Red Paper

Mapping Out a File with **CaseMap® Case Analysis Software**

By Henry J. Murphy

LexisNexis®

There is no better feeling than to be sitting across from another lawyer at a mediation with your client at your side and hearing the client say, "Do you have that computer program at your office?" Such was the case for me when a question arose about subrogation for medical benefits during negotiations. Because I had analyzed my case with LexisNexis® CaseMap® software and made the case portable with all of my electronic documents, I was able to pull up very quickly the letter from the insurer written in 2006 with the attached five-page listing of payments. This would have been a hopeless situation had I brought along the five banker boxes that made up the file instead of my electronic file. There is nothing worse than the feeling you get as you start to sweat in the presence of your client with the others knowing it is hopeless to go digging through those boxes.

This was not the first time that a client has complimented us on our computer prowess, but I have found more and more often in the last year that CaseMap® case analysis software is at the centre of satisfying clients; they feel that they made the right choice in retaining our firm.

Making the difference in both large and small cases, CaseMap keeps things in focus from the beginning to the end of your file. The reports that can be generated are not only a real timesaver for reporting to our principal, but just the spreadsheets alone, with their advanced search abilities, allow us to find documents and facts from all over the file in minutes, not hours.

If you take the time to organize your file with CaseMap from the outset, you will develop:

- A list of people and organizations that you can use anytime to prepare a list of potential witnesses
- An organized list of documents that can be exported to your word processor for use in your Affidavit of Documents
- The ability to quickly pull all the facts and documents together related to any issue in your case, such as a pre-existing condition, particular injury or depression
- The ability to quickly pull all the facts and documents together related to basically anything you want
- The ability to batch print the electronic documents for a particular production whether it is for opposing counsel or related to particular facts or issues (if you have the optional DocPreviewer review tool)

All of the above will save you and your client hours and money related to file handling and will make files accessible when you need them.

When I started using CaseMap, I found that the webinars on the CaseSoft® web site were of great assistance in explaining the basics to me and allowed me to experiment with the program and go back and listen again to pick up things I had missed — kind of like what you get out of a good movie when you watch it a second time. They gave me all of the basics, but did not really tell me where to start on an actual case. Sometimes, it is a little overwhelming to figure out where to begin when you are starting a program of electronically handling files. This paper will hopefully help the next lawyer or paralegal to get started actually using this great set of tools.

One more thing: back up often while working with CaseMap so that you can go back if you make a mistake. I will often back up four or five times in a two-hour session to be safe.

1. Scanning in the documents

Although many opposing counsel are starting to exchange documents on DVDs or CDs and are not simply shipping over reams of paper documents, there are still many occasions where you will receive documents in paper form that your assistant will have to scan into the server for further manipulation. If you receive the documents on disk already in a PDF format, then you must decide whether to keep the opposing counsel's document names or to change them to include a year-month-day prefix, which will most certainly later cause you grief when comparing your documents to those of opposing counsel at discovery and/or trial.

Saving as PDF files — Although some other programs (such as Summation) recommend saving your documents as single-page TIFF files, I have found no real benefit to that. In fact, if you follow that recommendation, you will be unable to bulk import your documents to CaseMap and unable to use the optional Summation link to CaseMap. In order to use that bridge to assist you in analyzing your Summation documents, you have to follow the PDF format. Non-Acrobat® files can be linked, including TIF, JPG and HTML files, but this involves manually going to the document spreadsheet, tabbing over to the "Linked File" column, and clicking in that cell and then on the three dots to the right side of the cell to open the dialog box to browse to the document you want to link. You will then have that document linked and will be able to open it using the standardized paperclip that is located at the far left of each row. This can be a good way to link photos of an accident scene that are in their native digital format.

Saving as year-month-day name — When having your legal assistant scan the documents into your server, it is recommended that you save them with the prefix of the year-month-day in a file folder. This makes it easier, when they are imported into CaseMap at a later time, to sort them in chronological format for viewing and analysis. In addition, while they are on your server, you can also use the "Detail" view to locate a document more readily. For example, a medical report of Dr. Robert Smith that is dated May 6, 2008, would be saved under the file name of "2008-05-06 Report of Dr. Robert Smith.pdf."

2. OCR the documents in Acrobat

The documents that have been saved to your server as PDF files will be graphic in nature and not of a text format, which is required so that they can be copied and pasted or searched. Therefore, the next step is to bulk OCR the documents that you have scanned into the server for further manipulation. I tend to do a bulk OCR of the documents in the background while I am working on another file or on the issues or cast of characters of my case.

In order to OCR the documents, you need to have Adobe® Acrobat® Professional and not simply Acrobat® Reader®. Acrobat Reader can be used in conjunction with CaseMap to review documents, but the Professional version is needed for the OCR operation. To bulk OCR multiple Acrobat documents, first open Adobe Acrobat Professional and, on the menu bar, expand the "Document" menu and move down to "OCR Text Recognition," which will expand to "Multiple Documents."

This assumes you are using the latest version of Adobe Acrobat Professional, which now has the above built into the menu, rather than using a macro found in the "Advanced → Document Processing → Batch Processing" menu.

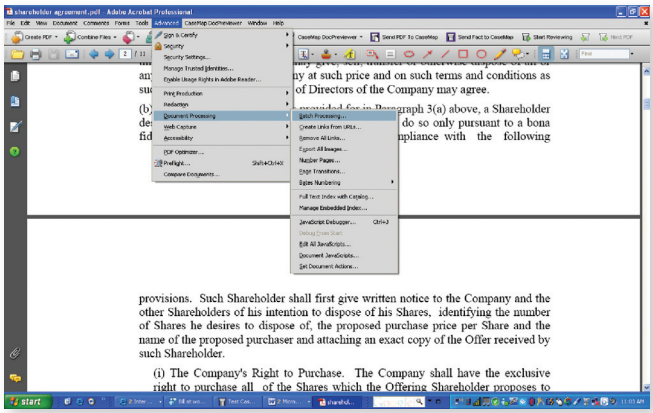

Fig. 1. Using Adobe Acrobat Professional version 8

If you use version 8 of Adobe Acrobat Professional (fig. 1), there is a macro under "Batch Sequences" called "OCR Documents" that you will have to run to OCR the documents (figs. 2 and 3).

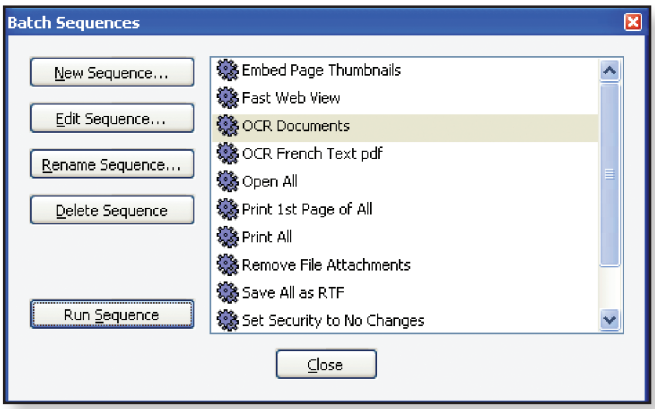

Fig. 2. Highlight "OCR Documents" and click "Run Sequence."

