

## Bionic Brain

Trial preparation software improves odds of winning.

How would you like to have a photographic memory? To keep track of not only the overwhelming number of details in each of your cases, but also the connections among each of the details that you discover as you proceed with the case.

Now you can with CaseMap 3, a new edition of knowledge management software that automates a trial lawyer's yellow tablet as he or she prepares for trial. It is a tool that helps the attorney organize and explore the facts, the people and the issues in any case.

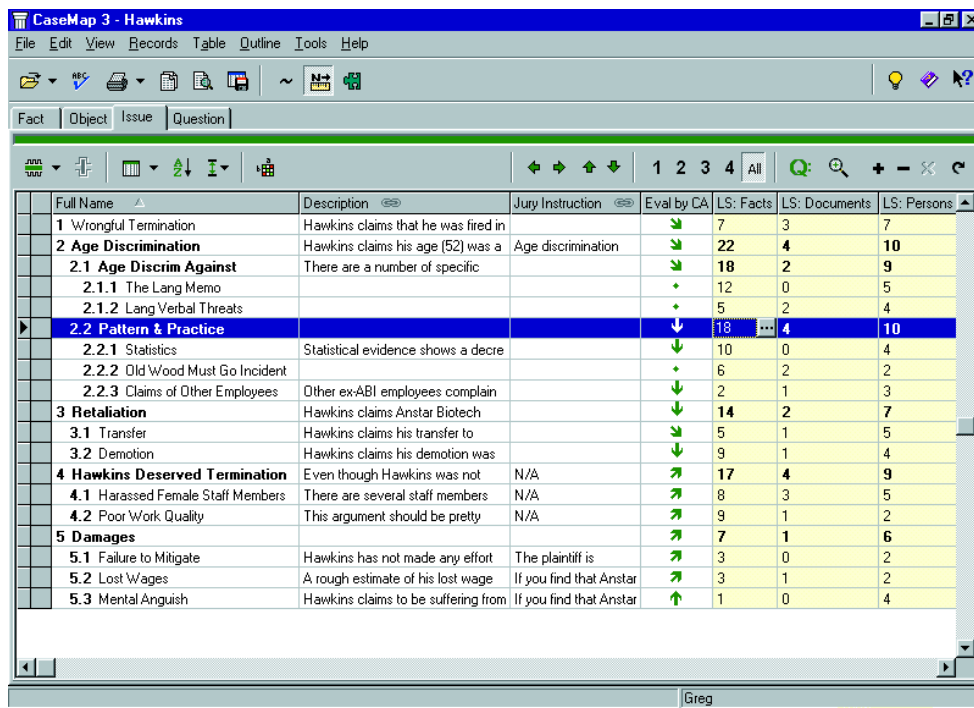
The folks at CaseSoft, a division of the jury research firm DecisionQuest, designed CaseMap, and it represents more than 15 years of thinking about what works in organizing and preparing for trial. The idea behind CaseMap was to digitize a lawyer's yellow legal pad the same way the spreadsheet programs have automated an accountant's worksheet.

With CaseMap, every person, fact, document, deposition, witness statement, letter, pleading and unanswered question becomes cross-connected to every other one and to each issue in your case. In computer-speak, this is "knowledge management."

CaseMap is different from data management, case management and all

the investigation would be impossible. CaseMap could tell you that.

Case-management software manages to-do lists, calendaring, letters, phone calls, billing, conflict checks and a host of other Swiss-Army knife features. While CaseMap can keep track of the pleadings and correspondence for a case, it's like using a bayonet to roast a marshmallow – you could do it, but it's more of a peripheral feature.



**CaseMap makes it easy to outline the issues in your case and to organize the facts, documents, witnesses, and demonstrative evidence that relate to each issue and sub-issue.**

the other litigation support packages on the market, which means that a review requires explaining what CaseMap is not, as well as what it is.

Data management happens when you look up a video on the computer at your favorite video store. The computer gives you a choice of searching by actor or by title but makes little or no connection among the movies themselves. Asking Blockbuster, for example, for a list of all movies in which the police manage to solve the crime without visiting a strip joint as part of

The traditional litigation support programs are excellent at storing and indexing documents and transcripts. However, they don't compile fact chronologies or summaries of evidence relating to specific issues the way that CaseMap does.

CaseMap is "knowledge management" software because it includes the intersections that one piece of information has with other pieces. For example, the fact that someone saw Tom driving his car and simultaneously drinking beer may or may not have a

connection with other information, such as a dead body in a crosswalk. Knowledge management software attempts to collect all the facts and weave them together into a tapestry of meaning.

Knowledge management is like having an electronic photographic memory. If you know something and put it into the program, it's there for you whenever you want to bring it back to conscious thought. With CaseMap, you can retrieve this information in several ways.

- By searching for words much the same as one would with a word processor. That has the advantage of speed but also has disadvantages that become apparent when one looks for cement and the crucial document or witness spoke of concrete. By searching for all facts or documents that occurred around a certain date, e.g. What happened during the first week of July 1998?
- By searching for all documents or statements that refer to another document.
- By searching for all information previously entered in the program as connected to a given issue.

