



Early Case Procedures for Accelerated Review

Leveraging technology to assess data, run de-duplication and perform proper early case analysis will speed review in the long term

eDiscovery Webinar Series

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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Early Case Procedures for Accelerated Review

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eDiscovery Webinar Series

About our Webinars

- Webinars take place monthly and cover a variety of relevant e-Discovery topics
- If you have technical issues or questions, please email webinars@lexbe.com
- Lexbe webinars are available for viewing (streaming video), and downloadable as a PDF Presentation or an MP3 podcast. This Webinar and a complete listing of other onDemand webinars is part of the: [Lexbe eDiscovery Webinar Series](#)
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Andrew Hansell Bio

- As a member of Faegre Baker Daniels' client technology solutions group, Andy Hansell advises clients in all aspects of e-discovery best practices and services.
- He has more than 10 years of experience as a litigator in private practice and as in-house counsel.
- Education
JD, Washington University School of Law
BA, University of Minnesota



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Early Case Procedures for Accelerated Review

Andrew Hansell – Faegre Baker Daniels

Early Case Procedures for Accelerated Review

- Goal for today:

High level look at decisions you can make early in a case to set up a successful eDiscovery project

- My background:
 - Practiced product liability & employment litigation for 8 years
 - In-House Counsel for 2 years
 - Worked in eDiscovery – Managed Review for 7 years
 - Currently run Faegre Baker Daniels eDiscovery program

Early Case Procedures for Accelerated Review

- Goals in eDiscovery
- Collection Overview
- Transmitting Data
- Evaluating Platforms
- Processing Specifications
- Reducing the Data Set
- Technology Assisted Review (TAR) Tools

eDiscovery Goals

- Goals in eDiscovery:
 - Find the **relevant** documents as **quickly** as possible, as **inexpensively** as possible, and **comply** with obligations.
 - Eliminate Non-Relevant Documents **As Early as Possible** In Process
 - Opportunities to Eliminate Documents
 - At collection
 - At processing
 - At review
 - Earlier in Process = Exponential Cost Savings
 - **Avoid Backtracking** Delays and Costs
 - Under Collecting
 - Incorrect Processing
 - Incorrect Review Instructions
 - Find and **Elevate Most Relevant** Documents
 - Search Techniques
 - Technology Assisted Review (TAR)

Collection Overview

- Put Legal Holds in Place Early and Broadly
 - Notices to Custodians
 - Software Solutions
- Identify and Interview Custodians
 - Map data locations
 - Personal emails/devices
 - Shared locations
- Filter at collection
 - Can you even do it?
 - Certain of dates or terms
 - Data protected by hold
- Use Tools to Assure Defensibility
 - Capture unindexed/unsearchable content
 - Avoid “drag and drop”

Transmitting Data

- Concerns Transmitting Data
 - Limits on volumes that can be sent over the internet
 - Encryption of data
 - Keeping preservation copy
- Internet Data Transfers
 - SFT/FTP
 - Password protected
 - Limits on size
 - Direct Collection – Office365, Google Takeout & Vault
 - Requires system credential
 - May be throttled
 - 3rd Party collection tools
- Preservation Copy
 - Create if possible at collection
 - Create before processing

Evaluating Platforms

- Relativity vs. Everything Else
 - Relativity is largest platform in the market and offered by numerous providers
 - Number of other platforms out there with specific capabilities
- Features to consider
 - Logic coding rules
 - Automated workflows
 - Integrated translations/transcriptions
- Performance Certifications
 - ISO 27001
 - GDPR
 - ITAR
 - Platform Proprietary Certifications

Evaluating Platforms: Pricing

- Comparing Pricing – Apples to Apples
 - One time charges vs. recurrent charges
 - Create model based on assumptions
 - Expected data volume
 - Expected duration
 - Expected users
- One-Time Charges
 - Processing charges
 - Upload charges
 - Analytics charges
 - Export/Production charges
- Recurrent Charges
 - Hosting fees
 - User fees
 - Project management

Evaluating Platforms: Pricing

- Which Vendor is Cheaper May Depend on Case
 - Vendor “A” – Lower processing charges – Higher monthly fees
 - Vendor “B” - Higher processing charges – Lower monthly fees
 - Project 1 – Expect high volume of data, short duration
 - Project 2 – Expect low volume of data, but extended duration
- Vendor “A” may be less expensive for Project 1
- Vendor “B” may be less expensive for Project 2

Processing Specifications

- Choose Carefully – Difficult to Undo
- Time Zone
 - location of key custodians &/or events
- Document Specific Specifications
 - Word- display of change mark-ups
 - PowerPoint – display of speaker notes
 - Excel – expand hidden spreadsheet cells
 - Embedded files
- Problem/Exception Files
 - Non-User data files (De-NIST)
 - Unsupported formats
 - Audio/Video files
 - Encrypted files
 - Corrupt files

Processing Specifications: De-Duplication

- What's a duplicate?
 - A duplicate document is an **identical copy** of an electronic file.
 - Most processing software determines if a document is a duplicated based on a **hash value** - a **unique electronic signature**
 - De-duplication should be applied at a **family level** and not at a document level. This means that a document's family relationship—whether it is attached to another document, such as an email—is considered when determining if the document is a duplicate or not.

