



Deposition Management Using Adobe® PDF Portfolios

Numerous law firms collect expert witness depositions to review and share with other law firms. Some are in electronic form (from *.txt to *.ptx to *.exe to *.pdf, etc.). Others may be in paper form, filed in boxes in a storage room or basement, or scattered throughout various paralegal offices until there is time to re-file them. Sometimes there are indexes (with varying degrees of details and accuracy) or a database with a cross-reference to the storage site, or a check out/in system.

If you are one of the ones without an efficient search & retrieval system, harboring a mix of electronic and paper transcripts, stashed in a file room or saved in a folder somewhere on your hard drive or network, perhaps you will look at PDF Portfolios to organize these valuable discovery materials.

A first step in getting organized is to arrange all your depositions electronically in folders on your network or hard drive, which can serve as an electronic storage room. A simple file folder structure such as a parent folder named "Experts" and subfolders with each expert's last name is sufficient. These folders could include the e-transcript, ASCII text files, audio/video files, synchronized deposition files and scanned PDF image of the paper depositions.

Benefits of an electronic deposition storage solution include intangible benefits of easier retrieval and file sharing, offsite access, no physical space constraints, reduced instances of misplaced or lost files, more portability to copy to individual PCs/laptops, easy backup capability to avoid lost files, and disaster recovery.

With centralized electronic storage and additional organization using PDF Portfolios, all members of your firm can benefit from the time others have spent

summarizing key points from expert witness testimony, and it is easy to locate and provide select depositions to other firms upon request.

A PDF Portfolio created with Adobe Acrobat 9 Pro is a "container" for the various expert depositions you have collected. By clicking and dragging electronic files onto the work area you consolidate them in a single, text-searchable file. With Adobe Acrobat Pro 9, you can also scan depositions directly into a Portfolio. If you have numerous depositions, you may want to set up several Portfolios (perhaps according to the alphabet, e.g., A-C, D-G, etc.) to keep file sizes manageable.

A common goal in the legal field is not to reinvent the wheel when new matters arise. Reusing legal arguments and research by taking what work others in the firm have done and customizing it to your facts is commonplace, if information is centralized and indexed to facilitate such a practice.

Using medical malpractice defense firms as an example, the same medical experts appear in various cases. If a paralegal has already vetted his or her credentials, background, and testimony, another within the firm merely should have to build on that work, updating the research and testimony history as necessary.

During my days working in a law firm there were times when an expert witness's testimony had been summarized by someone within the firm, but another person within the firm did not know that work-product existed. By directing everyone to centralized deposition Portfolio(s) first, time and client money will not be wasted re-summarizing something that has already been analyzed.

Although deposition databases such as the massive one maintained by IDEX (<https://idex.lexisnexis.com>) are a great

resource and starting point, in my experience, I routinely had to contact law firms directly to obtain copies of transcripts they had not uploaded to IDEX. Hard to believe given the number of transcripts in IDEX's database, but I did.

If you are a firm receiving a request for all the depositions you have on Expert X, having your depositions in an organized PDF Portfolio means a few simple clicks to extract them to send (with your invoice) to the requesting party. Select "Document – Extract Pages – OK" to extract a copy from your Portfolio. Select "File – Attach to Email" and send it. Done. There is no need to send someone into the files to search manually for the requested materials, physically make copies or scans, and then mail them out.

Organizing your depositions into Portfolios is not limited, however, to expert witness depositions. If you do not have deposition database software such as West® LiveNote or litigation support software such as inData TrialDirector® or Sanction Solution's Sanction, you can organize your fact and expert depositions into a single Portfolio, allowing you to search across all of them to locate key testimony. With Adobe Acrobat 9.0 (or the free Acrobat Reader) you can search within a single Portfolio or across multiple Portfolios to receive hyperlinked, in-context search results.

If, for example, you know one of your witnesses used a certain term, but you don't recall which witness it was, you can run a search to find it quickly. If you are preparing a brief or for another witness's deposition and you want to review what each witness said about a particular fact issue, e.g., the training of nursing home staff, you could search the Portfolio (all depositions at once) for "train" and review, in context, all of the hits to find key testimony.

The PDF Portfolio feature is not one specifically designed to manage, digest, and search depositions, but it can be an effective deposition management tool,

especially when your litigation support arsenal is limited. The goal with any approach to document and information management is to establish an efficient search & retrieval system. Using Adobe Acrobat PDF Portfolios to corral your electronic and paper depositions is one way to accomplish that goal.

If you would like to learn more or if you would like to buy licenses for your firm, Litgistic offers Acrobat 9 Pro at wholesale prices and provides individual or group training. Let us know if we can help you.

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