

DOCUMENT MANAGEMENT: HOW PARALEGALS CAN EFFICIENTLY AND EFFECTIVELY ORGANIZE PRODUCTION

SLIDE 1- TITLE

Good morning everyone! It's great to see you all and catch up on what has been going on in the past year that we haven't seen each other. As many of you know, I worked at McAngus, Goudelock and Courie for 5 years doing liability insurance defense. A little background on me consists of graduating from Southwestern Community College in Sylva, NC in 2003. I started working as a Real Estate Paralegal in January of 2003 and did real estate, wills and estates and other corporate areas such as keeping corporate books for companies we had created, etc. I did thousands of closings before the bubble burst. I hate not being busy and not having work to do so as real estate started to slow down, I picked up workers' comp. Luckily, the firm I worked for at the time was more of a general practice and covered many areas. I started to do workers' comp and from there, a little of everything. Workers' comp claims, personal injury, collections, tribal law, county law (my attorney was also the Swain County Attorney). I moved to Charlotte in January 2012 and started working for MGC, which is an insurance defense firm. I love the people I worked with, love the attorneys I worked for, and was blessed to call that my work home for my first 5 years in Charlotte. In April of this year, and after long consideration, I took a job I wasn't looking for. I am now at Nelson Mullins Riley & Scarborough and absolutely love it. I miss MGC and miss terribly my old co-workers, but it was a good move and has provided new challenges and adventures.

At my time at MGC, I got to see a lot of different areas of liability defense. I know more about the 6th synchronized gear of a Ferrari than I ever thought I would know. Construction of garages, houses, apartments, etc., had no clue my paralegal degree would send me in so many different directions. When you do general liability defense, you have to learn a wide scope of problems. Basically, if insurance carriers insure it, than you may be defending it. One case in particular involved a couple businesses and several individuals. Plaintiff (a business entity) sued another company, the president of that company, and several other individuals. In turn, they counterclaimed and did third-party lawsuits. There were lawsuits in several different counties and in different Federal Courts. Approximately, nine lawsuits in total. When all was said and done, we had about 33 defendants and/or counterclaim plaintiffs and third-party plaintiffs. There were years of business records and 33 people producing information. The case eventually settled under a confidentiality agreement, but we still ended up with 2.2 million documents containing 4.4 million pages and that was only what was uploaded to Logikcull (the document management program we used – a cloud based e-discovery software with an easy to use platform). There were many other documents that were not uploaded and many, many audio messages, videos, etc. that were obtained. We had to keep track of who was producing what and then what we produced to opposing counsel. In my nearly 15 years of doing this, that was by far the largest amount of production I've had to handle. I've had several cases with 10 or 15 thousand pages or so, but never anything nearly this large scale. Had I not had a woman at the firm guide me and start me out on the right ORGANIZED path, I would have sunk, and sunk hard. It's always harder to go back and re-organize large amounts of production halfway through than it is to just start out organized from the start.

1st Step in organization is to try and get a feel for how large the lawsuit can possibly become.

SLIDE 2- HOW BIG IS THE LAWSUIT?

- Is it a simple personal injury claim
- Is it a complicated construction defect
- Is it a convoluted business dispute
- Is it a complex medical malpractice claim
- How big is the lawsuit?

Sometimes that answer is a given. You may be brought in as a Third-Party Defendant where there are already multiple parties and you could be the 10th party added. At that point, there has most likely been some (or a lot) of discovery exchanged and is the root of why your client was brought into the equation.

When it is a personal injury claim, only two, maybe three parties (such as a simple MVA where a plaintiff sues the driver and/or owner of the vehicle), you aren't going to need to take the extra steps in building charts, spreadsheets and other documents to keep production organized. Those matters are fairly straight forward and it's probable that everyone in this room is excellent in handling the run-of-the-mill lawsuits we deal with on a daily basis.

There may be times that you don't realize a lawsuit will grow into an ugly 10,000 page production, and that is just what you are receiving from opposing counsel(s), not what you are producing as well. If it is a case you are unsure how big it may grow, one of the best things to help determine is to just interview your client and get all the details you can and their take on the allegations from the start.

