Brainstorming with

MindManager® and allCLEAR®

ABSTRACT: Most lawyers are familiar with Text-processing tools (like Word and Wordperfect), search engines (like LexisNexis, Westlaw and Loislaw) and litigation support databases. However, few have worked with true brainstorming tools that assist a lawyer in reaching conclusions and identifying connections between information. Two tools that should be part of the "thinking lawyer's arsenal" are MindManager® from Mindjet (www.mindjet.com) and allCLEAR® from Proquis (www.proquis.com). MindManager creates idea maps that let you link issues, facts, documents, and solutions in a multi-branching tree. allCLEAR's FlowCharter and Analyzer builds process diagrams and lets you evaluate multiple paths in the process to determine which path is optimal. On a scale of one to five, I would give MindManager a 5 and allCLEAR a 4.5.

A LAWYER PROGRAMMER LOOKING FOR NEW TOOLS

As many of you know, I am a "recovered" lawyer. I am "recovered" from the approach to the legal business that views profit in terms of maximizing the number of hours that can be charged to a client. As a legal technology consultant who designs and implements time-saving solutions for law firms, I have searched for brainstorming tools to help me in my work and to offer to my clients.

Over the past few months, I have evaluated two innovative tools: MindManager® from Mindjet (www.mindjet.com) and allCLEAR® from Proquis (www.proquis.com). They are innovative in that they branching trees, webs and flow diagram to represent complex information visually. Much as the brain provides links between information, these programs allow the user to visually represent (and follow) those links to both better organize information and to reach conclusions. In my work, we use these programs to design document assembly systems that produce dozens of documents form a single core interview. We also use these programs to develop and present web-seminars, in the same way one might use PowerPoint, to visually represent the topics to be discussed in a lecture.

MindManager creates idea maps that let you link issues, facts, documents, and solutions in a multi-branching tree. The resulting outline can then be integrated into Microsoft Office, tied to events and tasks in outlook, documents in Word, charts in Excel, and web pages. Mindmaps can be exported to PowerPoint and Word, where they can be edited. And dynamic maps can be posted to a website. A single-user license for MindManager Basic 6 costs $229. For tighter integration with Outlook and Microsoft Office, your should consider MindManager Pro 6 which costs $349. There is also Mac version, MindManager 6 Mac which costs $229. A free 30-day trial is available for download.

allCLEAR's FlowCharter and Analyzer build process diagrams and lets you evaluate multiple paths in the process to determine which path is optimal. The FlowCharter builds tree diagrams and organization charts from a simple text editor in minutes, and then lets you refine these charts with powerful graphic tools to get the precise look you need.

Analyzer, lets you then add data to each of the steps and branches in the chart for the purpose of finding all the paths through the process, and lets you calculate totals, averages, and probabilities. FlowCharter is $315 for a PC License and $457 for a each concurrent network license. Analyzer (which includes FlowCharter) is $778 for a PC license and $1,094 for each concurrent network license. A free 30-day trial is also available for download.

For this review, I have received free copies of the software and attended web demos. I have no current relationship or affiliation with either vendor. The two programs are complementary, rather than competitive; each addresses a different aspect of brainstorming, though there are some feature overlaps. I tested the software on a Pentium IV, 2.4 GHz desktop, with 2 GB RAM, running Microsoft Windows XP and Microsoft Office 2003. There was more than enough power to run both programs. There are some special features of MindManager for Office 2007 that I was, unfortunately, unable to test.

IDEA MAPS with MINDMANAGER

In a typical litigation, a lawyer must sift through millions of bits of information, and extract from that information a "story". This is the "story" that will be presented through documents, demonstrative exhibits, depositions and live witness testimony to a judge and jury. The source information may be locked in documents, transcripts, legal memos found on a file-server, a web server or locked in various databases.

The current approach is to write memos on various topics in the litigation. And for each topic, conduct searches to find supporting information. Each memo "stands alone". As facts change, the memo may or may not be redrafted to reflect the new facts. Over a long litigation, there may be hundreds of memos to file.

Picture instead a single file (an idea map) that organizes all the theories of the case and includes hyperlinks to all the supporting documents and data sources. This idea map could include links to other idea maps. Rather than being a monstrous memo, the map visually represents all the theories of the case, and all the supporting evidence in a branching tree. Using a simple plus (+) and minus (-) you can expand and collapse each branch of the tree. You can reorder the branches in a priority. You can even assign tasks (and schedule them) to different branches.

MAPPING THE BRAIN WITHOUT A CAT SCAN

With MindManager you can brainstorm faster and more accurately because you can see both the forest, trees and grass through a single interface; send that information to PowerPoint or Word, and roundtrip it. Whether a lawyer is preparing for trial or deciding on a strategy for a complex negotiation, MindManager can map the roots and branches to an effective argument.

You start MindManager by choosing a template. The template sets the basic look of your map. Some prefer a "spider web" with spokes heading out from a central topic. Others prefer a fishbone: with branching topics descending left and right from an initial topic in

the head. I prefer an elbow diagram, with subtopics branching out in a vertical list from an initial topic.

