

# Harness Technology to Power Effective Trial Preparation

by Brian McDonald

Preparing for trial can be a time-consuming and administratively burdensome undertaking. Inefficiencies are certain to arise to one degree or another, depending upon the number of players, case issues and geographic locations of trial team members. Relatively simple tasks such as reviewing depositions, drafting memoranda and preparing exhibits can quickly become complicated as a result of communication barriers as basic as two team members working out of different locations. The ability to seamlessly coordinate and share information among corporate counsel, external counsel, subject matter experts and clients is becoming the expectation in today's digitally connected world.

For years legal teams have been using advanced technology to drive efficiencies in both the discovery and trial phases of the litigation life cycle. Today, cutting-edge technology is available to facilitate effective case collaboration at the crucial phase of litigation that lies between discovery and trial – trial preparation. Powerful tools can strategically organize all case information in one central location that can be accessed, reviewed and edited by trial team members anywhere, overcoming the collaboration and logistical challenges traditionally associated with preparing for trial.

## **Web-Based v. Locally Installed Technology**

Perhaps the biggest differentiator between trial preparation technologies available is whether they are locally installed or web-based. Locally installed tools are limited to computers that are part of a local set-up. Trial team members away from the office must VPN – often slowly – into the case information, which may or may not be up-to-date, depending on whether the litigation database has been uploaded and synced with the user's computer. In contrast, web-based platforms enable any user anywhere with Internet access to view, share and edit case information in real-time. Web-based trial preparation solutions drive case collaboration by allowing colleagues and clients in disparate locations to simultaneously work together on the same documents.

Web-based trial preparation solutions also have superior ease-of-use over locally installed tools for several reasons. First and most importantly, real-time elements allow any user to upload case information that is immediately ready for review by the entire trial team. Second, they provide users the mobility to work from the home office, courthouse, coffee shop or airport with the same ease and security as the law firm. Third, no software installation and configuration is required as in the case of locally installed tools – for a new user to collaborate. Rather, with the most advanced web-based solutions, a simple e-mail invite can be sent to a new user to allow him or her secure and virtually instantaneous access to case information.

By choosing a web-based solution, legal teams eliminate the IT costs required to set up, configure and update the software as well as internal data storage costs. Moreover, web-based trial preparation solutions do away with the vast bulk of administrative costs associated with e-mailing documents, uploading videos, printing and copying deposition transcripts, etc. Sophisticated trial preparation technology easily overcomes the logistical challenges of the trial preparation process, lifting the burden placed on litigation support teams and freeing them to perform valuable work elsewhere. In short, web-based trial preparation technology results in significant time and cost savings.

## **Strategic Case Management Features and Functions**

Deposition transcript management tools are the most widely used feature of trial preparation technology because legal teams recognize that efficiently reviewing transcripts is essential regardless of whether the case involves 5 or 500 depositions. The traditional, manual handling of depositions – printing deposition transcripts, highlighting and annotating them with handwritten, hopefully legible notes, making color copies and forwarding them to colleagues or opposing counsel – frequently results in redundant work and errors that are all but eliminated through real-time collaboration.

Essential deposition management functions include the ability to easily load, review, search, annotate and share deposition transcripts. Legal teams should look for an intuitive interface – remember that legal experts may not be technologically savvy. In the most advanced platforms, creating designations is as simple as highlighting text in a deposition transcript. The web-based technology then automatically updates on all users' screens in real-time, allowing collaboration and facilitating strategic insights into the case.

Advanced trial preparation platforms enable users to search across the entire deposition set, empowering them to identify important events, themes in the deposition testimony and relationships between deponents. To get the most out of your trial preparation solution, choose a deposition manager that supports concept as well as keyword searching. Concept search technology intelligently identifies words that are related to your search term in the context of your document set, returning relevant documents that would be missed if only keyword searching was utilized.

Advanced deposition management technology also supports streaming video that is synchronized with the deposition transcript. Synchronized video capabilities enable trial team members to quickly and easily search a deposition transcript, and play precise portions of the video where the deponent's vocal inflection or facial expressions may provide additional, important information. This video, once identified, may be presented to the jury as evidence.

Beyond transcript management, most trial preparation solutions provide tools to assist in organizing trial documents, managing case facts and key players, creating witness binders and outlines, drafting and reviewing graphics, and analyzing venue information. Utilizing graphic management tools, legal team members can access, review and comment on graphics that will be used as demonstrative exhibits at trial; web-based technology allows everyone on the trial team to see everyone else's comments, inducing collaborative brainstorming that will increase the quality and impact of the graphics when presented to the jury. Venue analysis features provide detailed juror demographics on age, ethnicity, income, voting statistics, etc. specific to the trial venue, as well as detailed information on the physical aspects of the trial's location such as courthouse layout and resources.

## **Conclusion**

Effective use of technology can facilitate collaboration, provide a greater understanding of legal cases and reduce costs. Embrace the benefits of web-based trial preparation technology for your next matter and judge the results for yourself.

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*Special thanks to Brian McDonald, Director of Online Solutions, TrialGraphix Services, Kroll Ontrack for his contribution in writing this article.*