

Legal Case Study

“I can get by with a little help from my friends.”

That could be the story of a large Missouri-based general practice law firm and its relationship with Digital Current.

The firm was both capable and experienced, but it had no inside litigation support group. As a result, it had previously used Digital Current for traditional paper-based legal discovery services, such as copying, imaging, coding and database management.

While preparing to defend a client, attorneys at the firm found themselves facing a three week deadline for process and review of over 350 GB of raw data, or about 27 million pages of documents. The firm had limited experience working with electronically stored information (ESI) and Electronic Discovery, and its lead attorney on the case had never worked with ESI before. To further raise the stakes, the plaintiff firm was very technology savvy and had lots of ESI experience.

Since the client’s staff knew and trusted Digital Current, and had been consistently pleased with our previous work and quality, they asked about our Electronic Discovery processing capabilities and how we could address this massive looming project. As discussions proceeded over the following days, the law firm and Digital Current discussed specific needs, requirements, milestones, time frames, and how the project would be handled.

A lot of data to review

One of the biggest challenges with electronic documents is managing the very large volume of pages that require review for a case. The client’s goal was to narrow the 350 GB of data to a smaller volume, excluding as many non-relevant files as possible without excluding something that would be key to the case.

Digital Current performed a preliminary review of the 350 GB in order to generate reports about the file types and date ranges that it included. From there, we used deduplication and client-specified search terms to further narrow the data, which produced just over 1 GB of data for the client’s attorneys and paralegals to review.

At that point, the client believed that it had narrowed the data appropriately and had completed the necessary Electronic Discovery processing, making it ready for manual review before production to the other side.

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“Something doesn’t look right”

As Digital Current looked closely at the processed data through our combined lenses of understanding and experience with Electronic Discovery, we became seriously concerned with the results.

Of course, the computer processes had performed just as they had been programmed. But we were concerned that in the client’s desire to identify only the most case-relevant documents from the original data, it had overly-narrowed the search parameters. That meant that it was likely missing key documents, which could lead to professional embarrassment and loss of credibility, as well as court sanctions.

When Digital Current shared its concerns, the client was both sorry and pleased to receive them. While it had been delighted only have 1 GB of data to manually review, it was sorry to learn that it probably needed to consider more data. On the other hand, it wanted to be sure all relevant documents were discovered.

And so the client accepted the Digital Current recommendation and directed our technical staff to proceed with a second, broader pass, which yielded significantly more potentially relevant data, roughly 18 GB.

During this entire time, the whole group had its eyes on the calendar because the court deadline continued to race closer and closer. As a result, the client’s attorneys had begun reviewing the data from the first pass as soon as it had become available. Subsequently, the results of the second processing pass came in quickly enough for the client to complete its eyes-on review and produce to the plaintiff by the court deadline.

Total transformation

No one had been more amazed at the transformation in circumstances than our client. Having faced a truly overwhelming 350 GB task just three weeks prior, only to actually meet the deadline, made the client a quick but entrenched believer in Electronic Discovery. Certainly, there had been costs involved. But they were a drop in the bucket compared to the expenses of a) manually reviewing 350 GB of raw data and/or b) court sanctions.

Digital Client had gotten the client to its deadline with a combination of consultative sales, nimble response times, powerful software options, and technical and industry expertise, all ultimately made possible through old-fashioned hustle and good customer service.

That was all probably more than just “a little help,” but Digital Current was nonetheless pleased to have qualified as one of the client’s friends to which it looked when it needed to “get by.”