



Guide

Building a Stronger Case Using Tags

Organizing your evidence in DISCO Case Builder



Ditch your highlighters and sticky notes for good. By tagging key excerpts of testimony in DISCO Case Builder, your team can collaborate more effectively, work more efficiently, and share your strategies and theories earlier.

In this guide, we'll explore a few best practices for using tags.

Tip: For step-by-step instructions on how to create tags for your case, see the [Setting up Tags](#) article in the Case Builder Knowledge Base.

Setting up tags for your case

To get the most out of tagging your depositions, it can be helpful to first consider the nature of the issues in your case and how you anticipate using key testimony to support them. You can then set up the high-level categories you think of, such as “Elements,” “Defenses,” “Anticipated Use,” and “Designations,” as your tag groups. Within each tag group, you can create individual tags for more specific topics, such as “Duty,” “Breach,” and “Damages” tags within an “Elements” tag group.

If appropriate for your matter, you might consider creating the following commonly used tag groups and tags, and checking the Cautions section below for what to avoid.

DISCO Case Builder

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Add new tag group

All tags (24)

Name	Group	Docs	Annotations	Shortcut
Basis of opinion	Witness Info	5	44	shift o
Causation	Elements	7	48	shift e
Confidential	Workflow	0	0	shift x
Correction Needed	Workflow	1	2	shift n
Damages	Elements	8	34	shift d
Daubert Motion	Anticipated Use	1	1	shift m
Designation - Aff.	Anticipated Use	7	36	shift u
Education	Witness Info	4	5	shift w

Add new tag

Fig. 1: A view of all tags and tag groups created for a matter



“Elements and Defenses” tag group

An “Elements” tag group can help your team identify testimony related to particular portions of claims or defenses and instantly locate that testimony when the time comes to use it.

Tag examples

“Duty,” “Breach,” “Causation,” “Damages,” “Offer,” “Acceptance”

Great for

Identifying important excerpts: Pinpoint the best evidence for your argument from across all testimony on a topic in seconds.

Crafting your motions: Quickly locate testimony regarding key elements in your case to support your position in a motion.

Ensuring that there are no holes or weaknesses: Verify that relevant testimony has been developed for each cause of action or defense.

Preparing for additional depositions: Identify testimony where you may want a witness to confirm or deny the facts as represented by another witness for preparation and use in subsequent depositions.

6

A

I don't know offhand of those 22 how many have

7

been to the CES site. I know multiple people have been to

8

the CES site on -- that are part of the ERM project team.

9

Q

Who would some of the other people be that you're

10

aware of that have been to the site?

11

A

Well, I mentioned for example Robert Perry having

48:6-49:6

Odor

Causation

Water contamination

Damages

No interviews by ERM of CES employees

upchurch@csdisco.com01/28/2020

Failure of anyone to interview CES employees was obliquely criticized by ...

Fig. 2: Excerpt of testimony in a negligence case tagged for “Causation” and “Damages”



“Issues” tag group

You might use an “Issues” tag group to identify issues or key themes in your dispute. Some case teams also choose to mirror the issue tags used in document review to maintain consistency across forms of evidence.

Tag examples

“Property Values,” “Mitigation Costs,” “Costs for Repair”

Great for

Developing a holistic view of key narratives and themes in a case: Identify key themes and storytelling angles that apply broadly across your matter.

Inheriting a case you didn’t start: Get up to speed quickly with easy-to-digest issue reports, team annotations, and notes.

Reusing work in the next phase of your case: Mine your depositions for new material or leverage prior tagging and annotations as you move from fact discovery to the next phase of your case.

Working on a case that has been appealed: Eliminate the need to reread testimony and recreate work product from scratch when a case is appealed.



“Anticipated Use” tag group

An “Anticipated Use” tag group can identify where testimony might be used to both maximize the evidence you have and develop the evidence you need using a thematic view of the testimony around particular issues.

Tag examples

“MSJ,” “Motion in Limine,” “Motion to Compel,” “Daubert Motion,” “Impeachment,” “Use in John’s Depo”

Great for

Using testimony effectively in subsequent depositions: Identify testimony you want to follow up on or have confirmed or denied by additional witnesses, or to provide to expert witnesses for review.