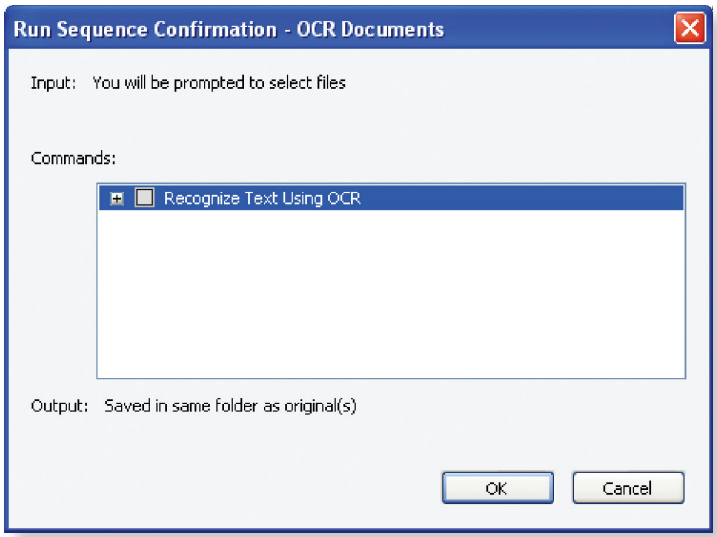

Fig. 3. Click "OK" and follow the prompts.

3. Bulk loading the documents into CaseMap

When you initially deal with a large group of PDF files under the Adobe Acrobat Professional menu, go to "Tools → Case Tools → Bulk Import PDFs."

When you activate the "Send PDFs to CaseMap Utility" in CaseMap, provided you have Adobe Acrobat Professional, a dialog box will open describing how to send PDF files to CaseMap (fig. 4).

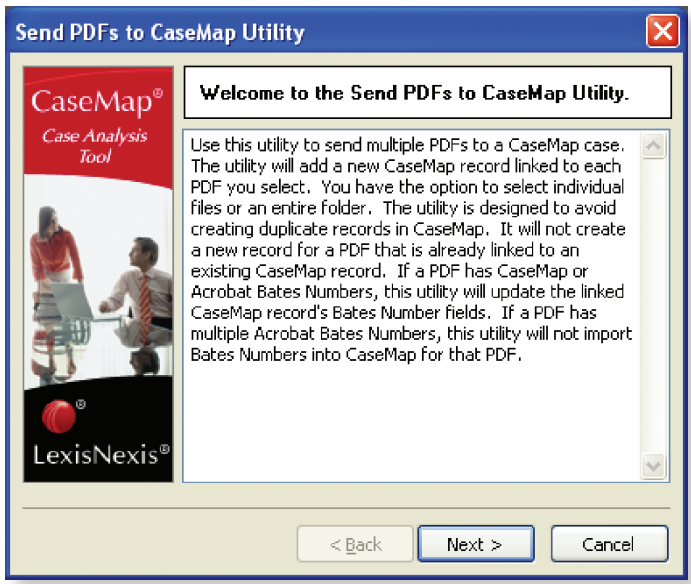

Fig. 4. The dialog box that appears has easy-to-follow steps.

It is entirely self-explanatory and, after adding a folder or the files that you want to import, simply follow through until all of your files are imported (figs. 5–7).

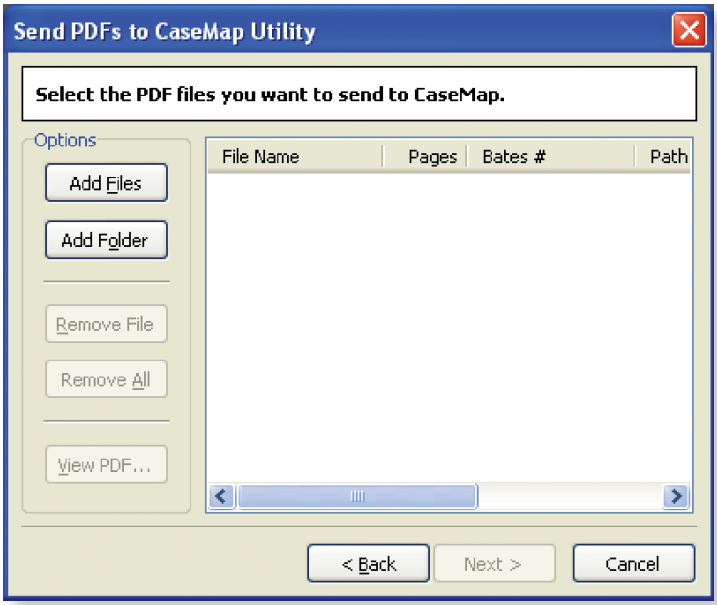

Fig. 5. Select "Add Files" or "Add Folder."

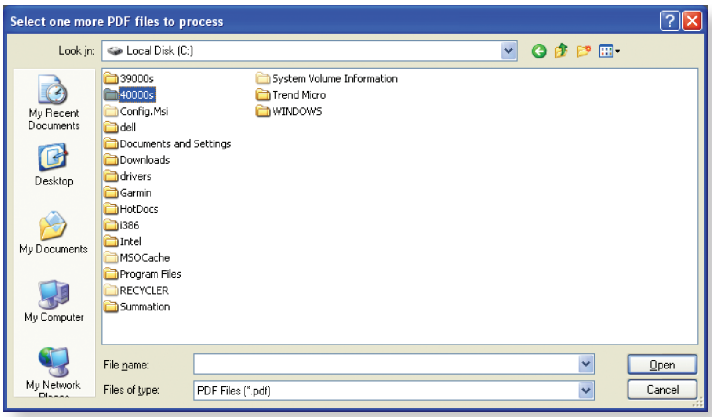

Fig. 6. Locate the folder in which your PDF files are stored.

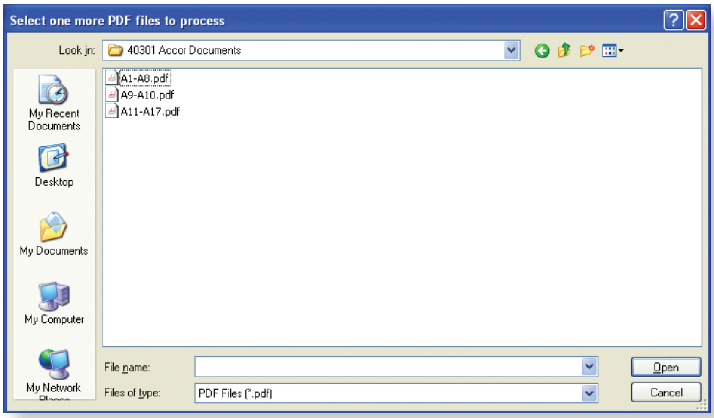

Fig. 7. Select files.

The above cannot be done while your Adobe Acrobat Professional program is still carrying out the operations of OCR'ing the documents. I suggest that, while documents are being OCR'd, you either work on another file or work on the issues and cast of characters portion of your case.

Rather than bulk loading the documents into CaseMap, you can load them individually as you review them in Acrobat by using the CaseMap buttons that were added just below your Acrobat menu bar when you installed CaseMap (fig. 8).

