Timeline on Your Side
Benefits and Best Practices

In the beginning, there should be a timeline.

Whether you're inside or outside counsel, from the first client-firm conversation through discovery and trial, you can greatly improve your case analysis with the benefit of a timeline — but not just any timeline. There are best-practice dos and don'ts that ensure a timeline is both productive and persuasive.

MORE THAN A CHRONOLOGY

According to Texas attorney and legal technology expert Jeffrey S. Lisson, "Timelines are the most effective way to give a judge or jury a sense of who did what, when and to whom. ... Timelines show the relationship between events. ... While tables of dates and facts require effort to understand, timelines are instantly clear."

In addition to an arresting story and compelling visual presentation, there are a number of other benefits a timeline can provide you and your legal team.

- Pivotal in preparing for depositions, crafting motions
- Ideal for ensuring complete discovery
- Identifies facts that remain in dispute
- Assists in achieving same case understanding
- Facilitates information sharing
- Fosters successful communication

It streamlines and simplifies the legal matter preparation process by aiding a team in reflecting upon the case facts as they unfold and provides more detailed information and analysis. It presents only the key facts you need at that very moment, therefore assisting your team in achieving same case understanding, effective communication and easy sharing of information.

A timeline can be a point of collaboration for inside and outside counsel. A chronology of facts created pre-litigation can help maintain a thorough record and be used in future meetings with a client or firm. This will allow you to clear up any misconceptions that may have resulted when the facts were first outlined. Inside counsel can help fill in any missing dates, identify potential witnesses and pinpoint additional data sources. Most important, a timeline is a premier tool for identifying upfront any particularly favorable or unfavorable facts the client is aware of that are absent from the chronology. In order to catch any issues early on, start building your timeline before the threat of litigation. Keep an ongoing timeline if you have patent or contract disputes so that you'll be well prepared for any legal actions or maybe even prevent a suit. In other words, a well-maintained timeline helps ensure you'll have the upper hand in any situation that arises.

Like an outline, a timeline is pivotal in preparing for depositions and crafting motions because it quickly

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reveals where there are missing or disputed pieces of information, ensuring complete discovery and guiding line of questioning. After the fact, a timeline can eliminate the need to create deposition summaries. The points from all depositions are conveniently housed in one timeline. You can easily review how these stories interact instead of moving back and forth between different summary documents. Need a summary for just one person? Simply filter the results.

Now that many of the benefits have been presented, it's on to what doesn't work when constructing a timeline and what does.

LEGAL PADS, SPREADSHEETS AND WORD-PROCESSING WON'T CUT IT

For even the simplest of cases, jotting down facts on paper to commit to memory later, filling out a spreadsheet or typing the ever-increasing and changing facts into word-processing software can at best be difficult and at worst, unmanageable and unrealistic. None are practical for consistently and satisfactorily organizing, exploring and evaluating case information, especially as the case grows.

For example, word-processing software can generate a document list in chronological order, but it cannot create a proper chronology of case facts.

Documents can be the source and subject of facts but not the facts themselves.

A document index can conceal facts and information rather than make them apparent. Also, consider the important documents you have that contain multiple facts. In a document list, perhaps only the document, author and recipient names are revealed. Countless valuable facts, especially those over a significant amount of time, can remain obscured. While a summary of each document, if available, can provide a review of the contained facts, it's still up to you and your team to place these very facts in chronological order.

Timeline software can reflect the unfolding of actual case facts and provide more detailed and critical information for analysis. With such software, facts can be isolated and relationships identified and closely examined. Most important, such software takes care of the tedious and time-consuming tracking and memorization of information, leaving you free to think and strategize.

THE TOOL OF THE TRADE: TIMELINE SOFTWARE

Simply put, timeline software can easily create and maintain case chronology for you and your team. Being able to examine the same information simultaneously means that multiple members can be on the same case page. As these facts are entered, members' names, organizations, topics, documents and entry dates are available for easy selection to save time and eliminate the possibility of manual-entry errors.

As a case gets more complicated and more information needs to be attached to each point, an all-or-nothing text document or lengthy spreadsheet just won't do. Timeline software allows you to associate each point with certain individuals, organizations and topics as well as connect related documents and other notes to a point. Timeline software can also place many different kinds of information in each point without compromising the functionality of the timeline. Having a timeline integrated within the database where you house all of your discovery documents is crucial for compatibility and ease of accessibility.

