



Discovery Data Management in Practice

COALSP – July 2009



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Introductions

Reveal

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Program Outline

- Pre-Planning Stages
- Workflow Management
- Project Management
- Top 10 Tips for Successful E-Discovery
- Q&A Throughout and at the end
- Product Demonstration – time permitting

Survey of the Group #1

- Roles in your organization?
 - Litigation Support Manager
 - Litigation Support Analyst
 - Attorneys / Case Manager / Paralegal
- Experience with E-Discovery?
 - 1 case, 5 cases, 50 concurrent cases?
- How many staff are in your departments?
- Have you established billable hourly rates?

Pre-Planning: Building Blocks

Case Team Discussions Should Address:

- Who is on the Team?
- What is the Scope & Strategy of the case?
- When are the critical Timelines & Deadlines?
- Where is the Discovery Data? Documents?
- Who are the Custodians of interest?
(People/Dept.)
- What are the Case Teams Preferences?
- What are the Clients Budget and Cost Thresholds?

Pre-Planning: Case Team

- Establish your teams roles and responsibilities.
- Identify your players, and also your starters and your relievers.
 - ◆ Litigation & Practice Support Involvement & Duties?
 - ◆ Attorneys & Staff that get it
 - ◆ Attorneys & Staff that pretend to get it
 - ◆ Attorneys & Staff that can explain the technology to clients
 - ◆ Are you engaged with the right contacts early enough?

What about client IT, Legal, Records, Risk Management?

Pre-Planning: Project Scope

Are you...

- Involved early enough to assist with data and document collection stages? Or at least making recommendations?
- Included on discussions and calls with client facing attorneys and staff and/or firm clients to identify the scope of the project?
- Asking about the clients document and information retention policy?
- Establishing reporting guidelines & protocols?

Pre-Planning: Timelines

- What is our discovery timeline?
- When is the meet and confer?
- Do we have a production request?
- How long will this take to collect?
- Filter / Cull?
- Do we have any narrowing criteria from case team?
- Process? Review? Production?

Pre-Planning: Tools

- What are the case team preferences?
 - What tools they are comfortable using and you are proficient in supporting?
 - Firm supported versus hosted?
 - Enterprise tools in place?
 - Client-mandated vendor and consulting choices...
 - Resources for support?
 - Established workflows and defensibility?

Pre-Planning: Budgets

- What is our budget?
- Who is paying for this?
- How much is this going to cost?
- Can we establish any cost certainty?
- How are we being charged?
- Can we stay within budget?
- How much per month for hosting?

Survey of the Group #2

- Would like to be involved earlier in the case discussions?
- Witnessed forensically sound data collection?
- Currently assist case team with data collection and/or forensics work.
- Have client that are subject to litigation hold/preservation orders?
- Client is pre-arranging and determining what service providers are to be used?

Electronic Discovery Workflow Process



Reveal's™ Project Management Portal

Total Project Management

Expert Consulting and Guidance

Control and Transparency

Preservation & Hold

- Understand clients preservation policies
- Establish programs or policies to identify, preserve and hold potentially relevant data
- Document management systems & software
- Suspension of disaster recovery & tape recycling
- Enforcement of on-going hold policies
- Periodic auditing and refresh
- Enforcement of policies (worth saying twice)
- Accessible versus Inaccessible data

Data Collection & Preservation

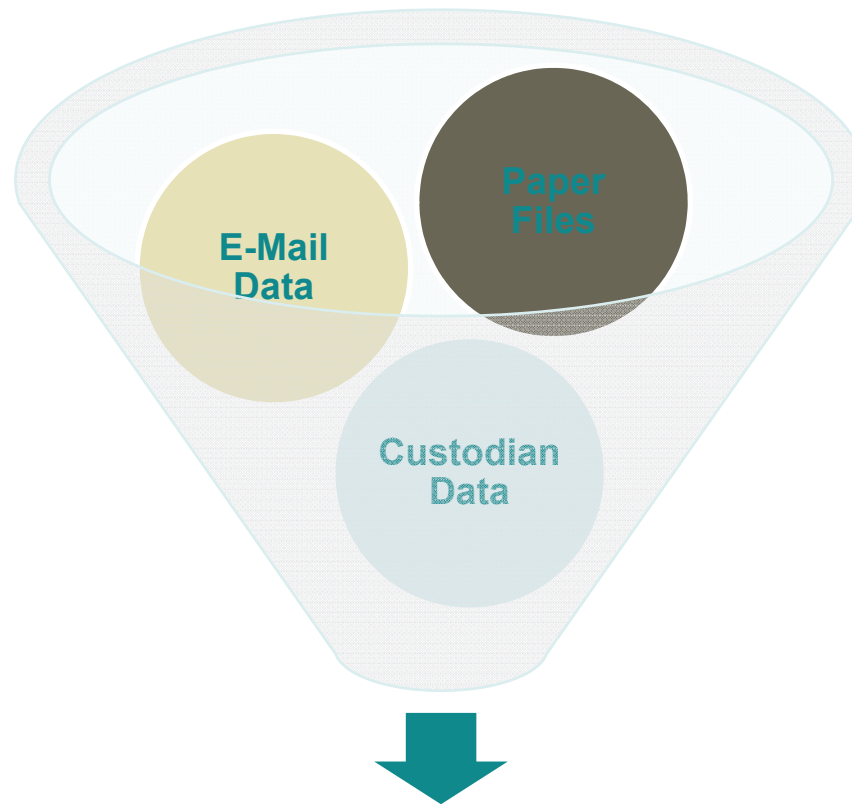
- Objectives
 - Provide Clear and Defensible Process
 - Accurately Collect Client Data
 - Minimize Business Interruption while being thorough
- Create Data Collection Plan
 - Conduct Custodian Interviews
 - Maintain Chain of Custody Documentation
- Identify Key Stakeholders
 - In-house counsel, outside lawyers and paralegals
 - Litigation support, client IT group

Data Filtering

- Reduce collected data efficiently and securely to a manageable set for review
 - Remove unnecessary system, junk or executable files free of charge
 - Identify active and relevant data and develop defensible and documented filtering strategy
 - *Example Case: Victor Stanley v. Creative Pipe*
 - Share search results (hit report) and discuss next steps
 - Refine search to achieve desired results and re-run query as necessary

Data Filtering

Since document review remains the single most expensive aspect of the discovery process, we work closely with our clients to narrow the scope of data for review.



