Welcome to LexisNexis CaseMap. For those lawyers, paralegals, and other support persons who have never used CaseMap, you are in for a treat. LexisNexis CaseMap is a product unlike any other. CaseMap is a computer program that makes analyzing cases easier and allows you to do a better job for your clients in less time. Designed to be a litigation dashboard, CaseMap is extremely easy-to-use and remarkably versatile.

Why CaseMap

CaseMap is also a collaborative tool, allowing lawyers to share information with co-counsel or facilitating production of limited information to assist in negotiation, trial, and settlement. Users of CaseMap do not need to know how to use fancy computer programs. To the contrary, the skills required to use CaseMap effectively are the ability to type a few letters at a time and the ability to analyze information, a skill that is central to all lawyers.

Traditionally, lawyers prepare cases with a variety of very basic means. Many use a trial notebook, organized into sections such as chronology, documents, research, and evidence. Others use Microsoft Word or Corel WordPerfect tables, while many create Microsoft Excel spreadsheets or a Microsoft Access database to organize their case information to show the who, what, and where for each item within a case. In this mode, as cases proceed through discovery, litigators refer to their spreadsheets, note
cards, or legal pads to determine what information they have and what information they need, and to try to determine how best to prepare for trial. All of these methods provide simple functionality. CaseMap expands exponentially on this capability. With CaseMap, all of this information, the same information lawyers have compiled for years, is at your fingertips, without the need to shuffle papers, without the need to go from spreadsheet to spreadsheet, or from index cards to legal pads, and to do so more quickly and far more efficiently.

As a database, CaseMap allows you to organize critical knowledge in your cases about facts, people (the cast of characters), and the issues in your case. Facts are simply that—information about anything and everything involved in the case. If a fact is necessary to prove or disprove any matter in a case, or may be used for purposes of examination, cross-examination, or impeachment, it should be included in the CaseMap database. People, organizations, and other data are the building blocks on which your case is constructed. Documents, along with other forms of evidence, are the sources used to prove, disprove, or question all of the facts. Issues are those matters that you are seeking to prove or disprove in the case. The key to CaseMap is organizing this information, along with other data, so that you can analyze your case more quickly and more effectively than with traditional methods.

Lawyers who use CaseMap, and who learn the ins and outs of the product, swear by it. It is to many users a religion. Lawyers who have not used it wonder what the product can do, while lawyers who use it wonder how they lived without it. With CaseMap, you can analyze the entire case, one aspect of the case, or various issues with your case, simply with one click of a mouse. Reports appear with such ease that users tend to take them for granted, but they are veritable fountains of information.

Consider a simple automobile case in which plaintiff had six months of soft-tissue treatment. Traditionally, there was a limited amount of evidence, and the lawyers would prepare for trial in a rudimentary fashion. But at trial, or even at deposition, the plaintiff would often be cross-examined about his or her treatment, including why there were gaps and why the treatment progressed as it did. There may be other questions about prior medical history or the frequency with which the plaintiff took the prescribed medication for his or her injuries. And what would happen? The plaintiff and his or her counsel would often be surprised, because they had no easy way of analyzing any gaps in the treatment easily or effectively.

Alternatively, consider a large pharmaceutical case or a class action replete with documents, witnesses, and a variety of other materials. One mass tort with which I was involved contained over 30 million separate documents. Through group collaboration made simple with CaseMap, we compiled a database of 477 “hot documents” and a list of every witness so that we were
able to see every key piece of information relating to every witness, including documents, all by clicking a mouse. When it was time to depose the corporate executives, we did not have to scramble to discover which facts and which documents were crucial to their depositions. All we needed to do was click a button to see the information and click a couple of more buttons to get our reports.

In today’s cases, there is a far greater emphasis on motions practice, and motions for summary judgment have become commonplace. Lawyers regularly devote hours, if not days, reviewing transcripts and documents (that they had reviewed earlier in the case) to prepare or defend against these motions. With CaseMap, and its ability to analyze the issues in a case (what parties want to prove or what parties want to disprove), determining which issues are ripe for summary judgment is simple. Conversely, determining which issues are unripe for summary judgment is just as easy. Unlike any other product, CaseMap offers a Summary Judgment Wizard, a way of using the database to create a report that can be easily sent to your word processor, so that drafting the motion or answer becomes far easier and the results far better.