Once you choose a template, you can just type. When you use the enter key, it creates a new topic. When you use the insert key, it creates a subtopic. If you don't like the order of your topics, you can use the mouse to drag the topic (and all the subtopics under it) to a different location in the map.

Using MindManager, I prepared the bullet points for a one-hour lecture in 15 minutes, including several changes in the structure of the lecture as I thought through what I wanted to say. MindManager also has a "presentation mode" that can be used in place of PowerPoint.

MindManager can export a map to Word as an outline (using Heading and numbering styles). It can also be used to export to PowerPoint. If your firm has a particular PowerPoint template, you can have a complete PowerPoint slide show with bullets, animation, links and speaker notes in a matter of minutes.

The uses of MindManager are limited only by your imagination. A litigator might use MindManager to map out the evidence supporting a particular theory of the case. Each branch of the tree could represent a particular fact. And for each fact, there could be links to supporting documents, pictures, testimony excerpts, and legal research. Taking it one step further, you could use that program to map to prepare a deposition outline. You could layout the topics to be covered. Under each topic, you could identify the line of questions. And with respect to each question, you could have links to the documents, images, or excerpts you wish to present to the deposition witness during that particular question.

While you could export the map to Word and print it out, you might consider using MindManager live during the deposition. You could use the "links" to launch an graphics for use in the deposition. For each topic, you could assign a "status" to indicate how well the topic was answered by the deponent. You could reorder who lines of questions with a click.; and you can summarize the deponent's response as notes on each question topic.

With it's close links to Microsoft Office, MindManager can also serve as a project-manager. When a single click you can convert a topic on a map into an Outlook task and assign it to one of your legal team. That said, MindManager is one of the few programs I know of that is truly "cross-platform". Create a map on a P.C., and then open it on a Mac – no conversion required.

For teams that are distributed across multiple offices, you can send your MindMap with a free viewer. Better yet, you can post the map to a web-server. With a few lines of code on a webpage, you can make your map available for anyone visiting your website.

SOME MINOR RESERVATIONS

Sometimes you find a tool for which you have very little critical to say. MindManager has a very slick interface. They have tightly integrated their software with Microsoft Office, including special integration into Office 2007 that lets you design a map in MindManager, export it to Word for further editing, and then reimport it back into MindManager with full integrity. MindManager uses the WordML format to store information about the map which is not otherwise editable in Word.

That said, I have a few pet peeves. The export to PowerPoint is very effective. However, it presumes that "notes" are meant to be "speaker notes" rather than text that follows a bullet. It would be helpful to have an option to allows the notes to appear in the PowerPoint presentation as text following the bulleted topics.

The export to Word could also be a little more intuitive. Unless you have modified the default Heading 1, Heading 2 and Heading 3 styles in Normal.dot, the export will require extensive reformatting in Word. A few more export options in MindManager might allow you to achieve the exact formatting without having to make style changes in Word. This would also have the added benefit, if and when, you decided to bring the Word outline back into MindManager.

Rating: On a scale of 1 to 5, I would give MindManager a 5.

FLOW CHARTS and PROCESS DIAGRAMS with allCLEAR

I used to view process maps and flowcharts as the domain of high-end programmers and engineers. These charts, replete with symbols, funny shaped boxes, arrows and colors reminded me of the schematic diagrams of the circuit board of an old stereo.

Over the years I have played with organizational chart software programs, but found them of limited use in my law practice. I have dabbled with Microsoft Visio more recently, but found the templates very confusing and way too technical:

➢ Which box icons do I choose?
➢ How do I do branching logic?
➢ Why do I need this stuff?

In building automation systems for my clients: whether they be HotDocs templates or Time Matters chains, I was forced to model "manual processes" with software. The simpler processes, I could describe in a few sentences or keep in my head. But for the more complex processes, I needed a way to visually represent each of the steps in the process and get my clients to approve those process before they invested in expensive programming time.

THE TOOL OF CHOICE

allCLEAR FlowCharter was recommended by my fellow consultant, Wells Anderson (www.activepractice.com). By using a simple text editor, a user can diagram a complex process in minutes; allCLEAR handles all the graphics. By using a simple syntax of periods, colons, question marks, parentheses and square brackets, the system will automatically build the Flow Chart.

Take a client intake process. I have written the steps below, using basic punctuation and tabs, and pasted it into allCLEAR's text editor.

