

Making the Most of a Cast of Characters

A cast of characters is extremely easy to create. It takes just a few hours work to develop one, even for a complex case. Yet, this case analysis tool can be put to work in many practical ways. One example explained herein: a cast of characters can be used to dramatically enhance the results of witness interviews.

Introduction

A cast of characters is a simple case analysis tool. It's a listing of case players and important details about them.

A cast of characters is extremely easy to create. It takes just a few hours work to develop one, even for a complex case.

Yet, this case analysis tool provides significant benefits and can be put to work in many practical ways. One example: a cast of characters can be used to dramatically enhance witness interview results.

This article explains the three steps required to create a great cast of characters. It also reviews the "Cast of Characters Debriefing" protocol we've developed for use when conducting interviews.

Where did the ideas presented in this white paper originate? In connection with two decades of litigation consulting work, I've studied the casts of characters prepared for over 1,000 cases. This experience taught me what factors distinguish a first-rate cast of characters from a mediocre one, and I pass along these lessons.

Please note that the cast of characters recommendations made herein can be fully implemented without using our CaseMap® case analysis software. Again, the following ideas do not require CaseMap. I do, however, believe there are excellent reasons to make CaseMap the home for every cast of characters you create. These reasons are presented herein, but in a sidebar so they're easily skipped should you want to read the article without being subjected to CaseMap propaganda.

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Step One: Think Outside the Witness Box

The first step to making the most of a cast of characters is to treat it as far more than a witness list.

Certainly, a cast of characters must list the persons associated with a case. But it should also provide a ready reference to the organizations, physical evidence and other things associated with the case—even case-specific terminology. Consider the types of things mentioned in case facts and you'll have a good list of the types of entities that should be included in the case's cast of characters.

Don't be concerned that mixing multiple types of entities in the cast of characters will make it a hodgepodge. As detailed in Step Three, a cast of characters is easily organized so that players of each type are grouped together. In addition to listing the people associated with the case, a cast of characters should include:

Organizations

Organizations mentioned in case facts belong in the case's cast of characters. Why? Consider this hypothetical fact: "Hawkins started work at ABI the day after he resigned from Syntech." The organizations in this fact could be as important to the case as the person Hawkins. Surely anyone new to the investigative team would find it useful to get a quick back-grounder on ABI and Syntech as well as one on Hawkins.

Physical Evidence

Items of physical evidence mentioned in case facts also deserve to be listed in the cast of characters. Consider these two hypotheticals: "Klein bought the Glock G32 at Engle Pawn & Gun" and "Walsh's face struck the Mustang's A-pillar." Pieces of physical evidence, the Glock G32 and the Mustang's A-pillar, play prominent roles in both facts. They belong in the catalog of things the case is about: the cast of characters.

Selected Documents

The vast majority of case documents serve only as potential sources of facts. Such documents should be listed in another important case analysis tool—a document index. A document index is analogous to a library card catalog. It's a means to organize bibliographic information about the 100s, 1,000s or 100,000s of case documents so that ones of potential interest can be located for further use and review.

It's common, however, for a limited set of documents to be referenced directly in case facts. Another hypothetical fact illustrates this point: "Hawkins and Lang argued about the Employment Agreement." Those few documents that are topics of case facts, e.g., the "Employment Agreement," should appear in the cast of characters in addition to being listed in the case's document index.

Other Things

Given the nature of a case, there may be other types of things that should appear in its cast of characters. For example, in a medical malpractice case, list the diseases suffered, the medicines prescribed and the procedures undertaken. As you develop the cast of characters for each matter, think hard about additional categories of players that might be appropriate for it.

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Jargon

Every matter includes terminology that will be new to members of the investigative team. "Delta V" in automotive cases. "Plumes" in groundwater cases. "Derivatives" in securities cases. And so on.

This case-specific jargon is a final thing to include in each cast of characters. Listing terminology in the cast of characters lets it serve the secondary role of case lexicon. If you handle multiple cases of a similar type, the lexicon created for one matter can be reused with future cases.

Step Two: Throw in Everything and the Kitchen Sink

The second step to making the most of a cast of characters is to be sure it catalogs all case players, not just the primary actors. List every person, organization and other thing that's likely to be mentioned in case facts.

Including all case players in the cast of characters makes it far more valuable in witness interviews, as a training aid for new staff members and for many other purposes. There's no need to fear that this inclusive approach will result in critical actors being lost among the bit players. As detailed in Step Three, the important actors are easily flagged so they stand out from the crowd.