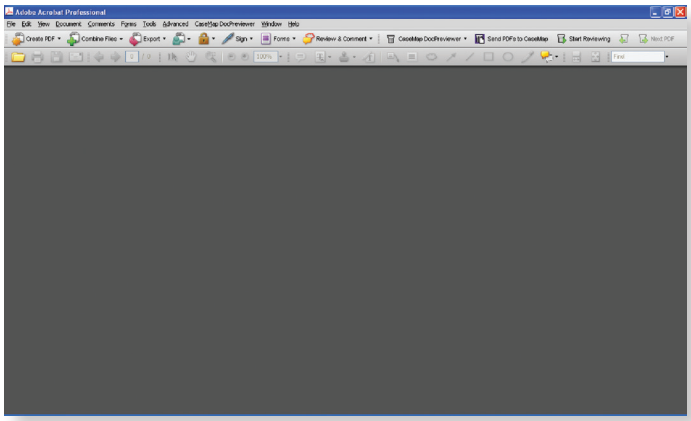

Fig. 8. CaseMap buttons

If you click the "Send PDFs to CaseMap" button, then the dialog box for adding that particular document will appear, and you can simply click "Save" to add it (fig. 9).

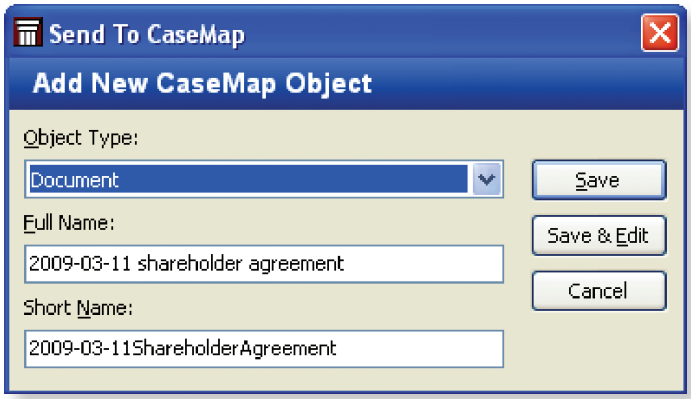

Fig. 9. Dialog box for adding a particular document

Alternatively, however, and much more straightforward: if you highlight text in the OCR'd Acrobat file that you want to have added to CaseMap and click the button to add that text to CaseMap, you will be presented with the option to add the document first if you have not already done so (fig. 10).

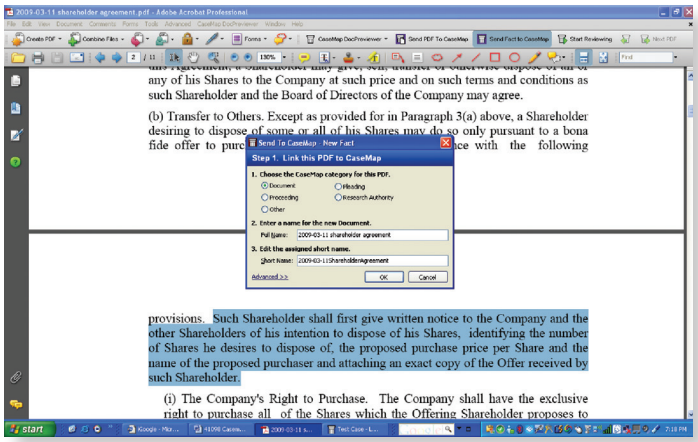

Fig. 10. A dialog box presents the option to add the document.

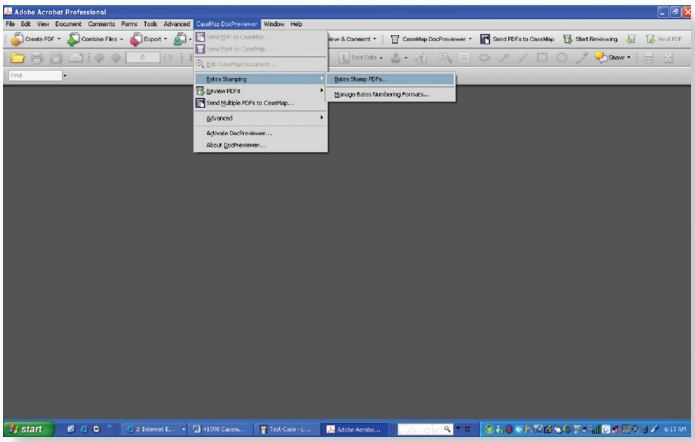

Fig. 11. CaseMap DocPreviewer menu

More on reviewing your PDF files later.

4. Bates numbering

You will want to insert Bates numbering into your documents for later use as well as for productions. It is important that you not insert the Bates numbering before you have OCR'd your documents because Adobe Acrobat Professional will skip OCR'ing any page of a document that already has text on it. Therefore, since the Bates numbering is text in nature, the page that you want to OCR will be skipped by Acrobat if you have already put the number on the document electronically.

Bates numbering can be put on the documents in two ways. The first way is using only Adobe Acrobat Professional if you do not have the optional DocPreviewer tool. Go to the menu on Acrobat and under "Advanced → Document Processing → Bates Numbering → Add," you can add Bates numbering to your various PDF documents either before or after you have imported them into CaseMap. Keep in mind that, unlike Summation, which creates an extra copy of the file for its database, CaseMap works with the original PDF file that you have scanned in. This avoids the obvious duplication that you would have on your server otherwise and further allows you to manipulate the PDF document later by adding highlighting, Bates numbering, etc. If you subsequently add a note to the PDF file in Acrobat, it will be visible when you pull it up in CaseMap and will not interfere with what you have already done.

The other way to add Bates numbering to your PDF files (if you have purchased the DocPreviewer option) is to go to the "CaseMap DocPreviewer → Bates Stamping → Bates Stamp PDFs" menu (fig. 11). Using this program extension, you can not only add Bates numbering but also use the various options that are available in that extension of the program such as adding a prefix to identify your production (figs. 12–32).

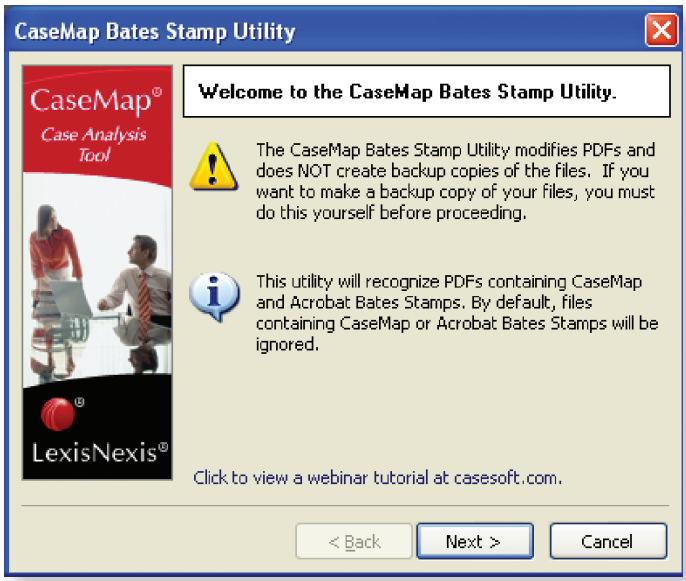

Fig. 12. There is no going back if you make a mistake in Bates stamping.

