

Getting Beyond Words and Toward Meaning in eDiscovery



A LexisNexis eDiscovery Report



Since the earliest days of eDiscovery,


litigation professionals have used software technology to search for specific words within documents and return individual documents of potential relevance to them for closer inspection. We're now at a point where those tools and the people who use them need to move beyond searching for certain words -- and instead search for meaning, according to leading data science experts.

To dive deeper into this new era in litigation data science, LexisNexis recently sponsored a webinar hosted by EDRM, a guidelines and standards organization that creates practical resources to improve eDiscovery and information governance. The program moderator was George Socha, co-founder of EDRM and a nationally known eDiscovery consultant, and the guest presenter was Thomas Barnett, special counsel for eDiscovery and data science at Paul Hastings LLP. In addition to being an experienced litigator himself, Mr. Barnett is considered one of the world's leading experts in the areas of advanced data analytics, predictive coding and technology-assisted review.

Mr. Barnett noted that most of the eDiscovery technology currently available in the legal industry relies primarily on the text of the documents. This is typically done by either matching combinations of words with traditional keyword search, or by searching across all of the words in a document as with predictive coding search. However, "any good lawyer seeking information about a case considers far more than just the particular words that were used in a communication," said Barnett. "The background, foundation and context for the information is essential. This is just a basic rule of how we communicate with the people around us every single day, but it is not how the vast majority of current eDiscovery technology works."

Mr. Barnett explained how -- in addition to the text within a document -- other information can be analyzed to better understand and derive knowledge from the data. The primary example of this for purposes of eDiscovery to date has been Metadata. This is the information that accompanies documents but that is not part of the actual document itself -- such as the date and time the document was created, when and how it was modified, the time an email was sent, when it was opened, etc.

The new frontier is now Entity Data, which is information contained in the text of documents that can be identified and classified into pre-defined categories. So instead of looking at the text of a document solely as a string of characters, this approach incorporates knowledge about the various elements of the document and asks: "What do the words in the document actually mean?"



Other “layers” of structured data that Mr. Barnett anticipates will be of increasing importance as we move beyond words and toward meaning in eDiscovery include:

- **Semantic Layer** – this is a level of analysis that maps complex data into familiar business terms, such as “Person” or “Company” or other broad semantic terms, to simplify the complexity of business data;
- **Event Layer** – this is an advanced data analysis that helps provide contextual understanding of how certain data is related to other pieces of data within a document; and
- **Sentiment Layer** – this refers to the emotional nature of various words within a document and uses technology determine whether the opinion being expressed in writing is positive, negative or neutral.

“These new areas of advanced data analytics are more than academic exercises for scientists,” said Mr. Barnett. “They help us reconnect at a very basic level with why we do eDiscovery in the first place. The reason we collect and analyze evidence is to help us piece together a story that we can tell to a judge, jury or investigator, based on the facts in front of everyone in the proceeding.”

Mr. Barnett and other data scientists in the field contend that, once we get past searching for words in documents and are more effectively searching for meaning in those documents, we’ll be better able to surface the right data that will help litigators tell the best possible story in the representation of their clients.

“For practicing litigators who were trained to use technology to search for specific words within text, it can feel overwhelming to try to get your arms around this sort of esoteric paradigm shift in the way we think of data,” said Mr. Socha. “At the end of the day, it’s important to just use whatever software tools you have now to the best of their capabilities. If we all just do that and then share our thoughts and questions with each other, we’ll be better prepared for what the future may hold in eDiscovery.”

LexisNexis offers advanced software solutions that assist litigation teams with the preservation of data and collection of early-stage electronic evidence. They include the following:

LexisNexis Early Data Analyzer

LexisNexis® Early Data Analyzer is an industry-leading eDiscovery processing tool that filters a large amount of data in its source location— without moving it—to eliminate duplicate, irrelevant and non-responsive files before review.

LAW PreDiscovery

LAW PreDiscovery® enables a team to further preview and cull eDiscovery and scanned documents. During production, its flexible batch processing controls and native file import/export engines generates images that are more exact and universally compatible.

About the Experts



Thomas Barnett is Special Counsel, eDiscovery and Data Science at Paul Hastings and is based in the firm's Los Angeles office. Mr. Barnett is a widely recognized eDiscovery expert and experienced litigator. He assists global corporations, law firms, and governmental entities with process and technology development and improvement in eDiscovery, document review, and information governance programs. Mr. Barnett frequently serves as a consulting and testifying expert on all aspects of eDiscovery, information and data management, and regulatory compliance issues in large complex litigation and enforcement matters. He is considered one of the world's leading experts in the areas of advanced data analytics, predictive coding, and technology-assisted review.



George Socha is the co-founder of EDRM and the president and founder of Socha Consulting L.L.C., an electronic discovery consulting firm. Mr. Socha is an advisor and expert witness who focuses on the full range of electronic discovery activities. His clients include corporations, governmental agencies, legal vertical market software and services providers, investment firms and law firms. Before launching his consulting firm, Mr. Socha spent 16 years as a litigation attorney in private practice. He received his law degree from Cornell Law School and his undergraduate degree from the University of Wisconsin-Madison.

About LexisNexis Litigation Solutions

The LexisNexis Litigation Solutions portfolio helps law firms and legal departments streamline all phases of the litigation process. For the eDiscovery phase, LexisNexis® Early Data Analyzer, LAW PreDiscovery®, and Concordance® handle processing and reviewing. CaseMap® covers fact management, while TextMap® helps automate the depositions phase. For jury presentations, TimeMap® is an drag and drop timeline tool, and Sanction pulls shared data from other programs for jury presentation. Learn more about www.lexisnexis.com/litigation.

About LexisNexis

LexisNexis Legal & Professional is a leading global provider of content and technology solutions that enable professionals in legal, corporate, tax, government, academic and non-profit organizations to make informed decisions and achieve better business outcomes. As a digital pioneer, the company was the first to bring legal and business information online with its Lexis® and Nexis® services. Today, LexisNexis Legal & Professional harnesses leading-edge technology and world-class content to help professionals work in faster, easier and more effective ways. Through close collaboration with its customers, the company ensures organizations can leverage its solutions to reduce risk, improve productivity, increase profitability and grow their business. LexisNexis Legal & Professional, which serves customers in more than 175 countries with 10,000 employees worldwide, is part of RELX Group plc, a world-leading provider of information solutions for professional customers across industries.

Learn More >



www.lexisnexis.com/litigation



866.448.5948



LitigationSolutions@lexisnexis.com



LexisNexis, Lexis, Nexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Other products or services may be trademarks or registered trademarks of their respective companies. © 2016 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.