CaseMap has been on the market for many years and has built a loyal following. The product is easy to use, although it does require some training, and continues to improve. The product links with a wide range of other tools, such as LexisNexis TimeMap, LexisNexis TextMap, LiveNote, Sanction, CT Summation, LexisNexis Concordance, and many others. These integrations allow CaseMap to be far more versatile than merely a case-analysis tool. They allow CaseMap to be the central dashboard around which litigation revolves.

For years, my colleagues have claimed that I am a cheerleader for CaseMap. That is true only in the sense that I cheer a product that makes being a lawyer easier and allows me to create a better product with ease. I hope this book lets you do the same for your clients.

**Expectations and Objectives**

Learning any piece of software takes time, and becoming an effective CaseMap user takes time as well. It is unlikely that most people will simply sit down and read this book from cover to cover. Rather, this book explains how to use all of CaseMap’s features or, if you prefer, provides guidance on specific features when the situation arises, with step-by-step instructions and illustrations. And for veteran CaseMap users, there are practical tips to help you use the product more effectively.

Each chapter focuses on a different aspect of CaseMap. More important, there is no legalese and no geek-speak. My goal is to avoid using technical terms, computer jargon, or other confusing language.
The early chapters address what you see on the screen when you start to use the program. This means navigating the program’s spreadsheets, and learning the basic keystrokes and commands needed to perform basic operations. From there, you will learn how to enter data and analyze it efficiently and effectively. Next, the book explains how to work with and link data, one of the keys to unlocking the value of the program. The later chapters cover many advanced features that you may want to take advantage of as your CaseMap skills develop.

You do not need to be a sophisticated computer user to use CaseMap. You need to be willing, however, to do some things a little bit differently at times from how you may have done them in the past. But when you do so, you will be rewarded with a robust database that makes you a better client advocate.

Remember, CaseMap also has its own internal Help function, the company’s Web site provides excellent information for users, and registered licensed customers are generally entitled to free customer support.

Repetition
If you read the book and notice that certain commands are repeated, you are correct. In CaseMap, many of the steps to do one thing are the same for many others.

The Theory of CaseMap
CaseMap is a versatile product that can be used to analyze virtually any case, regardless of whether you are representing the plaintiff or the defendant. It also enables you to analyze specific data within a case to determine the validity of theories of liability and damages, as well as affirmative defenses, such as comparative negligence and mitigation of damages.

What many users of CaseMap do not readily recognize, however, is that there is a “theory” about using CaseMap, and users who embrace its theory recognize how the software revolutionizes their practices. You could use CaseMap without recognizing and embracing the theory, but doing so would be the equivalent of buying a computer and using it only for e-mail. Once you understand how CaseMap works, and why it is important to think the way CaseMap “thinks,” its advantages become more evident.

Handling any case effectively generally involves telling a story. The best trial lawyers, regardless of whom they represent, know that the key to effectively presenting a case—whether it is at a pretrial hearing, at arbitration, at a settlement conference, to a jury, or even on appeal—is telling a story. Thus,
if you represent someone who was injured in a motor vehicle accident, the story is the accident, the resulting treatment, and how the accident affected the plaintiff’s life and work.

When preparing a CaseMap database, the most effective CaseMap users recognize that they must tell a story, and do so in minute snippets. They understand the need to separate each fact, and why each fact must stand alone. In any case that you place into CaseMap, you not only need to tell the complete story, but you also need to be able to analyze the story’s components to determine their strengths and weaknesses and whether they are worth pursuing.

Once you have created your story, you understand why the little bits and pieces matter. Building your narrative is no different from building a skyscraper. It so requires a strong framework: a solid foundation, sturdy girders, windows, elevators, the roof, etc. But what about the smaller things, such as the nuts and bolts that keep the girders attached, the glue that is used to keep the windows in place, all of those components? Just as you would not have a sturdy building if you did not have the big things and the little things, so too you will not have an effective CaseMap database if you do not include all of the big things and little things.

Telling a story seems easy, but when a user starts working with CaseMap, he or she frequently loses focus on that. CaseMap allows you to enter each fact, and, when the facts are read in their entirety, it is as though every portion of the story has been put together completely.

For the soft-tissue car accident case, on page 2, you could simply create a fact within CaseMap that the plaintiff received treatment from one date to another. But by doing so, you lose the ability to analyze and determine the number of visits, what was said and evaluated on each visit, which medications were prescribed on each visit, what tests were performed on each visit, and what diagnoses were made at each visit. Consequently, lumping all of the treatment together results in one fact that is difficult to analyze. Thus, if there were thirty-six office visits over a two-month period, it would be easy to determine that the plaintiff went to the doctor approximately four times per week over that two-month period.

