

The Silver Bullet

The Benefits of Table of Authorities Production Software

BY IAN LEVIT

As a legal administrator, you wear many hats, and technology-related decisions often fall within your jurisdiction. Having the right software to support the legal and administrative work at your firm is essential, given that accuracy and efficiency are critically important to the firm's livelihood.

Certain software products – including Microsoft Office, a document management system, case/matter management tools and time/billing software – are considered vital to any firm's infrastructure. However, several "silver bullet" products are specially designed to address specific challenges facing a firm. These niche solutions can have tremendous benefits for the attorneys and staff that use them, and they can help a firm to boost efficiency and ensure a substantial return on its technological investments.

A COMPLEX PROCESS

One such "silver bullet" technology is software that assists in building a Table of Authorities (TOA), a list of citations within a litigation brief that is required by most courts. Why should a legal administrator be concerned about TOAs? Because they are often done at the last minute, they can jeopardize filing deadlines. If they are done inaccurately or sloppily, the consequences for the lawyers can be dire, including the worst-case scenario: sanctions.

The TOA is far more complex than it would seem on the surface, and preparing a TOA can often be a long and difficult process. First, finding *all* of the citations in a brief can be challenging. Citation formats vary according to court rules; in addition, lawyers often have their own preferences about formats. Secondly, litigation briefs can be very long and complex, so combing through them for citations is a cumbersome task requiring laser concentration and skill. Third, there is great pressure on the legal assistants and paralegals supporting the attorneys to make filing deadlines. With possible serious consequences for TOA mistakes, this can be a recipe for disaster if the proofing steps are short-changed. This is why, when lawyers are asked how many mistakes are acceptable in their TOAs, the answer is inevitably, "zero."

EVOLVING TECHNOLOGY

TOA technology has evolved considerably over the past 10 years. At the most basic level is the manual method of reading through the brief, marking citations with a pen, collating references on index cards, and then typing up the TOA afterward. This takes hours to complete, or even days for a citation-dense brief, and it depends entirely on the keen eye of the reader to find all citations and fix errors. More recently, this antiquated manual approach has been assisted somewhat by features within Microsoft Word, which allow you to read through the brief to highlight and mark citations. However, using Word to build a TOA is



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still labor-intensive, difficult, prone to mistakes, and requires the user to have an expert skill level to deal with Word's hidden "TA Field Codes."

SPECIFIC SOLUTIONS

More than a decade ago, the first TOA-specific product, FullAuthority®, was introduced, and it could find the majority of citations and provide a collated listing in a separate document. Even without any assistance for proofing and editing, it was a great labor-saver. The product, however, was discontinued last year.

In June 2005, Levit & James Inc. released Best Authority®, which automatically scans for citations and has many features that facilitate review and editing of a TOA. Best Authority provides numerous formatting options and schemes to fit court requirements and attorney preferences. Also, if an attorney needs to edit a document after TOA preparation has been completed, any new citations will be merged with the existing TOA, and there is no need to go back to "square one."

When purchasing a TOA product for your firm, you are making an investment that will ideally benefit everyone who works on litigation briefs. Consider the following criteria when evaluating a TOA solution for your firm:

- **Scanning accuracy:** How accurate is the product's automatic scan for citations? The search engine needs to be intelligent enough to pick up all types of citations, even those with errors in them, so they can be corrected.
- **Ease of proofreading/corrections:** Does the software product provide tools to make it easy for users to proofread, find and correct mistakes?
- **Versatile formatting options:** What kind of TOA formatting options does the product offer? Does it support U.S. federal court rules, as well as state, county, and city special rules? Does it enable formatting adjustments to suit lawyer preferences?

- **Preservation of changes:** A paralegal or legal assistant may create a TOA, and then the attorney will revise the text. How much effort is entailed afterward in re-creating the TOA? Is your previous work preserved, or does it have to be redone?
- **The bottom line:** Can your lawyers get a highly accurate TOA in 15 to 30 minutes, as opposed to in several hours, which had been required by other methods?

RELATED ISSUES

Other issues that can make a difference to your firm's bottom line are training and technical support. Are tutorials or learning guides available to train your staff to use all of the software's features? Is there an option for simplified operations for infrequent users? Is responsive technical support available? This support evaluation should include examining the vendor's track record for product improvements and timely bug fixes.

With all the hats you wear, that of technologist can be one of the most important. After all, technology has a direct effect on your firm's work product. By paying special attention to Table of Authorities and getting a solution in place to prevent errors and save your users time and aggravation, you solve a vexing problem and save your firm money. In turn, you undoubtedly will gain their gratitude and cooperation in the process. ✱

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