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Turbo-Charge Your Table of Authorities

By Tracey Baetzel

Does anyone in your firm still use ledger sheets and a calculator for computations rather than set up a spreadsheet? Absolutely not! Does anyone in your firm create footnotes manually instead of using the "Insert Footnote" feature in your word processing program or, worse, hand redline a document? Never! Using these old methods despite software that is taken for granted today seems, well, inconceivable. However, if your litigation attorneys and secretaries are not using productivity-enhancing software to prepare their tables of authorities ("TOAs"), they are missing out on a major opportunity to streamline their production of briefs.

In spite of features that WordPerfect and Microsoft Word offer for high-end document production, these programs still don't accommodate a few critical nuances required in complex legal documents. Developing such esoteric capabilities is generally past the point of diminishing returns for large vendors where the legal market is not the entire product focus. After all, the legal market is a blip on the radar in the universe of word processing users, especially for Microsoft. However, this doesn't let law firms and legal departments off the hook. We still have to figure out how to enable lawyers and secretaries to produce properly formatted legal documents at a reasonable cost.

FINDING THE RIGHT TABLE OF AUTHORITIES PRODUCTION SOFTWARE

Honigman, Miller Schwartz and Cohn is a 230-lawyer Michigan firm based in Detroit, with offices in Bloomfield, Lansing, and Ann

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Arbor. A TOA is required for civil briefs filed in federal and state appellate courts. TOAs are not required for pleadings in most lower courts, so it is up to the individual lawyer whether to prepare one or not. Unlike William Strunk (who provides resounding clarity with regard to the use and formatting of things like grammar and footnotes in *The Elements of Style*), the courts are quite vague in their requirements regarding TOA formatting. This may reflect the state of technology in the court system. Courts have lagged behind law firms in the implementation of technology, and not all state courts mandate electronic filing. However, it is inevitable that as electronic court filings become the rule rather than the exception, formatting requirements for documents will evolve, and clearer standards will be established for convenience and cost control. The TOA will necessarily have to be addressed in the context of this development. However, in the meantime, law firms can either produce labor-intensive (translation: expensive) TOAs or use specially designed software to generate them efficiently and, in doing so, perhaps help drive the court standard.

Our technology committee set out to find the best solution for our litigation departments to efficiently create the Table of Authorities for their litigation briefs. When we started looking, our staff was using either the Word table of authorities option, or Lexis' Full Authority to create the TOAs. Neither method was particularly efficient, so we decided to test drive Best Authority, from Virginia-based Levit & James, to see if it offered any advantages over the programs already in use so that we could standardize the approach.

TESTING AND PRODUCT EVALUATION

Of these three choices, Best Authority was in its own class, reducing the TOA building time from two to three hours to less than 20 minutes in most cases. The other options took longer to generate the TOA, and they had additional weaknesses as well.

For example, the Word markup method required someone to manually insert codes to "mark" each of the cites so that an index of authorities could be generated. This could be fine for small documents, but it was equivalent to hand redlining or hand footnoting a 30-page brief. Manual marking was most unwieldy in a team environment, where several lawyers were making revisions to the documents.

The other TOA-building product required that the TOA be generated in a separate document that would then be manually cut and pasted into the original document. The process had to be repeated each time there were edits to the document. Also, version control could be problematic, and the process had to be repeated if changes were made to the brief after the table was generated.

Best Authority might best be described as a search engine for briefs; it scans the brief and identifies cites based on formatting conventions (such as the Blue Book) and compiles the results into a properly formatted TOA. As with any automated tool, such as a spreadsheet or redlining program, the results need to be checked, and possibly edited. And like spreadsheet and redlining programs, Best Authority is an acquired skill that requires training.

STRAIGHTFORWARD INSTALLATION AND IMPLEMENTATION

Kirkanne Moseley, a technical specialist in the IT department, handled the installation and implementation of the Best Authority program. It took her about a day to load and package Best Authority, but that was because our packaging program (Altiris) was new and there were some issues that she needed to iron out. She needed to decide other configuration issues, such as whether to launch Best Authority from Word or from the Start Menu, whether files should be stored locally or on the network and other configuration issues. Once

these issues were resolved, we were able to push out the software to the litigation users in less than a minute per workstation.

