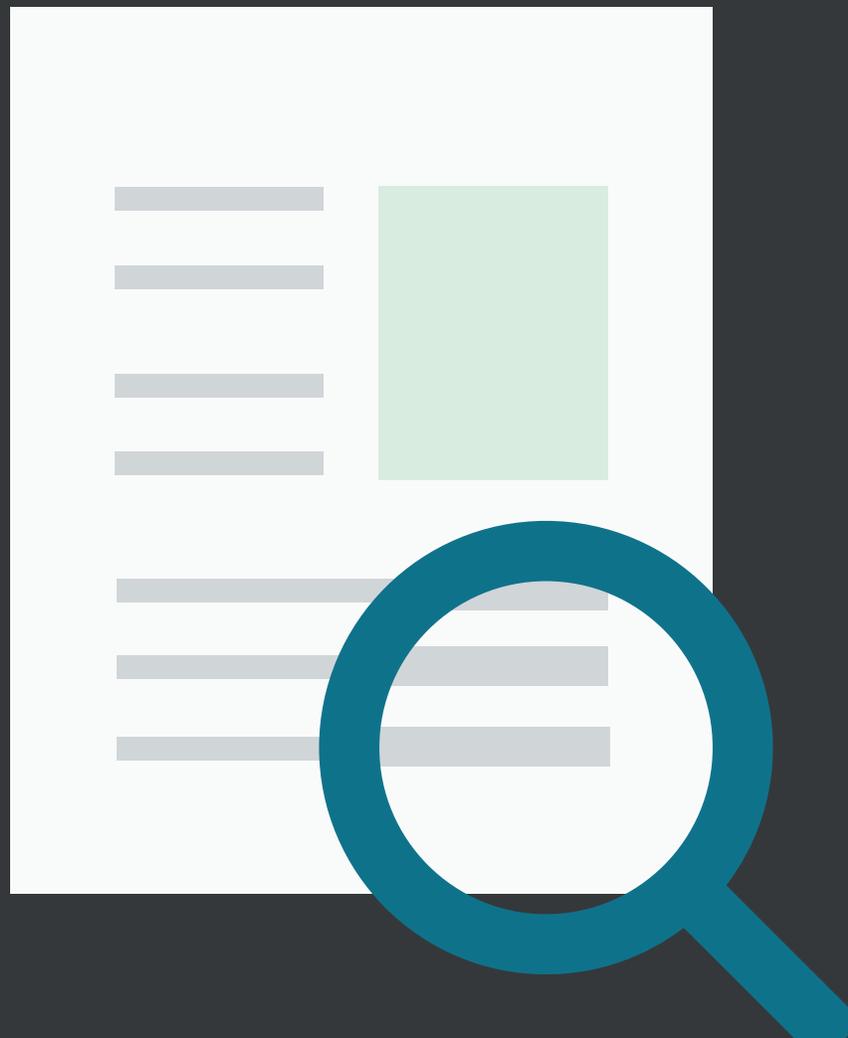
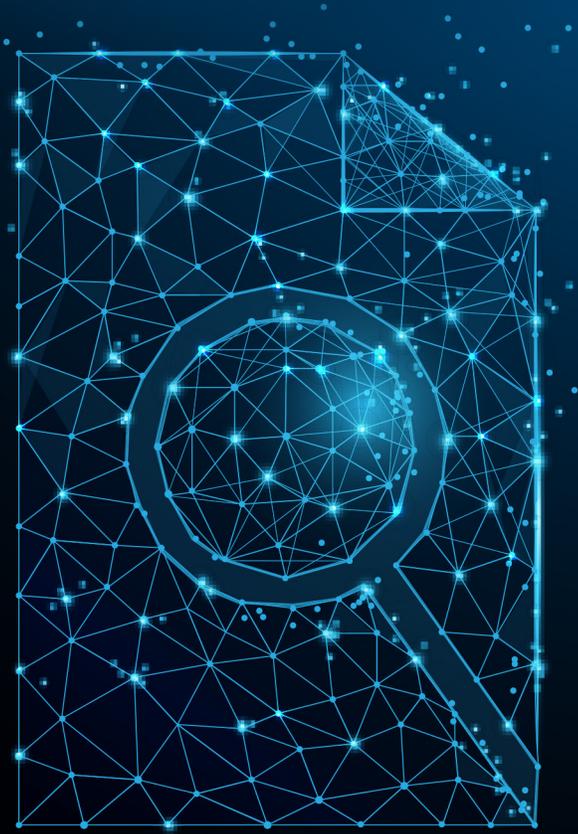


Choosing the Best Solution for Efficient Document Review





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Executive Summary

The digital universe is growing at an exponential rate—expected to reach 44 trillion gigabytes by 2020—and creating a big, expensive problem for litigators and internal investigators who are tasked with mining through an increasingly massive mountain of documents. Early ediscovery software that delivered few advantages over paper-based processes has been replaced by sophisticated, easy-to-use solutions that can accelerate review as well as store and manage large volumes of data. But not all tools are created equal. This paper outlines the challenges and complexities of ediscovery review, the different ways technology can help, and what legal teams should consider when choosing a new solution.