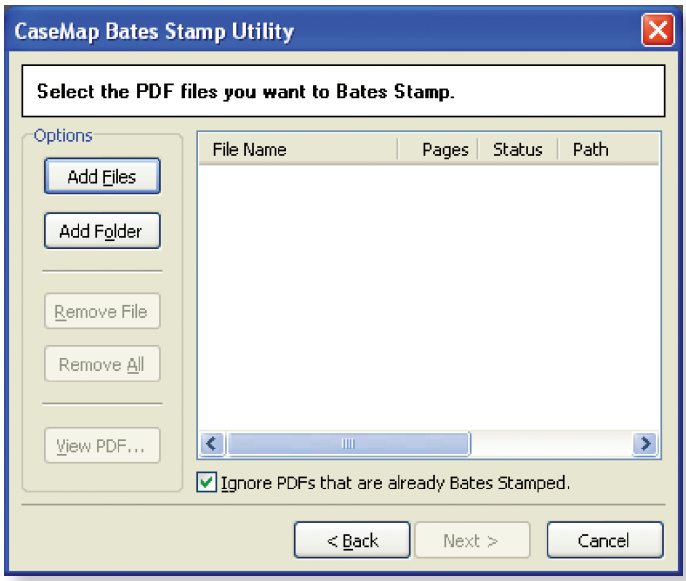

Fig. 13. The next dialog box allows you to select individual files or a complete folder.

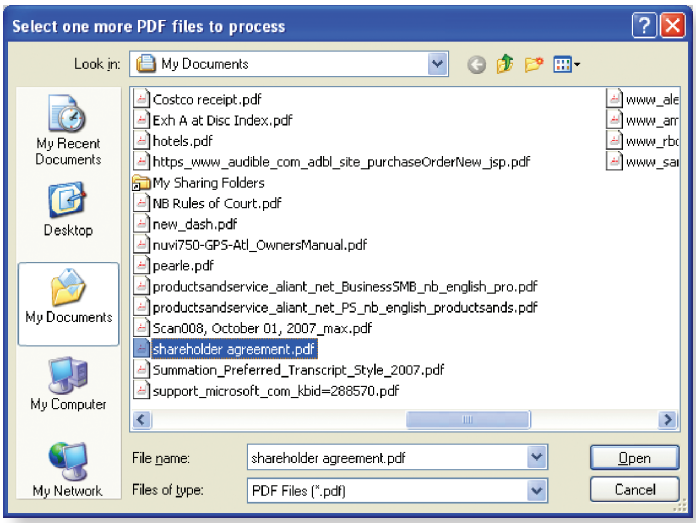

Fig. 14. Select your files.

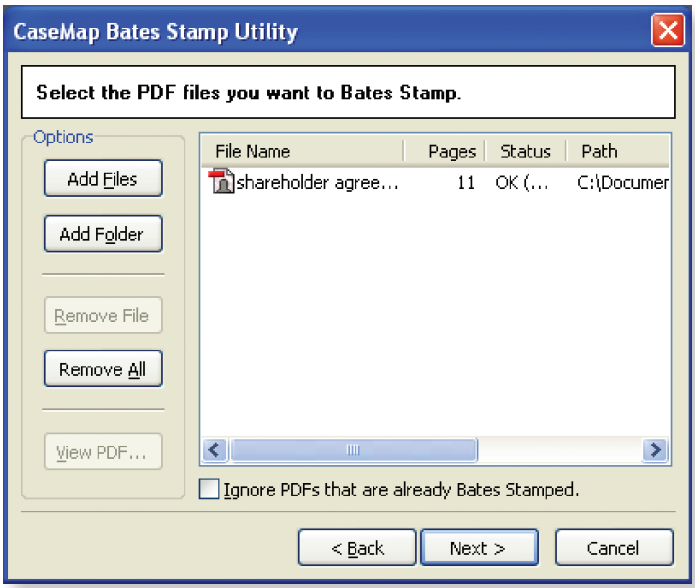

Fig. 15. Selected file ready for Bates stamping

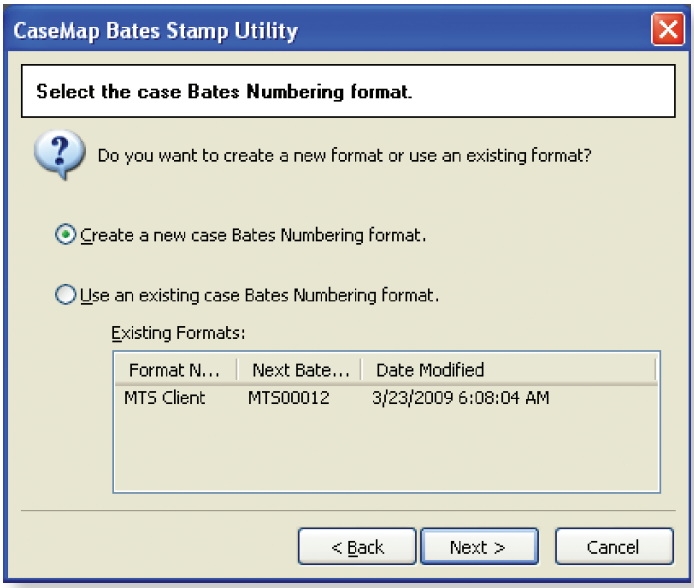

Fig. 16. Here, you can create a specific format for this client.

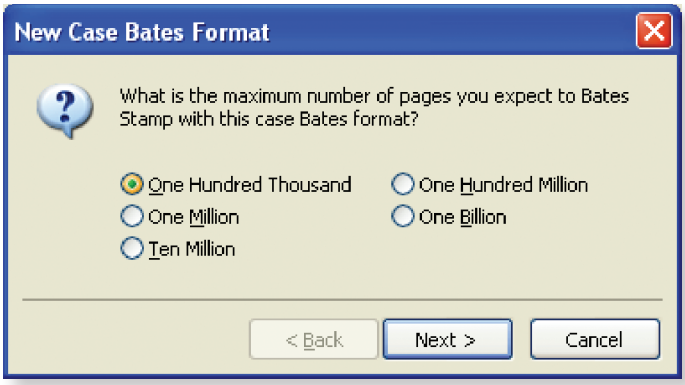

Fig. 17. Select the maximum number of pages.

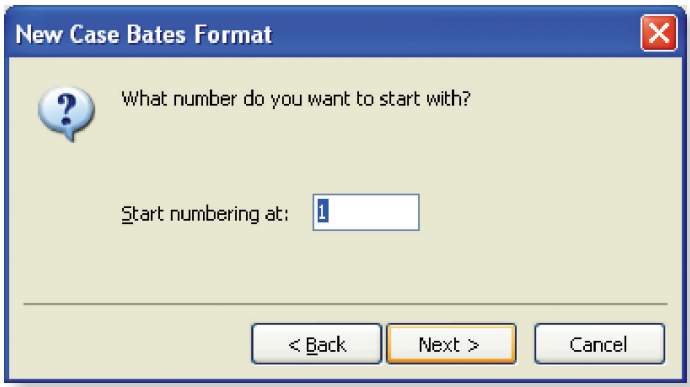

Fig. 18. Don't add zeros here as they will be added due to the prior dialog box.

