

CASE STUDY: HOW TO SUCCESSFULLY COMBAT EXPLODING DATA SETS AND CONTROL DOCUMENT REVIEW COSTS USING ANALYTICS

INTRODUCTION

Controlling the cost of litigation often seems like an impossible endeavor. Litigation budgeting has always been challenging because of the unpredictable nature of cases and the inescapable fact that you cannot control the burdens imposed by your adversary, the court, or government agency. The variables of this elusive equation have become more difficult to identify with the exploding volumes of electronically stored information (ESI) in today's business world. Data explosion presents an incredible obstacle to overcome in properly analyzing and resolving a legal matter in modern litigation and investigations.

Today there are many factors to consider while containing costs and combatting exploding data sets. For Example, you may question: What kind of data retention/governance has been in place with each party? What types of data are relevant to the matter and the level of importance for each data source? Should we consider all forms of communication like text, chat, and social networking as relevant or potentially responsive? What data sources are even feasible to collect and preserve?

There are so many factors that must be considered before you even get to the point of strategizing the document review. But, once you have accomplished the enormous task of identifying, collecting, and preserving the data, you will almost always be overwhelmed with the volumes collected. Reducing these volumes down to manageable/reviewable sets of organized data is imperative. This phase is where implementing Data Analytics, and visualization capabilities stand out for the support they provide in facilitating legal analysis, case comprehension, and document review acceleration without sacrificing quality.

Elite Discovery has perfected a process to combat exploding data sets while controlling costs that incorporates expertise in all aspects of discovery from data preservation to document production. In this case study, we will outline a real-life scenario leveraging advanced technologies and proprietary reporting Elite Discovery employed to reduce a large population of data saving the Client substantial time and review cost.

SYNOPSIS

Client A received a request for production that included the need to search and find emails and other corporate documents for a period that spanned several years for approximately 15 custodians. The Client elected to perform the data collection themselves in-house. The volume of data after collection from several sources, including on-premise email servers, cloud email providers, and document management systems, consisted of 212 GB and 256,543 documents. The Client's deadline to produce data from this data set was less than two weeks.

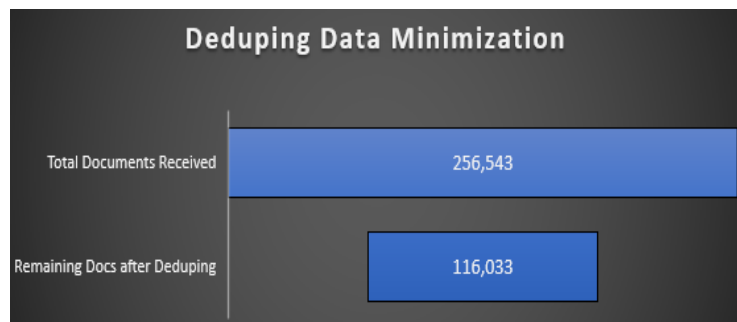
DATA MINIMIZATION

Elite engages directly with clients to understand the nature of every data collection and any nuances or specific needs that arise as a result of processes or preservation practices employed by those responding to requests. Once we have an in-depth understanding of the data sources, whether it is collected in a forensically sound manner by Elite or other third-party services or we are provided with a collected set, we will perform early data analysis. Our analysis will determine what data-minimization efforts will have the most significant impact and ultimately provide the most refined data set for review. Once the final review pool is determined, Elite Discovery will advance to review prioritization.

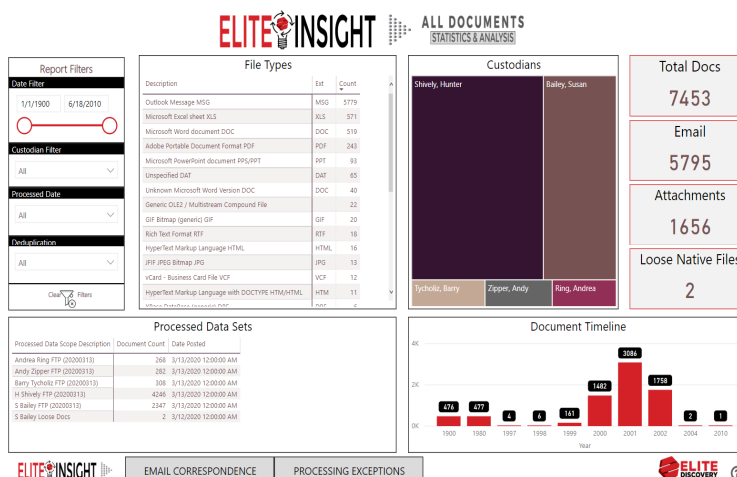
Traditional Deduplication

Deduplication refers to the process of identifying identical documents in a data set. Identical documents are then suppressed from the data set to reduce the overall volume.