Anything with large production, multiple parties, or multiple providers is always a trigger for a spreadsheet or chart for me. They are my best friends and I love a good chart!

SLIDE 3 – HOW INVOLVED IS YOUR CLIENT?

- If construction defect, is your client the General Contractor or some small subcontractor that was brought into it for a small part they performed on the jobsite.
- Is it a motor vehicle incident and the injuries or death is not only blamed by another party, but also a defect of a manufacturer (i.e. the fire would not have erupted and injured/killed someone if the fuel tank design was different)
- If a complex business dispute, how many people or entities does your client think will be brought into the dispute?

Everyone in here does some sort of insurance defense. You know that the first thing we try to do... who else can we pin some liability on?!?!

I've had cases where we were the GC, which meant there were thousands of pages of documents that I DID have to care about. I've also had cases where we were a very limited subcontractor that did a small part and our involvement in the overall project was minimal. I did NOT have to care too much about the 10,000 plus pages from the GC and other larger subcontractors. Our involvement was so small it didn't constitute in uploading a lot of documents into a document

management database for reviewing and processing. Obviously, with their small part in the construction, we have to be conscious of our involvement in the lawsuit for cost effective reasons. You don't have to put the resources into defending a small time subcontractor with limited involvement like you do the GC or a main subcontractor that had heavy involvement in the project. My discovery summaries and simple summaries of what was produced are usually enough for small involvement. Anything larger than that, charts and spreadsheets have to make their appearance.

In the case that I had over 4 million pages of documents, it was a complex business dispute and we knew it was going to be large from the start. We started out as local counsel when just a couple of the lawsuits were filed. From there, it grew like wild fire. We knew more lawsuits were coming down the pipeline and knew that we were going to end up representing a lot of individuals. We also learned that we were acting more than just local counsel, we were heavily involved in all aspects.

Another thing to consider is how many people will be receiving documents. There could be experts involved and larger cases may have multiple experts. There could be reconstructionist experts, medical experts, economist, all designated in one case. You need an effective way of monitoring what you have sent to your expert, when it was sent, and by what means. Keeping track as you go will aid in any designations and productions you have in the future. Some experts will not get the same information. For example, reconstructionist experts do not need to spend their time reviewing medical bill and records, or tax returns. Keeping charts of who got what will help keep you organized.

SLIDE 4 – WHO GETS PRODUCTION?

- How many experts are involved?
- How many experts have you hired just for your client(s)?
- What are you producing to each party?

To get started on the nuts and bolts of this presentation, here is an example of a simple chart for production to an expert.

SLIDE 5 – EXPERT PRODUCTION CHART

Materials sent to expert, Dr. John Smith (injuries/causation):

DATE SENT	METHOD	DESCRIPTION OF ITEMS SENT
7/7/17	Mail	<ul style="list-style-type: none"> • Complaint • D’s Answer • Plaintiff’s Initial Disclosures • D’s Initial Disclosures • Plaintiff’s Responses to Defendant’s 1st ROGs & RFP • Medical records from Orthocarolina (OrthoCarolina000001-000166) • Medical records from The Pain Relief Centers, PA. (PainCenter000001-000153) • Medical records from CMC-Mercy (CHS000001 – 000120) • Medical records from Caromont Health (CaroMont000001-000298) • Medical records from Sports Plus Physical Therapy (Clemson000001 – 000156) • Medical records from Gaston County Health Department (GCDHHS000001-000027) • Medical records from Belmont’s Drug Store (Belmont000001 – 000026) • Job Description for sedentary work (KEYR00475)
7/26/17	Mail	<ul style="list-style-type: none"> • Omni Clinic Records (Omni00001 – 000035)
8/10/17	Mail	<ul style="list-style-type: none"> • Transcript and exhibits of Plaintiff’s deposition

As you can see, it’s simple. However, extremely helpful when it’s time to do a designation and create a list of what has been produced. It’s a simple cut and paste from there.

This can certainly be done in excel; however, for information like this I use a Word document with a chart for easier copying and pasting.