Processing Specifications: De-Duplication

- De-duplication should only consider a file a duplicate if it has (1) the **same hash value** AND (2) the **same family relationship**. For example:
 - A stand-alone word document and the same document attached to an email have the **same hash value** but **not the same family** relationship. These are **NOT considered duplicates**.
 - An email with an attachment exists in two different locations. They have the **same hash values** and **same family relationship** (message w/attachment). These are **considered duplicates**.
 - An Excel file from a computer hard drive and an Excel file with the **same name** is found on a server. The hard drive file has been modified more recently and has a **different hash value**. These are **NOT considered duplicates**.

Processing Specifications: De-Duplication

Once duplicates are identified, different ways to treat them:

- **“Global” or Horizontal De-Duplication:**
 - Only a **single instance** of each file - the one processed first - is kept at a family level in the database.
 - Biggest reduction
 - To be effective, all data needs to be processed through the same processor.
- **Per custodian or Vertical De-Duplication:**
 - Remove duplicate documents within each custodian's collection. Multiple instances of that file would be kept in the database – **one in each custodian**.
 - Preferred when data will be processed by different processors/software
- **No De-Duplication:**
 - All duplicate documents will be loaded,
 - Largest number of documents for review and categorization in the database. This will result in multiple copies of documents both outside and within custodians.

Reducing Data Sets

- Search Terms
 - **Development & Testing**
 - Avoid result based selections
 - Be careful of expanders
 - Pairing common words if need
 - Use concept searches where available
 - Review unique hit and total hit lists
 - Negotiate with opposition?
 - **Apply at processing or in platform?**
- Early Case Assessment (ECA) Tools
 - Reviewing or preview documents without full processing
 - Limits – often extracted text not full documents
 - Limited Usefulness
 - Cull at collection
 - Lower processing costs

Technology Assisted Review (TAR)

- Overview of Techniques to Reduce Data Quickly
 - **Categorization** (Likely Responsive or Not)
 - Code seed sets, apply to document set
 - Repeat until stabilization achieved
 - Review documents identified as likely responsive
 - **Domain Parsing**
 - Categorize emails based on sender/recipient domain (xxxxxxx.com)
 - Remove junk domains (amazon.com, draftkings.com)
 - Identify law firm domains to quickly identify privilege
 - **Conversation Threading**
 - Organizes emails by conversation threads
 - Allows review to be limited to “inclusive” emails – cutting number
 - Doesn't remove from database

Thanks For Attending!

Lexbe Features

Core Components of the Lexbe Platform Include

- Logic Coding Rules
- Automated Workflows
- Integrated Translation Capabilities

Lexbe Flexible Pricing

Affordable eDiscovery

Lexbe has cost effective and flexible pricing plans to fit the way you do business and help you compete for more cases.

- **Zero User Fees-** You can have an unlimited number of users in the platform at no additional cost.
- **Zero Set-Up Fees-** Purpose-built to support boutique law firms involved in complex litigation, the Lexbe e-discovery cloud platform doesn't require custom setup.
- **Zero Case Fees-** You can have an unlimited number of cases in the platform at no additional cost. You simply pay for the amount of data in the platform.

OnDemand eDiscovery Processing

Security

Secure Processing Environment -- Lexbe On-Demand processing is powered by Amazon S3 servers to facilitate redundancy and the high security standards. All data is strong encrypted (256-bit) in-transit and in-place. All Data centers are US based, and provide SOC I and II reports published under SSAE 16 and ISAE 3402 professional standards and are ISO 27001 certified.



Thank You

Thank You For Attending

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- A recorded streaming version
- MP3 podcast
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Lexbe eDiscovery Platform

Learn More About Lexbe

- The Lexbe eDiscovery Platform, is our cloud-based processing, review and production tool. Designed for Attorneys/legal staff to be DIY and easy to use, with no users fees or case fees. Free standard loading with annual plans.
- Learn about our high-speed/high-capacity eDiscovery services, and expert professional services.
- **Request a personalized demo and expert consultation today!**



'Cost-effective eDiscovery'



'Lexbe cost advantages, SaaS convenience and search capabilities appeal to many small firms'



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



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