



TRIAL

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Transcript management without the yellow highlighter

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People often ask me what I think is the most useful type of litigation software, regardless of firm size or case type. The answer is easy: deposition and transcript management software. In fact, it's hard to fathom how much more productive attorneys would be, and how much time they would save, using these products. But many attorneys remain unaware of the benefits of these programs.

What is deposition and transcript management software (which I'll call transcript software)? Think of it as an electronic way to organize, retrieve, and manage all the legal pads, sticky notes, and highlighted text passages that lawyers traditionally use to summarize testimony and prepare for trial. Generally speaking, all transcript software performs certain core functions. These programs will

- import transcripts created in a variety of formats, including plain text and Microsoft Word.
- full-text search and index every word in every transcript.
- create a central electronic repository for all transcripts and related evidence in a case.
- annotate testimony by various criteria, including legal issues, notes, and attachments.
- link testimony to specific issues.
- hyperlink testimony with exhibits and other evidence, such as PDF files, allowing users to view these items while reading a transcript.
- highlight testimony so that it can be reviewed at a later date.
- create customizable reports based on various criteria that you select, including keywords, issues, annotations, exhibits, and witnesses.
- create summaries, including page and line designations, for easy insertion into pleadings and other documents.
- provide fully synchronized full-text captions for depositions and other proceedings.
- let users review testimony in real time or over the Internet during depositions and other proceedings.

Proper use of transcript software saves time and can dramatically improve the quality of your work. For example, after you highlight a transcript electronically, you can create a deposition summary for a client or other attorneys with a few mouse clicks. Similarly, the software's ability to link testimony from various witnesses and transcripts makes it far easier to prepare for future proceedings, including trial.

Most transcript software is designed to work seamlessly with other electronic trial-preparation products, which include CaseMap, Sanction, TrialDirector, Concordance, and Summation. Partial transcripts can be transferred easily to CaseMap, for instance, or used to create trial cuts—short snippets of testimony—in programs like Sanction or TrialDirector.

Until recently, the number of transcript software products has been limited. Now, lawyers have more options than ever. Here are a few of them.

LiveNote

With more features and options than any comparable product, LiveNote has for many years been the leading transcript software (www.livenote.com). Searches are simple: LiveNote's "Word Wheel" allows users to search for any word and view the relevant question and answer just by placing the cursor over the page and line number,

without even clicking on a mouse. LiveNote is easy to use and can link testimony to issues, exhibits, and other items in a case. It generates fully customizable reports based on virtually any criteria, easily organizes transcripts, and works seamlessly with most major electronic litigation and trial preparation products. For example, a LiveNote user can highlight a passage in a transcript, send it to CaseMap, create a CaseMap fact, and automatically link the fact to the specific page and line numbers in the transcript.

LiveNote was recently purchased by Thomson West, which has begun to integrate it with Westlaw and its other products. The company has changed the pricing structure to a subscription basis, which may cost firms more than when LiveNote was a stand-alone product. You may have to determine whether choosing this transcript software is financially feasible or if, based on total cost, another product may better meet your needs.

According to Thomson West, attorneys who subscribe to LiveNote can extract transcripts they created using the product even if they later choose to discontinue their subscription.

Summation

CT Summation, commonly called Summation, is perhaps best known as a document and electronic-evidence review program used in litigation involving thousands or even millions of pages of documents (www.summation.com). But Summation also has a good deposition-analysis component, which allows users to search documents and transcripts and link them with ease. Recent upgrades have improved the deposition-review aspects of the program, allowing users to more easily link objects, issues, questions, and other data with one or more transcripts. The user loads transcripts simply by dragging and dropping.

Because Summation is primarily a document and electronic-discovery review program, it does not have some of the transcript-review features that its competitors offer. Summation is generally more expensive than the other programs mentioned here because of its document-review capabilities. But Summation does not charge subscription fees and may be a logical choice when you need both extensive document-review and transcript-management capabilities.

TextMap

For years, TextMap worked in conjunction only with its sister program CaseMap. The latest release, TextMap 3.0, is a stand-alone product that is easy to use and has excellent searching capability. What TextMap lacks, however, is a way to create and link issues without using CaseMap. Attorneys who do not use CaseMap may prefer to use LiveNote or Transcript Manager.

Since Lexis-Nexis purchased CaseSoft (the creator of CaseMap and TextMap; all are at www.casesoft.com), the company has made improvements to CaseMap, integrating it with various Lexis-Nexis products. TextMap users should expect updated releases, which will almost certainly address some of its shortcomings and allow the program to be more functional as a stand-alone. Currently, TextMap is sold on a subscription basis, but even after the subscription expires, users can continue to work with existing transcripts.

Transcript Manager Pro

The new kid on the block is Transcript Manager Pro (www.1360studios.com), which works like LiveNote but has a more colorful, slightly more intuitive, and easier-to-navigate interface. Transcript Manager makes it simple to identify and work with case issues and generate custom reports. However, it is not yet compatible with many common transcript formats, including LiveNote's PTX, and does not integrate with programs such as CaseMap and Sanction. Transcript Manager does allow users to save searches and reports, a feature inexplicably missing from LiveNote.

Transcript Manager is sold on a traditional, per-license basis. It may be a more practical and affordable alternative for attorneys who are new to transcript software and want to experiment with it, or for those whose practices do not use trial preparation or presentation software. Because Transcript Manager is such a new and nicely designed product, I anticipate that it will quickly evolve and provide serious competition for the more established programs.

I can still remember the first time I used transcript software in 2001. Since then, I have not read a paper transcript and hope never to do so again. I have used transcript software in a wide range of cases, including one in which my team and I reviewed 177 transcripts. The software saved me time and made me a more effective advocate. Now, the thought of returning to the days of highlighters and legal pads is about as appealing as the thought of returning to carbon paper and onion skin.

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