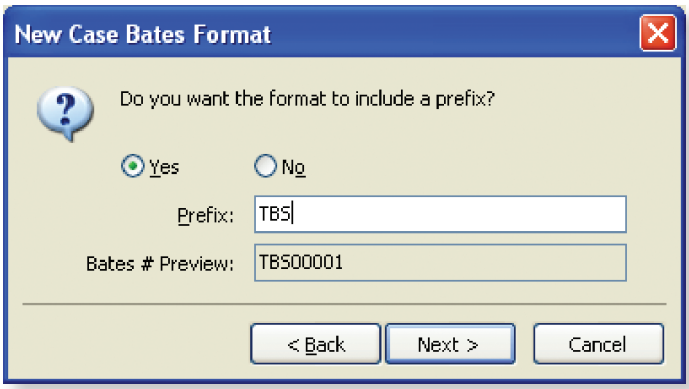

Fig. 19. In this case, I chose "TBS" for my client's Temporal Building Structures.

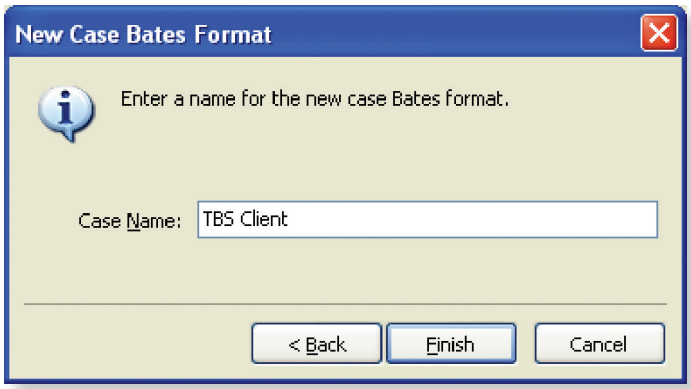

Fig. 20. Name the format so that, when you add more documents later, the numbering resumes where it left off.

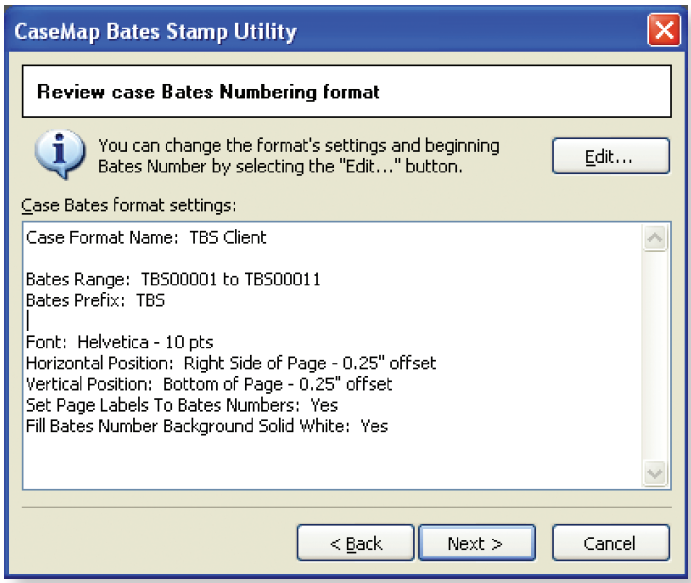

Fig. 21. Carefully review the details as this summarizes all your selections. Select "Edit..." if you want to make changes beyond the defaults above.

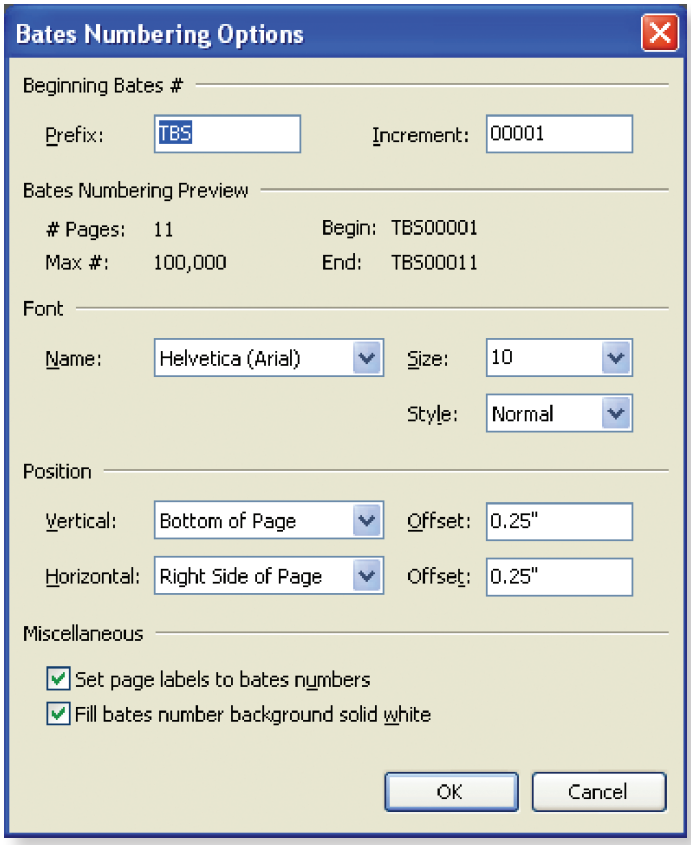

Fig. 22. Within the edit screen, you can make changes to the defaults including the location of the Bates number on the document.

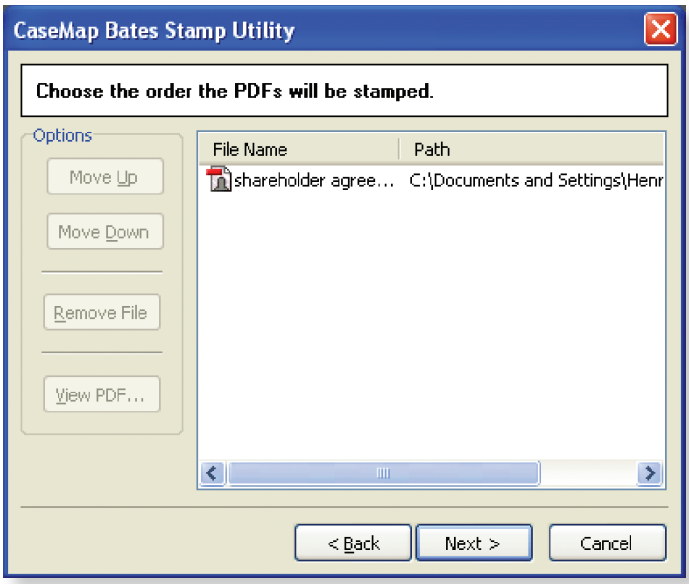

Fig. 23. Choose the order.

