

Organization of File Folders

Looking for an template for organization of litigation classification folders (i.e. pleadings, correspondence, client info sheet, etc.) any assistance is greatly appreciated. Have the basics figured out but am always looking to improve. Thanks.

One thing I do which I find helpful for preparing for depositions and trial is to separate discovery into folders by responding party or by responding witness. To make retrieval of billing info easier (those kinds of client questions come up occasionally) I have a separate folder for client bills and costs and payments. I separate my correspondence files into attorney-client communications and all other correspondence. I separate all work product including drafts of letters or briefs or discovery responses etc. into a "drafts" folder which makes it easy to find something you might want to re-use and keeps my attorney work product in one location.

Michael Boli, California

This has limited "testing," but this is the structure I recently used with a contract paralegal to organize a case file.

-Rick

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I. Client Confidential

- A. Engagement / Contracts
- B. Correspondence
- C. Billing / Invoices / Statements
- D. Work Product

II. Case File

- A. Correspondence

Generally, chronologically by party.

A party is the named party and all of its agents, unless the agent is a named party itself.

- 1. Demand Letters
- 2. Correspondence with OC
- 3. Correspondence related to Discovery

- B. Pleadings (filed with the Court)

Chronological

- C. Discovery

- 1. Correspondence / Covers / Demands
 - 2. Requests
 - 3. Responses & Objections
 - 4. Matter (Production and Responses)
 - 5. Third Party
- Chronological, by party

SoloSez Popular Threads, September 2012

- a) Subpoenas / Requests
- b) Responses
- D. Profiles
 - By party, by "side"
- E. Research
 - By Issue / Subject
 - 1. Statutes
 - 2. Case Law
 - 3. Other Sources

Richard J. Rutledge, Jr., North Carolina

I use regular folders, but color coded. Of course you can use any colors you like.

Manila - Pleadings
Blue - Correspondence
Red - My discovery responses
Green - Codefendant discovery responses
Orange - Discovery requests, IME and dep scheduling
Gray - Investigation - photos, police reports, statements
Yellow - Trial Prep - subpoenas, Notice in Lieu, letters to client and witness advising of trial date, Requests to Charge and any pretrial stuff required by your jurisdiction
Pink - to be filed. My secretary puts the paperwork into the correct file in the pink folder. When I get to the main file, I look in the pink folder and see what is new and I then file it in the proper color folder myself. This helps keep me up to date on the file.

With the color coding you do not even have to write on the folder what is inside. The exception is if you have more than one codefendant. In that case I do write the name of the codefendant on the file.

John R. Parker, New Jersey

Why are you still using paper? You could scan and then organize "folders" on your computer analogous [digilogous?] to the structures suggested. If you need it in court, take along a notebook and an external drive as a backup in case everything isn't on the notebook HD. Use only originals that would be necessary to introduce in court.

This from a non-litigator, but I suspect many litigators do something similar. It's easier to carry a notebook and external drive than 6 boxes of files. Paying rent to store all that stuff gets pricey, too.

Miriam N. Jacobson, Pennsylvania

A good question. I still use paper because trying a case requires it, at least the cases I handle, the way I handle them.

But for in the office work, I do exactly as you suggest. I use Worldox for my document management. Everything gets stored digitally, either when I create it, or when I receive it (if not in pdf, it gets scanned). Worldox has a separate electronic folder for each case and within each case each document is assigned a type (which mirrors my color coded system).

Even so, some things are just easier for me. For example, if I review a hospital record of say 100 pages, I just find it easier to draft the summary on my computer while reviewing the hard copy.

So sitting in the office I review the files on screen for the most part, but when I have to flourish a document in front of the jury, I want paper, not my laptop in my hand. A big fat deposition transcript is another good prop.

Despite how fast the computers are, I still find that for retrieving a document in the middle of a trial, I can usually get the paper document quicker than I can have my computer search and print it out.

At the end of the case, most the paper gets tossed (except for keepers like originalst, etc) and I copy all the digital files onto a CD. Worldox lets me create a list of each document with its description and file name in the event I have to retrieve it. That list gets saved on the CD as well.

John R. Parker

I am paperless for everything except my litigation cases. I still scan in everything, but the mountain of exhibits often must be maintained in paper, so that they can be used at trial. Using the tablet in motions hearings is just too scary for me. Often I need to reference things across multiple documents. Tablet technology just isn't where it needs to be for that kind of fast-paced document shuffle.

Scanning in everything is worth its weight in gold. I then run everything through OCR so that it is searchable. I recently had a discrete issue come up in a case. I remembered having read it somewhere, but couldn't remember exactly where. All I had to do is search the electronic folder and all instances of the word began popping up. It was in the middle of a deposition and my co-counsel was nearly giddy watching me hit that issue on the fly.

Michelle Kainen, Vermont

That makes sense, given the nature of your practice. And I like your description of the documents as props. Many of the articles I read about litigation, which I don't care for at all, describe the need to present the case as if it's a play, to get through to the jury. The ABA journal usually features an article about litigators dissecting the presentation of a case, and the articles themselves read like great little stories.

Miriam N. Jacobson

I use colored folders. E.g., one for discovery, pleadings, correspondence, billings, notes, etc. Still left room for improvement. I am currently scanning everything but still carrying the paper files (security feeling?). I like some of the divisions others offered.

When I first started, an experienced attorney was using a folder for discovery and all court documents (notice of filing, etc.) went in that file instead of the pleadings file. However, after using it for a few years, he recommended not doing that but keeping all court filings in chronological order, including those dealing with discovery. I still have my biggest problems with discovery and keeping it straight. I welcome all input on the issue of keeping such files straight, especially with thirty party discovery!!.

Patricia L. Dennis, Illinois