Conversely, if the plaintiff went to the doctor four times during that two-month period, there would be no easy way to differentiate that plaintiff from the plaintiff who went more frequently, because lumping all of the dates together simply doesn’t help the analysis. It also would not show, in this example, that the plaintiff went three times during the week following the accident and did not go to another office visit for eight more weeks. Clearly, these are very important facts.

While those facts themselves are important, the analysis that flows from them is more significant. The analysis tells us that the person who went thirty-six times went regularly and presumably had more serious injuries than the
person who went four times with a nearly two-month gap. Knowing this information in advance of a hearing, and being able to analyze, explain, and address it thoroughly, is where CaseMap provides a user with a tremendous advantage.

In a global analysis, CaseMap becomes even more versatile. As cases grow in scope, there are more parties, witnesses, documents, and information. When the information is coded in a way that makes reading and analyzing it easy, evaluating the case becomes simpler.

CaseMap not only catalogs all of the information in a case, but also focuses a lawyer’s thinking and analysis on the entire matter, not just on one section or portion. This means that every piece of information that a lawyer needs to analyze his or her case is available at the click of the mouse. CaseMap is able to accomplish this because, unlike other programs, it puts together the facts, people, documents, issues, and research, so that a lawyer can examine how all of these elements interrelate to the case’s issues (items that need to be proven or disproven) and to other matters, such as research and the law. With this process, a lawyer can easily see which areas in the case have strengths, which have weaknesses, and which need further development. In addition, a lawyer can also verify what areas of the case may warrant a motion or warrant further discovery, while being able to determine where an opponent may also be proceeding with his or her case.

In essence, CaseMap is a database on steroids. It contains everything in one place. Traditionally, lawyers have viewed a case as a group of facts that have to be proven, disproven, or neutralized in a courtroom. In contrast, CaseMap looks at the facts as information developed by both sides and provides tools that allow lawyers to analyze those facts. For example, a lawyer may have facts that tend to show that the defendant in a car accident case disregarded a red light, entered an intersection, and caused a collision. CaseMap can help establish that there is no evidence to support those facts, because the police report has no information relating to what the parties did, the plaintiff did not see the defendant, and there are no witnesses other than the defendant himself, who claims to have had a green light. This lack of proof will therefore require the lawyer to muster additional facts, witnesses, perhaps even video surveillance of the intersection, or other information to strengthen that critical aspect of the liability case. Similarly, a defendant may be able to develop evidence to show that the plaintiff’s claims that he received regular physical therapy are unfounded, because the plaintiff was only treated for a short period of time with large gaps. A timeline that can be made into a visual graphic in TimeMap with just a few clicks of the mouse can demonstrate this very effectively.

CaseMap also focuses lawyers on the issues in the case—i.e., the things that must be proven. The issues are any matters or legal theories necessary for a case. At their simplest, common issues are liability and damages. In a com-
plex pharmaceutical case, for example, the issues may also include what information was disclosed to or withheld from the U.S. Food and Drug Administration. They may include what information was known to researchers on behalf of the pharmaceutical company and what information the pharmaceutical company disclosed or failed to disclose to those researchers. Each of these may be issues either central to the case or to a particular witness or entity that has direct relevance to a case. Thus, if a pharmaceutical company’s expert does not know that significant information about adverse reactions was not provided during his research and testing, that relevant piece of information could be analyzed in CaseMap both through the Issues and Facts spreadsheets.

In addition, CaseMap organizes all of the people in a case so that a user can easily see who was involved in the case and what role he or she played. With merely a mouse click on that person’s name, a user can easily see every fact that has been developed in CaseMap relating to that person (or organization or other object). This can be critical. If you are preparing for the deposition of Mr. Jones, one click of a mouse will create a report that not only lists all of the key facts relating to him, but that also shows the documents and other items that support those facts, disprove those facts, or have any relevance to those facts. In essence, the CaseMap report is the initial outline of the deposition or trial questioning because it addresses every fact or event in the case related to Mr. Jones.

The “practice” of CaseMap is also different from how other programs work. In fact, loyal CaseMap users discover that the program revolutionizes the way they prepare their cases. With just a simple query (question), lawyers can see how different entities, persons and issues relate to each other and view instant reports, allowing them to analyze those areas of a case on which they need to put further emphasis. Finally, CaseMap creates a practical work product that can be used to help prepare cases for trial and/or settlement or as a basis for discussing the case with a client to highlight its strengths and weaknesses.

