



A Lawyer's Guide To In-house eDiscovery

Practical Tips for Implementing Integrated eDiscovery Solutions In-house

October 12th, 2016

eDiscovery
Webinar Series

Christian DeTrude
Lexbe

eDiscovery Webinar Series

Info & Future

- Webinars take place monthly
- Cover a variety of relevant e-Discovery topics
- If you have technical issues or questions, please email webinars@lexbe.com

**eDiscovery
Webinar Series**

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- If you have technical issues or questions, please email webinars@lexbe.com
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About Lexbe

We are an Austin, TX based eDiscovery software and services provider, specializing in serving small & medium-sized law firms and organizations. We provide:

- *Cloud-based DIY eDiscovery processing & document review software*
- *High-speed ESI document processing and data conversion services*
- *Experienced eDiscovery specialists and expert consultants*



'Cost-effective eDiscovery'



'Secure, easy-to-use and a great review tool for consideration'



"A powerful litigation document management service"

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Christian DeTrude bio

- eDiscovery Solutions Consultant of Lexbe LC, a provider of cloud-based litigation processing, review and document management software & eDiscovery services
- Certified eDiscovery Specialist, by the Association of Certified E-Discovery Specialists (ACEDS)
- Specializes in working with firms without a full in-house department handling eDiscovery which are involved in the type of complex litigation that requires a high level of precision and eDiscovery expertise to gain the advantage in the discovery phase of trial.



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A Lawyer's Guide To In-house eDiscovery

Agenda

- Growth in eDiscovery and the changing landscape
- Advantages of In-house and DIY eDiscovery solutions
- Challenges of bringing eDiscovery in house
- Local installations vs On-Demand Cloud solutions
- Advantages of end-to-end (all-in-one) eDiscovery solution
- Faster Review & Production Speed with Scalable Capacities
- Importance of Training & Support
- Practical Take-Aways

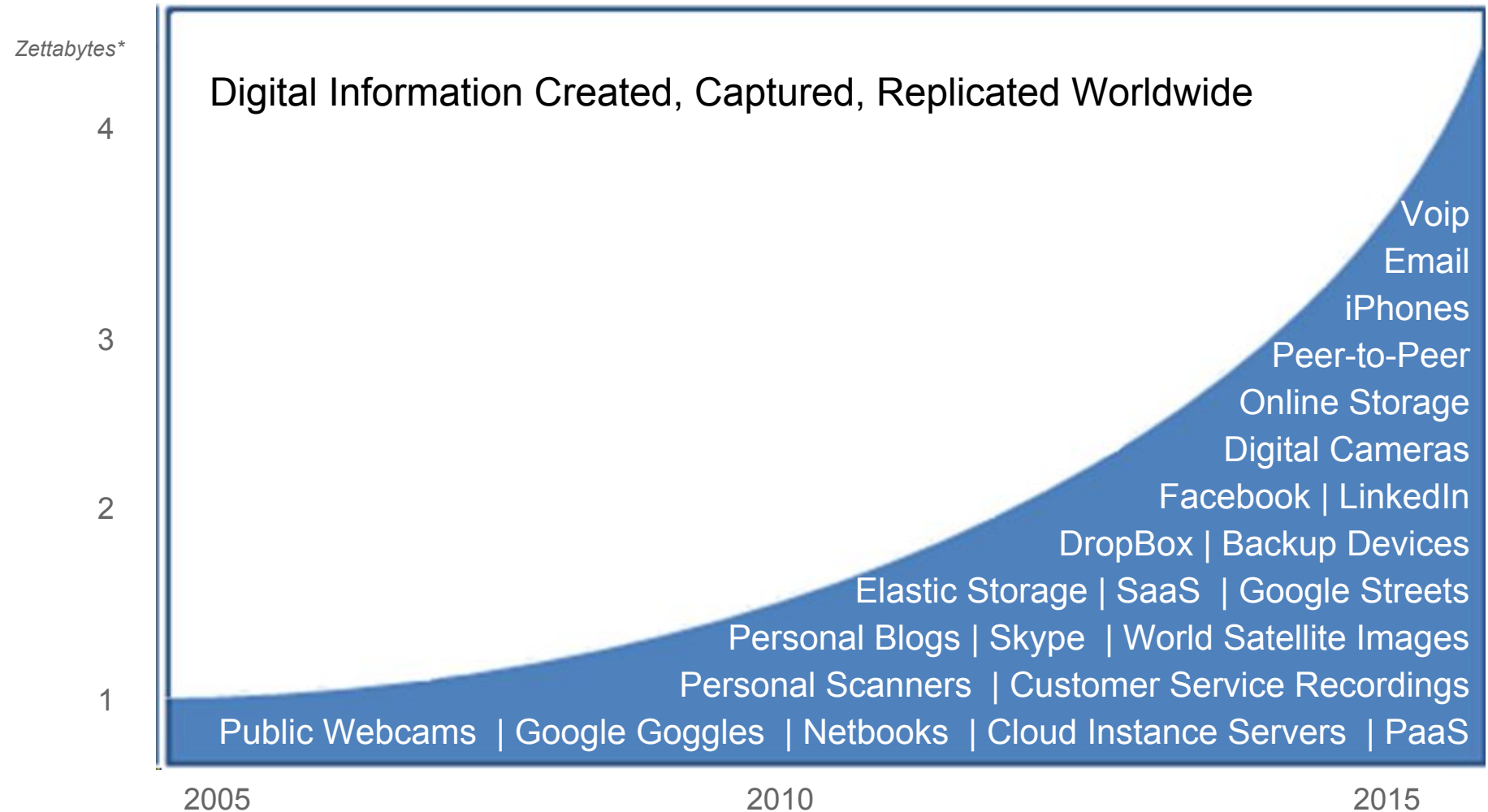
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Growth in eDiscovery & the Changing Landscape

