

Technology

Trial Without Error

Two Software Programs Make it Easy to Find and Organize Case Information

BY DANIEL J. SIEGEL

It happens all the time. You search a deposition for a critical answer, but can't find it. It's "there," you know what the witness said, but the words have "disappeared." Or, you're trying to figure out what happened in a case. You listed the information, and where it came from, but your legal pad has disappeared. And of course, you need the deposition quote and other information tomorrow.

Fortunately, there is an easier way to organize this type of information on your computer. All you need are LiveNote® and CaseMap®. LiveNote stores transcripts, allowing you to search, annotate and index them with ease. CaseMap, a relational database (don't let the term scare you), allows you to compile and analyze facts, people and issues in any case. These programs are useful not only for litigators, but also for any attorney who needs to organize dates, events, legal issues and proceedings. Although designed by different companies, these programs integrate well, and are "must haves" for attorneys who need information quickly and accurately.

Now in Version 8.3, LiveNote (available from www.livenote.com or 800-LIVENOTE) eliminates the need to read paper transcripts, allowing computer access to a case's every deposition and proceeding. Loading a transcript takes seconds. After importing the transcript, what you see on your screen matches the hard copy line-by-line, page-by-page. With LiveNote, you can

review any number of transcripts, or search the text by word, phrase, issue, etc. The program even does "fuzzy searches," i.e., searching for a word or words based upon their proximity to other words.

More importantly, with LiveNote, you can

The software accommodates hundreds of transcripts per case, or just one or two, with the same flexibility. Plus, you can reprint transcripts, in full or mini version, with or without annotations and highlights.

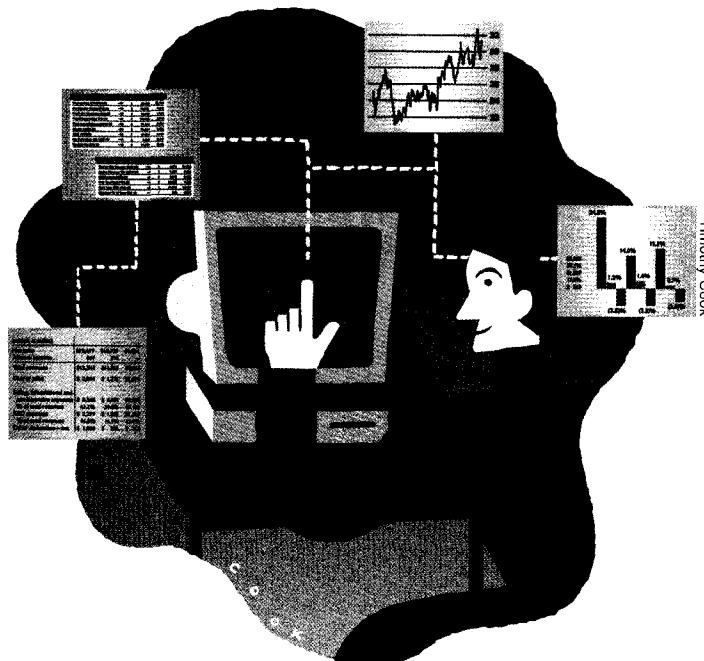
When I first discovered LiveNote, I wondered how I had practiced without it. Consider a typical medical witness deposition in a personal injury case. The doctor testified about test results (e.g., MRIs), and diagnoses (e.g., bulging or herniated discs). As you review the transcript, simply highlight the relevant portions—instantly linking them with one or more issues, for example, MRI results, physical exam findings, admissions, etc. You can also link electronic

copies of deposition exhibits to your transcripts and view them while simultaneously reading the transcript.

LiveNote's real strength is its reports. You can create reports showing every instance where any word or words appear or where any issue or combination of issues is noted, either in one or multiple transcripts. LiveNote allows you to customize reports by substance and appearance. And you can print, save or export your report in many formats, including Excel and Word.

LiveNoteFT, the basic version of the program, is so indispensable that using it in only one or two cases easily justifies the \$595 price tag. For more advanced users, there is LiveNoteSR, which sells for \$695 and permits you to replicate a case onto a laptop, make changes and then merge it with the original, which remains securely on your office PC or server. With either version, you can export transcripts and send them to LiveNote users in other firms.

LiveNote also works with CaseMap. When you highlight text in LiveNote, you can instantly transfer the text, including linked issues, to CaseMap. Thus, your work in LiveNote sets the stage for further analysis in CaseMap.



annotate transcripts and link the quotes with one or more of the issues you have created for your case. This ability to annotate, bookmark, link and highlight the electronic version of transcripts eliminates the need for written notes, which are often hard to read, or easily misplaced, and cannot be easily or efficiently searched. Because LiveNote saves every annotation or reference, it provides instant access to everyone else's work.