You will also noticed how the medical records are bates labeled. There are times where I use only one prefix for all running production (i.e. Kullman000001 – Kullman001294) that covers all production. It could cover insurance policies, medical records, statements, etc. However, if I know there will be multiple medical providers, I like to give each set of records their own prefix. It makes for easier reference, but that is just my preference.

Depending on how much YOU have to produce, you may be able to do a chart in Word or need a spreadsheet keeping it all straight.

SLIDE 6 – WHAT TO USE FOR TRACKING?

(LEFT SIDE)

1	Document Title	Confidential	Document Creator/Custodian	Bates Stamp	Discovery Response	Production Date	Translation	Document Category	Produced in Other Case(s)	Remarks
2	Department of Safety TN Highway Patrol Critical Incident Response Team Report	No	TN Highway Patrol/HTCL	SMITH-ABC 00001-000486	P's for Interrogatories to ABC - #1, #10, #11, #12	5/5/2016	N/A	Police Report	No	
3					P's for Request for Docs to ABC - #2, #3, #4	5/5/2016		Police Report	No	
4	Title History for Subject Vehicle	No	NC Dept of Transportation DMV/HTCL	SMITH-ABC 00047-000476	P's for Request for Docs to ABC - #3, #4	5/5/2016	N/A	Vehicle History	No	
5	XYZ's Document Retention Policy (1/4/11/2006 version)	Yes	ABC/XYZ	SMITH-XYZ 00047-000492	P's for Request for Docs to ABC Supplemental Response to #6	12/1/2016	Produced as SMITH-ABC 000477A-000492A	Policies	Yes - McLain, Philipot	Amendment history - 1/8/3, 2006. Article 47 - some electronic

(RIGHT SIDE)

CLIENT'S BATE STAMP INDEX			
ABC00001-ABC 000233	John Smith's Personnel File	MARKED CONFIDENTIAL	1
ABC000234-ABC000245	Annual Compliance Declaration & Acknowledgment		2
ABC000246-ABC000584	Jane Doe's Personnel File	MARKED CONFIDENTIAL	3
ABC000585-ABC000940	John <u>Hancocks</u> ' Personnel File	MARKED CONFIDENTIAL	4
ABC000941	Clint's Floor Plan		5
ABC000942-ABC 000961	8/21-09/03 Time Sheets Smith, Hancock, & Taylor	MARKED CONFIDENTIAL	6

SLIDE 7 – MASTER PRODUCTION LOG (EXCEL) – same photo as above, but bigger.

This particular case has a lot of discovery going back and forth. We represent two very large international companies that are producing a lot of documents and there are about 15 plaintiffs that are all producing documents containing medicals, tax returns, experts, etc.

Since there are so many parties to this lawsuit (but, surprisingly not as much production as you would think), a master production log was created. The titles of this log are:

- Document Title
- Confidential
- Document Creator/Custodian
- Bates Stamped
- Discovery Responses
- Production Date
- Translation
- Document Category
- Produced in Other Cases
- Remarks

You may not even need some of these titles, but this case required them. This log encompasses all parties' production. It covers what we received from the different plaintiffs, what discovery response it related to, and what each of our clients produced as to what discovery response. There are co-defendants in this matter and we are also responding to their discovery. And remember, we have two of the defendants. In the same excel workbook, we have another sheet that looks identical for our second client. We know what was produced, what response the production is related to, who produced it, when they produced, and any remarks that we need to know.

SLIDE 8 – INDEX OF BATES LABELED DOCS (WORD) – same photo as above, but bigger.

In this matter, there is only one plaintiff and one defendant. However, this defendant had several employees and we had to obtain time sheets, personnel records, and trainings on many different employees along with corporate documents for the actual Defendant.

This chart gives us a list of all of our client's production. It has the bates numbers, description of documents, any remarks (i.e. marked "Confidential") and what tab it's under (if you are doing a notebook of the production). We have one specific client, a nursing home/assisted living company that has facilities all over the southeast. A lot of their production is the same. It may be different employees, but you know that you will always have to start gathering personnel files because they will have to be produced at some point. This chart is the attorney's preferred chart and does work well for this client and what they produce. The attorney uses this chart to more specifically reference labeled documents within the discovery responses.