Relevant and Potentially Responsive Data for Review

Data Reduction / Culling

- Query and Cull Documents using
 - Search Terms & Phrases
 - Date Ranges
 - Custodians (Sampling Approaches)
 - Departmental
 - File Types (User Created)
 - De-Duplication
 - Near Duplication?
 - Concept?

Data Processing

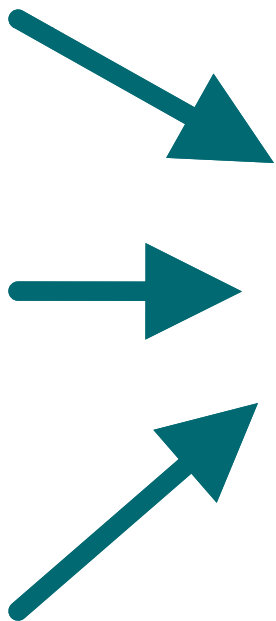
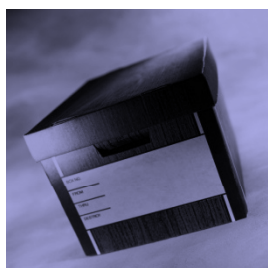
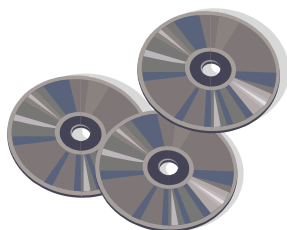
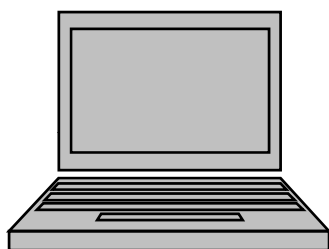
- Potentially relevant and responsive data will need to be processed for review.
- Service bureaus must go through a detailed specification call with client and litigation support resources to determine the instructions for certain file types.
- Examples:
 - MS Excel Documents / MS Word Documents
 - MS PowerPoint Documents
 - Multi-Media Files
 - Graphics Files
 - E-Mail and Attachment Handling

Document and Data Review

- What is the preference of the case team?
- What tools are your clients already familiar?
 - Firm Supported vs. Hosted or Third Party
- What type of Review?
 - Native or TIFF based
 - Privilege & Responsiveness
 - Issues
- Review team
 - Firm / Corporate Client / Local / National
 - Contract / Expert / Distributed

Distributed Hosted Review

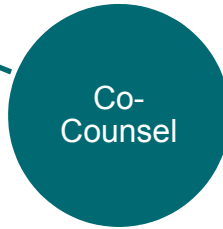
Corporate Data and Document Sources



- Privilege
- Responsive
- 2nd Pass
- Issues



- Potentially Privilege
- 1st Pass Review
- Redaction



- Collaborative
- Share Work Product



- Witnesses
- Depositions

Production & Reporting

- What form of production has been chosen for exchanging data and documents?
- Image Files - Searchable or Not?
- Bates/Branding or Naming considerations?
- Metadata or Not? Fields?
- What about redactions?
- Database Deliverables? Media Tracking?
- What type of files will be exchanged natively?
- Generation of Privilege Logs?

Survey of the Group #3

- Tools – What are the firms using for:
 - Internal Document Review & Production
 - Hosted Document Review & Production
 - Data Collection / Preservation
 - Data Filtering / Processing
 - Incoming production documents and data
 - Early Case Assessment
 - Legal Holds

Project Management

- Constant and consistent communication
 - ◆ Understand the needs, requirements and goals at every phase
- Expectation setting throughout the project
 - ◆ Project specifications are a continuous topic of communication
- Visibility into every step
 - ◆ Informative reports support decision-making at key points in the process
- Value-added guidance and consulting
 - ◆ Help clients achieve goals, manage costs and risk

Top 10 Tips for Successful E-Discovery

- Understand the case dynamics and strategy
- Engage the litigation support team and consultants as early as possible (attorneys)
- Hire the most qualified project managers you can afford and retain them (both inside & outside)
- Establish clear and consistent communication, reporting processes and defensible workflows
- Know how long each step will take in order to properly budget time and deadline compliance

Top 10 Tips for Successful E-Discovery

- Stay within budget / Establish cost certainty
- Start with a good data set and filter data sets aggressively by using technology
- Continue to learn about new tools for efficiency and ensure the teams are maximizing their time
- Run tests, monitor quality, test load data sets and strive for consistent improvement
- Engage with a service provider as a long-term partner rather than a short term vendor

Reveal™

- A united team of legal experts and world class technologists providing an innovative, full service suite of electronic discovery solutions, marked by transparent project management workflow and client control.
- Serving our clients with an unmatched level of professionalism and outstanding quality on every project.
- Software developed specifically for data management and review.
- Providing reliable, defensible, strategic and tactical guidance and support throughout the discovery process.

Q&A

- Questions
- Project Scenario's to discuss
- Demo – Time Permitting...
 - Project Management Portal
 - Review Application

Thank You!!