A comprehensive cast of characters is not only more useful than one limited to key players; it's also easier to create. If all players are tossed into the cast of characters, there's no need to pause to make a subjective Add/Don't Add decision before entering each one. Furthermore, staff members who have little or no case analysis experience and who are unfamiliar with the case itself can be called on to jump-start the cast of characters. Have these staff members review case documents and add to the cast of characters every person and organization mentioned. No need to consult you about each new name. Just add it.

Step Three: Put Some Meat on Those Bones

Capture a few critical details about each case player to make the most of a cast of characters. Flesh out a cast of characters spreadsheet with these columns:

Object Type

An "Object Type" column provides the means to categorize each case player as person, organization and so on. Use this column to sort the cast of characters spreadsheet so that players of the same type are grouped together. Also use it to filter the cast of characters so only players of a specific type are displayed, for example, only persons or only organizations. (Please note that the comments about filtering the cast of characters spreadsheet that appear here and elsewhere in this article presume that the cast of characters is being created in a database program, not in a word processor. A cast of characters created using a word processor can be sorted in various ways, but it can not be filtered, that is, limited to a subset of particular interest.)

Full Name

It wouldn't be much of a cast of characters if it didn't include the formal name of each player.

Short Name

I hope your work-up of each case includes creating a fact chronology and a document index as well as a cast of characters. If it does, be sure to add a "Short Name" column to the cast of characters spreadsheet. Here's why:

When building a fact chronology and a document index, you won't want to type out the full names of players each time they're referenced in facts or in document descriptions. It gets old typing "Phillip J. Hawkins, Jr." over and over again.

You also don't want each team member working on the fact chronology and document index to concoct different name permutations for the same player. Inconsistent naming makes reading the chronology and the document index a confusing chore. Inconsistent naming also makes it difficult or impossible to filter the fact chronology and the document index down to just those items that reference a particular player. Don't expect your database software to guess that the "Anstar Biotech Industries" mentioned in one fact is the same entity as the "ABI" discussed in another.

Adding a "Short Name" column to the cast of characters solves both problems. Define an abbreviated version of each player's name and enter it in the appropriate "Short Name" cell. Distribute copies of the cast of characters to everyone on your team and explain why players' Short Names should be used when building the fact chronology and the document index.

Key

Tag the case's critical players using a checkbox column titled "Key." Checkmarks make the important players easy to spot when scanning the cast of characters. The "Key" column can also be used to (1) sort the spreadsheet so the primary actors are listed before the bit players or (2) to filter the spreadsheet down from all players to just the most important subset.

Why name this column "Key" instead of "Critical" or "Important"? The cells in this column are either empty or contain a single character checkmark. As such, the column's width hinges on the space needed to display the title. Longer words like "Critical" end up wasting precious real estate on your computer monitor and in printed and PDFed reports.

Which players should be classified as key? Don't limit this designation to no-brainer choices, e.g., the plaintiff and defendant in a civil lawsuit. Apply the key label to the 10 percent – 15 percent of players who are the most important to the case. Once the obvious candidates are flagged, making additional Key/Not Key judgments becomes more difficult. But it's also an excellent exercise in critical thinking.

Calling a player key implies that there are important case facts involving the player. Thus, the best way to make the Key/Not Key decision is to focus on the facts. Are there or will there likely be important facts that relate to a player? If so, the player should be flagged as key.

Role in Case

Capture a brief explanation of the connection between the case and each player in a “Role in Case” column. Don’t employ a general characterization such as “fact witness” or “expert witness.” Instead, clarify the nexus between the player and the case. Not “police officer,” but “first police officer to arrive at the accident site.” Not “hospital,” but “hospital where Mr. Arndt was taken following the accident.”

Description

A “Description” column provides a home for an exhaustive counterpart to the concise entries in the “Role in Case” column. Why use both? The primary advantage relates to reporting flexibility. With a “Role in Case” column available to provide context in a net form, the “Description” column can be excluded from most printed or PDFed reports, dramatically reducing their length. Conversely, in certain instances, e.g., when providing a new team member with a complete case overview, the cursory information in “Role in Case” falls short and including the Description column is well worth the extra space it consumes.

