
CASEMAP 101

COMPLEX CASE SEMINAR

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Introduction

Federal criminal cases are becoming increasingly complex – a truism that is particularly accurate in the Northern District of California. At the time of this seminar several huge criminal cases are slowly making their way through the Northern District of California criminal dockets; four wiretaps are being litigated currently in San Francisco alone.

To deal with the massive discovery involved in these cases, CJA attorneys and AFPDs have increasingly turned to database software. One of these programs – showcased at this seminar – is Casemap.

With the materials are various descriptions of the Casemap program from the Casesoft company (<http://www.Casesoft.com>) This outline focuses on some of the detailed and practical tips and tricks that we have learned while using this program for the last four years.

NB: This outline is designed for users who have already practiced with Casemap and have seen the basic lay-out. It will make little or no sense to a user who is completely unfamiliar with the program.

I. General Casemap Tips

- A. **Costs:** You can purchase Casemap at <http://www.casesoft.com/pricing.shtml>. The program is \$495 per license. You will also want to buy Timemap, which is \$199 per license.

B. **Vocabulary:** This outline will use several technical terms, defined below:

1. **Adobe:** Adobe is the parent name of a software company. One product that Adobe makes is a *reader*. You probably have this software on your computer without realizing it – it is what you use to read .pdf files off of the internet. It can be downloaded for free from the internet at <http://www.adobe.com/products/acrobat/readstep.html>.
 - a. A *different* program is called Adobe Acrobat. That program will allow you to “write” to a .pdf file. For example, you can add annotations to a .pdf file with Adobe Acrobat. You can buy Adobe Acrobat 5.0 for \$249 at <http://www.adobe.com/store/main.jhtml>. (NB: Sometimes you can get an attorney discount – mention that you’re an attorney when you call).
2. **Casesoft:** The maker of Casemap is a company called Decision Quest, and a branch called Casesoft. They make several products, two of which are the focus of the seminar.
 - a. **Casemap:** Casemap is the database program that we are demonstrating at the seminar. It is built on Microsoft’s Access program. Details on ordering this program can be found below.
 - b. **Timemap:** Timemap is a *separate* program that quickly creates professional-looking timelines. While Timemap works seamlessly with Casemap, it can also be used as a stand-alone program. You must pay extra to purchase Timemap in addition to Casemap, but it is worth it. (Some paralegals recommend that offices on a budget only purchase Timemap).
3. **pdf:** The phrase, “.pdf” refers to Adobe portable document format. It is the name of a type of file that can be easily viewed by any user with the Adobe reader program.
4. **ocr:** The phrase, “ocr” refers to optical character recognition. This is a technology that scans a text document and attempts to recognize the text within it – then converts that text into an electronic format that can be searched and edited. The accuracy of ocr technology has increased dramatically over the last few years, but is still far less than 100%. The quality of the original document obviously has a huge impact on the reliability of the ocr text.
5. **.pdf with an ocr overlay:** One technology that works particularly well

with Casemap is to scan a document into a .pdf electronic file. The vendor can simultaneously ocr that document, and put an invisible ocr overlay on the .pdf file. The result is an image of the actual document that you can view on your computer (the .pdf file). The .pdf file also has, however, “hidden” text underneath that can be searched in, for example, Wordperfect. This hidden ocr text can also be cut and pasted into Casemap to make for some quick and dirty searchable data.

- C. **Focus on facts.** Casemap is a fact-driven program. As the Casesoft materials urge, resist the urge to simply create a document list as we’ve traditionally done in Wordperfect. Once the “players” list is completed, a good, tight and punchy fact summary is the best way to quickly get a feel for the case. More time should be spent in the “Fact” tab than any other area in the program.

