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Case Analysis Software and Other Law Practice Tools

By Ardavan Gurg

Every day as we enter the office, our minds race to analyze the issues before us. Although most analytical software packages focus their power on evaluating complex legal issues, facts, evidence, documents, and people, they overlook a far more important prerequisite: providing a process to gather information for investigation. Without a proper way to collect, categorize, and store information and delegate tasks, your analytical tool is like a beautiful sailboat with a skipper who cannot get his commands to the crew in a timely and organized fashion when he finds he is sailing off course.

There are many practice management software packages, such as Time Matters (www.lexisnexis.com) and PracticeMaster (www.tabs3.com), to choose from, but it is far more important to have the right process than the right software. Any law firm with three-year-old software but the right practice management processes can outmaneuver a firm that has best-of-class software but poorly executed processes.

Setting the Goals

Before populating your analytical software with huge quantities of data, a simple question must be answered: What is your goal? None of the case analysis software to date can establish a goal for any case, no matter how simple it is. It might not be possible until we have computers with the “artificial intelligence” found in science fiction movies. However, case analysis software already on the market, such as CaseMap (www.casesoft.com) and MasterFile (www.masterfile.biz), can help a law firm organize thoughts and prioritize goals.

Both CaseMap and MasterFile work by drawing up a list of issues at hand and then enumerating the supporting elements that will provide conclusive winning arguments. Once the issues have been entered, the hunt begins for facts to support the client’s position. These facts can have their own supporting documentations and be linked to multiple issues. As a law firm examines documents, videos, voice mails, e-mails, and other materials, these materials can easily be linked and entered into the software for later analysis. This process can also work in reverse—the law firm might come across a document that raises a new issue to be added to the existing list. The power of programs such as CaseMap and MasterFile is that they allow for a dynamically expanding list of elements.

Managing the Information

An increasing challenge to law firms is the amount of data needing examination. How are these documents being managed, tracked, and stored? Not deploying an effective document management strategy can greatly decrease a firm’s productivity and might even lead, in the worst-case scenario, to misplacing a great piece of evidence that would have won the client’s case.

As the case moves forward, the variety of digital media will increase. Your analytical software must be able to process all the types of digital files common to your practice, be they word-processing documents, spreadsheets, recorded audio/video, or anything else that can be stored on your server. Certain types of files, such as Microsoft Word

documents and Adobe Acrobat image files, are so common that your analytical software absolutely must be able to handle them. Extracting information from these files must be effortless and intuitive.

Linking to Other Software

Your document management strategy must also provide an efficient, seamless way to move documents among different software packages. For example, Time Matters can send digital documents stored within it to CaseMap. This creates a two-way link between Time Matters and CaseMap without duplicating the digital file itself. Using Time Matters' delegating powers to move the document forward through the process of discovery and using CaseMap to extract necessary elements supporting your clients gives you the best of both worlds. Other benefits can be achieved by compartmentalizing tasks. Your practice management software can handle tasks such as printing, faxing, and replying to documents, while your case analysis software can be used to research statutes, expert opinions, and other information relative to those same digital documents.

MasterFile has included document management as part of its overall system. However, it lacks other practice management capabilities such as calendaring and billing. It also limits your keyword or phrase search to a particular case. On the other hand, practice management software with document management offers global search capabilities across all cases in addition to billing, calendaring, etc. A global search function is particularly handy when trying to find an old argument to be used again no matter what case it was used in. Both CaseMap and MasterFile are good programs with rich feature sets, but they should not be mistaken as substitutes for dedicated practice management software. And if you hold your information in a practice management software package that utilizes an industry standard database engine such as SQL, that data can be accessed directly by programs such as Excel (more on this below).

