once a litigation database is properly populated with deposition transcripts and discovery documents, the litigation team can review, analyze, retrieve and valuable information in a variety of ways, and generate useful reports. The

database can be used to conduct responsiveness reviews and identify privileged documents. Privilege logs are generated from within the database. A well-planned database provides simple and fast information retrieval and therefore saves time. Sorting documents in chronological, bates number order, or in any number of ways takes seconds. Creation of notebooks is much easier when using a database. Finally, should this matter go to arbitration, mediation or trial, your trial exhibit material can be extracted from the database and integrated with your trial presentation software.

These are a few key features of litigation support databases. Most products offer the ability to manage several other types of case related information.

Gayle Absi, the President of ABSI Legal Technology, Ltd. is a Cleveland based consultant that advises attorneys on using technology in the practice of law. Absi is a past CAP board member, committee chair and two-term president. She is a Summation Certified Trainer and has extensive experience in producing electronic records in litigation and designing and managing databases. Gayle has overseen complex software implementation including case management and multi-location software projects. She has managed large volume document-review teams using both Summation and web based tools.

ABSI Legal Technology, Ltd. is certified through the Women's Business Enterprise Council (WBENC), the largest third-party certifier of businesses owned by woman in the U. S. Visit us on the web at www.absiltd.com.