Introduction

As digital technology transforms every aspect of our work—and lives—the amount of data in document reviews has grown dramatically. In turn, document review has become increasingly burdensome. The review process may now include millions of documents of various kinds—instant messages, social media posts, emails, voicemail, CAD files, presentations, databases, and many others. Sifting through this data to find relevant documents takes time and money. All else being equal, the more documents—and the more types of documents—there are to review, the more expensive the litigation will be.

Collaboration can be another expensive challenge, and that problem only increases with multiple participants in different locations. For example, in-house and outside counsel can struggle to work together effectively, especially when they're in different parts of the country.

Fortunately, review tools have evolved over the last few years to meet the challenge. The most effective ones feature intuitive user interfaces for conducting discovery, time-saving capabilities like predictive coding that can reveal the hidden details of documents at scale, and tools that enable secure collaboration with colleagues, business partners, and inside or outside counsel. A thorough review will always take time, but technology can go a long way toward streamlining the process and reducing costs.

What does an efficient review look like?

It's possible to reduce the time required for a review by simply speeding up individual steps in the process. Shaving 850 milliseconds off a 1-second process might not seem like much, but it can save hours in a review that involves thousands of documents, or days in one that involves millions. Tightening feedback loops can increase your efficiency even further, allowing stakeholders to make faster decisions and correct mistakes more quickly.

In addition to simply improving performance, technology can accelerate document review in many other ways as well. Typical ediscovery tools cover the bases on document review, but that approach misses the bigger picture and fails to deliver the most value because review is only a minor portion of a litigation or internal investigation. When a legal team is able to collaboratively discover information, reveal its underlying structure, and act on those insights, the team is set up for an efficient review.

Discovering Information

The first step in maximizing efficiency is to ensure that you have a solution capable of quickly ingesting data, searching for relevant documents, reviewing/tagging, and creating productions. Often, the discovery phase itself is the most labor intensive part of the process, so it's extremely important that the software be responsive and easy to use.

Software look-and-feel is not just about attractive fonts or pleasing layouts. It's about delivering a simple, elegant experience like the one you get from your iPhone, or from online services like Google and Spotify. In the discovery phase, this might translate to a fast, accurate search function that delivers important information immediately.

It might also mean an intuitive interface that speeds up onboarding, reduces the need for training, and provides ready access to all essential features. A well-designed interface is a sign the vendor has a high level of technical expertise and that they consulted with customers to understand their needs rather than simply bolting a legal workflow onto an existing enterprise search product.

Some key features that indicate that your solution is going to help you conduct a highly efficient review would include:

Self-serve uploads and productions

Being able to upload and produce documents can save firms, corporations, and government entities massive amounts of time. It also gives them more control over the process, and allows them to easily QA a random set of documents and redo any protocols that aren't correct.

Keyboard shortcuts

Using the keyboard exclusively rather than switching between keyboard and mouse can save a tremendous amount of time over the course of the review. Again, even milliseconds add up in the aggregate.

Instant search results

By eliminating the usual wait that occurs while a search processes, a reviewer can quickly iterate on their query until they have it just right, shortening the time to begin review.

Automated redaction tools

As private or confidential information is identified, redaction tools built into an ediscovery technology can be a huge time saver for a traditionally manual process. Redaction tools that go beyond standard functionality—such as redacting for patterns, native spreadsheet, or global batch redactions—help users spend less time on the cumbersome process of applying redactions.

We've organized questions to consider as you evaluate a new solution:

Usability

How intuitive is the user interface? How quickly can new users learn and begin operating the system?

Uploads/Productions

Are there self-service options? What kind of configuration options are available? What type of reports are available?

Search

Is search fast and accurate?

Review

Is it customizable? Can reviewers configure a review window that is most efficient for their needs? Are there tools for enabling faster and more consistent review?

Revealing hidden details in the data at scale

In many discovery tools, data such as chats, audio/video files, CAD drawings, or project management files are left in the dark during discovery. These tools have historically been challenged by the speed of filetype innovation and often struggle to bring this data to light without relying on third party applications. Tools that can rapidly innovate and make this data accessible provide legal teams the greatest opportunity for success.

