Case management systems and digital evidence platforms

Case management systems

A case management system (CMS) might otherwise be known as a dispute management system and will often be found at judicial or quasi-judicial agencies that make decisions on matters in dispute. CMS are known for their efficient management of their cases and supporting documentation, and will be found at agencies, boards, commissions, courts, and tribunals.

CMS come in several shapes and sizes, with most offering features such as scheduling and calendaring, e-filing, reporting, document generation or management, analytics, billing and invoicing, time tracking, financial reporting, payments, and some might even have client relationship management (CRM) capabilities.

A CMS is important to the overall conduct and operation of a court/tribunal, however the capabilities and features are not important or even relevant when presenting evidence to a panel of adjudicators or judge at a hearing.

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Digital evidence platform

Digital evidence platforms (DEP) come into play after initial filings and do not utilize the CMS. The DEP provides an efficient way to review and analyze evidentiary materials in preparation for any form of hearing or dispute and provides a well-organized digital repository of all the key materials.

Parties can submit and share evidence with the court during hearings to reduce the amount of paper and time spent thumbing through stacks of paper, or audio/video evidence.

Where the CMS tracks records of events, evidentiary purposes are generally not encumbered. The DEP however is fully dedicated to the evidence and exhibits for hearings and trials through sharing and exchange, collaboration and review, and with presentation tools — all handled in the same secure DEP. The CMS does not fulfill the role and task of a DEP during trial or hearing.

A robust DEP like Thomson Reuters® Case Center will boast an array of redaction, markup, annotation, and presentation tools beneficial to counsel, judges, and adjudicators which will be used before and during the hearing and trial, typically not found (or accessible) via the CMS.

A DEP like Case Center can drastically reduce or eliminate paper and physical storage of evidentiary documents and decrease staff workload by securely storing and effectively organizing materials digitally in one secure location, accessible (through appropriately assigned permissions) to judges, adjudicators, counsel and parties, court staff, witnesses, experts, and jurors.

Evidence and exhibits

How can Case Center help judges, adjudicators, court staff, and litigants find more efficient and digital ways to submit and share evidence and exhibits, especially in today's virtual settings?

Current/traditional methods	Issues with current methods
• Physical/over-the-counter filing	• Security and storage
• Email to the court ahead of time	• Organization
• Save to Dropbox-type repository	• File naming and versioning
• Place depositories outside courthouse	• File sizes
• Screen share functions in Zoom, Teams, etc.	• Notes and annotations
	• Access, including witness and juror access

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Case Center is not a CMS, and a CMS does not fulfill the tasks that Case Center — a true evidence sharing platform — can take on and successfully accomplish.