- eDiscovery is projected to grow at 9.8% year over year through 2019 according to the International Data Corporation (IDC)
- This explosive growth is increasing demand and cost for outside eDiscovery support.
- For firms to maintain and expand their competitive presence they need to be able to take on ESI intensive cases.
- Technology has made eDiscovery a manageable in-house process.
- Online training options have made learning to specialize in eDiscovery attainable.

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Exponential ESI Growth



Source: IDC Digital Universe Study (2012) ESI = Electronic Stored Information

* 1 Zettabyte = 1 Trillion Gigabytes

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Advantages of bringing eDiscovery In-house

- Cost - Outside counsel and eDiscovery services by 3rd party organizations are very expensive. Bringing it in-house allows you to forecast expenses and keep costs under control.
- Control - Attorneys want to be able to strategize their own discovery process.
- Speed - Instant access to your data rather than having to deal with vendor turnaround times.
- Quality - Processing needs to deliver usable, complete outputs and load files to support the following stages of discovery. When done in-house you are able to run QC testing throughout the process.

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Challenges of bringing eDiscovery In-house

- Hardware: Significant up-front cost, frequently needs upgrading, can become a bottleneck if project size exceeds hardware capacity
 - Solution: scalable on-demand cloud based software with practically unlimited capacity.
- Software: May present compatibility issues with certain browsers or machines, access issues if hosted locally, limited user licenses
 - Solution: fully compatible cloud hosted software with unlimited user licenses

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Challenges of bringing eDiscovery In-house

- Integration: Integrating the respective phases of eDiscovery in the EDRM from planning and collection to review & production through to deposition and trial prep
 - Solution: end-to-end software solution that integrates all phases of the eDiscovery project
- Staffing, training, and support: Ensuring that you have enough staff on hand to meet project deadlines and staff is trained
 - Solution: software provider with on-demand services for project support to supplement staff, training for software, and technical support.

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Local Installation vs On-Demand

- **Local Installation:** You purchase software, install it on your servers. Your IT team uploads the data and ESI and runs it through your servers. You log in to those servers and process your eDiscovery on site.
- **On Demand:** Software is cloud based, so no installation or updates. Servers are remote. You upload instantly via web portal or send data via USB stick or hard drive to software provider to be uploaded. Log in from any computer anywhere to process eDiscovery.

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Advantages of On-Demand Service

- Work from anywhere, collaborate and share data in real-time.
- No up-front hardware or set-up costs
- No additional staffing or maintenance costs
- Access to a scalable server structure for practically unlimited data processing

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Advantages of End-to-end Solutions

- **Data Integrity**
 - Transferring data between software applications or systems increases the risk of loss or corruption. End-to-end solutions keep your data in one place.
- **Privilege and confidential data protection**
 - Using the same system for review and production processing keeps fail-safes in place, protecting against docs marked privileged, or not marked at all, from being produced.
- **Save time and increase efficiency**
 - By keeping data in one system, document tagging, issue identification and deposition prep begin much sooner in the process.
 - Simultaneous with the steps above, run ECA and Review- saving time and giving you a head start on deposition prep over opposing counsel.