Depending on the volume of your practice, other specialized software might come into play. Creating an index of 10,000 documents is not much of a task for either CaseMap or MasterFile, but what of larger indexes? Although both programs claim to handle as many as 100,000 documents/pages, what are the operational costs of having this large of a document set? Will your searches within these documents slow down? How long will it take to import all these documents and create necessary secondary information to make them useful to your case? At a certain point, you must consider using a true e-discovery software package such as CaseLogistix (www.anacomp.com/clx) or Concordance (<http://corporate.lexisnexis.com/concordance>).

Linking your analytical software to a graphics program such as TimeMap (www.casesoft.com) may also be helpful for your case. A jury will easily get bored and lose focus when presented with endless spreadsheets filled with facts and evidence. However, a graphical representation of the same information can have a powerful impact on the outcome of the case. Traditionally, creating graphical timelines was a time-consuming and expensive endeavor, but a simple export function from both CaseMap and Master-File will provide all the information needed by TimeMap to create graphical timelines rivaling those produced by in-house graphics departments. TimeMap can also import information organized in Microsoft Excel. Once the initial timeline is created, the reformatting process couldn't be easier: Simply click on the menus or drag informational boxes around the screen.

Linking to Microsoft Excel may also be required for specialized functions. The number-crunching power of Excel is rivaled by few other tools, and its ease of use is rivaled by fewer still. Many times the graphical charts created by Excel in parallel with timelines created by TimeMap can create a powerful story. Excel also provides another powerful feature that goes unnoticed by many: When dealing with large volumes of data stored in databases such as SQL or Microsoft Access, Excel can build a bridge to access this data in real time. Excel can easily import the entire sales history of a wrongfully terminated employee along with all her colleagues in one single connection and convert it into historical charts. This process might take only minutes for tens of thousands of rows of sales history. Once Excel converts the imported data into a pivot table, drop-down menus can easily be created to provide control over the presentation of data. These drop-down menus can, on the fly, convert an annual sales report into a monthly sales report or filter out any combination of other employees. I know of one local hospital in which the legal department uses Excel to create a complete risk-management report for its insurance carrier within seconds. This process previously took the hospital more than five hours, and the end result did not contain all the information the hospital had wished to present.

Finally, once you have gathered and organized all your facts with the help of your analytical software, it is a simple matter to export those facts into word-processing documents that can kick-start a motion for summary judgment. You can create reports in Microsoft Word, for example, that will need few additional changes to become part of your argument. The report can provide a list of supporting documents and Bates numbers for each of your facts. A process that might have taken you hours with yellow pads will be done in minutes—freeing up more time to fine-tune your arguments.

Getting Started

Many analytical software packages are available for a 30-day free trial. This is a very nice offering—but it might not yield much benefit. As with any software, a learning curve is involved, and without proper training this learning curve can take longer. If your bar offers free classes or in-house experts, use them first to get a demonstration of the software.

Use the software vendor's online videos, too. Many of these companies or their representative will also schedule demo time for you. However, after you have made your decision, it is imperative to get the appropriate training. Designate one of your staff (or yourself if you're a solo) to be the in-house expert and send this person to all available training. Train the rest to be power users. After all, why do you want to have mediocre talent at your practice? Any of these power users can step up to become the next in-house expert when necessary.

Why Bother?

Considering that the true case analysis is happening in the brain of the attorney, some might argue that any features offered by these analytical tools can be replicated by basic software every law firm already owns, such as the Microsoft Office suite. If you're already using Excel to crunch your numbers, why not use it to gather and present the list of issues, facts, and evidence, too? Or use Microsoft Word to create comprehensive notes after reviewing documents? Or use Microsoft PowerPoint to create graphical presentations? Considering that a Google Desktop Search can easily create an index of all the documents on your computer, what is the need for document discovery software? And couldn't open-source software such as OpenOffice duplicate most of these functions as well?

The short answer is yes, most of the functions could be recreated by using software already on your computer. However, that software could never match the fine-tuned capabilities of the tools discussed above. Just as most of us sailors have abandoned our sextants in the favor of a GPS unit, perhaps it is time to abandon general-purpose programs in favor of dedicated analytical software.

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