

## Using CaseMap in Litigation

by Jeffrey S. Lisson

How to keep up with facts, witnesses, issues and documents?

I once relied on my memory and notes – dozens of legal pads and hundreds of loose pages – to keep up with the cases. I soon learned my memory is unreliable, and my handwriting is illegible. I tried long memos to the file, but they were just as hard to find, digest, and keep current.

The answer is litigation software, CaseMap ([www.casesoft.com](http://www.casesoft.com)). CaseMap removes the “nerd” factor from a database, and does what litigators need: It links facts to issues and the sources of those facts, whether people, documents, or statutes.

Need to know who said the light was red? What did the May 2001 x-ray reveal? Who saw the June memo? Which facts show a failure to mitigate damages? One click and CaseMap provides the answers.

For example, I represented a partial quadriplegic who was scalded in a hotel bathtub. In CaseMap, I set up my legal issues (duty, cause in fact, damages, etc.) and my factual issues (credibility of witnesses, temperature of the water, scarring, etc.). Then, as I interviewed witnesses, digested depositions, or summarized medical records, I entered facts into CaseMap. I linked the facts to the source witness or document, and to the legal and factual issue or issues.

The time came to depose the hotel’s maintenance manager. I used CaseMap to print a list of every fact mentioning maintenance or the manager’s name. The list told me which documents to ask the manager about, and what other witnesses said about his actions. This saved me hours in preparing my deposition outline.

When summary judgment came, I printed a list of issues with all linked facts and sources. You can rank facts based on whether they help or hurt you, so I printed only those facts which helped us. I then used the list to gather deposition pages and exhibits to attach to my brief, and to compose the “facts” section. I did the same with my legal research, for the argument section.

At trial, I used printed reports of facts linked to each witness to prepare an examination outline, to make sure I asked about each fact. I had a list of documents the witness had authored or reviewed. I had a deposition summary for each witness, too, by printing out the facts linked to each deposition. (You could avoid printing and use CaseMap “on the fly,” but I always worry that my laptop will crash at a critical moment.)

CaseMap is not a panacea. You still have to distill information and enter it into the program. But that effort is paid back many times over.

CaseMap gives a free 30-day trial. The publisher, CaseSoft (now part of Bowne DecisionQuest), has the best technical support I’ve found for any software anywhere. Cost of the program and 90 days of technical support is \$495, with discounts if you buy combinations of their other products.

CaseMap integrates with CaseSoft’s other major products, NoteMap (a \$99 outliner far superior to those in word processors), and TimeMap (\$199). TimeMap creates professional-looking time lines based on facts you enter in advance or on the fly during trial. You also can link files to a NoteMap outline or TimeMap time line, and use either program for presentations during trial, mediation, or to clients.

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