Gayle Grapentin, the firm's User Support Manager handled the rollout strategy. We typically load new software and test it in IS for technicalities and basic operation. Next, we select a small group of adventuresome users to try it and to work with us on configuration, documentation, training and rollout issues. That pilot process might take two to four weeks, after which we go firm wide.

Gayle and Kirkanne developed what the firm refers to as a "Tech Ref," *i.e.*, a short document that gives people the basic information they need to use a piece of software without formal training. It's difficult to get anyone into a class anymore, so we do most of our training at lunch sessions with one computer projected onto the screen. If people have questions after the lunch meeting, they can call the Help Desk or make an appointment for one-on-one coaching.

USER REACTION

So far, users have reacted positively to Best Authority. Like any firm, we usually encounter cultural issues when introducing new technologies. Many of our associates and paralegals were relieved to shorten the TOA production timeline, since the documents often have to be done to meet tight deadlines. Also, the product was easy to use. Once people received the necessary training, we didn't have a lot of complaints.

To this day, a few secretaries continue to use the Word utility, in most cases because they don't do tables often enough to learn to use the program. However, as the firm increasingly focuses on efficient use of support staff through consistent use of technology, it is expected that one-off practices will be refocused, so that secretaries don't have to be "bilingual" in order to work for more than one lawyer. Users needed to be reminded that though Best Authority did a very thorough scan for citations, they still needed to check their work to ensure a 100% accurate, finished TOA, just as one would check the totals on a spreadsheet.

MICHIGAN CITATION

FORMAT CUSTOMIZATIONS

The biggest hurdle in the Best Authority rollout was finding out that Michigan does not strictly comply with the Blue Book rules. The Blue Book contains the definitive rules for federal case citations. However, Michigan case citation formats include variations, such as the use of semicolons to separate parallel citations, which meant that citations were missing in the tables in the first few runs. We reported this situation to Levit & James, and within two days we had an updated version of the software that corrected the problem. Generally speaking, IT people don't know

about citation formats, and the pilot users didn't realize that we were the first Michigan firm to use the software, so it was a puzzling issue for a few days. Once the patch arrived, the tables were produced accurately in accord with state requirements.

COST AND RETURN-ON-INVESTMENT

Best Authority licensing and pricing is based on the total number of litigators and appellate attorneys at a law firm. Once the firm purchases the required number of licenses, they can install it on all PCs. They do not have to purchase licenses for attorneys who don't litigate or for secretaries, paralegals or other staff members. Annual maintenance costs are in line with other software products at 20% per year of the license fee. Installation and training costs depend entirely on your firm's need, or lack of need, for these services.

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Very conservatively, our estimates are that it takes 15-20 minutes to produce a TOA with Best Authority, as opposed to the two to three hour process using the manual feature in Word. A secretary making \$30/hour who does one significant TOA per week will easily break even on the license fee in the first year. Of course, the more highly paid the individual, or the more frequently TOAs are needed, the sooner the break-even point is reached. More important, though, is that the process of generating the tables, whether handled by a secretary or lawyer, is more automatic and accurate than a manual process, thus reducing the drudgery and risk of proofreading when under time constraints.

CONCLUSION

Our experience with Best Authority has been excellent on all counts: significant efficiency gains in TOA production, ease of

installation and training, accolades from users who regularly do TOAs, service and support from the vendor and value for the investment. Testing the software among a pilot group of people who were adept technology users and who actually prepare briefs before actually making the investment decision was an important step in the "marketing" process so that critical features only users would catch were explored by user experts prior to full deployment. Most users adopted the product in a very short time. Lawyers preparing their own TOAs are finding Best Authority to be less work-intensive and unwieldy than previous methods, particularly when they are working under tight filing deadlines. Lawyers who have secretaries and paralegals prepare TOAs are finding improved document turnaround (important when there are deadlines, and less stressful for secretaries and attorneys). Our firm management is happy to know that staff time is being used economically. It is our recommendation that firms who do any significant litigation work examine the potential benefits of TOA production software like Best Authority.



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