be expecting to enter into a contract when purchasing the software from the retailer.

- Whether software publishers had advised the retailer to bring the existence of the licence to the attention of the user and whether any materials published in association with the software draw attention to the licence.

- Whether the user had the opportunity to test the software prior to acquisition at the retailer's premises.

All of the above create an awareness on behalf of the user as to the nature of the transaction he or she is entering into and the capabilities of the software he or she is acquiring, so that future disputes can be avoided.

- *Craig Sinclair, Corporate Solicitor, Databank Systems Limited, New Zealand.*

THE IMPLEMENTATION OF A COMPUTERISED LITIGATION SUPPORT PILOT STUDY

- *by Ian Adrian and Elizabeth Broderick*

Blake Dawson Waldron has successfully pioneered the use of both free text and data processing systems in litigation. In the last few years the firm has designed and implemented case specific systems to organise more efficiently and cost effectively the large volume of information dealt with in complex commercial litigation proceedings. The majority of cases have had in excess of 1,000 documents and 1,000 pages of transcript with some cases having had as many as 60,000 documents. The relevant information and documents have been able to be retrieved quickly and accurately. With the assistance of the computer, lawyers working on the cases have been able to organise the relevant information at a much earlier stage than is usually practical. The result has been that trends which were not possible to discern because of the mass of information have become apparent well before the hearing.

At the hearing, the client's case is effectively and efficiently presented by the use of:

(a) text processing systems to search the pleadings and the transcript for key issues; and

(b) document control systems to retrieve document abstracts for cross examination and to assist in locating relevant documents.

The Commonwealth Reporting Service is now providing transcript on disk which is assisting the firm in the construction of transcript data bases.

Blake Dawson Waldron has also investigated and designed general data processing systems to provide background support in large trade practices actions.

This has resulted in enhancing the quality of our client's submissions.

The firm is now implementing a formalised approach to litigation support, particularly in the area of document control. The firm believes that it is

important that individual solicitors who have responsibility for a particular case:

(a) participate in the design of the data base;

(b) perform the data entry; and

(c) prepare the report formats.

This ensures the integrity of the information in the system and the solicitor's overall responsibility for the case. Such a system also has the added advantage of increasing the level of computer literacy among solicitors within the firm.

Ultimately, the firm believes it may be more cost effective to set up some cases using a sophisticated relational data base. It is continuing to construct large data bases using relational software. However, it is felt that initially, a pilot scheme using a flat file data base, which is easy to design and provides data entry short cuts, is the best way for solicitors not conversant with computers to develop an expertise in the area. The pilot scheme will be fully operational prior to Christmas and will result in clients' cases being dealt with in a technologically sophisticated and cost effective manner.

Overseeing the implementation of the pilot study are the head of the firm's Sydney litigation department, a solicitor with a computing science degree and the director of its in-house Computing Services department.