Traditional deduplication is the first phase of data minimization on data sets that do not require DeNISTing**. Given the election of the Client to self-collect from several sources that could potentially have overlapping data, it was apparent that traditional deduplication would have a significant impact on the data set. Using the Viewpoint eDiscovery Platform, we were able to identify that 140,510 documents and 115GB of the data provided from the Client's self-collection efforts were duplicative. After consulting with the Client on the benefits of removing duplicates from the data set, we reduced the volume to 97GB and 116,033 documents, a 54% reduction in size within the first phase of data minimization.



Elite Insight Analytics & Visualization

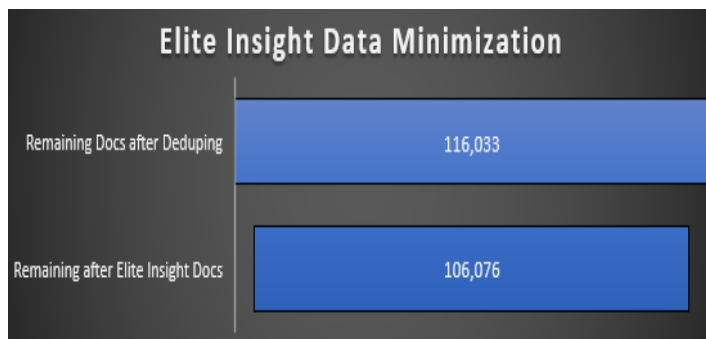




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Elite Discovery has developed a proprietary application that utilizes the metadata and text from a data source to present an in-depth look with data visualization of each data set called Elite Insight. The interactive report allows clients to use their unique understanding of the matter and the data within it to further carve up review sets for either culling or organization during the review.

The Elite Insight report allowed us to consult with the Client to obtain further clarity on the data set collected, gaining actionable insight to develop a clear strategy on how to move forward in the discovery process ahead of the review. Utilizing irrelevant subject lines identified in the report, words, or phrases and email domains, we were able to further reduce the data pollution by 8.33 GB and 10,415 documents. Leaving 89 GB and 106,076 documents to review. An additional 4% reduction from the initial data population.



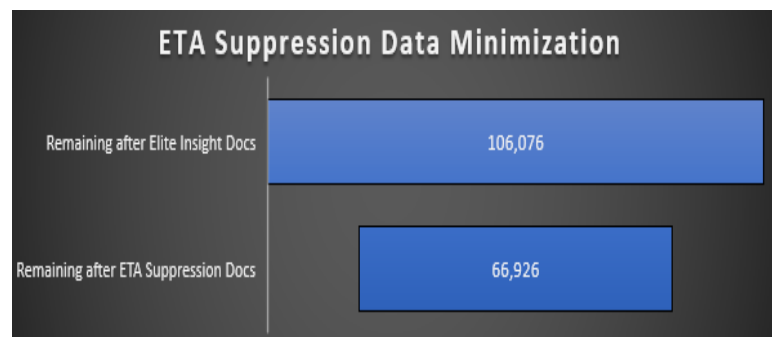
Email Thread Suppression

Viewpoint has many built-in and fully functional advanced tools for early case assessment, culling, and organizing data sets for review. These include concept analytics, relationship analysis, near-deduplication ("ND"), sentiment analysis, email thread analysis ("ETA"), and technology-assisted review. During this case study, the

application of Viewpoint's email thread analysis and thread suppression proved to be highly beneficial in minimizing the final review set.

"Email Threads" refers to the threads of related emails going back and forth between participants, which often contain within themselves the text of the messages that preceded them. The single email at the end of the thread may contain the complete thread within itself. Such emails are called "inclusive emails." Elite Discovery offers multiple eDiscovery platforms that will give you the option to identify inclusive emails and limit review to just those, excluding from the review set all of the individual preceding emails by suppressing them out of review. When applying email thread suppression methodology – you need to understand any limitations involved. For Example, can the review decisions be propagated to proceeding emails within a thread prior to production, or will you only produce the "inclusive emails" not suppressed from review.

