

Chapter 7 - Managing Litigation Information Using Technology

Introduction

The practice of law requires a lawyer to continuously organize and control the administrative, legal and factual information of cases. Case files are opened, billing accounts are set up, and preliminary case plans are developed on behalf of our clients. If a complaint or answer is filed then the lawyer's focus is to control and present the information to convince the factfinders of the merits of a client's case.

Case and litigation management is a constantly changing interactive process. Legal issues change, witness testimony can take on added importance, pleadings can impact pretrial motions, trial exhibits are affected by information in interrogatories, calendaring and trial dates affect settlement positioning, and changes in the law can overturn the best laid plans. During this case process, it is imperative that a lawyer is able to control these changing conditions efficiently so as to be able to present their client's case in the strongest and best possible light in settlement negotiations or trial.



The management of the ever-growing amount of digital and paper information poses a major challenge as reflected in the following report:

- Business and government agencies generate 900 million pages of information each day, including 76,000,000 letters and 21,000,000 other documents;
- Approximately 1.3 trillion paper documents are stored in the U.S., and companies estimate they have access to only about 10% of their paper based systems;
- Creating and moving paper based information accounts for up to 10% of corporate gross revenues;
- The information workforce is increasing and now stands at 54% of total employment;
- The amount of digital information in offices is doubling every three years.

Linda Myers-Tierny, “ An introduction to Text Management, “ Office Computing Report, Vol. 14, No.10.

Paper and record-keeping demands on businesses and law firms have produced a dramatic impact on litigation. From simple to complex cases, attorneys are struggling to handle and control paper and digital information.

The following sections will focus on how one can best control various paper and digital materials, understanding that the options are dictated by a number of factors, such as time and expense.