- D. **Protocol Meetings:** One benefit of Casemap is that many users can simultaneously enter data. One downside of Casemap is that many users can simultaneously enter data. For a manageable database later in the case, it is important to begin with a protocol meeting for everyone entering data in the case. For example, unless there is a firm entry protocol, some Casemap users on the team will use “Steve” for a short name in the “Objects” tab, others “Steven,” and others “Kalar” – resulting in a confusing database when replicas are later synced.
 - 1. Database protocol is boring stuff that is quickly forgotten after a meeting. Therefore, it is important to memorialize the protocols in a memo. Try adding an “issue” entry that summarizes these protocols. This summary protocol information will be easily accessible to anyone else later using the database.

- E. **Discipline with the Replicas:** Casemap allows users to create “replicas” off of the master database. Other users can work with these replicas and then sync them back to the master database. This allows simultaneous entry in several different offices or among different paralegals, for example. To keep the data straight, however, the program is very strict about the replicas. Make sure that once a replica is synced it is destroyed – the replica will no longer sync again with the master. (It can actually be done, but not without a lot of technical support from Casesoft).

- F. **Question Tab, Not Post-It Pad:** Another benefit of Casemap is that it helps to keep all data in one place. Casemap includes a “Question” tab that can link to facts or players in the database. It helps (particularly before trial) to make sure all remaining questions get put in that tab. For example, thoughts about jury instructions, concerns about impeachment – if these are kept in the “Questions” tab they are easy to review periodically so nothing gets missed.

II. The Objects Tab

- A. **Persons:** The place to start in Casemap is adding persons to the Objects tab. Try to pick a naming protocol that will be consistent among players – for example, a last name. Beware of multiple defendants with the same last name; for these players, use the entire name.
1. Try to be good about adding agents and cops into the objects tab. A casual reference to an officer in one early document may be very important in a later motion.
 2. Don't cram organizations into the "persons" tab – there is a separate entry field for organizations that makes for a better fit.
- B. **Documents:** The easiest way to "organize" a case is to simply make a table in Wordperfect listing all documents, with a few notes thrown in describing the materials. This is also the least effective type of database. Casemap is *not* designed to be a document list program. Instead, documents are primarily important as a source for *facts* – the heart of the Casemap model. Therefore, resist the temptation to spend hours (or days) mindlessly plugging all documents into the Objects tab – that time would be much better spent culling *facts* from those documents, and adding them to the Facts tab.
1. As an example, an FBI 302 may describe a witness's testimony about three different incidents. If that testimony is only summarized in the "document" cell in the object tab, that summary is of little use when buried under hundreds of other document summaries.
 - a. By contrast, if that information is added to the database as *facts* they are much more accessible and easy to organize. The FBI 302 can be added to the document section of the "Objects" tab with a *brief* description, but most of the work should be done in the facts section.
 2. **Naming documents:** In a simple case (and Casemap works very well for simple cases as well) the short-names for cases are self-evident. There is usually one indictment, one search warrant application, perhaps a handful of 302's or DEA-6's (investigation reports). In a complex case, by contrast, there are typically multiple indictments, dozens of 302, and thousands of documents. Below we suggest two naming conventions help to avoid confusion when thinking about short names for these documents.

- a. Start with the date: For key documents that do not have Bates numbers (such as an indictment, superceding indictment, or multiple search-warrant applications), start the short-name with the date the document was *signed* (or, if not *signed*, filed). For example, a search warrant affidavit by FBI Agent Smith written May 1, 2001 would have the following short name: ~5/1/01SmithAffidavit. If everyone knows that short name convention, users will consistently begin entry of that document with the date – and the short name will pop up.
 - b. Use the Bates: The easiest short name for documents in a complex case is the Bates number for the document. Consider why this is so; a short names is usually taken from the full description of the document. If the full name entered in the Objects tab reads, “FBI 302 of May 30, 1999 by Agent Jones,” the short name will begin, “FBI302May30,” etc. Then, when users begin to type FBI 302 in the Fact column they will be confronted with a confusing array of FBI 302 short name choices – which slows down data entry. The Bates number is unique, ties easily back to the document, and avoids this confusion.
3. **Be Creative With Objects:** Objects include people, organization, documents, and “important things.” Is there one key vehicle that makes a frequent appearance in your case? Enter that vehicle as an object – you’ll be able to instantly review every fact relating to it. Is a certain event the key to the case? Enter that event – for example, “The June Stabbing.” As long as you refer to that event consistently within the fact descriptions, you will generate a quick summary of all facts tied to the object “event.”