For many cases, it’s sufficient to only capture a detailed description for key players and for case-specific jargon that’s been added to the cast of characters so it serves the dual role of case lexicon. If, however, the team working on a case is expected to grow substantially over time, consider providing detailed descriptions for the majority of case players. It’s less work adding these descriptions than it is answering repetitive questions about case players. More importantly, the wider set of detailed descriptions accelerates the education of new team members and cuts down the time before they can make meaningful contributions to the ongoing investigation.

Creation TimeStamp

Wouldn’t it be handy to produce a report of players that have been added to the cast of characters by other team members while you’ve been pursuing other matters? Include a “Creation TimeStamp” column in the cast of characters and you’ll be able to do just that. Record in this column the date and time when each player is added to the spreadsheet. Then use this data to filter the cast of characters so it only lists players added after a particular date.

Linked Files

A great way to enhance a cast of characters is to add a “Linked Files” column to it. Use this column to connect the spreadsheet to files and Web sites containing pictures, articles and other material about case players. For example, link the row describing an expert witness to the expert’s Web site, vitae or to a PDF containing articles the expert has authored. Once files of background information are linked to the cast of characters, they can be displayed at any time.

Additional Custom Columns

The utility of a cast of characters can often be leveraged by adding custom columns used to capture case-specific information. For example, in an employment dispute involving claims of discrimination, why not add custom columns for capturing the age, gender and race of each person listed?

Conclusion

I’ll wrap up this article by making one last recommendation: develop a cast of characters for every case, not just the large ones.

A small case still has more players than it’s practical to memorize the pertinent details about. And, even if you have a photographic memory, when case knowledge is stored in your head, it’s hidden from others on the team.

No one can contend that it’s too much work to prepare a cast of characters for every case. For large cases, the work is small. For small cases, the work is tiny.

Finally, once creating a cast of characters is standard procedure, your staff becomes proficient at this case analysis task and the quality of your cast of characters work product soars. Practice does make perfect.

Thank you for taking the time to read my suggestions for making the most of a cast of characters. Please put these ideas to the test as soon as possible. I hope and believe you’ll be thrilled with the results.

Please also e-mail me at greg.krehel@lexisnexis.com with your comments or criticisms. Thank you!

Once creating a cast of characters is standard procedure, the quality of this case analysis work product soars.

Enhancing Interviews with “Cast of Characters Debriefings”

Here’s one example of the many practical uses for a cast of characters: improving the results of witness interviews.

We’ve designed the “Cast of Characters Debriefing” process so that it can simply be appended to your current interview methods. This addition should turn up facts that even friendly witnesses would otherwise fail to mention. It should also help identify players missing from the cast of characters, thereby making this case analysis tool all the more valuable during the next interview.

The “Cast of Characters Debriefing” Protocol

1. Take a copy of the case’s cast of characters to the interview.
2. Conduct your traditional interview. When answering your questions, the interviewee will mention the names of case players.
 - a) If these players are already listed in the cast of characters, place checkmarks in front of their names.
 - b) If these players aren’t in the cast of characters, jot down their names (phonetically, so as to avoid interrupting the interviewee’s train of thought).
3. Once the initial stage of the interview wraps up, use the cast of characters to guide further questioning.
 - a) Discuss cast-of-characters members that you checkmarked during the initial interview.
 - Work player by player asking the interviewee to provide as much detail as possible about each.
 - Consider a line of questioning such as: “Earlier in our discussions, you mentioned X. I’d like to know more about X. How does X fit into this case? What’s your impression of X? What are the facts for which X may be a source? When you think about X, what other case players come to mind? Why?”
 - b) Once finished with the checkmarked players, discuss those players the interviewee mentioned that were not in the cast of characters.
 - Confirm the spelling of each player’s name.
 - Employ the same line of questions as above to pin down what the interviewee knows about the player.
 - c) Finally, review the cast-of-characters members the interviewee did not mention—the players without checkmarks.
 - This is a particularly important aspect of the “Cast of Characters Debriefing” process. It almost always turns up facts that would have been missed otherwise.
 - Locate the first player in the cast of characters that hasn’t been checkmarked. See if the interviewee has heard of this player. If the answer is yes, follow up with questions. If the answer is no, supply a few details about the player to see if they jog the interviewee’s memory, and follow up with questions if they do. Repeat this process for each unchecked player.
4. Following the interview, use the information collected to update the cast of characters and the fact chronology.

The “Cast of Characters Debriefing” process can simply be appended to your current interview methods—turning up facts that even friendly witnesses would otherwise fail to mention.