SLIDE 9 – SUBPOENA LOG

Medical Providers Subpoena Log			
Medical Provider	Date Sent	Date Received	Bates Stamped Number
CaroMont Health Gaston Memorial	3/29/2017	4/7/2017	CaroMont 000001-000298
Carolinas HealthCare System	3/29/2017	5/3/2017 (only for Mercy)	CHS000001-000120
Novant Health Images	3/29/2017		
OrthoCarolina	3/30/2017		
The Pain Relief Centers	3/29/2017	4/17/2017	Pain Center000001-000153
ATI Physical Therapy	3/30/2017	4/14/2017	ATI000001
Clemson Sports Medicine & Rehabilitation	4/20/2017	4/21/2017	Clemson000001-000156

Another convenient index or log to keep, when/if needed, is a subpoena log. There are many cases that I don't ever have to serve a subpoena and certainly not 10 or 12 of them. But, when I do send several I like a way to keep track. You can always tailor your chart as needed. You may want to add a column of when you produced to opposing counsel. This is just an easy way to quickly look at what you have sent out, what you have received, and what you still need. Plus, if you add your bates numbers, it serves as an easy reference when creating other charts, such as a chart on what you are producing to your expert.

SLIDE 10 – DEPOSITION EXHIBITS INDEX

No.	DOCUMENT	DATED	BATES LABELED
1.	Rule 30(b)(6) Notice of Deposition To: COMPANY A Includes exhibits of Company E's invoices		
2.	Subpoena to COMPANY P re: Deposition for 6/6/17		
3.	Subpoena to Daniel Smith, RA for Company P re: produce documents- 1) docs re: purchase & maintenance of truck 2) docs re: alignment performed on truck		
4.	Driver's Vehicle Inspection Report (3 reports) re: 4/14/15; 4/3/15; 3/6/15		OMS000067-000069
5.	Miles Travel Log for Tractor Number 3		OMS000063 - 000071
6.	Company D's Invoices		AAA-0001-0003

In cases that will have many depositions, it may be helpful to start a deposition exhibits index. It provides a list of the deposition exhibits at a quick glance that is easy to update as additional depositions take place throughout the case. It also helps the attorney to easily prepare for upcoming depositions and to know what documents can be referenced and what will need to be new exhibits.

For this index, I prepare on a captioned document, as if I were creating a pleading. However, do whatever works for you and your attorney. I usually use this as my index in front of my notebook, if I'm building a hard-copy notebook.

SLIDE 11 –PLEADINGS INDEX

No.	DOCUMENT	DATED	FILE-STAMPED
1.	COMPLAINT	2/2/17	2/3/17
2.	SUMMONS		2/3/17
3.	AFFIDAVIT OF SERVICE (served 2/7/17)	2/15/17	2/16/17
4.	MEOT Re: ANSWER	2/27/17	2/27/17
5.	ANSWER	3/27/17	3/27/17

Another miscellaneous index that can prove to be useful is a Pleadings Index. It may not be required in many cases, but if you start having multiple parties get involved, it serves as an easy reference. This chart really becomes helpful when having to reference back to certain pleadings in briefs. Obviously, you can always just pull the document, but sometimes those documents get buried in the file (or another case's file) and a handy dandy chart can be a lifesaver.

SLIDE 12- MY CONVELUED BUSINESS DISPUTE CASE

Now I'm about to get into the spreadsheet I used for the case with over 4 million pages of documents. As I mentioned earlier, we used the software program Logikcull as our document management program and our platform to upload, review, code, and produce all the documents.

In this case, we had over 30 custodians we were collecting information from. We were also under an ESI Order (Electronically Stored Information). We not only had to collect all of our

clients' documents, audios, videos, etc., we also had to collect all of their electronic data such as messages and voicemails on their phone and all social media accounts they had including, Facebook, Twitter, Instagram, and LinkedIn. Under an ESI Order, it will set out specific fields you are to pull when retrieving electronic information. We had to contract (I think with Ricoh) with a neutral vendor to retrieve all the data. They sent special hard drives that the clients used to pull information from their phones and computers. All 30+ custodians had to go through this process. The fields that the ESI Order set out included a lot of metadata. The ESI Order is very important, because that tells you what they need to pull so you can produce properly.