Compiling an issue report for a trial attorney: Call out a specific issue as it appeared within or across depositions and provide rapid yet comprehensive context for a trial attorney.

Identifying where testimony may be used: Indicate that testimony will be used elsewhere or will likely be subject to a motion, and get a head start when drafting begins.

Work product		
<div> 20 13</div> <div><div>Odor (19↑ 10↓ 5-)</div><div>Basis of opinion (4↑ 5↓ 18-)</div><div>Causation (16↑ 4↓ 4-)</div></div> <div><div>Interference (14↑ 5↓ 2-)</div><div>Follow up (17-)</div><div>Designation - Aff. (13↑ 1-)</div></div> <div><div>Impeachment (1↑ 11↓)</div><div>Water contamination (4↑ 1↓ 3-)</div><div>Damages (2↓ 1-)</div></div>		
<div> 6 3</div> <div><div>Causation (1↑ 4-)</div><div>Odor (4-)</div><div>See Errata (4-)</div></div> <div><div>Follow up (2-)</div><div>Correction Needed (2-)</div><div>Work History (1-)</div></div>		
<div> 2 3</div> <div><div>Follow up (1-)</div><div>Motion in Limine (1-)</div></div>		

Fig. 3: Summary of applied tags in a case for anticipated uses such as “Impeachment”



“Designations” Tag Group

Tags in a “Designations” tag group can be used to track designations, counters, and the completeness of testimony to be used at trial. Some case teams alternatively prefer to roll these tags into their “Anticipated Use” tag group.

Tag examples

“Designation - Affirmative,” “Designation - Counter,” “Completeness”

Great for

Accelerating trial preparation: Ensure that you have evidence designated for all of your arguments.

Eliminating the need for duplicative work: Create and export automatically formatted designation tables, video clip lists, or highlighted excerpts in a single click.

Export

What would you like to export?

☐ Transcript

☐ Highlighted transcript with digest

☐ Digest only ¹

☒ Designations

Limit to specific tags?

Only include designations with following tags

Designation - Aff. X

Include video or exhibits?

☐ Include video

☐ Include exhibits

Cancel

Export

Excerpt	Designation	Counter	Completeness
Excerpt 1	Designation - Aff.		
Excerpt 2		Designation - Counter	
Excerpt 3			Completeness
Excerpt 4	Designation - Aff.	Designation - Counter	
Excerpt 5			Completeness
Excerpt 6	Designation - Aff.		
Excerpt 7		Designation - Counter	
Excerpt 8			Completeness
Excerpt 9	Designation - Aff.	Designation - Counter	Completeness

Fig. 4: Exporting a pre-formatted designations table of excerpts tagged for affirmative use



“Witness Info” tag group

You can create a “Witness Info” tag group to easily catalog and organize witness backgrounds or bases of opinions, eliminating the need to sift through documents to find these as sticky notes.

Tag examples

“Basis of Opinion,” “Education,” “Expert Experience,” “Work History”

Great for

Writing a Daubert motion: Instantly understand and survey evidence that can be used to challenge or defend the proposed testimony of expert witnesses.

“Follow Up” tag group

A “Follow Up” tag group can help your team identify necessary actions or those that affect the way testimony might be used. Some case teams also use tags in this group to scope work for each team member and more readily track task completion throughout a case.

Tag examples

“Correction Needed,” “See Errata,” “Objection,” “Hearsay,” “Confidential,” “Add'l Discovery Needed,” “Pretrial Ruling Needed”

Great for

Noting corrections to a transcript: Quickly understand where corrections are needed in the transcript using errata tags with a note identifying the corrected testimony.

Cataloging need for follow-up: Note that additional discovery is needed for an issue.

Preparing or identifying an objection: Mark objections for a judge to rule on prior to trial.

Designating testimony as confidential: Ensure that all testimony is accounted for when filing under seal.

Tracking testimony requiring a motion in limine: Remind yourself that a motion in limine might be necessary for the testimony or subject matter.



“Internal” tag group

An “Internal” tag group delineates follow-up and other actions that may also include the client. Tagging this type of work differently from work that faces opposing parties or the court can streamline case strategy development and make it easier to customize communications to a specific audience.