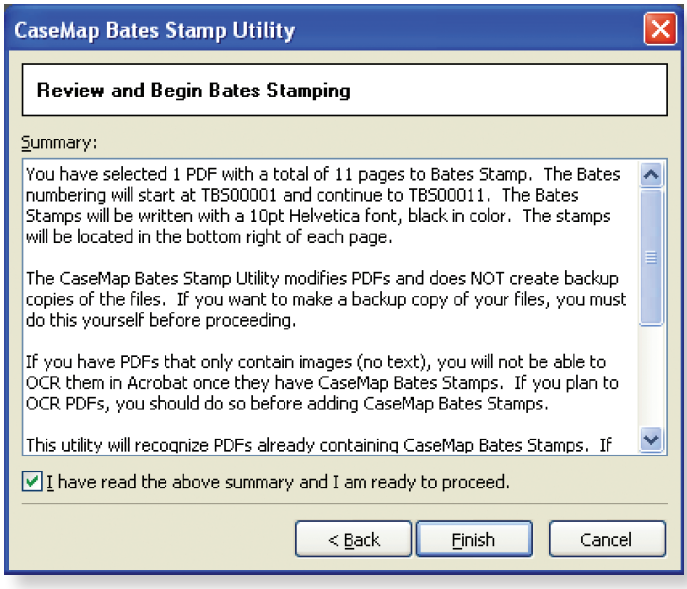

Fig. 24. Summary

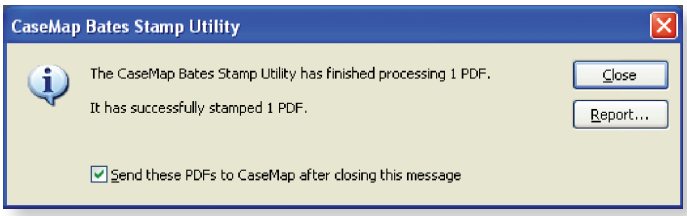

Fig. 25. Dialog box that appears when processing is completed

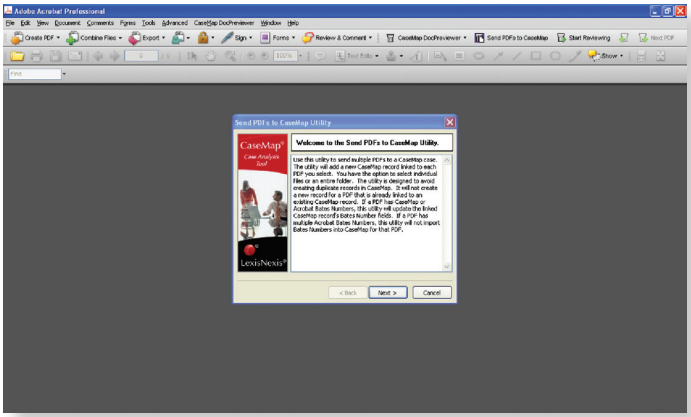

Fig. 26. If you selected to add the documents to CaseMap, the dialog boxes for that operation start.

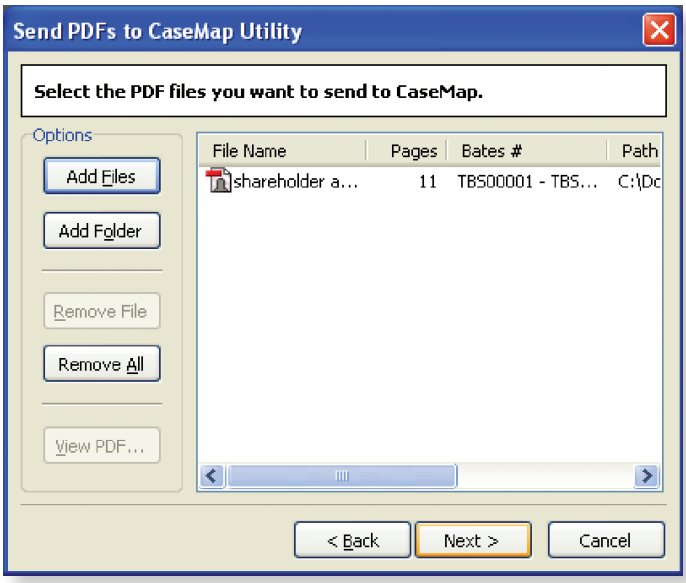

Fig. 27. This time, the number of pages of each document is shown along with the Bates range for each.

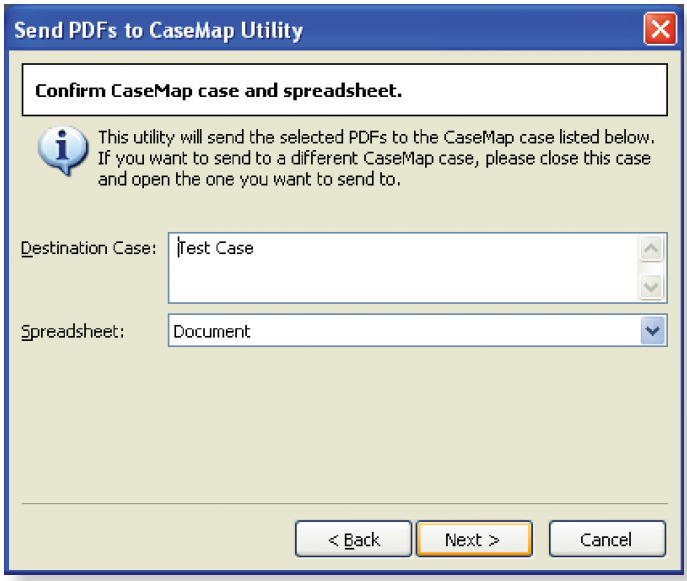

Fig. 28. Choose a destination case.

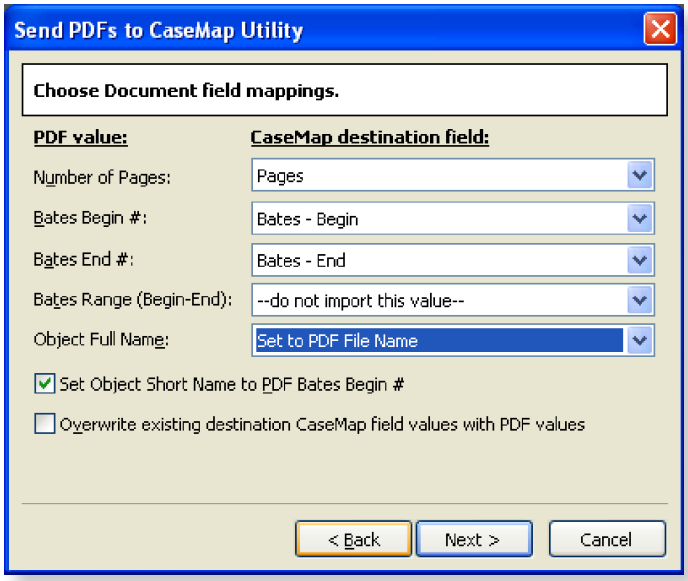

Fig. 29. I have opted to keep the PDF file's full name used on the server.