CLIENT INTAKE PROCESS

Cold Call:
 (Answers) Sales Pitch.
 (No Answer) Redial.
 (Machine) Leave Message.
 Followup Call.
Engagement Letter?
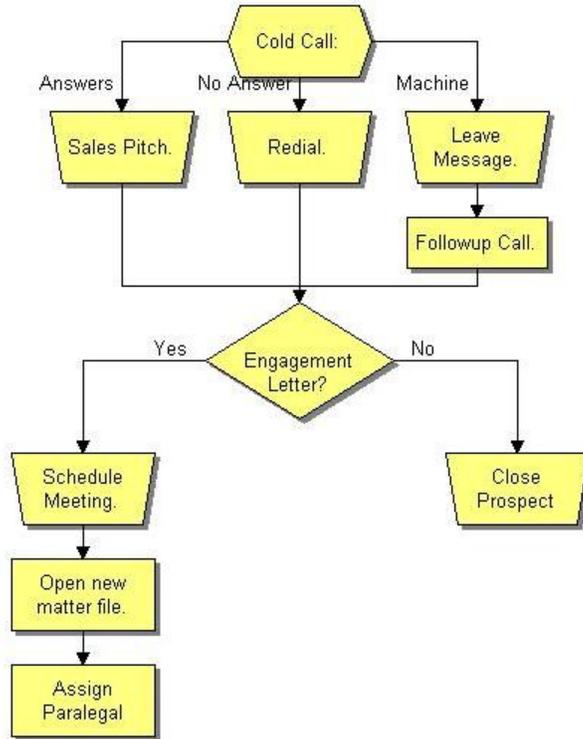 *(Yes)Schedule Meeting.*
  Open new matter file.
  Assign Paralegal
  (No)Close Prospect

Without any further work, I have an instant FlowChart.

CLIENT INTAKE PROCESS

A picture is worth a thousand words. The picture above shows the viewer exactly what happens, and when. It works far better than a complex procedure manual (that noone reads anyway).

This is only the beginning of what allCLEAR can do. The system has a complete set of graphics tools. And these tools work in a way that makes sense. Right click on "Engagement Letter?" in the chart above and choose "Cluster Layout". You can change the structure to move the "No" answers to the side, and make the process a more clear vertical flow.

allCLEAR adds another layer to this graphics tools – the ability to add real data and analyze the process to determine the best outcome. Typically, this is done with two programs: one handling the graphics, and another which assigns probabilities and weights to each step, and calculating a probability of success and the cost of success.

By changing from text-view to data-view, you can get a list of all boxes in the flowchart. Using a spreadsheet, you can add additional fields to each box. You can, for example, add the "time" it takes to perform each task, the "cost" for each task, and any other factor you might wish to evaluate.

Once the data is entered, switch to an analyzer view. A range of options are only a few clicks away. The analyzer, lets you generate all the paths through the process and run

simulations. There is a "play" button that play a designated path (to illustrate a point) or to play all paths to visually represent all the options.

Choose Tools -> Analyzer -> Probability and click on an branching decision point. You can assign a probability for each choice. Then you can run simulations, applying those probabilities and get the average cost, and average time for all the different paths.

If you are a litigator, wanted to evaluate the potential outcome of a litigation, factoring dozens of different probabilities, this may be the tool you have been waiting for. Also, if you just want a way to visually illustrate different conclusions from the same facts in trying to build the "story" of the case, allCLEAR is a great brainstorming tool

A FEW RESERVATIONS

While allCLEAR is an extremely powerful and well-designed program, it seems dated. The icons, colors and graphics seem circa Windows 2000.   They don't have the WindowsXP 3-D sculpted look, let alone the transparency for Windows Vista or the dynamic ribbon toolbars found in Office 2007.

With ten different toolbars, it can be confusing where to find a particular task. When the program begins, all toolbars are visible, but many are grayed out as inactive. Many toolbars and many items are only functional in certain contexts. One of the most powerful tools in the system is a button called "Artist". The icon looks like something a child could draw. However, the effect on the process map is nothing short of stunning; by choosing a particular artistic vision, the entire layout of the process map is altered.

Further, the program falls short on a number of keyboard-friendly conventions found in other programs. First, a number of functions appear to only be available through toolbar icons. For example, I could not access the "Artist" function from the Format -> Diagram menu. Second, the structure of the menus and toolbars should be consistent. For instance, the Format -> Drawing menu should match the Drawing toolbar in options. Third, while the program uses menu-accelerators, there are very few short-cut keys for commonly used actions.

WISH LIST for ALLCLEAR

Within a short time (either by reading the quick start guide or exploring) you will find your way around the program. Any questions can be answered with a search on an extensive set of user forums. allCLEAR is truly easy to use. My wish is only that a little extra time could be put into some of these aesthetic and usability issues.

A further wish is to build integration with Microsoft Visio. Some users have asked for the ability to export the allCLEAR diagram format (.acd) to Visio. Given the power of allCLEAR to build consistent and highly customized diagrams, I don't see this as a high priority. However, that same understanding could also be used to import Visio diagrams into allCLEAR. Once in allCLEAR they can be more easily manipulated with the FlowCharter, and then dramatically enhanced with the Analyzer.

Rating: On a scale of 1 to 5, I would give allCLEAR 4.5. It is an extremely powerful program, but has a little further to go on aesthetics and ease of use.

ABOUT THE AUTHOR: Recovered attorney Seth Rowland was named TechnoLawyer Consultant of the Year in 2002 for his contributions to TechnoLawyer on the subject of document assembly and law practice automation. He is a nationally known technologist whose company, Basha Systems LLC (www.bashasys.com) has helped many law firms and content providers build document assembly applications for both internal use and for resale. Please feel free to visit his blog (www.bashasys.info) for the latest on document assembly. You can contact Seth via e-mail (sgr@bashasys.com) or telephone at (914-827-9173). Basha Systems uses pMachines' Expression Engine software for its office wiki and limits access only to members of the company.