

6 WAYS TO SIMPLIFY EVEN THE MOST COMPLEX CASES THROUGH TECH

For larger, more complex cases, traditional processes for handling exhibits, logistics and more are simply too difficult and time-consuming, particularly in the era of virtual proceedings. But these six considerations can help simplify your life from the beginning.

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Complex cases touch nearly every area of law. As global enterprises continue to expand, legal matters, and particularly the amounts of documents and data involved in them, continue to grow. The most complex of cases can easily involve hundreds of witnesses, dozens of attorneys, millions of documents and hundreds of thousands of exhibit pages.

The good news is that the right technology can help simplify even the most complex of cases. This is particularly true in the areas of document production, fact depositions and expert depositions.

For larger, more complex cases, traditional processes for handling exhibits, logistics and more are simply too difficult and time-consuming, particularly in the era of virtual proceedings. To gain better control over complex cases, the following technology considerations will make all the difference.

Security Concerns

Protecting confidential and sensitive client information is paramount in any case, not only the complex ones—in fact, the ABA Model Rules obligate attorneys to do so. Consideration for the security implications of any technology chosen needs to be taken into account.

One of the biggest considerations is making sure the tools don't permit unauthorized access to case materials. For example, email is not a sufficient mechanism for sharing case documents. Better options are to transfer documents using secure links to download files using an encrypted connection or using secure document depositories dedicated to your case. Commercially available document programs that were not designed with litigation in mind likely won't provide the level of security you need.



Scheduling Logistics

When it comes to large litigation matters, scheduling can be a headache. A better way to handle scheduling logistics is to use a tool in which you can create a standing order at the outset of the case. This can be coordinated with a court reporting company so that all depositions are plotted out and run in the same way, with no fear of differing results.

Another crucial tool is a shared calendar that's accessible to all parties. In complex cases, it's common for multiple depositions or case activities to be occurring simultaneously, and a shared calendar will help

keep all parties and their support teams on the same page. The right tool will ensure nothing slips through the cracks.

Virtual Depositions

The pandemic has changed the way we handle cases today. Even in the simplest cases, parties are often no longer in the same room at the same time. This has been particularly true with complex cases, and there's every reason to anticipate that virtual depositions, at least to some extent, are here to stay.

Much like with document transfer, the ability to prevent unauthorized access is a key component of any videoconferencing platform used in a legal matter. There are countless stories of Zoom-bombing, some more problematic than others. Ensure the platform used is designed or set up with virtual legal proceedings in mind. There are commercially available solutions that will work—for instance Zoom—but that need specific configurations to offer much higher levels of security. Whatever tool used, be familiar with every security feature it offers and know how to engage them all before starting.

Paperless Exhibits

As we mentioned at the outset, complex cases can involve massive volumes of exhibits. Handling those exhibits in paper form can be overwhelming and

problematic at the best of times, and nearly impossible in the era of virtual proceedings.

Relying on paperless exhibit technology makes it easy to enter, mark and distribute exhibits of any size and file type to all parties in a virtual proceeding. Better yet, it does so securely, eliminating concerns of unauthorized access. Even as some in-person proceedings return, paperless exhibits are a simple way to handle what might otherwise be an overwhelming amount of documents in a complex case—no more lugging banker boxes of paper and duplicate copies to each proceeding. The best exhibit-sharing tools mirror the paper process as closely as possible, while putting the entire universe of exhibits in the case at your fingertips.

Exhibit Capture

As technology continues to evolve, so do the kinds of file types that make up exhibits, particularly in complex cases. When witnesses are discussing electronic exhibits, whether in a virtual or in-person proceeding, the testimony may not translate well to the written transcript.

Exhibit capture tools allow for the capture of how witnesses manipulate or interact with exhibit files while reviewing them. For example, if a witness is clicking into a spreadsheet or performing calculations, a good

exhibit capture tool will record those actions and convert them to video to be used to augment the oral testimony. This is particularly useful when dealing with complex issues that might be difficult for a judge or jury to understand.

Exhibit Binders

As long as there have been deposition or trial exhibits, there have been exhibit binders. Traditionally, though, those binders were simply collections of paper that took up a lot of space and did little to help attorneys find specific documents when they needed them.

Paperless exhibit binders bundle all case exhibits together in one electronic PDF file, which is fully searchable. They should also offer the ability to create an index with hyperlinks to each individual exhibit.

There are many things that can't be controlled in a complex case, but technology isn't one of them. With the right tools, even the most burdensome and time-consuming aspects of a complex case can be simplified.

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