The Benefits of Creating a Cast of Characters in CaseMap

A cast of characters can certainly be created without employing our CaseMap case analysis software. There are, however, numerous reasons to make CaseMap your cast of characters solution.

Take the effort required to develop a cast of characters in a word processor or any other type of software and invest this energy in CaseMap. You'll get back 10 times the result. Please review the following benefits of creating a cast of characters in CaseMap and see if you don't agree.

It's easier to create a great cast of characters in CaseMap than in any alternative. Here are some of the reasons why:

- A few mouse clicks creates a new CaseMap case file with a predefined cast-of-characters spreadsheet raring to go. This spreadsheet offers the full set of columns described in the Put Some Meat on Those Bones section of this article. Columns such as "Object Type" are pick lists that save entry time and eliminate typos.
- CaseMap is a multiuser program. Any number of team members can simultaneously enter and edit the cast of characters spreadsheet.
- CaseMap offers replication and synchronization. This feature makes it possible for team members who are traveling to update the cast of characters and other case analysis information stored in CaseMap even as team members who remain in the office do likewise.
- Even though CaseMap is a powerful database tool, it offers live spell checking, autocorrect and many other ease-of-use features typically only available in word-processing programs.
- CaseMap completes numerous columns for you automatically. For example, when a new row is added to the cast of characters, CaseMap enters the date and time into the row's Creation TimeStamp cell. And when you enter a player's Full Name, CaseMap automatically generates a default Short Name. For example, an organization with a Full Name of "Anstar Biotech Industries" would automatically receive a default Short Name of "ABI."
- A cast of characters developed in CaseMap is guaranteed to be more complete than one created elsewhere. Why? Because CaseMap makes it easy to identify and add players mentioned in case facts that aren't yet in the cast of characters.

Take the effort required to develop a cast of characters in a word processor or any other type of software and invest this energy in CaseMap. You'll get back 10 times the result.

A cast of characters that's created in CaseMap is more useful than one developed in any alternative. Here are examples of the reasons why:

- When a cast of characters is organized in CaseMap, it's stored in the same central database as the case's fact chronology, index of key documents, and spreadsheet of unanswered investigation questions. The result is one-stop shopping for all critical case knowledge.
- When a cast of characters is in CaseMap, it's easy to analyze and explore in new ways. For example, it takes one mouse click to filter a CaseMap cast of characters down to any subset of interest. Rather than creating a report that lists every case player, print one that lists only organizations, or only those players flagged as key, or only organizations flagged as key.
- CaseMap tabulates the number of facts in a case's master fact chronology spreadsheet that mention each player listed in its cast of characters. These counts are automatically displayed in a special column that appears in the cast of characters spreadsheet. A chronology of the facts that reference any player can be displayed by clicking the associated count.
- When reviewing a fact chronology in CaseMap, you'll bump into persons, organizations and terms with which you're unacquainted. Select any unfamiliar name in a fact and CaseMap displays a pop-up hint containing details about the player pulled from the cast of characters spreadsheet, e.g., the player's Role in Case.
- CaseMap offers a powerful reporting system. Reports automatically include polished title pages that display the name of the case, your name, the name of your organization, the date and so on. The built-in PDF Writer means that reports can be PDFed with one mouse click. A mouse click can also send cast of character information from CaseMap to Word or WordPerfect® for inclusion in briefs and other word-processing documents.
- Reports based on the cast of characters can be included in the unique ReportBook work product found in CaseMap. A ReportBook is a compilation of any number of CaseMap case analysis reports along with a Title Page, a Confidentiality Statement, a Table of Contents, and more. For example, one ReportBook can contain a cast of characters, a fact chronology, an index of key documents and an issue outline.

**The bottom line:
CaseMap is specifically
designed to be the
home for your cast of
characters and other
critical case analysis
information. If you're
not already using
CaseMap, please try
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version that's available
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About the Author

Greg Krehel is co-founder of CaseSoft, now part of the LexisNexis Litigation Service family of products. Prior to starting CaseSoft in 1996, Greg spent 15 years managing trial consulting firms that offered jury research and demonstrative evidence preparation services.

Also of Interest

Greg has written eight other white papers on case analysis, including "Chronology Best Practices," "The Bell Curve & Document Indexing/Imaging," and "Creating & Using Issue Analysis Memos." PDF versions of these articles are available at no charge from www.casesoft.com/articles.htm

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