

Automate Authorities

Software helps litigators create fast, accurate Tables of Authorities

By Karen Tucker

Streamlining our litigation processes via technology has been a high priority for Steptoe & Johnson. Based in Washington, D.C., we have six offices in the U.S., and overseas offices in London and Brussels.

With 500 attorneys and 600 support staff, we have 23 practice areas. We frequently handle complex disputes and difficult regulatory and business problems. A majority of our practice involves litigation, frequently in governmental forums.

In a typical dispute, creating a table of authorities for pleadings is often a last-minute, cumbersome task that takes several hours to complete. Despite the features that Microsoft Corp.'s Word and LexisNexis' FullAuthority offer, those products have not met our needs for critical nuances and varied court protocols.

The increased adoption of electronic court filings has added challenges, with our practitioners revising briefs close to filing deadlines. Courts and other forums often require a TOA, and each one must contain citations and protocols that follow agency-specific rules or other non-standard formats that are not covered in *The Bluebook: A Uniform System of Citation*.

Word's mark-up feature with manual citation marking was unsatisfactory, so we had been primarily using FullAuthority to automatically locate and organize citations into categories. Although it was a huge improvement over the old manual system, it was inadequate for our needs. Problems included page number inaccuracy, inability to handle large documents (e.g., documents had to be split), and a limited four-category sort.

Typically, TOAs exceed four categories, so extra time for manual editing as well as page number validation is needed. Further, Full Authority completely missed some citations, resulting in time-consuming and repetitive manual editing.

When LexisNexis announced that it would discontinue

FullAuthority support in 2007, it was time to look for an alternative.

In April 2006, our IT trainer Margaret Wildy received an e-mail mentioning Best Authority, from Virginia-based Levit & James Inc. Wildy encouraged me to evaluate the product, so we acquired a beta copy in May 2006.

To determine if Best Authority could measure up to our standards, Wildy and I thoroughly evaluated the software. L&J's vice-president Ian Levit provided training, as I created various TOA schemes [templates] and used Best Authority for actual filings.

The software facilitates creation of a TOA within any document, often a litigation brief. It first scans the document for citations, then sorts and highlights them into categories, including "suspects" (suspected errors in the citation). Users can then correct format errors and suspects using a split-screen interface.

The TOA can be placed anywhere within the Word document. The software also allowed us to re-build a TOA as many times as needed.

MORE RESEARCH

In October 2006 I presented a summary to partner Morgan Hodgson, who chairs our technology committee. She

requested further research into license structure/costs, comparative costs, and wanted to know if other firms were using the product.

I contacted several users from a list provided by L&J and submitted my report, which led to our purchase of the product in March 2007.

ROLL OUT

Migrating from FullAuthority to Best Authority was a challenge. We knew that training in both the software and *Bluebook* protocols were the keys to a successful transition, so we split responsibilities between myself, our IT trainers,



and our system software analysts.

The software analysts handled interface and network implementation; our IT trainers provided firm-wide training classes with hotline support.

I managed the legal components (e.g., scheme design), communications with the vendor, and training. We continued *Bluebook* training for support staff and paralegal cite-checking training. Our user training included virtual network computing (where our team can remotely control other computers).

Migrating to new technology always involves careful planning and training to ensure a smooth transition and buy-in from users. We started by having Ian Levit demonstrate the customized system to our IT staff. We then formed firm-wide pilot groups.

During our pilot evaluation process, some issues arose over how Best Authority handled administrative citations. We contacted Fletcher James, Levit & James' president and chief developer, to request several specific improvements.

After a two-month pilot group evaluation period, we rolled out the software firmwide in May 2007. While the transition was generally smooth, we identified additional citation convention and *Bluebook* format issues. L&J added a number of parser improvements, including rules from LexisNexis, regulatory cases, international trade citations, and automatic generation of condensed abbreviations (without periods).

For our lawyers, we concentrated on making the transition short and sweet. We customized training tools (e.g., "Quick Reference Guide," "Best Authority Tips & Things to Know," "Editing Tasks"), designed short attorney sessions, and also placed these tools on our intranet. We concentrated on attorneys' court-specific questions and provided individualized training for users as needed.

Our users now enjoy the software's features, including accurate page numbers, TOA automatic insertion at the user-specified location, and regeneration of a new TOA with a few keystrokes — as many times as needed.

If the software does not recognize a citation, its toolbar "Mark" feature makes adding it easy to amend the list.

Preparing a split TOA, where TOA cites are combined into the Table of Contents, is a snap. Split TOAs (a.k.a. Points and Authorities) are required in Illinois, Indiana, Kentucky, and Oklahoma courts.

We can create any TOA scheme with customized, office-specific organization. Additionally, we can replace outdated schemes and receive support for industry changes — very important, because *The Bluebook* will be updated to its 19th edition shortly.

We are still working with L&J to resolve some stubborn intricacies in citation formats. For instance, the Federal Energy Regulatory Commission issued specific formats for FERC citations that do not follow *The Bluebook's* guidelines.

Levit & James will need to modify and enhance Best Authority's citation recognition capabilities, including expansions to the various tables containing abbreviations for courts and case names, state local rule format changes, uses of italics/underlining, changes to public domain formats, and expansion of formats (e.g., international and "information age" formats).

Best Authority 2.5 is due for release in 1Q 2009 and Levit & James says it incorporates several user-requested changes, including new TOA formatting options.

Ultimately, we found three major benefits of Best Authority that have made it a great fit for our firm. First, it no longer takes several hours to create an automatically-inserted and accurate TOA. Second, the software is very flexible and can fit our workflow and

editing process, particularly attorneys' final retooling. Third, it is intuitive and user-friendly. **LTN**

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WHAT IT COSTS

Steptoe & Johnson declined to provide information about the costs of adopting Best Authority, which is required for IT@ articles. Therefore, *LTN* asked the vendor, Levit & James Inc., for pricing information. The company's pricing sheet is available on its website, <http://tinyurl.com/LTN93LJ1>.

There are two editions of the product, Best Authority Premium, and Best Authority Light. Both are sold by site license based on the number of litigators, not the number of computer installations. Premium pricing starts at \$360 per litigator, with discounts based on the total number of litigation attorneys and research or litigation paralegals who contribute citations to appellate briefs. (For more specific distinctions, see the L&J agreement). For a firm with more than 1,000, the cost would be approximately \$180 per litigator.

Software subscription service, which includes e-learning, technical support, product updates, is 20% of the list price.

The light version is \$225 per litigator, with no volume or other discounts.

A five minute video on Best Authority is available at the L&J website: <http://tinyurl.com/LTN93IT2>.

— Monica Bay

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View a short overview of features at www.levitjames.com/bestauthority/bestauthority.html

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