A CMS and DEP can compliment or work entirely independent from each other, meaning that Case Center still serves its purpose regardless of the existing CMS in place.
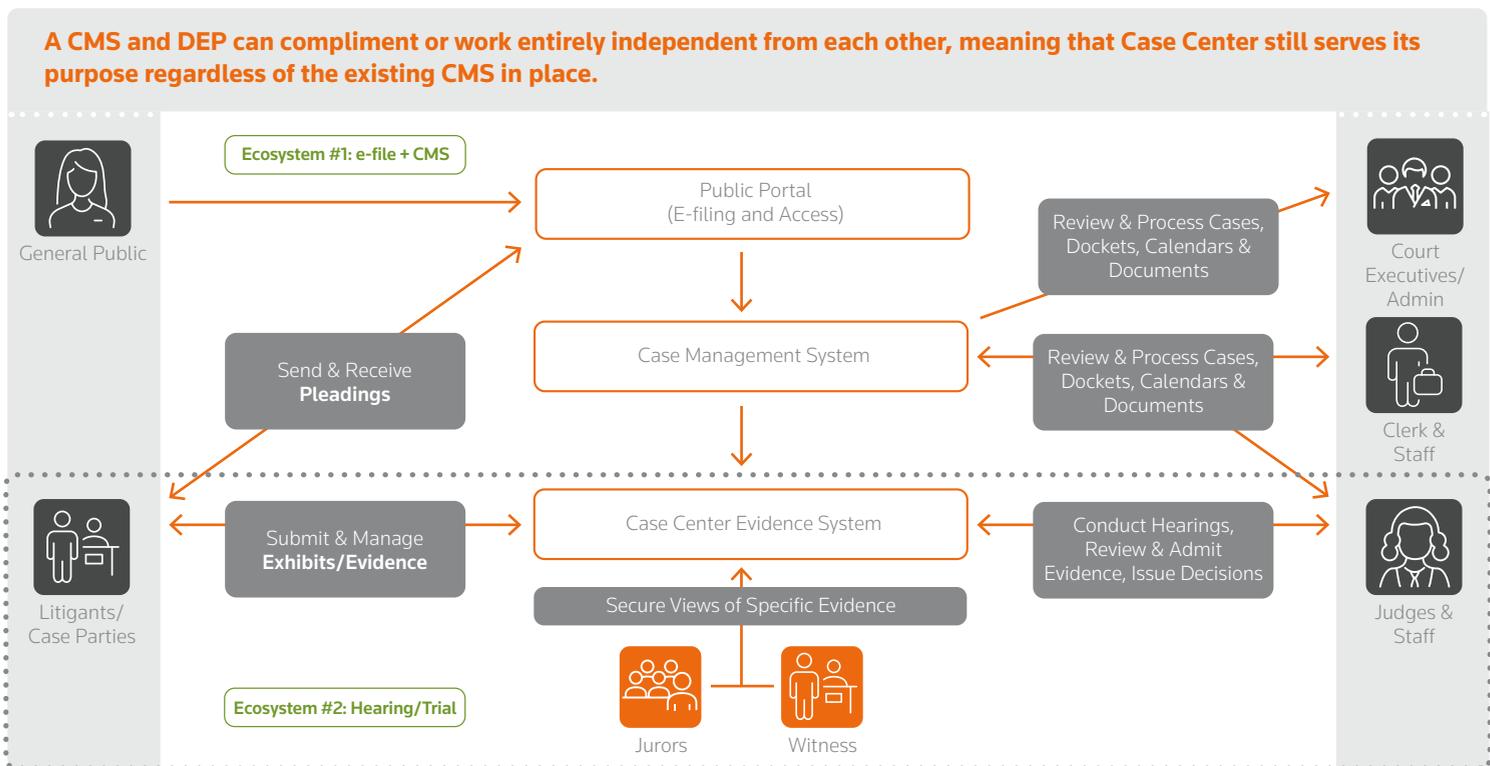
Another key differentiator is, due to complexities of a CMS, the CMS will typically take many months or years to roll out, whereas a DEP like Case Center can be rolled out *in days or a few weeks.*

? Case Center in practice

A key question when moving towards a hearing:
How are we going to store and present the evidence?

Judges and adjudicators do not always have access to the e-filing portal, so the court staff is providing copies to them. Even though documents have been filed, counsel must still provide copies, be it paper or digital.

The original filings end up in the CMS, but there is still a **phase two — the second ecosystem** — sharing materials with the judge, witness, and parties. This second ecosystem typically does not involve a CMS, and historically has been done with paper, flash drives, CDs, or PDF briefs. Case Center provides the secure digital approach to this phase — the sharing and exchange of materials to counsel, judges, court staff, etc. Case Center then extends how all participants review and collaborate with those materials, finally also acting as the guiding tool when presenting at the hearing or trial.

Example: Submitting a new exhibit in real time during the hearing.

In the days of paper copies, counsel would hand a copy to the registrar ("I would like to submit exhibit H, an expert report"), and copy to opposing counsel. That paper copy forms part of the court record and is the evidence piece that is filed in the evidence room.

> In the digital world it is Case Center that acts as the evidence room, not the CMS, so the new exhibit that is submitted in real time is managed within Case Center.

The new exhibit would not be entered into your e-filing portal, and in theory, a digital copy could eventually be copied and stored in a CMS as well and in surplus to, but the primary copy would stay in the virtual evidence room (Case Center). Case Center auto creates a bundle of the exhibits for easy download into a PDF format should printing of the exhibit be created for physical storage.