Tag examples

“Client Update,” “Depo Summary,” “Issue Report,” “Team Sync”

Great for

Handing a deposition summary off to a trial attorney: Prepare a deposition summary or issue report and share with a trial attorney in seconds.

Getting up to speed on colleagues’ thinking: Complete knowledge transfer from your colleagues without rereading entire depositions.

Managing client communications: Significantly reduce the time required to compile deposition summaries and update correspondence for clients.

Claire, Caitlin Deposition

Taken on February 17, 2012 | Exported on December 4, 2020

DISCO

6:23-7:11

Subject matter of testimony

4

2

23

Q

Now, you've written a report in this case; isn't

24

that correct?

25

A

Yes.

1

Q

And that report I believe is dated January 31st,

2

2012; is that correct?

3

A

Yes.

4

Q

And it's about 93 pages.

5

A

I don't know the -- the page count.

6

Q

Okay. Well, I'm not asking you to. It's -- it's

7

a fairly substantial report; isn't that correct?

8

A

Yes.

9

Q

It's single spaced, and it covers, as I

10

understand it, three separate areas. Correct?

11

A

Yes.

Follow Up

Odor

Property values

Water contamination

stuehrk@csdisco.com

Claire's report and testimony are related to alleged water contamination, investigation of odor complaints, and real estate valuation or damages.

Dec 4, 2020

stuehrk@csdisco.com

We need to ensure we update Claire's report. In particular, if we lose our motion to exclude Plaintiffs' recent supplemental opinion, she must rebut and update her report.

Dec 4, 2020

Fig. 5: Report export for getting a trial attorney up to speed on key issues



Cautions for tag use and setup

Adding tags to your deposition review process can be transformative for your practice. However, just as highlighting every line in a deposition won't help you discern what's important, there are several tendencies to avoid when creating and adding tags to your testimony, including:

Too many tags or tags that are too granular

The majority of case teams use between 30 and 50 tags per matter in Case Builder; any more than that, and it may be difficult to remember them all or use them consistently. Creating tags whose level of specificity everyone on your team can keep straight will encourage value-add tagging even in the most complex of cases. Consider using notes with tags to outline more detailed information.

Tag names that are too short, abbreviated, or coded

Shorthand that only you would understand probably doesn't belong in your tag names. Making your tags easy for anyone on your case team to find and use when reviewing transcripts will maximize the benefit that those tags can have on your case. Adding descriptions to tags can also help you avoid this problem, as your team can then easily reference the intent of each tag at any time.

Tags that are too long

Lengthy tag or tag group names won't be easy to view or choose from the menu alongside your transcript. Try to keep tag and tag group names as short as possible without abstracting readily identifiable information about each.

Applying notes without tags

Highlighting and adding notes to transcripts but neglecting to add tags to those notes can hinder your ability to later locate and use that testimony efficiently. Whether you want to export a designations table or a clip list export to go along with your designations, share an issue report with a trial attorney, search for testimony by subject matter, or simply understand key narratives within and across depositions, it's easy to do in less than a second if that testimony is already tagged.

Applying tags without notes

Adding tags to testimony without a note or even a note title may leave you scratching your head as to why you or one of your colleagues had applied them to that excerpt. Providing context for why you tagged testimony a certain way allows you to leave breadcrumbs for yourself and your team so that you can piece together the best possible story of the case no matter where you are in the life of the matter.



Applying tags without helpful/harmful valences

Case Builder gives you increased visibility into and control over your strategy development and narrative building processes with the option to indicate the impact (positive, negative, or neutral) that an excerpt has on your case when you add a tag to it. Just as adding notes to testimony without also tagging it (or vice versa) somewhat limits your team's ability to instantly locate and use that evidence later, so too does tagging an excerpt without adding a helpful/harmful valence to that tag.

Conclusion

When applied and referenced strategically, tagging in DISCO Case Builder equips your case team with both holistic and detailed visibility into the key evidence and themes in your case, and the ability to use that evidence precisely as you need to – all in less than a second. While the tags and tag groups above are the most frequently used in Case Builder, this list is not exhaustive; if you'd like help tailoring your tagging practice to the nuances of your case or to share feedback about your experience, please reach out to us.