Most lawyers in the United States keep track of their cases in their heads. How many times have you been in a settlement conference when the other attorney says, "I never said that," and you know you read it in a letter or a pleading, but you can't put your finger on it before the moment becomes stale? CaseMap could find that document in less than a second.

Most lawyers makes notes to themselves when they get a neat idea in the middle of the night or when they spot

the only nugget in the middle of an excruciating five-hour deposition. The trouble is that those pieces of paper don't connect with one another and often end up in a box full of other pieces of paper containing other neat ideas rather than in the trial preparation notebook.

CaseMap makes possible putting all those notes in the same place as you put trial plans, deposition summaries, fact chronologies, and lists of documents. Moreover,

they are all connected so that, when you search for all the facts connected to the subissue of inducement for the fraud issue, you'll find the neat idea that you wanted to remember carefully connected to the deposition and to the document being described.

No one lawyer can handle a complicated case without some sort of system of keeping track of all the information, and no two lawyers can work together without a system to integrate their work. CaseMap does both jobs splendidly.

CaseMap does far more than help prepare for trial or for depositions. The program also helps the attorney understand how the case fits together to negotiate a better settlement. In addition, the clients can stay informed, and they can be more useful in the process of obtaining and integrating information. Informed clients not only pay their bills more promptly, but also, once they understand where you are going with their case, they can be of invaluable assistance in trial preparation.

CaseMap is relatively easy to learn. A tremendous amount of effort has gone into making the program function the same as an attorney's thought pro-

cesses. Learning how to use the commands in the program isn't hard. The most productive part of the learning curve, however, is learning how to use the program effectively.

The folks at CaseSoft are well aware of this. They make a point of offering help not just with actual commands of the program but also with how to use the program effectively. When was the last time that someone from tech support called you because

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you hadn't asked enough questions lately? CaseSoft prides itself on doing just that.

Not only the large complicated cases can benefit from CaseMap. The latest edition makes possible creating templates for particular types of cases, thus raising the possibility of managing knowledge in small cases as well. I usually have 25 to 30 family law cases going at once. When a new client comes into the office, I use a CaseMap template for a standard dissolution.

The template comes preloaded with the 105 most common issues that might come up in a dissolution case, cross-connected to the initial questions that I want to assign out to the client for each of the issues. (For example, if the client owns the residence, I want to know the purchase date, the amount of the down payment, the source of the down.)

By using the template, I can give the client an immediate homework assignment, thus gathering information expeditiously and reducing the fee. I have already organized the case before he or she walks in the door.

Moreover, with so many cases, I of-

ten have periods of inactivity in a particular file while I work on other files. With CaseMap, I can always pick up a file where I left off. When, in doubt, I can even run a “What’s New” report and see what happened in the file over the past month.

As far as the program itself is concerned, CaseMap divides information into four tabs or types. The first tab used in a new case is the “Object” tab, in which I can list each of the people, bits of known evidence, and documents. I then can ask the program to list every document, person and pleading that refers to a single document or witness.

The second tab is the “Issues” tab, with which I can do searches for all facts or objects connected to a specific issue. The searches are breathtakingly fast. I was able to find nine of 675 facts related to a specific issue in less than one second. Once I find the facts, printing them out is as easy as hitting the print button on the tool bar.

The third tab is the “Fact” tab. The program is deliberately (and intelligently) designed so that, once I have done the initial set up work, I can do 99 percent of all data entry from the Fact Tab. Using this tab, the attorney can build fact chronologies cross-referenced to the objects and issues and to any unanswered questions. The program will let me ask questions like, “What happened during the week of August 9, 1997?” and even limit the search to facts connect to particular types of objects or issues.

If I categorize facts as “disputed” or “nondisputed” during the course of trial preparation, I already have accomplished a large portion of the work needed for summary judgment motions. Likewise, I can create deposition summaries on the Fact tab, and I can integrate these with other facts rather than keeping them separate.

The beauty of this program is that nothing needs to be done twice, and everything is interconnected.

The fourth tab is the “Questions” tab. The CaseMap people would have you believe that this tab is only for unanswered questions that you can assign out to yourself, the client, an associate or assistant for answering. However, the Questions tab can preload a CaseMap file with initial interview questions for a new client and for discovery questions and answers including depositions, requests for documents, and interrogatories.

Using the Question tab for discovery has a tremendous advantage under many states’ civil procedure rules. Many states require that motions to compel answers list the problem questions and purported answers as a separate attachment to the motion. When I use CaseMap for the discovery, the non-responsive answers are a simple click away. Information does not need to be retyped from pleading to pleading.

The major improvements in this edition are better synchronization from remote locations, the ability to include sub-issues within the major issues, and better and faster entry of information.

The bottom line is that this is a must-buy program. One, you’ll be better prepared than you ever imagined. Two, you’ll have a competitive advantage over your opponent like you wouldn’t believe. Three, the folks at CaseSoft will help you get there. END

*Rick Talcott has been in sole practice, specializing in family law, since 1975. Based in Oakland, he is a past chair of the Alameda County Bar Association’s family law section and was a founding member of the board of directors of the Alameda County Family Law Association.*