Added benefits to this post-CMS phase include a reduction or elimination of physical storage along with associated costs and significant reduction or elimination of paper. Currently each panel member or judge would receive a copy, as would counsel, each juror, etc. Running a hearing or trial in a more digital manner would reduce the number of copies required.

Remember — the CMS would not typically be used for the trial itself, accordingly…

Q: Digitally how will all parties receive their copies and ensure everyone has the same version?

A: The DEP is that digital portal and Case Center offers versioning control. Not only can you ensure all relevant participants will be able to view the appropriate materials and that they have the correct version, but through permissions you are able to assign how they can interact with the materials and with the presentation tools ensure everyone is on the same page while arguments are presented during the hearing.

Case Center Digital Evidence: Before, during, and after the hearing

1. The case is created and parties are invited — most of which is pre-built and custom templated for each court/tribunal and ready for the court coordinator.

2. Parties securely upload the materials for the hearing. Remember, this process falls outside of the CMS.

3. Judges, parties, and witnesses will be able to attend the hearing, present, and interact with materials (based on permissions assigned to each participant).

4. All materials post hearing/trial can be downloaded individually or as a bundle, in native format or PDF, along with notes.

NOTE Using the Case Transfer button in Case Center allows one instance of Case Center to push to another instance without re-uploading all materials. In practice, this could mean a tribunal pushing materials to a court, Superior court pushing to the Court of Appeal, or even a firm pushing to a court/tribunal.

1	Court Coordinator	• Set up a new case	• Create Evidence folders	• Invite Parties to add evidence
2	Case Party	• Submit Evidence		
3	Judge / Party / Witness	• Preview Evidence Pre-hearing	• Join Virtual or In-person Hearing	• Present and Admit Evidence
4	Court Coordinator	• Download Admitted Evidence	• Schedule the next Hearing	
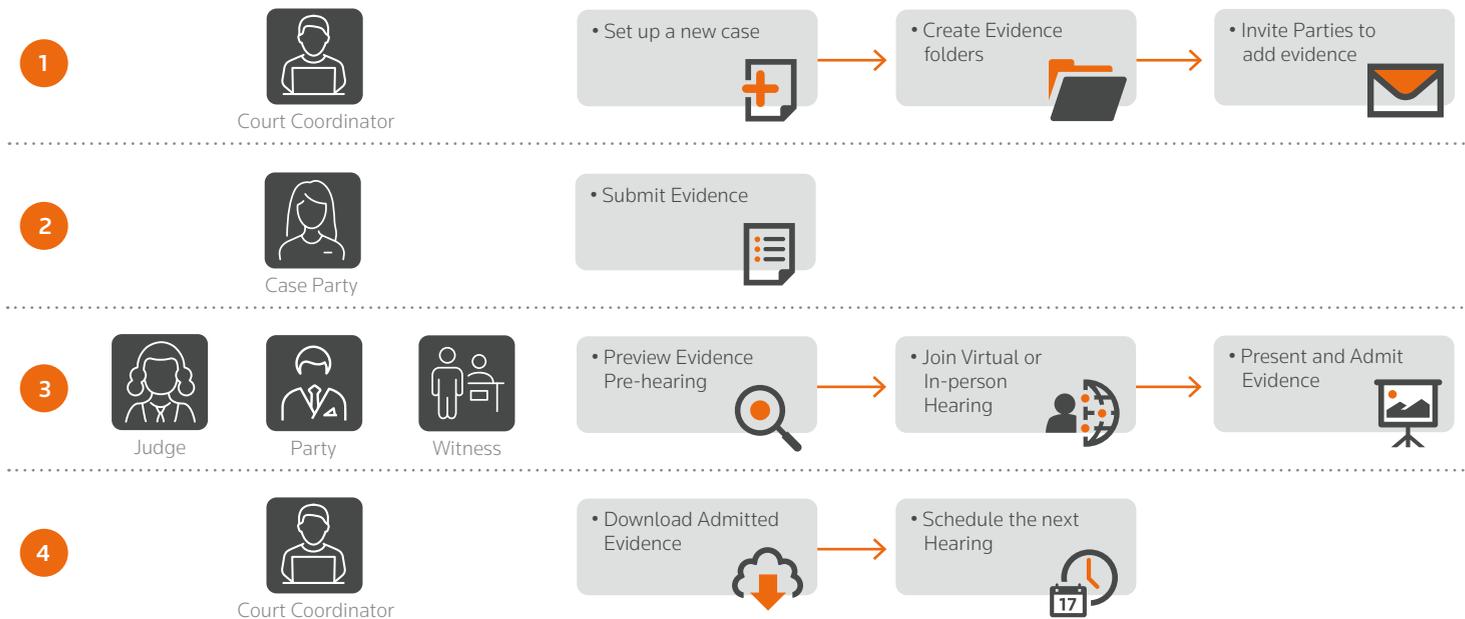
CMS and DEP: Two unique ecosystems, two unique services