III. The Fact Tab

- A. **The Fact Text Column:** “Fact Text” is a deceptive column, because it invites the user to dump a lengthy recitation of all the facts in that cell. Don’t. The “fact text” column is for very short, punchy descriptions of the facts; “Defendant Capone takes out a contact on Irish cop, pays \$50 to hitman.” The “fact text” column will ultimately be your tight chronology of the case, so you want these facts to contain a tight description – 100 words or less.
 1. Use the present tense, and don’t put the date in the fact text cell itself. Present tense descriptions make for better (and more readable) chronologies and timelines. A chronology or timeline will ultimately include the date taken from the “date” cell of the fact tab, so it is unnecessary to duplicate it in the fact text itself.

2. Case *facts* are more useful than a simple recitation of case *events*. For example, don't write, "Defendant Cheney deposed on August 31, 2002." Better to write, "Defendant Cheney discusses prior ENRON contacts in S.E.C. deposition."
 3. The valuable companion program "Timemap" draws from the fact text cell to make its timelines. If the fact text cell has hundreds of words in it, the boxes on the timeline become unworkable and the timeline itself becomes hopelessly cluttered.
- B. **Descriptive Text Column:** There is a column for longer descriptions – the aptly-named "Description" column. In that column you can dump up to 10,000 characters. For example, you can copy ocr'ed (optical character recognition) text from a .pdf file and dump it in that column. Even if the resulting text is unattractive, it will often contain terms that Casemap will catch on searches.
- C. **Be Paranoid About Links:** When entering text in the Fact Tab, Casemap should be constantly prompting the user with short names for persons, objects, documents, etc. If it isn't, stop and ask yourself why it isn't. The power of Casemap works best when *Objects* (such as players, documents, key evidence) are linked to facts in the fact tab. That link doesn't occur if Casemap hasn't prompted you with a shortname preceded by a tilde (~).
1. If entering a fact and an important object does not appear, STOP! Either go over to the object tab and add that player, document, key evidence, etc., *or* right-click in the fact box and you can create an object while still in the fact. If, for example, a player is typed into the fact box and no object entry exists for that player, important links in Casemap will not be created.
- D. **Fuzzy Dates and Fuzzy Facts are Fine:** This database is a tool to help organize thoughts – it is not a filing that will be submitted to the court. It is fine to put in facts with an unspecified or unclear date; Casemap has data entry methods which permit fuzzy dates (Simply type "??/??/??") Unsubstantiated facts are also fine – type in suspicions, hunches, and rumors, and make sure to note the source in the database. (*E.g.*, SOURCE: Kalar suspects earlier involvement in ENRON case). When seen in the context of other facts, sometimes these hunches shed light on a case.
- E. **Use Care When Exporting to Timemap:** The Timemap program is companion software to Casemap which will create very professional-looking timelines with very little work. The easiest way to create these timelines is to "export" facts from the Fact tab of Casemap.