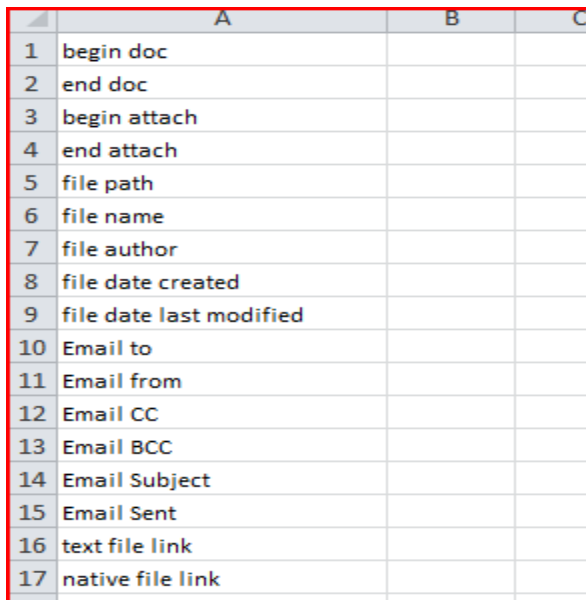
In this example, we have 5 different spreadsheets in this workbook. They are:

- Custodians
- Loads
- Fields Provided (comes from that pesky ESI Order I just mentioned)
- Social Media
- Downloads

The chart we are currently looking at is the first spreadsheet that lists the custodians. As you notice, I only have 16 custodians in this chart (I ran out of ideas for names!). Now, we will jump around a little in this workbook.

The 3rd spreadsheet in is titled Fields Provided.

SLIDE 13 – ESI ORDERS



	A	B	C
1	begin doc		
2	end doc		
3	begin attach		
4	end attach		
5	file path		
6	file name		
7	file author		
8	file date created		
9	file date last modified		
10	Email to		
11	Email from		
12	Email CC		
13	Email BCC		
14	Email Subject		
15	Email Sent		
16	text file link		
17	native file link		

The ESI Order will set out all the information/metadata to be pulled from electronic files. There are also fields that you will want to be setup for in your document management software for production purposes. We aren't going to get into the details of what all the above means, because that's for a different presentation. Here, we are just learning the chart for organizational

purposes. It's just good to add to your workbook to know at a glance what fields you are providing.

SLIDE 14 - SOCIAL MEDIA

Custodian	Folder Name	Social Media Site	Extract
GLOVER, JOHN	GLOVER_JOHN-IG.zip	Instagram	X
GLOVER, JOHN	GLOVER_JOHN-TW.zip	Twitter	X
MILLER, JANE	MILLER_JANE-FB.zip	Facebook	X
MILLER, JANE	MILLER_JANE-LI.zip	Linked-In	X
MILLER, JANE	MILLER_JANE-TW.zip	Twitter	X
MILLER, JOHN	MILLER_JOHNFb.zip	Facebook	X
MILLER, JOHN	MILLER_JOHN-LI.zip	Linked-In	X
MILLER, JOHN	MILLER_JOHN-TW.zip	Twitter	X
MILLER, PAUL	MILLER_PAUL-FB.zip	Facebook	X
SMITH, ADDIE	SMITH_A-FB.zip	Facebook	X
SMITH, ADDIE	SMITH_A-TW.zip	Twitter	X
SMITH, BOBBIE	SMITH_B-FB.zip	Facebook	X
SMITH, CONNIE	SMITH_C-FB.zip	Facebook	X
SMITH, DOMINQUE	SMITH_D-FB.zip	Facebook	X
SMITH, DOMINQUE	SMITH_D-LI.zip	Linked-In	X
SMITH, DOMINQUE	SMITH_D-IG.zip	Instagram	X

Jumping to the 4th spreadsheet in this workbook, this sheet was used for all social media pulled. As you can see, there are several different social media medians we had to pull from. This was just an easy way to keep a running list of all social media gathered from each custodian.