Both case management systems and digital evidence platforms help support a paperless strategy. Case Center is a secure cloud-based DEP, while most CMS are accessible remotely as well.

Like a CMS, a robust DEP like Case Center is as beneficial in-person as it is remotely, meaning Case Center is used for in-person hearings, and offers the benefit of being able to conduct the hearing in a remote or hybrid manner as well.

Your CMS is an important piece to courts, boards, and tribunals, but does not fulfill the tasks or offer the features required in a hearing and trial; that is where Case Center steps in to solve problems.

The Digital Journey
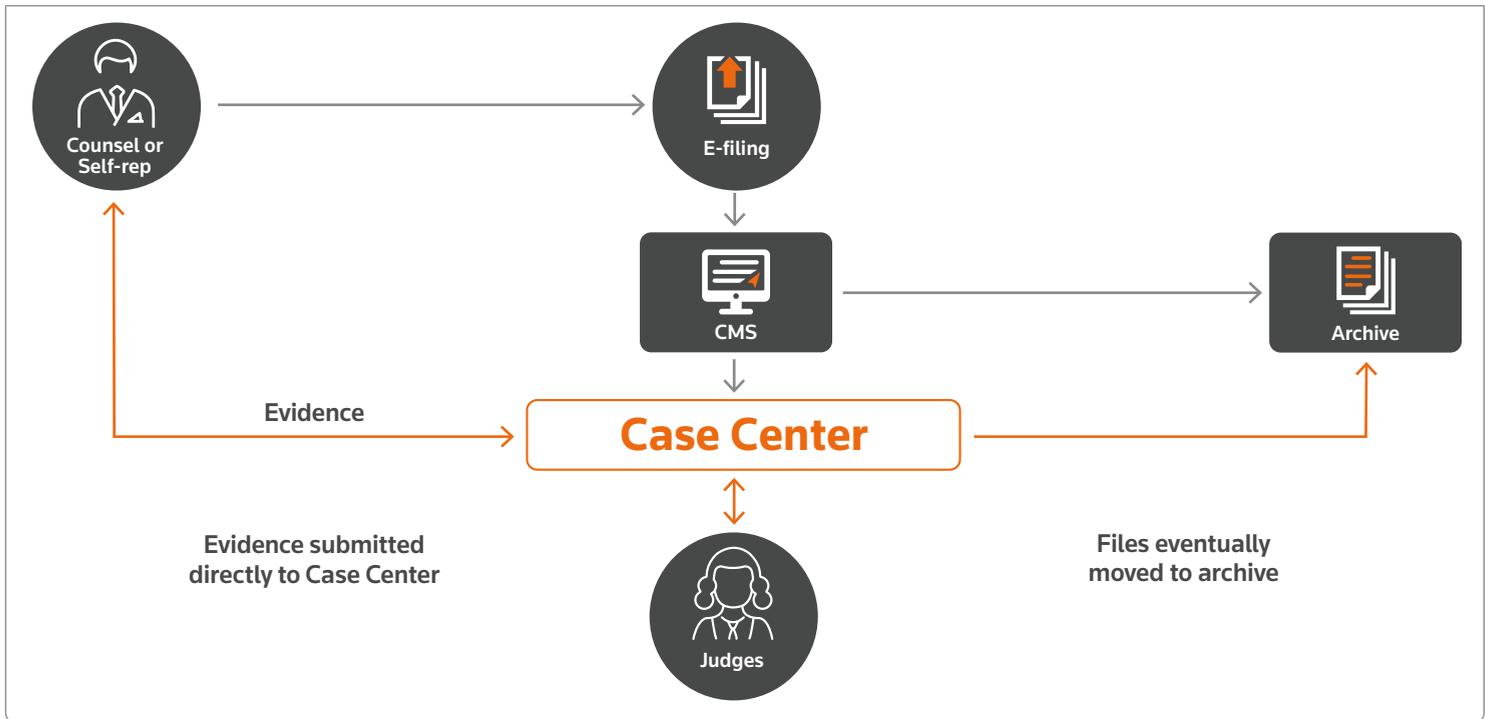
Post e-filing and CMS, Case Center is a one-stop secure location for all parties to safely share and exchange, collaborate and review, and organize and present exhibits and evidence for hearings and trials.
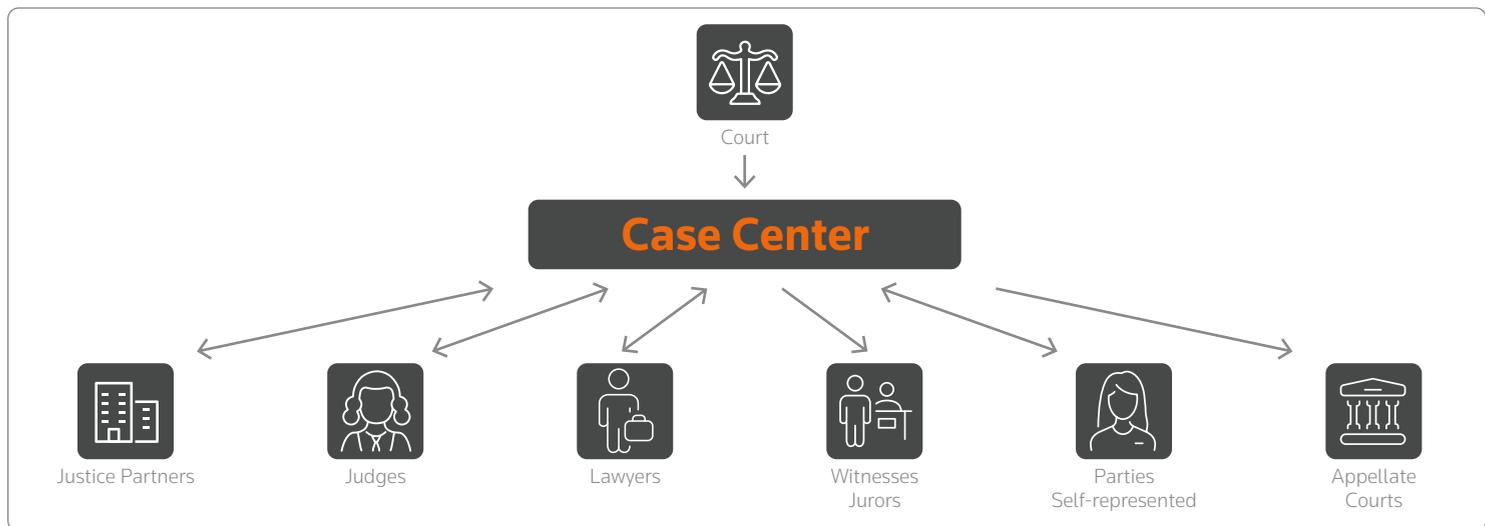
Be confident you can rely on a solution partner you can trust. At Thomson Reuters, we have teams and processes dedicated to ensuring cloud security and accessibility.

Please contact us if you need more information: tr.com/evidencesharing

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