

Slash Legal Costs: e-Discovery the Smart Way

Companies are facing unprecedented demands in preserving and producing [electronically stored information \(ESI\)](#), specifically related to [electronic discovery](#). In addition to potential fines and sanctions that result when information is not handled properly, the cost associated with performing required tasks can be huge and often without apparent limits. The paramount goal is to capture more meaningful information - better, faster, and more easily.

Fortunately, new solutions from legal technology providers offer relief. Not all solutions are equal, so selecting the right one requires careful consideration. Companies must evaluate each approach for capabilities that will help them determine early and throughout the e-Discovery process if the case has merit and how best to proceed. The right approach will sharply lower [processing](#) costs by quickly culling down case datasets to only what is relevant, and will significantly cut review costs by reducing the number of documents that attorneys must review.

Using manpower wisely is key. The [review phase](#) of electronic discovery is the most expensive because it requires attorneys' time and expertise to evaluate ESI and determine what is relevant and privileged. The right [review platform](#) promotes accuracy, reliability, security, quality and speed. A clever user interface design helps reviewers plow through a huge amount of material in a very small amount of time. Powerful workflow and rules-based processes help prevent coding inconsistencies, incorrect privilege calls and other errors that necessitate going back to make changes when a deadline is approaching -- thus costing a lot of time and energy.

Litigation professionals work under incredible deadlines, and they need to be empowered to self-administer the review process and eliminate waiting time and delays. It is important to set up, steward and enforce processes automatically in real time with workflow (intelligent item routing) and validation (work product quality control). A fully configurable workflow process, combined with integrated quality controls, helps ensure that projects proceed efficiently with consistent results. For example, a single click that allows the reviewer to validate a bin of items and receive real-time feedback on validation errors, as well as the ability to go right back in and swiftly clear errors, will reduce the number of problem items until the entire family of documents under review successfully passes validation. The ability to assign access to team members according to their roles helps employ the right expertise level for specific tasks and avoid paying for more than is needed.

Of course, reducing the quantity of data to begin with is crucial, especially data that requires higher levels of review expertise. As more companies adopt [SharePoint®](#), the way they store and manage data is presenting new e-Discovery challenges. SharePoint sites can be massive, and while the primary challenge is to make sure nothing is lost that could be relevant in litigation, companies do not want review costs to explode when they backup such large volumes of information. According to [George Kiersted](#) of [Kiersted / Systems, LP](#), "We are careful to avoid over-collecting. We encourage clients to identify specific sites rather than backing up the entire network. And we whittle the data down by looking for duplicates and relevance through search terms and various techniques. This takes a potentially large collection and narrows it down to a relatively small review set. And on the upside, the richness of metadata in SharePoint makes the case assessment process even better because of the ability to slice and dice across new dimensions."

Assessing information about the case early in the process promotes clearer understanding and smarter decisions about how to proceed with a case. A solid cost-benefit analysis minimizes unnecessary costs and protects the interests of the organization. Coining the term "[dynamic case assessment](#)" rather than "early case assessment," Kiersted explains, "Case assessment is ongoing throughout the discovery process and even before. SharePoint is a dynamic live system that constantly changes, and case

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assessment must be dynamic too. This is consistent with our approach to workflow in general. Seamless integration of culling and post-preliminary processing gives you the flexibility to come back to “the well” if circumstances change. We help you assess, readjust and reprioritize on the fly.”

Clearly, the right technology will render information in a sensible way so reviewers can understand the meaning in context without jumping through hoops. A solid workflow process will streamline review activities so nobody gets bogged down. Standard progress reports will show review status, metrics will compare user productivity, and flexible search capabilities will save time and money.

In addition to cost control benefits, the right tools offer legal teams new ways to analyze ESI, ensure quality and consistency, and make better decisions about how to proceed. For more information about a smart approach to electronic discovery, please contact [Kiersted / Systems, LP](#) at www.kiersted.com or 1-866-543-7789.