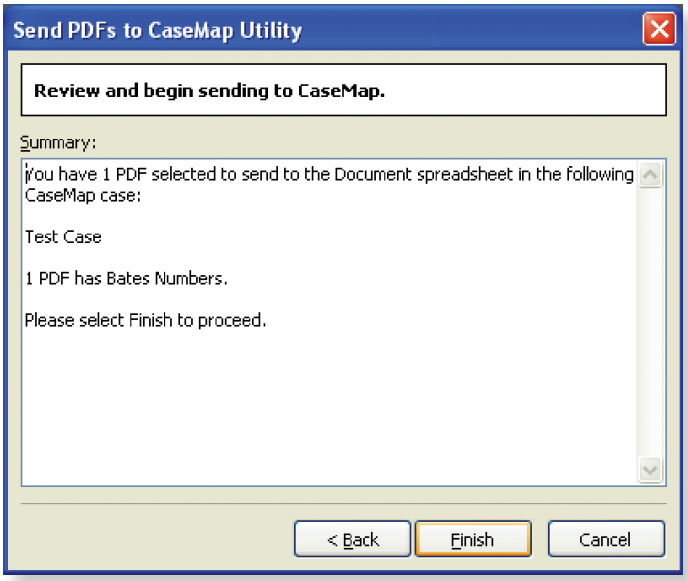

Fig. 30. Summary

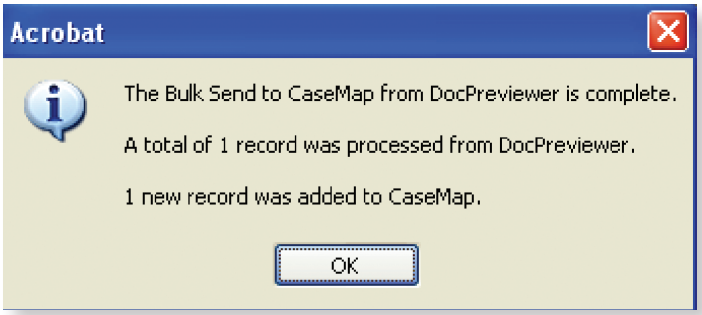

Fig. 31. Confirmation

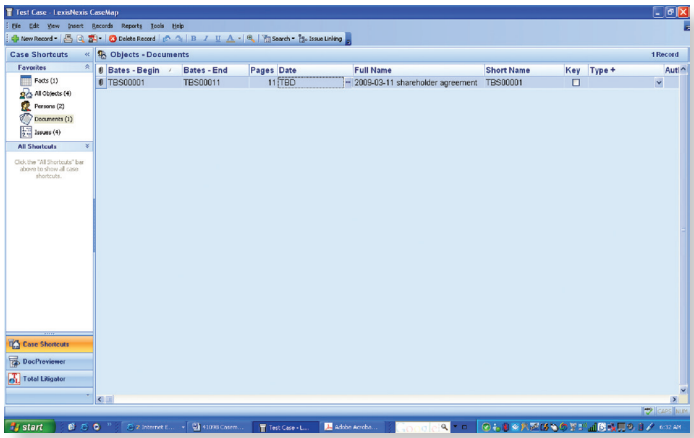

Fig. 32. The full name from the server is preserved in CaseMap; the number of pages and Bates range are filled in by using the optional DocPreviewer tool. At this point, I would insert the date in the "Date" column, which is facilitated by the preservation of the full name in CaseMap.

Before you sent the documents to CaseMap, did you back up your CaseMap database in case you need to redo the selection of options sending the PDF files to CaseMap? You should have. Back up, and back up often.

5. Creating the issues

Depending on the nature of the case, certain basic issues come to mind. It is my practice to insert the basic issues dealing with my case at the outset and then to add other issues that come to mind to the particular facts of the case on the fly. To add your basic issues, simply click "Issues" on the left-hand side of the program under "Case Shortcuts."

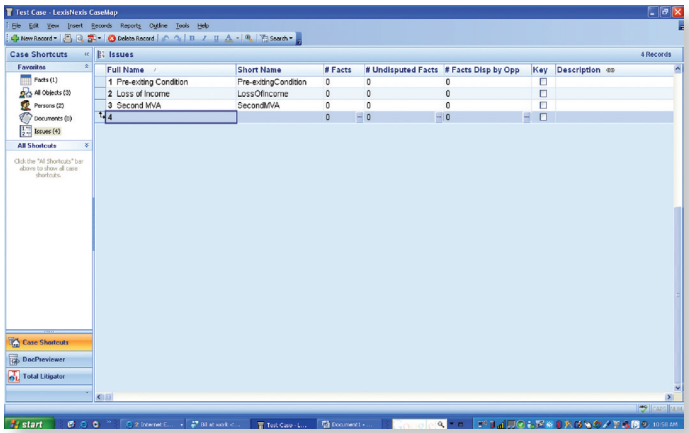

Fig. 33. "Issues" spreadsheet

A spreadsheet format will open up, and you can add your various issues there (fig. 33). Assuming we are dealing with a personal injury case, let us add a few issues as an example. In the first block entitled "Full Name," type in "loss of income." Next, press the "Insert" button on your keyboard. A short name is automatically added based upon the full name that you had typed in. In the next block, type in "pre-existing conditions." Press the "Insert" key and then type "prior accident." Press "Insert" and type in "intervening act." Simply carry on and add in whatever issues come to mind at the outset and, after each one, press the "Insert" key to lock it into the "Issues" section.

As you add facts to your CaseMap while reviewing, you can add additional issues.

6. Creating the cast of characters

The quickest way to enter the names of your cast of characters is to start off by putting in the names of the parties, their lawyers, employers, doctors, hospitals, insurers, etc. This, again, is done by going to "Case Shortcuts," and, although there is a case shortcut specific for "Persons," I prefer to use "All Objects" (fig. 34).

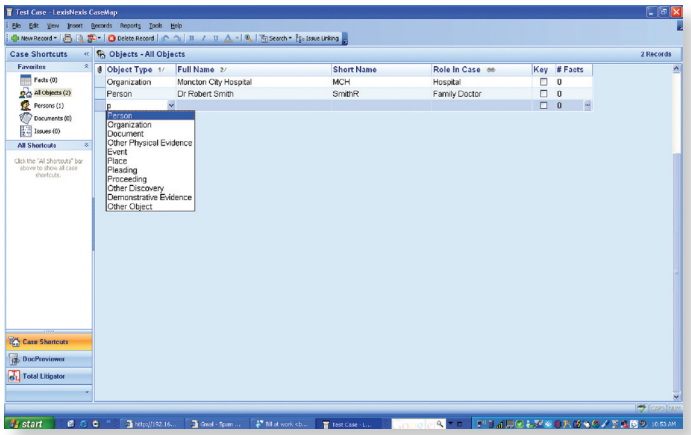

Fig. 34. "All Objects" spreadsheet

Click "All Objects," and the spreadsheet that presents itself is one that has, in the far left-hand column, "Object Type" followed by "Full Name," "Short Name" and "Role in Case." If you type in "pe," then the object type that will present itself is "Person." You need not type any further; simply press the "Enter" key to lock in "Person." Tab over to "Full Name" and put in the name of the person such as "Robert Smith." When you tab over the short name, you will see that it has automatically reversed the surname and first name to create its short name. I tend to fill in the "Role in Case" column. When entering a hospital, insurer or other company, type "or" under "Object Type" to get "Organization." You will note that if you type in a longer name for an organization, such as "Forensic Investigation of America," the short name generated will be something like "fia." Adding your names of organizations and persons at the outset is important since this shortcut – i.e., "short name" – will greatly assist you in filling in your facts by not only saving you from having to type the full name out, but, more importantly, from keeping track of the number of facts that refer to that particular person or organization or document, etc. It is useful later on if you want to print out a case report dealing with only the facts where a person's name is referred to or where a person has attended a particular hospital, etc. You will get a summary of the facts that can be gleaned from particular records from that institution.

