

Trial Linguistics: Bates Numbers Bridge the Communication Gap

Years ago Vertigrate started inserting the production bates numbers contained on every trial exhibit page in its trial presentation databases. Many trial teams and trial presentation consultants overlook the value of cross-referencing production bates numbers with individual pages of trial exhibits. Some believe that the work is too tedious and of little value, while others fail to even consider the option. I would argue that the value of pulling up a document via either trial exhibit number or production bates number is second only to using a standardized numbering scheme for the trial database.

By the time I am retained as a trial consultant, the trial team has often already developed a shorthand communication method for referring to certain critical exhibits, or hot docs, from their months of preparation. Over time most trial consultants pick up on this shorthand simply through inculcation. Despite this synchronization of hot docs between consultant and trial team, many exhibits are left out in the cold. Those other exhibits, however, are also used in the case and sometimes at critical moments like impeachment during cross-examination.

Inserting a short-hand version of the production bates number that is already branded on an exhibit page has paid dividends both in and out of the courtroom. In the courtroom, my attorneys may quietly ask me what exhibit contains bates number such-and-such, but more often they simply ask for the document by bates number during cross-examination. Having this information in a retrievable field, I can easily pull up the desired exhibit, quickly determine which exhibit that bates numbered page belongs to, and whether the exhibit has been previously admitted for my attorney.

In the war room, my attorneys may be working with hard copies of bates numbered production

sets that were prepared well in advance of the trial exhibits. Some witness binders may not include the trial exhibit set, or the witness binder may have been cannibalized by the attorney for use with another witness. By having all of the production bates numbers at my fingertips in the trial database, I can quickly reprint any requested documents and automatically stamp with those printouts with a standard trial exhibit and page number footer.

I recognize that the desired exhibit or document can eventually be found, but trial is stressful enough. Trial presentation software, whether used by in-house staff or an outside trial consultant, isn't just for presenting evidence; it is a means to be better organized, to be better prepared for whatever the other side may throw at the case. The ability to quickly respond to all requests in both the war room and courtroom creates a cascading benefit for every member of the trial team. Attorneys can focus on arguing their cases knowing that even the most obscure document request can be pulled up. Associates and paralegals can focus on more pressing tasks like legal research and witness preparation. And trial consultants can focus on listening to the testimony in anticipation of the next round of exhibit requests, instead of frantically poring over the exhibit database as the court waits for the next exhibit.

To learn how quickly and easily insert these cross-references, visit our [Trial Preparation](#) section at www.vertigrate.com.

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