Software Programs

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Document Management in Complex Litigation Files

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LITIGATION SOFTWARE

INTRODUCTION

This paper is meant to inform you about various kinds of litigation software, however, I want to start by reminding everyone that software is as individual as the user. No single program will do everything we want, or do everything the way we want it done – unless you have it custom made, and even then there will be the inevitable “bugs”. Therefore, I will endeavour to provide readers with information about a variety of different types of software and the main features and benefits you can get from using particular programs, and you can determine what fits your needs. Keep in mind that you want to use the right tool for the job! Sometimes in complex litigation this may mean that your evidence is transferred between a few different programs from the time it is gathered to the time it is presented at trial, but the larger and more complex your case, the more this may be necessary.

It would be impossible for this paper to give information on all software out there in the category of litigation support, so, I will focus on a few of the most well-known or widely used, and give some information about the features of each. I have organized the following sections into specific software that you can use at different stages of your case, starting with helping clients gather electronic data properly, early case assessment of large amounts of e-discovery, working with the data to prepare for discovery and trial, and even a bit about trial presentation software.

If you want to see what others in the industry are doing, refer to the ILTA (International Legal Technology Association) 2014 Legal Survey, which received input from 454 firms representing 217,000 users. It contains surveys regarding hardware, software, devices, vendors, trends and more in a mere 301 pages that can be downloaded from http://www.iltanet.org/Downloads/2014-Tech-Survey.pdf.

DOCUMENT MANAGEMENT VS LITIGATION MANAGEMENT SOFTWARE

I wanted to make a quick comment before we get into software specifics – document management software is NOT the same as litigation management software. I have some clients who use their document management software for storing their client’s evidence, however, in my opinion that is not a great idea. As I will point out, you need to use the right tool for the job, and a document management program is not meant for storing and organizing evidence. If you only have a handful of documents then perhaps this is better than a binder, but after you see what litigation software can do, I trust it will be clear how much more benefit you can get from a proper litigation management tool.
SOFTWARE “PRE-REQUISITES”

In my role as President of Triage Data Solutions, and my background as a paralegal, I am often asked to either help parties figure out what litigation software might work best for them.

Here are some questions to consider if you are looking for litigation management software:

- How many people in the office need access to the program at the same time?
- Do you need to share data between multiple offices?
- If so, do you want/need to have your data centralized or not (are you in a cloud environment)?
- What’s your budget and your existing infrastructure?
- What are the most important key features you are looking for?
- How large are most of your cases in terms of number of evidentiary documents?

From the 2014 ILTA survey responses, 37 percent of respondents indicated that they were not planning to use any type of computer-assisted review technology, however, another 38 percent were researching this. Most of the respondents that were not planning to use this technology were from small to mid-sized firms, however, they may not realize what an advantage this can give them in managing their cases.

Another reason litigators may not think they need review software is that many still don’t make a habit of asking their clients for their evidence electronically, despite the fact that you would be hard pressed to find a 5 year old who doesn’t own at least 1 electronic device. These days there is more data on computers than you will ever find in a filing cabinet, and if you aren’t looking at that evidence, you are likely missing something important.

Many of the software applications discussed below fall into more than one specific category, however, the more specific the software’s job, the better it will most likely be at that task. That being said, there is a benefit to not having to export data to and from different programs, even if that means that some parts of the program are not quite as good as they would be in a different program.