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Advantages of End-to-end Solutions

- **Document Archive & Access**
 - Cloud-based system allows you to access any case document during trial
 - Fast search for timely cross, etc.
- **Dynamic Timelines**
 - Update new facts developed in trial testimony
 - Update timelines on the fly
 - Identify supporting/contradicting evidence
- **Presentation Material**
 - Documents, facts & issues can be exported for Trial Director, Verdict and other presentation programs

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Advantages of End-to-end Solutions

Custom document tags

Edit Custom Doc Fields			
▲ ▼	Section Title:	Custom Field Section	Edit Delete
▲ ▼	Section Title:	Damages	Edit Delete
▲ ▼	Checkbox Title:	Fraud on Market	Edit Delete
▲ ▼	Checkbox Title:	Opportunity Cost	Edit Delete
▲ ▼	Checkbox Title:	Lost Profits	Edit Delete
▲ ▼	Section Title:	Off-Balance Sheet Pships	Edit Delete
▲ ▼	Text Box Title:	Exh No.	Edit Delete
▲ ▼	Checkbox Title:	Chewco	Edit Delete
▲ ▼	Checkbox Title:	JEDI	Edit Delete
▲ ▼	Checkbox Title:	Raptor I	Edit Delete
▲ ▼	Checkbox Title:	Raptor II	Edit Delete
▲ ▼	Checkbox Title:	Raptor III	Edit Delete

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Advantages of End-to-end Solutions

Case timelining

Total Facts: 13						
Title		Start	End	Docs	Issues	
401k in enron stock				080101 2002 Budget (p.0)	401k Causation Executive Starts-Stops	
				1980-01-01 02:00:00AM - Hickerson - UI Exposure (p.0)		
				1999-02-14 09:33:00AM - (p.0)		
				2000-05-26 10:19:00AM - Molson ad (p.0)		
				2000-09-05 03:37:00PM - nCUBE/Blockbuster/Enron News Rel		
				2000-09-20 08:33:00AM - trading day 9/19 (p.0)		
				2000-11-28 01:14:00PM - Market Data Project Update (p.0)		
Jeff Skilling, who has been a consultant for McKinsey & Co., joins Enron.		08/01/1990	10/05/1990	2001-05-10 01:31:00PM - FW: Business Development Opportu	Executive Starts-Stops Fraud on Market Fraud with Anderson	
				Accounting-Scandal-Enron (p.0)		
				enron-240 (p.0)		
				050514 Xact1 (p.0)		
Mr. Lay becomes client of NationsBank		06/01/1993	08/31/1993	2000-05-26 10:19:00AM - Molson ad (p.0)	Causation Fraud on Market Fraud with Anderson Training Issue	
				2000-11-06 04:55:00PM - GS Research (Argentina, Brazil, Lati		
				Ken Lay Transcript Trial Transcript (p.8)		
				Transcript US vs. Lay 5-18-2006 (p.0)		
Family investment partnerships established in 1995-96 time frame.		01/01/1995	12/31/1996	2000-09-20 08:33:00AM - trading day 9/19 (p.0)	Fraud on Market	
				2000-11-06 04:55:00PM - GS Research (Argentina, Brazil, Lati		
				Inc Statements 1992 - 2001 (p.0)		
				ORIGINAL Hearing Enron (p.0)		
			Transcript US vs. Lay 5-18-2006 (p.102)			

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Centralization, Consolidation and Greater Control


- All data is accessible any time by any authorized user.
- Let technology help keep you organized. Data is consolidated and tree views allow you to see a document's hierarchical info.
- Review is an iterative process, by bringing eDiscovery in house you give your team the opportunity to collaborate with attorneys and each other as new facts are discovered.

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Centralization, Consolidation and Greater Control

- Manage all cases in one centralized location.
- Track and manage data size, users, and case access in one interface.

Account | Manage Cases

Select Account 

zz-Lexbe-Demo ▼

Account Billing Size:

Jul	5.4 GB
Aug	5.4 GB
Sep	6.2 GB
Oct	6.2 GB

Select Cases: [All](#) [None](#) Page: [Prev](#) [Next](#)

Total Cases: 5

	<u>Case Name</u>	<u>Case Id</u>	<u>Date Created</u>	<u>Users</u>	<u>Current Case Size</u>
<input type="checkbox"/>	_Demo Enron Native 1	7984	11/08/11 10:04 AM		5.3 GB
<input type="checkbox"/>	Dual Index Demonstration	3584	10/25/13 8:20 PM		0.0 GB
<input type="checkbox"/>	Enron Case	3176	09/29/14 7:55 PM		0.8 GB
<input type="checkbox"/>	Enron Email Demo	0295	02/04/16 5:52 PM		0.0 GB

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Scalability & Speed

Systems architecture allows cloud providers to increase server instances to apply more resources to your discovery task

Traditional In-House Set-Up:

1TB to process to TIFF, 1 month to do it.