SLIDE 15 – UPLOADING & PRODUCING

Custodian	load #	Produced	load #	load #	load #	load #	load #	load #	load #	load #	load #	load #	Series Ending
Doe, Jane	1/28/2018	2/7/2018	2/11/2018	2/11/2018	2/13/2018	2/25/2018	None seen	2/26/2018					DOE_CA000970
Franks, Jane	1/28/2018	1/11/2018	2/9/2018	001-343	Corrected	2/24/2018	242-870						FRANKS_CA000987
Glover, Jane	2/7/2018	2/12/2018	001-6575										GLOVER_CA000575
Miller, Jane	1/28/2018	2/7/2018	2/22/2018	001-888	897-1301	1802-1936	1/14/2018	1837-1948					MILLER_JA0001548
Miller, Paul	2/7/2018	2/11/2018	001-048	Corrected	1/14/2018	042-051							MILLER_PJ_CA000051

This may be a little hard to see, but at the left we have the custodians' names. This case had a lot of husband/wife teams and we were able to lump them together and produce one set for the couple. Our clients alone produced a couple hundred thousand pages of documents. That took several uploads to the system. In order for any database platform to be effective, you have to code each upload as you go or the entire system is pointless. In this chart, you will see that each load is numbered and colored in green and productions in orange. We would do an upload of someone's production and plug that in the chart. You have to code the documents at the beginning so you can run searches and pull the specific documents you want. In this, we tagged the different documents with Confidential, Work-Product, Responsive, Non-Responsive, Tax Returns, etc. Each upload was done under a specific custodian, so the custodian tag was already attached. Once you did that for all the documents on each load, we would color the entry in green to show that the upload was coded. When we were ready to produce, we added that to the chart and included the dates and bates number range. Once we actually produced it, we colored the entry orange. On the far right, we kept the Bates Ending so that we knew where to start back at the next download/production.

SLIDE 16- DOWNLOADING & PRODUCING

Date Produced	Download Name	Begin Bates	End Bates
2/11/2016	DOE_J 01	DOE_CAI000001	DOE_CAI000896
2/11/2016	FRANKS_J 01	FRANKSJ_CAI000001	FRANKS_CAI000323
2/12/2016	DOE_J 02	DOE_CAI000897	DOE_CAI000997
2/12/2016	GLOVER_J 01	GLOVERJ_CAI000001	GLOVERJ_CAI006575
2/12/2016	MILLER_J 01	MILLERJ_CAI000001	MILLERJ_CAI001501
2/12/2016	MILLER_P 01	MILLERP_CAI000001	MILLERP_CAI000229
2/12/2016	SMITH, ADDIE 01	SMITHA_CAI000001	SMITHA_CAI000120
2/15/2016	SMITH, BOBBIE 01	SMITHB_CAI000001	SMITHB_CAI015097
2/12/2016	SMITH, CONNIE 01	SMITHC_CAI000001	SMITHC_CAI000251
2/12/2016	SMITH, BOBBIE 02	SMITHB_CAI015098	SMITHB_CAI015406
2/12/2016	SMITH, FRANK 01	SMITHF_CAI000001	SMITHF_CAI000418
2/12/2016	SMITH, GEORGE 01	SMITHG_CAI000001	SMITHG_CAI000012

This was a running list of production. It provides the Date Produced, Downloaded Name, Begin Bates, and End Bates. No case is ever the same and will always have different needs. Charts and spreadsheets can be easily tailored. I have an example of all my necessary indexes/logs/charts/spreadsheets saved. Depending on what I need, I just pull my example and revise as needed.

SLIDE 17 – CONCLUSION

In conclusion, the easiest way to keep track of document production is to use a form for easy reference. Whether that form is a chart, log, spreadsheet, or simple list, the best thing you can do for your sanity, efficiency of time, and easy reference is to start that form from the beginning!