With such software, it's easier to compose outlines around asking witnesses to verify facts or fill in holes in the case. It makes it easier to filter and isolate the information to any subset of interest. Furthermore, when a source document is known and linked to the timeline, you can easily retrieve the linked document for quick reference. This is beneficial because you are able to simultaneously present facts while having access to the contents of a document. Try doing that with word-processing software. It's important to not only utilize timeline software, but also software from the same company that houses all your discovery data. File types, formatting issues and differing requirements can make it more difficult to have a seamless connection between evidence (documents) and analysis (timelines). Your time should be spent on analysis of case facts, not on the nuts and bolts of housing, sharing and accessing facts.

DETAILS, DETAILS

As you enter your facts into your timeline, get detailed — really detailed. Enter everything you know about the facts at hand, then take a moment to consider if one or multiple team members were reading these facts for the first time, would they have the same critical understanding that you do? Keep this perspective in mind when entering any and all information. As you enter everything you know, consider whether you are effectively expressing the significance of each fact. Not that significant when you reread or reword it? Then reconsider the fact's rightful place in your timeline.

JUST THE UNDISPUTED FACTS, MA'AM?

If you're accustomed to utilizing word-processing software to build your timeline, you probably refrain from including disputed facts or facts with an undeveloped source for printing and referencing ease. With timeline software, you're free. You can and should enter all known case facts — even ones for which court-approved sources or dates are not currently known. If you choose to keep track of prospective facts in your mind for the time being, then your energy is spent on memorization rather than on strategy.

It's recommended that you gather the currently source-less facts and consider the documents and witnesses that are potential sources. When you are, say, ready to depose a particular witness, use a color-coding function to identify the facts that you planned to source from this person and develop key questions accordingly.

Also recommended in the matter of undisputed vs. disputed facts is including a "Disputed Status" topic flag that includes the values "Disputed by Us," "Disputed by Opposition," "Undisputed" and "Unsure" or whatever options work best for your team's approach. This can give you the option of quickly narrowing down your search to key occurrences. For example, if you search for all points that are "Disputed by Opposition," then you can focus in on finding evidence to prove that it happened with related documents. Next step would be to link that document to the particular timeline point. This will make for easy reference when you are putting your argument or outline together.

If you and your team wish to filter your chronology down to undisputed facts only, once again timeline software is a necessity. In this and many other instances, a word-processing program can only prove frustrating and useless for your important sorting efforts.

YOU'VE GOT ISSUES

How strong or weak is your case? It depends on the issues your facts have. It's recommended that you create a list of those issues, especially ones that can influence a judge or jury, within your timeline. You can establish relationships between facts and issues right from the beginning. For example, when inputting facts, associate a potential issue and subsequent related issues with that point. These links can be illuminating, especially when engaging in case analysis and strategy development.

HIT THE QUESTION MARK

Know the year of a fact but not the month or day? Know the month but not the day? Know the hour but not the minute? One solution, for example, is to insert the first of the month as a temporary date, and then make a note of

it or tag it with an "exact date unknown" issue until you can come back and fix it. Another option would be to do a span. For example, if you know it happened sometime in December, then have it span the entire month. This allows you to enter what you do know and identify what you don't. Once dates and times are clear, you can easily return to your timeline and update the information.

WHAT'S IN A NAME?

"Mr. John Smith," Mr. J. Smith" and "Mr. Smith" — one of these names is not like the other. When entering your timeline facts, it's important to be consistent when naming people and places. Take the time to create a list of people and organizations so that each time you are adding these details to a point on your timeline you are maintaining naming consistency, therefore making things easier to search and more consistent/understandable when different people are reviewing the timeline. It will be well worth the effort and make for a clean timeline.

QUALITY TIMELINE

In addition to naming consistency and labeling facts appropriately as undisputed or disputed, it's important to consider their qualities: How critical are they to your case? By including this in your timeline, either when first entering the information or later on, you are maximizing your timeline's power. At any point, you can filter the facts by the qualities that are essential to building and presenting your case.

Consider combining the qualities into one scale with the following potential values: "Heavily in Our Favor," "In Our Favor," "Neutral Not in Our Favor" and "Heavily Not in Our Favor." Including your team members' individual assessments in the timeline can also be of great advantage.

REACHING A DECISION

The benefits of a timeline and timeline software are evident for inside and outside counsel, but not all are created equal. A timeline is so closely tied to a case that it's not advisable to have it isolated in a separate product where you can't quickly get the facts you need or risk file incompatibility and difficulty transferring data across platforms. An integrated timeline tool with a clean visual hierarchy, like that within *Liquid Lit Manager*™, is recommended for not only streamlining your legal preparation process and making it consistent, but also doing so in a seamless and cost-effective way.

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