Internal Capacity: 10 dedicated servers operating @ 2GBs/day

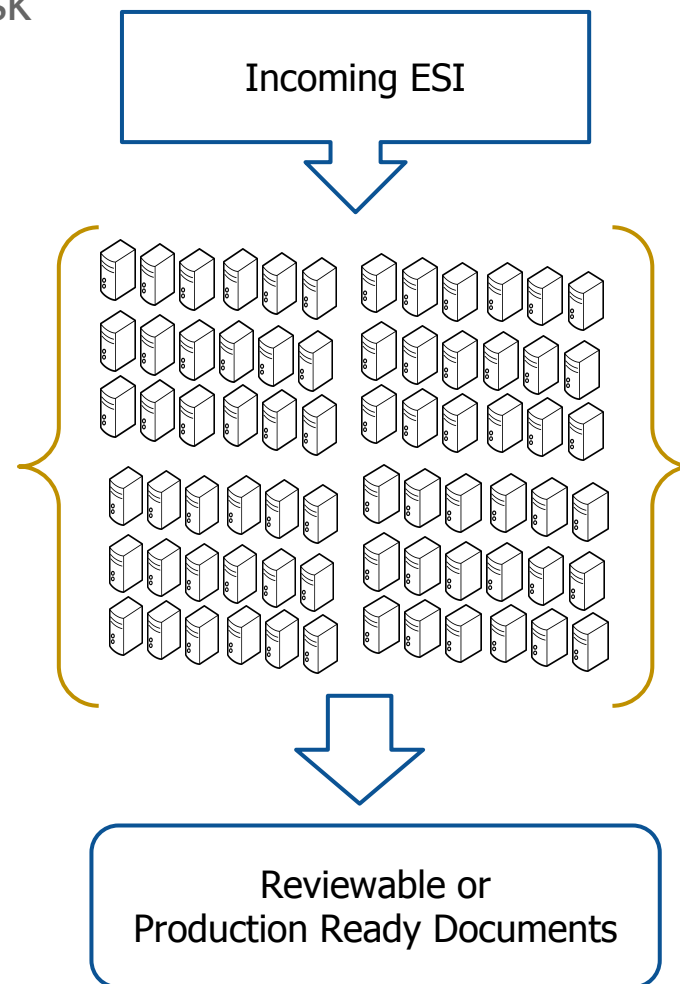
10 servers x 2GBs/day x 30 days = 600GB

And with any problems the job will not be finished on time

Scalable Cloud Capacity:

Deploy 500 servers x 2GBs/day and finish processing in 1 day

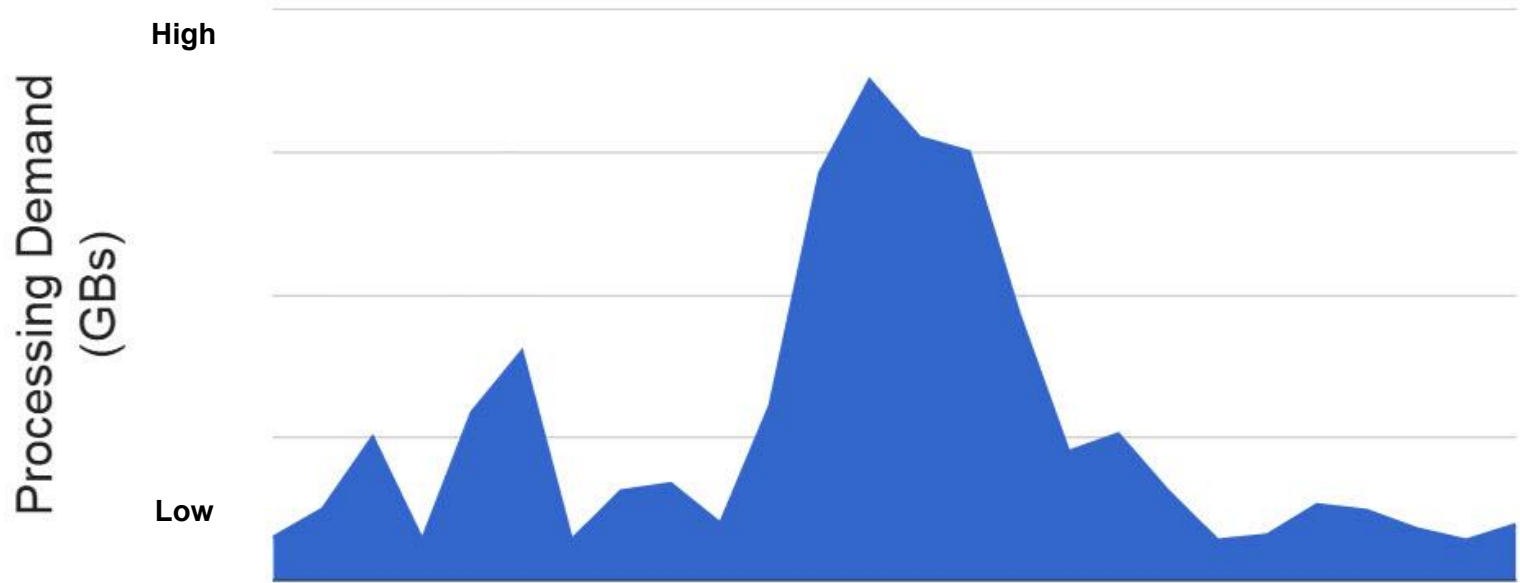
Scalable cloud discovery tools allow for much improved throughput at less cost and risk



