

Litigation Folders on Your Computer

I'm curious how other lawyers who do litigation (and maybe it depends on the type of litigation) set up folders for documents in a client's file. I'm always trying to get better organized, but I usually just have a main folder and one for discovery, one for MSJ, and one for evidence that I have from the client, which I might subdivide further depending on the case. But I was thinking there might be better ways and wonder what everyone else does.

I don't use any document management system like TimeMatters. We used that in the old firm, but I found it cumbersome and actually had too many choices which can create confusion.

I tried to replicate the old paper folder system since that takes the least amount of learning curve. 1. Correspondence (sometimes separate A/C communications and fee agreement into separate sub-folder); 2. Pleadings (actual court filings and orders (sub-folders for major dispositive motions); 3. Documents (with subfolders labelled by date received and name of source); 4. Discovery - subfolders for written discovery by responding party and one for depositions of each deponent; 5. Research; 6. Mailings/Proofs of service; 7. Drafts; 8. Experts and 9. Underlying Pleadings (for the related underlying lawsuit or proceedings).

Obviously if you do have to prepare for trial there will be additional trial-related folders for MILs, jury instructions, witness and exhibit lists.

If you use windows then docnames that start with the date (e.g. 2017.01.11 LT ("letter to") OPC ("Opposing counsel")) will automatically sort by date so your files will automatically be in chron order. In Drafts I usually change view to "show details" and click date created or modified. More easy to find that way if I recall about when I last worked on a draft doc.

Michael Boli, California

I use Clio integrated with Google Drive. So every client file automatically has separated matter-level folders.

Each matter-level folder is subdivided into communications, discovery, docket, drafts, and work product.

Communications is usually just one big mess of all my letters sent and received in the file (emails are separately account for in Clio, but i probably should be printing all as PDF and saving to the folder).

Discovery is usually subdivided into documents (subfolders as needed), requests from other parties (with a subfolder for my responses), and responses from other parties (with a subfolder for my requests) parties,

Docket is the final, file-marked, version of pleadings--mine and theirs.

Drafts is the draft version of pleadings.

Work product is meeting notes, trial notes, hearing notes, miscellaneous thoughts, and research.

I'm interested in hearing others' systems.

Matthew A. Kezhaya, Arkansas

We have two sets of predefined litigation folders: large and small. Generally, the small set consists of: correspondence; disclosures, discovery; docs clean; docs work; docs numbered; drafts; expense receipts; notes; orders, orders proposed; other; plead; research; temp.

The large set has a few more folders and subfolders mostly related to trial (exhibits, jury instructions, witnesses, etc.).

David Masters, Colorado

From the instructions to my former paralegal:

A typical client's folder (in a litigation matter) should look something like this:

\SMITH John

\\Accounting

\\2014 ADA Violation

\\\Correspondence

\\\Discovery

\\\Depositions

\\\JONES Bob

\\\SMITH Barney

\\\SMITH John

\\\Drafts and Word Documents

\\\Pleadings

\\\Drafts and Word Documents

\\\Research

\\\Client Documents

\\2015 Estate Planning

\\Drafts and Word Documents\

\Jones Corporation, Inc.

I have a convention for file naming that puts metadata into the file name and overrides typical Windows sort orders:

- To ensure that files sort naturally chronologically, dates in file names should always be formatted YYYY-MM-DD. If time is critical (this is rare), it can be added to the file name after the date as HH:MM using a 24-hour clock.

- o In most cases, the only date on a file will be the date it was Filed (if date stamped by the clerk) or Served, Sent, or Created (in decreasing order of relevance). Sometimes, when the document is produced on one date, but specifically relates to another, such as a Notice of Hearing or Calendar Request, the date of secondary importance may be added as part of the description. E.g.:

§ SMITH John 2015-08-27 Cal Req for MTC for 2015-09-14 Filed.pdf.