To effectively analyze data, legal professionals need to understand it. When using the right tool, they can leverage powerful technology to expose hidden details of documents at scale. Features such as data visualization and predictive coding are often deemed complicated by the average user. But when used correctly, they can speed up review times as they direct teams to the most likely relevant documents in the set. Historically, analytics tools were built for experts or certified users so the perception of complexity is not entirely misled. Innovation to these functionalities, such as creating accessible and yet defensible predictive coding models, has improved the efficiency of the reviews.

Some key features that indicate that your solution is going to help you conduct a highly efficient review would include:

Accessible predictive coding

Allowing users to easily create predictive models, will quickly help surface the documents that are most likely to be relevant or can ensure quality control in a collaborative document review.

Insightful visualizations

Early exploration of a document corpus through interactive, customizable data visualizations makes it possible to explore documents at a glance without the need to review individual documents or conduct a predetermined search.

Hidden data analytics

Bringing data to the surface that often remains hidden during document review—such as foreign language documents, chat files, or audio/video files—shaves time off of a review and the additional cost of outsourcing the exposure of the underlying information.

We've organized questions to consider as you evaluate a new solution:

Accessible predictive coding

Is predictive coding an add-on to the technology? Is it easily accessible by those users with proper permissions? Is the model defensible?

Purposeful visualizations

Does the technology offer visual representations of the document corpus? Can the visualizations be used to filter a document set?

Handling tricky file types

How does the technology handle foreign language documents? Can audio/video files be played directly in the platform? Are audio/video files transcribed? How are spreadsheets displayed? Can they be redacted?

Evergreen chat files

Are chat files displayed in a way that is easy to consume? What happens if a chat file is not supported by the technology?

Acting on the information, securely and collaboratively

Rarely does a review occur in a vacuum. There is an incredible amount of collaboration that needs to take place both internally and externally during discovery. Previously, collaboration tools were overlooked or considered a 'nice-to-have' in an ediscovery platform—but today, they are essential for success.

Whether it be a direct conversation, accessing the same document at the same time, sharing specific documents or even creating team workflows, it's important for everyone involved—reviewers, partners, project managers, and often clients or experts—to be able to securely discuss the case. Today, ediscovery tools are streamlining that collaboration by incorporating sharing and communication tools in their platform or offering add-on technologies at an additional cost.

The need for collaboration doesn't end after productions. In fact, as the review progresses, it is crucial that teams begin to organize their thoughts and important documents in order to prepare for the work that happens post-review. Often, this type of organization and narrative building is done in a word processor or a third party tool. While it is useful to have a technology solution to support narrative building, disjointed tools are an inherent security risk as documents move from technology to technology.

Some key features that indicate that your solution is going to help you conduct a highly efficient review would include:

Collaboratively organize key documents

All too often, firms wait to organize relevant documents until after the review concludes. Starting this process during review is much more efficient. With the right tools, firms can organize critical information as it's received into narrative building tools.

Monitor accuracy

By using case analytics to track the speed and accuracy of individual reviewers, case administrators can spot discrepancies, fine-tune workloads, and offer additional training where necessary. This also minimizes the amount of time spent correcting mistakes along with the risks of missing relevant information entirely.

Real-time collaboration

Users need to communicate with one another throughout the review, particularly when working from different locations. Technology can help with features like user-tagged activity audits, automated versioning of outlines, and in- platform messaging, which allow far-flung users to work together more effectively.

We've organized questions to consider as you evaluate a new solution:

Data access

What types of user access controls does the system provide? Are features like multi-factor authentication or Single Sign-On available?

Narrative building

What functionality does the platform offer when it comes to post-review tools? If they are available, how much collaboration can take place?

Matter management

Does the technology offer case templatization? What type of visibility and control is offered for an admin while looking across all matters?

Conclusion

Not all ediscovery solutions are created equal, and the industry continues to undergo considerable transformation as ediscovery review challenges evolve. By tapping into features that provide real efficiency benefits, firms can overcome many of these challenges while significantly reducing the cost and time burden involved in review.

About Everlaw

Everlaw is a collaborative, cloud-based litigation platform for corporate counsels, litigators and government attorneys that enables teams to discover, reveal, and act on information to better drive internal investigations and positively impact the outcome of litigation. Unlike slow, unwieldy, client-server software and expensive third-party service providers, only Everlaw combines speed, security, and ease-of-use into a unified, comprehensive solution that unlocks the collaborative power of teams and enables them to investigate issues more thoroughly, uncover truth more quickly, and present their findings more clearly.