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Peaks & Troughs of Demand

Variable Processing Demand Over 12 Months



Legend

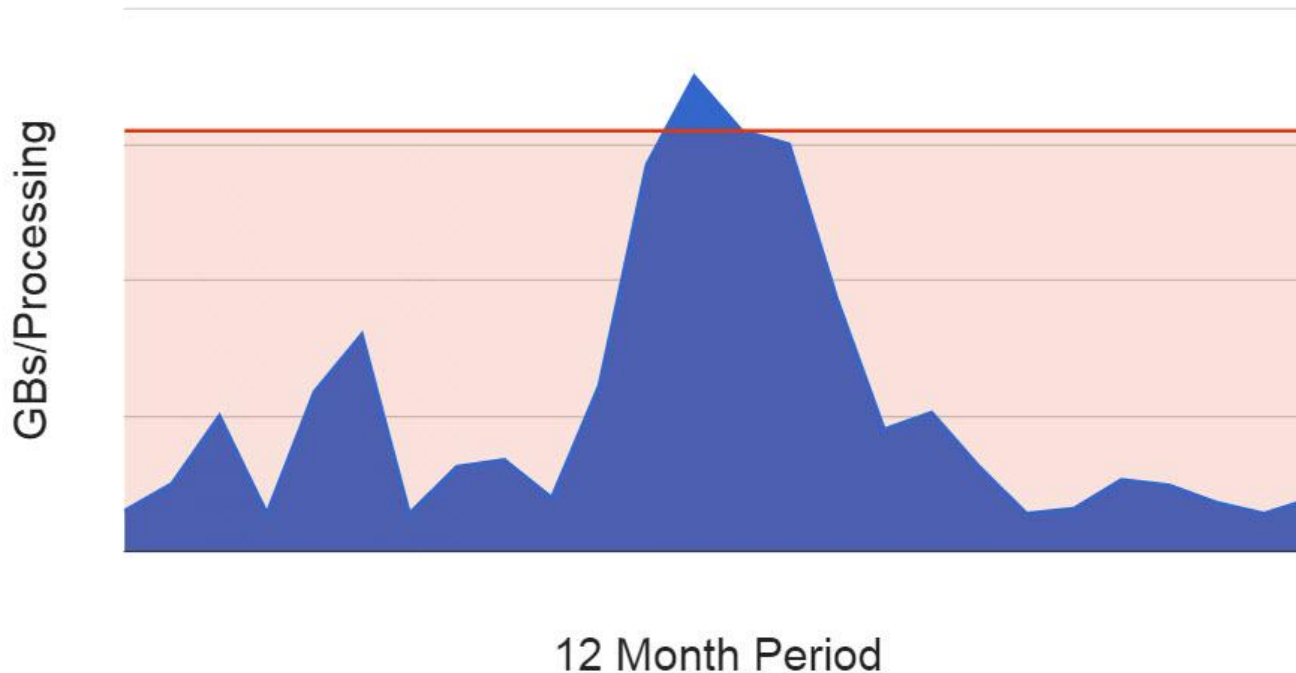
➤ Internal Processing Need

12 Month Period

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Overspending on Internal Infrastructure