Once the Email Thread Suppression process was applied, we consulted with the Client on the benefits of its application to the final review set. By leveraging ETA/Suppression, we reduced the document population by an additional 39,150 records, leaving just 66,926 documents for potential review out of the initial 256,543 collected. A further reduction of 14%.



CONCLUSION

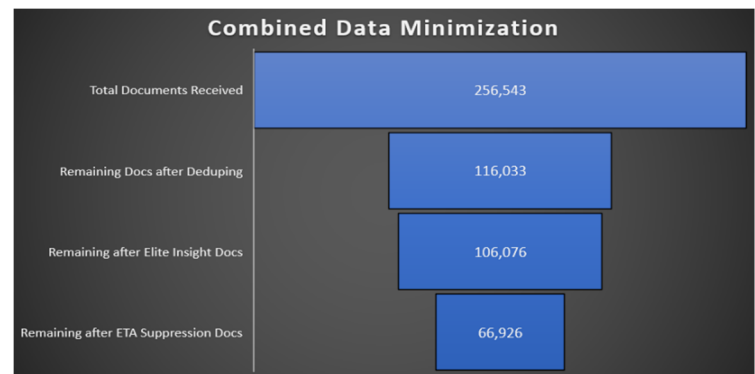
Numerous analyses have established that document review is far and away the most expensive discovery activity.

- One [research study](#) estimated that 73% of the total costs to produce materials in discovery are attributable to document review
- Another study estimated that 59% of the total cost to produce materials in discovery are attributable to document

The reason for these significant costs is the irreducible need for qualified people to spend time looking at a considerable number of documents to make nuanced determinations about their relevance, their privilege, and much more. For many law firms and corporate legal departments, document review projects can quickly scale to a size that can be difficult to manage in-house. As the volume of data continues to explode, staffing can change, or inhouse technology does not meet the needs of the case. For many corporations, the quest to rein in litigation costs and contain their legal spend is a priority of analysis. At Elite Discovery, we focus on strategies that can influence the cost at every stage of the discovery process, especially containing the cost of document review. By combining the latest eDiscovery software, artificial intelligence, and our deep analytical expertise with highly skilled data analysts - we successfully navigate every aspect of a document review to drive lower costs without sacrificing quality.

During our case study, Client A was presented with the challenge of reviewing a bloated data set that spanned several years across 15 custodians. The initial volume collected consisted of 212GB and 256,543 documents.

Untouched by data minimization processes, this data set would have been an overwhelming amount of data to review within the Client's production deadline resulting in substantially inflated discovery costs. After consulting with the Client and gaining an in-depth understanding of the data set and the Client's goals and deadlines, we were able to successfully apply our data-minimization methodology to reduce Client A's data set from 256,543 to 66,926 documents. Given the industry average document review rate of 60 documents per hour, Elite Discovery managed to eliminate 189,617 documents leading to 3,160 hours of potential attorney review time. Thus, helping Client A combat the exploding data set presented while containing costs and meeting the discovery requests submitted within the established deadline.



Elite Discovery further assisted Client A in making determinations about the handling of families, near-duplicates, and benefits of applying technology-assisted review methodology to the finalized document review set. The review model Elite Discovery built established prioritization and sent documents most likely to be responsive to the reviewers first – creating greater efficiency within the review.



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FOR MORE INFORMATION

Elite Discovery is a nationally recognized and award-winning alternative legal service provider for law firms, corporations, and government agencies. Elite Discovery is where state-of-the-art legal technology combines with award-winning customer support to unlock the collaborative power of eDiscovery experts and legal teams. We help clients bring sanity and order to their eDiscovery matters while orchestrating communications between people, processes, technology, and data. Elite Discovery services include Digital Forensics, eDiscovery Processing, Secure Hosted Review, Managed Attorney Review, and Global Deposition services.

Elite Discovery offers exceptional customer service with a commitment to responsive, transparent, and timely communication to ensure clients remain informed throughout the entire discovery life cycle. Elite Discovery will partner with you to help formulate effective strategies to optimize your review and discovery process before, during, and after the meet and confer. Engage with Elite Discovery; we're ready to help.



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