§ SMITH John 2015-03-15 EEOC RTS Ltr Postmarked 2015-03-18.pdf

§ In the latter case, the postmark date is important because of the presumption that a letter is mailed the day it is written and dated, and we use that date to determine a deadline. Where we can prove it was actually mailed later, the deadline shifts from the date of the letter to the date of mailing.

- Whenever filing documents after scanning, review the directory for existing files of level-date, to ensure that what you're filing is not a duplicate. If the new file is exactly the same as an existing file, except that the latter is file date stamped, replace the original and update the file name to add "Filed" at the end; the earlier file adds no value unless, e.g., a copy was mailed to someone before the file was recorded; in that case, add something to the name of the earlier file to distinguish why it's being kept. What does its existence prove? (In this example, it proves what the file we mailed, looked like.) Common distinctions include (but are not limited to...): Filed, Execd, and wMarkups. If the notation refers to a later version of the file, because that date of filing or execution is different from the native date of the document (e.g., a fee agreement sent on Friday the 26th, but signed by the client on Tuesday the 30th), add the date to indicate when the document was "changed" to distinguish it from the original, e.g., SMITH Robert 2015-06-29 IC Ltr Execd 2015-06-30.pdf.

- Whenever possible, scanned documents, such as discovery responses, should not be broken into parts unless they are problematically large, or the division corresponds to a logical subset of the documents. An example might be where a specific document is requested and produced, say, an original contract and a bunch of statements, where we asked for the original contract and then asked for "any documents purporting to prove that Defendant made purchases." In that case, the specific documents should be identified by what makes them stand alone. Viz.:

- o SMITH Robert 2015-06-15 Ps Resp to Ds RFP 01 Original Contract BATES P000001-P000006.pdf

- o SMITH Robert 2015-06-15 Ps Resp to Ds RFP 01 Additional Docs BATES P000007-P000347.pdf

I have another whole document on file names more particularly, FWIW.

Richard J. Rutledge, Jr., North Carolina

I use A LOT more folders than you do. I am very close to paperless, so all these folders are on my computer. However, this is essentially the way I organized paper on olden days.

At the top level, I have folders for pleadings (all papers filed or served in chronological order), paper correspondence if any (chronological; I keep all email in Outlook), legal research (with folders by issue), notes and internal memos, and evidence, and possibly other folders unique to the case (e.g., patents in suit). Evidence has a folder for documents produced with subfolders for each party (and sometimes non-party witnesses), client's papers with appropriate subfolders (I segregate documents for which I claim privilege or other objection to production), a folder for each deposition witness (with the transcript(s) and exhibits, my outline for taking the deposition or preparing my witness), a chronological file of all documents that matter from whatever source, and possibly other stuff. I use CaseMap to organize evidence and analyze issues.

Steven Finell, California

Thanks for all the replies. I will reassess how I do them and create a system for my specific litigation that's better than what I've got.

Sterling L. DeRamus, Alabama

I have a standard convention that I then tweak to the particular needs of any given case. My practice is 95% family law, so this looks very different from other litigators' setups.

DOE, John

/Correspondence (I typically don't keep original hard copies of any paper correspondence)

/Pleadings (pretty much just Complaint, Answer, Reply, and any "minor" motions such as motions for temporary relief)

/Motions

//Plaintiff motion to compel discovery

/Affidavits

//Plaintiff's affidavits

//Defendant's affidavits

/GAL documents (holds things like the GAL's initial affidavit, any reports, etc.)

/Orders (I'm trying to re-think how I do this, because sometimes it makes more sense to put orders in the Motion folder to which they relate)

/Financial (holds parties' financial documents such as tax returns, SS

earnings statements, profit/loss statements, etc.)
/Financial declarations (different from Financial folder)
/Discovery
//Subpoenas
//Plaintiff to Defendant (duplicate with a "Defendant to Plaintiff" folder
set -- holds the requests and responses)
///Interrogatories
///Requests for production
///Requests to admit
/Depositions
/Research & memos

Then if trial is imminent, I create a new folder called "Trial", which will
contain things like:

/Exhibits
/Memos
/Motions in limine
/Testimony outlines

Ryan Phillips, South Carolina