Internal Capacity Near Peak Demand



Legend

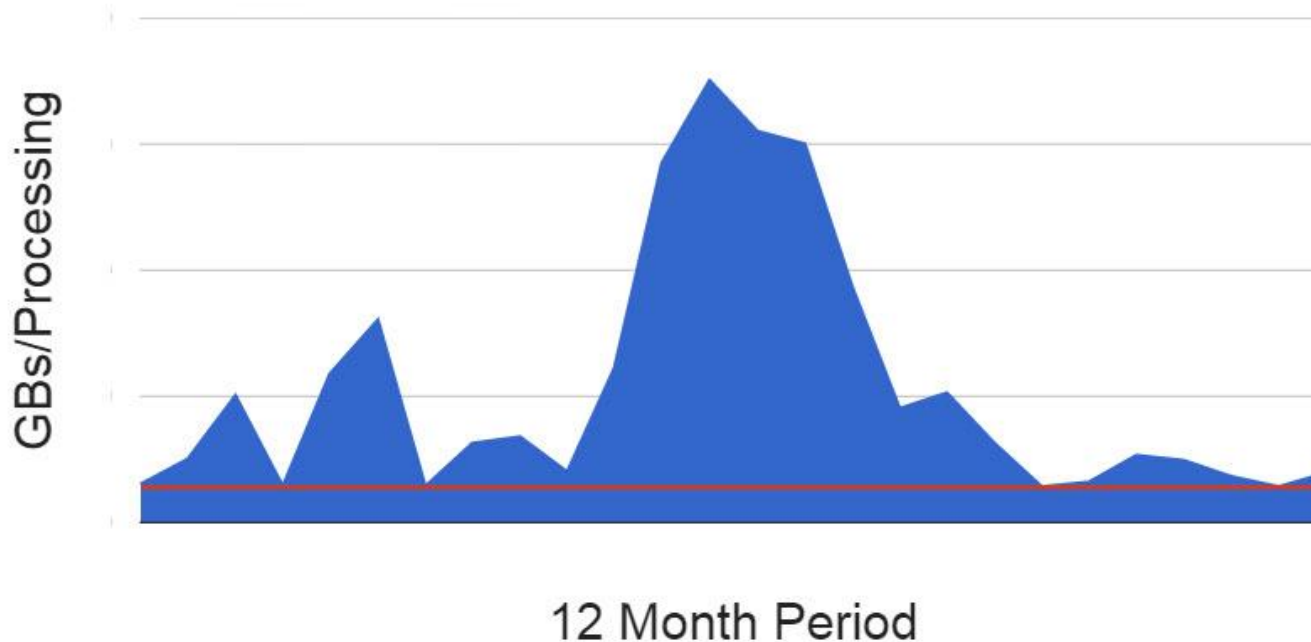
➤ Internal Processing Need ➤ Internal Capacity ➤ Inactive Resources

- Building internal capacity means purchasing hardware, software licenses, and increased staffing and management requirements.
- When internal processing needs fall, these resources are dormant, but still expensive.

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Staffing: Local Installation vs On-Demand

Internal Capacity = Consistent Need



Legend

➤ Demand

➤ Internal Capacity

- Developing internal capacity to meet a consistent need reduces inefficient spend on inactive hardware, software, and staffing.
- Leverage scalable solutions to meet excess demand.

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Importance of Training and Support

- In addition to understanding advanced search and processing techniques, your eDiscovery staff must be able to abide by complex rules set forth in the Federal Rules of Civil Procedure.
- Technology requires support- whether you have an on-premise local installation or on-demand cloud service, ensure that customer service and tech-support are available quickly.

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Practical Take-Aways

- In-house eDiscovery solutions allow you to save time and money while utilizing your own internal staff to carry out eDiscovery tasks.
- Some cloud based software providers can offer you nearly limitless data hosting and processing capacity on demand plus extra assistance for eDiscovery projects as needed.
- Ensure that your software provider does not require that their billable consultants interface between you and your data.
- Ensure that the costs align with your needs and that there are no hidden fees or per user fees.
- Look for options that let you customize and control the process in a do-it-yourself way but still offer assistance and services

Thank You

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- A recorded streaming version
- MP3 podcast
- PDF

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- Learn about our high-speed/high-capacity eDiscovery services, and expert professional services.
- **Request a personalized demo and expert consultation today!**



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