When adding facts by typing the short name for a person, organization, etc., you only have to usually type the first three letters to get the name to drop down in a drop-down menu, so you can simply hit "Enter" to lock it in. Don't worry; when you print the document report, the full name is in print and not the short name.

7. Reviewing the PDF files

Although you can put notes in the "Facts" spreadsheet of CaseMap by simply typing in the date and the particular fact you want to make note of for that date, I have found that generating my fact notes as I review my PDF documents is by far the most efficient way to make notes as documents are reviewed.

To simply put a note in without having it come from a PDF document, type in the date in the left-hand column entitled "Date & Time" and then tab to "Fact Text" and enter the note that you wish (fig. 35).

Even though the "Facts" spreadsheet has columns for "Material" and "Status," I often hide those columns as I personally have not started using them yet. You can always reveal them later as you get more comfortable with the program and decide one or both are of use to you in this particular case.

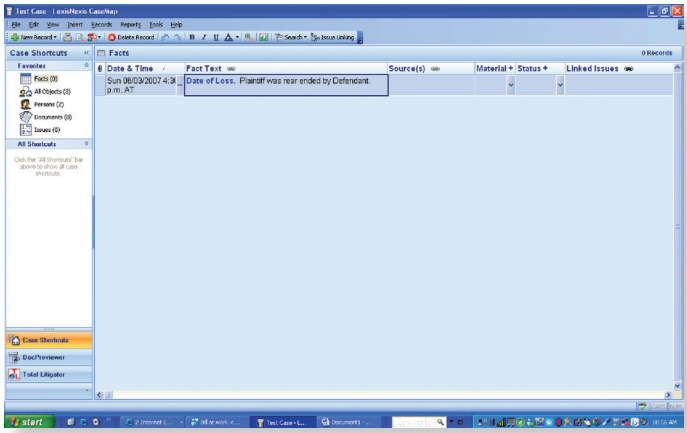

Fig. 35. "Facts" spreadsheet

When you are in the "Fact Text" column, you can highlight words or phrases the same as you would if you were in Microsoft® Word and make that text either **bold**, *italics* or <u>underlined</u> and, of course, change the colour of the font.

When you change the text to give it emphasis, be consistent. For instance, for text relating to pre-existing or unrelated conditions, you may wish to use bold and a red font. Particular words that point out things relating to liability may have words here and there that are in bold and in a blue font so that when you print your CaseMap out on a colour photocopier or a printer, those words stand out to the eye.

The easiest way to enter notes in CaseMap once you have your PDF files OCR'd is to first highlight particular sentences or paragraphs with your cursor as you are reviewing a document. Then, click the button below the Adobe Acrobat menu bar entitled "Send Fact to CaseMap" (fig. 36).

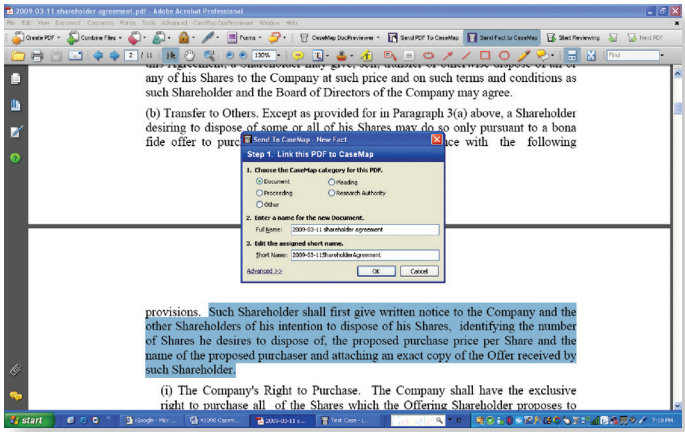

Fig. 36. Highlight text and click the "Send Fact to CaseMap" button.

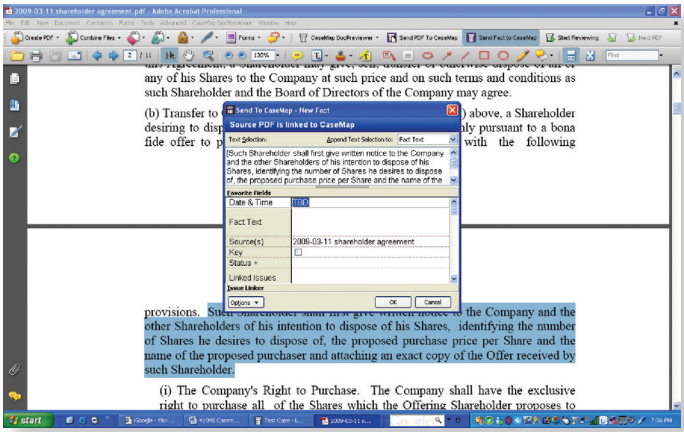

Fig. 37. "Text Selection," "Date & Time" and "Fact Text"

When you click that button, a dialog box will pop up (fig. 37) that will first have under "Text Selection" the words or sentence that you had highlighted. Those are the words that will be automatically pasted into CaseMap. Below "Text Selection" is a place for you to enter the date and, if you wish, also the time. For instance, "03/11/09 at 8:30 p.m." or "March 11, 2009 at 8:30 p.m." The next selection below the date and time is "Fact Text," which I find to be a good spot to type in something consistent with the text that I have highlighted in the PDF document. An example might be "The agreement required Notice of disposal of shares." Once you click "OK," it will appear with whatever you had typed in "Fact Text" followed immediately by what was copied from the "Text Selection."

Because of the nature of PDF documents, there is a carriage return at the end of every line and, therefore, those carriage returns are copied into the text in the "Fact Text" in CaseMap. You will, therefore, want to remove those carriage returns at the end of each line so that your document flows more evenly. You don't have to, but you would do the same thing if you were copying something into Microsoft Word and you did not want to have your lines ending halfway or three-quarters of the way across the page.

CONCLUSION

I hope that this gets you started on the road to using CaseMap effectively to prepare your case. This is an ongoing process where your CaseMap will continue to be updated with each document production and each discovery/examination.

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Mapping Out a File with
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About Henry J. Murphy

Henry J. Murphy, Q.C., is the senior partner at the Moncton, New Brunswick, law firm of Murphy Collette Murphy and has been a recognized insurance defence counsel practising in New Brunswick, Prince Edward Island and Nova Scotia for the past 30 years. He obtained a B.B.A. (with honours) and a LL.B. from the University of New Brunswick, in 1976 and 1978 respectively. He is a member of the Defence Research Institute, Canadian Defence Lawyers, the Canadian Association of Arson Investigators, International Association of Arson Investigators Inc., the National Fire Protection Association, the Insurance Institute of New Brunswick, the Law Society of New Brunswick (Council, 1983–84) (Bar Admission Committee), the Canadian Bar Association (Council, 1980–82), and the Moncton Area Lawyers Association. He has been a contributor to *The Lawyers Weekly* and has been a speaker for the Law Society Bar Admission as well as for CLE courses in insurance, civil litigation and computer technology, both with the Canadian Bar Association and Lorman Education Services. He holds certificates from the C.S.F.S. Workshop on Structural and Vehicle Fires and the Intensive Mediation Workshop at Osgoode Hall Law School 2002. He has been recognized by *Best's Directory of Recommended Insurance Attorneys* for over 20 years as well as by the *Lexpert® Directory*.

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