1. When exporting facts to a timeline from the fact tab, Timemap will take whatever is seen on the screen. Therefore, if you're sloppy in winnowing down the facts on the screen the result will be a jam-packed, confusing timeline that will take more time to clean-up. It is worth a little extra time at the outset to filter-down dates, players, etc. before exporting to Timemap – the resulting timeline will be much easier to work with.
- IV. **The Issue Tab:** With Casemap and a complex case, it is easy to lose the forest for the trees. Inundated with hundreds of facts and players, counsel can forget the big-picture goals of the case. The Issues tab helps to avoid that problem. The Issues tab captures key issues, legal or factual, in the case. It then provides links from those issues back to the facts and the players in the database. It is a tab that is easy to ignore, but which can provide the highest return for time spent at the end of the case.
- A. **Stop and Think:** The Issue tab works best after a brainstorming session early in the case with the entire case team – attorneys, paralegals, and investigators. What are the big-ticket items in the case? Mens rea, alibis, “necessity” in a wiretap? Those are the things that should be captured in the Issues tab. Moreover, that tab should be revisited as the case continues to refine pending issues the case and capture new ones that have arisen.
 - B. **Attorneys Flag Issues:** When the issues have been generally identified, attorneys can then quickly go through the facts and objects and flag issues that relate to issue. The end result is an ability to click on a given issue under the issue tab, and quickly pull up all facts, objects, and documents that relate to that issue.
 - C. **Be Broad:** A common mistake is to over-specify the issues. For example, instead of one broad issue that reads, “Impeachment for Confidential Informant 1,” we’ve had sub-issues that would read, “Sexual misconduct of CI 1,” “Immigration Promises for CI 1,” etc. That type of detail is unnecessary and slows things down when flagging issues. When that issue is ultimately used – at trial, for example – it just takes a moment to scan all of the relevant facts. By contrast, super-detailed sub-issues are a hassle to flag when working through the fact tabs.
- V. **Adobe Acrobat Ideas:** One benefit of Casemap is that it works very well with Adobe Acrobat .pdf files. There is a special (free) program that will link a .pdf file from Adobe Acrobat to Casemap, zipping data from the .pdf file into your database and creating a source entry and a “link” to the .pdf file on your computer. (*See* <http://www.casesoft.com/adobe.shtml>) As a practical matter, this means that you can easily export facts from documents reviewed into Casemap – then go back to that document at a later date when you read an interesting fact.

- A. **Writer, not reader:** Everyone (almost) has Adobe *reader* on their computer. What most people think of as Adobe is the free reader distributed by the software company, and can be used to read .pdf files. To do the tricks we're describing in the seminar, however, you need the *writer* program – Adobe Acrobat 4.0 or higher. You can buy Adobe Acrobat 5.0 for \$249 at <http://www.adobe.com/store/main.jhtml>. (NB: Sometimes you can get an attorney discount – mention that you're an attorney when you call).
1. **Beware of read-only files:** When you are working with a .pdf file, you are modifying that file – *writing* to it (for example, when you add annotations). Therefore, you have to make sure that the .pdf files are not write-protected. Files in .pdf format that are on a CD disk, for example, won't work in writer if you want to annotate them, because they are write protected.
 - a. **NB:** Typically, files copied off of a CD onto a hard drive of a computer are automatically write-protected. If you're having problems working with files copied off of a CD, make sure that they are not write protected on your computer.
 - (1) To un-write-protect files, go to Window's Explorer from the Start button, right click on the file in question, go to "Properties", and make sure "Read Only" at the bottom is *not* checked. Sometimes you can highlight all files at one time (hit "Shift," scroll and click the first and last document), and un-write-protect all the files at one time.
- B. **Annotations:** A useful aspect of Adobe is that you can annotate the documents – just as you would a hard copy. For example, you can put a sticky note on the .pdf file, or you can draw a rectangle around interesting text. Even more useful, the ocr'ed text within that rectangle will be what is actually exported to Casemap when you hit the Casemap link. This makes it easier to export specific facts out of a document and into Casemap.
1. It is possible to "highlight" text in a .pdf file that has an ocr (optical character recognition) overlay. That hidden text, however, does not exactly match up to the image of the document on the screen. Therefore, when highlighting ocr text on a document don't be surprised if it is a couple of lines off of the paragraph you see. Because of this discrepancy, using rectangles to draw around text is a better highlighting method.
- C. **Viewing Documents:** Once inside the .pdf document in Adobe, to quickly view the existing annotations (such as sticky notes, rectangles, or highlighted text), go

to "Window/Show Annotations" and it will display a summary of the annotations on the left of the screen. This is useful to quickly locate a "Note," which can then be copied and fed into Casemap through the Casemap plug-in. If for some reason the annotations do not display you can right-click on the Annotations sub-screen on the left, and select, "Rescan Document." The document/box with the little lines drawn within is a note. By clicking on this note you will go directly to the note on the .pdf document itself.