In essence, using CaseMap aims a new magnifying glass at every aspect of a case. When you use CaseMap, the difference between this product and others is the global way in which it contains and provides information to lawyers and staff. In other words, CaseMap can be looked at like a globe. From a distance, a globe simply shows everything. But when you move in more closely, you can examine the rivers, oceans, and countries. Yet you can also do more. You can examine the way the rivers intersect or bisect a country and how that affects the land around it. CaseMap is no different. In its global representation of a case, you can look at the people and issues independently, but when you start to look at them more closely, you can see how each relates to the other. Just as the lack of proper damming could clause a flood, the lack of data about particular facts, or about a particular event, could make it impossible or easy for the other party to disprove.
Another value of CaseMap is how it facilitates the sharing of information among counsel and with clients. In this age in which more and more cases are handled cooperatively, there remain few easy ways for lawyers to share information without having lengthy conferences, etc. As cases become more disparate geographically, it is not as easy for lawyers to meet with co-counsel and to share information. CaseMap facilitates the sharing of information through the use of replicas and reports. Its easy-to-create, easy-to-read reports show the case through a variety of lenses, so that each person involved in the case can examine it with a critical eye. In addition, lawyers can create replicas that allow them to share information in a case and work together to create a global work product. For example, in various mass tort litigation, lawyers work together using CaseMap to create global databases. In the Vioxx litigation in New Jersey, for example, approximately fifteen law firms cooperated to create a CaseMap database showing all of the issues relating to liability against the drug manufacturer. They regularly shared documents, analyzed their information, entered relevant information, and added documents to the database using replicas. When the replicas were complete or at a point at which the information could be synthesized, the lawyers would send the replicas to the law firm that held the master, and that law firm would then synchronize all of the replicas and send the latest information to all of the lawyers. As a result, every law firm involved in the case had the same up-to-date information, and, when the firms determined who would conduct the various depositions, those lawyers could easily see all of the relevant information relating to a particular witness or party.

Finally, clients are highly impressed with the nature of CaseMap’s reports. These allow a client to see what information has been developed in the case, what information the client may not have provided, and what information needs to be augmented to strengthen a case. The “Mark Me Up” report, for example, allows clients to work with their lawyers in CaseMap in an easy way that does not require any technological skills. Similarly, the Jumpstart Intake Interview Wizard allows clients to provide a host of information to their lawyers in a way that facilitates the client’s thinking about a case and often elicits more information than is likely to be gleaned from meetings. The Interview Wizard contains a wealth of information the client can fill in and return to the lawyer, who can immediately integrate it into the CaseMap database.

About CaseMap 9

With the release of CaseMap 9, LexisNexis has added the capability to store CaseMap data on a Microsoft SQL Server® database, i.e., CaseMap 9 provides centralized, secure remote access so that users may use the SQL server envi-
environment to create and manage cases with large or long-lived databases, and across offices. By allowing the use of SQL, users have additional security and flexibility, which will permit different users to use different sets of features as they work on the cases.

Although CaseMap 9 has been “tuned” to work better in the Windows 7 environment and runs on 64 bit Windows® Vista and Windows® 7 systems, from a functional standpoint, there are no differences between CaseMap 8.5 and CaseMap 9. Thus, CaseMap users who are familiar with using CaseMap’s earlier versions will not have to learn any new features—the only thing that has changed is the flexibility of creating some cases that may be unusually large or long-lived for the CaseMap SQL server environment.

While there are some minor differences in CaseMap SQL administrations, all examples in this book refer to the Windows-based version of the program.

**CaseMap 9 Case File Types**

CaseMap 9 allows users to create SQL or “local” cases.

**SQL Cases:** These case databases are created by an administrator using a special CaseMap Admin Console. Designated case staff are then assigned to cases by the administrator.

**Local Cases:** These traditional case databases are exactly the same as the pre-CaseMap 9 cases and may be created by any user and saved to/stored on a designated network folder. Authorized users may edit the case staff.

**CaseMap 9 SQL Administration**

Firms that use the CaseMap 9 SQL version can centrally control the creation of new SQL cases and assign users to the cases. Using the CaseMap Admin Console, a CaseMap administrator can assign specific permissions for individual case staff. For example, some users may be able to enter data but not able to create or delete custom fields. The CaseMap Server must be installed on a local hard drive and cannot be run from a network server. In addition, a user must be logged on with administrator rights in order to install CaseMap Server.