CaseMap (\$495 per user license from www.casesoft.com or 904-273-5000) allows attorneys to organize and explore a case's documents, facts, people, issues and other tangible things. Like any database, spreadsheet or word processor, CaseMap puts information in chronological order. CaseMap excels, however, in its ability to link items with specially defined issues and "objects," permitting specific case review.

Facts are simply that—a list of events organized by date and time. With CaseMap, dates can be vague, such as 1999, or pinpointed to the second. You can also record events by date ranges, such as "1999 to June 12, 2003," or "after June 1, 2002." "Objects" are people, documents, proceedings and other "tangible" components of a case. Finally, CaseMap "issues" are questions, damages, liability items and other case-specific matters.

Facts have "long" and "short" names. Thus, you can designate physician Bill Johnson, M.D. as "JohnsB." Then, when you enter facts in CaseMap, you only have to type "Joh," and see a drop-down list containing "JohnsB" and similar "short" names. Then, just click; CaseMap enters the short name and transforms it into the full name, eliminating that extra typing.

CaseMap's versatility makes it an excellent tool for all types of cases. Consider a malpractice case resulting from an allegedly botched surgical procedure. You enter facts, including who was present, down to the second. Then, you can determine when the defendant doctor was in the operating room. You can also establish which nurses and aides were present and question them about the events.

In one criminal case, a man was charged with abuse, but vehemently denied the allegations, although circumstantial evidence pinpointed him. Defense counsel created a CaseMap database, making every person an "object." When he reviewed the fact report, the attorney noticed that another man was "present" when each attack occurred. That man had similar physical features to the defendant. Although this man had not been a suspect, further investigation revealed that he, not the defendant, was the perpetrator.

Or, consider an employment case. With CaseMap, you enter facts, including what happened when and who knew what when. Then, you run a report with only the facts about one or more issues, such as "When did management know about the harassment?" With report in hand, you can better understand what happened. The best thing about reports is the flexibility and ease with which you define them.

Issues are one of CaseMap's most useful tools, and how you analyze them can make all the difference. Issues include points in dispute, facts you must prove or disprove and legal items such as affirmative defenses. After defining issues, you "link" them to facts and generate reports. You can create new issues, or reorganize issues, while evaluating data. You can also "filter" facts to narrow your inquiries further. The reports and filters are easy to use and can be printed or exported.

One of my favorite features is the ability to create standardized templates. In cases with similar facts and/or issues, such as auto accidents, you can create a template with those common issues and facts. You then use that template as the basis for each case's database, eliminating the need to redefine issues each time you create a new case.

As with LiveNoteSR, you can make a copy of the CaseMap database and save it on your laptop; the number of replicas is virtually unlimited, an especially helpful tool in litigation involving multiple firms. After changes or additions are made, the program guides you through the steps needed to synchronize them with the "master." CaseMap even analyzes the changes and prompts you to reconcile inconsistencies.

I no longer take notes at many depositions. Rather, I create a CaseMap database containing relevant facts. During the deposition, I note the testimony in CaseMap, referencing the deposition as an "Event." Thus, I have an instant summary. When I receive the transcript, I link it with the references already in CaseMap.

CONCLUSION

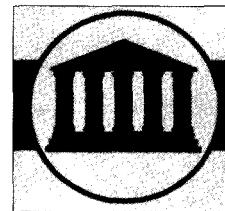
LiveNote and CaseMap are not designed to be "trial software" but they help prepare an attorney for trial. And each program works with comprehensive trial programs, such as Concordance and Summation.

Many legal software programs claim to be time-savers, but are often cumbersome or excessively complex. CaseMap and LiveNote prove that there are programs that streamline your efforts, and make you a more effective lawyer in the process. A recent survey by *Law Technology News* revealed that sixty-nine percent of firms surveyed use LiveNote and sixty-two percent use CaseMap. It's easy to see why. ■

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Proposed Rule Changes

The full text of the proposed changes to the Pennsylvania Rules of Professional Conduct is available from the Supreme Court Disciplinary Board's Web site, at www.padisciplinaryboard.org/ethics_2000.htm. If adopted, these will be the first comprehensive amendments to the Pennsylvania Rules of Professional Conduct since their adoption in 1987.

Some of a lawyer's duties to clients, the courts and third parties would be changed significantly by this proposal. An attorney's responsibilities with regard to partners, subordinates and employees would also be changed.



Taking It on the Road

The number of lawyers who carry a laptop or notebook computer while on the road increased from 54% in 2001 to 73% in 2002,



according to the recently issued *ABA Legal Technology Survey*. The survey also found that the use of handheld computers or PDAs increased from 25% in 2001 to

49% in 2002. For more, go to www.abanet.org/tech/ltrc/surveys.