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PRACTICE TIP

Defining Success When It Comes To Legal Technology Training Programs

By Judy Carter Reynolds

Software trainers find the need for computer training to be never-ending. In many firms, training programs abound but users don't seem to be gaining ground fast enough to master the array of applications on the desktop.

Frustrations among users rise with the need for speed in productivity and also for trainers as they fight for training time, training resources, and willing participants. Yes ... willing participants. End-users aren't motivated to attend training that is stressful, discouraging, or a waste of time; often defined as any training experience that does not provide skill retention and mastery.

AVOIDING FEATURE-FOCUSED TRAINING

Training programs become stressful when the training agenda is focused on learning a laundry list of features. Training time is typically low but the list of required competencies is not, so software trainers feel obligated to cram in as much as possible. The result is a stressful experience all around.

Typical training plans emphasize product-based objectives defined by software trainers who identify essential features, and

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Electronic Discovery Year in Review: Where We've Been, Where We are Going

By Courtney Ingraffia Barton

Last year was explosive for the electronic discovery industry. From enormous jury verdicts to proposed changes in the federal rules, the legal and business landscape for e-discovery has never been more in flux. While more e-discovery vendors have entered the market this year, mergers have also consolidated the industry like never before. Meanwhile, case law continues to grow to include not just the very well publicized sanctions cases, but also opinions that have honed in on some of the technical challenges of e-discovery.

2005 ELECTRONIC DISCOVERY LEGAL DEVELOPMENTS

Litigation Holds

Although sanctions cases, such as *Zubulake* and *Morgan Stanley*, took center stage this year, the litigation hold was an issue of concern. Courts have also become mindful that the burden of implementation and enforcement of these holds extends to outside counsel. For example, in *Heng Chan v. Triple 8 Palace*, the court noted that:

"The preservation obligation runs first to counsel, who has 'a duty to advise his client of the type of information potentially relevant to the lawsuit and of the necessity of preventing its destruction Where the client is a business, its managers, in turn, are responsible for conveying to the employees the requirements for preserving evidence Thus, once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents.' When the failure to meet these obligations results in the destruction of evidence, sanctions are warranted. And, though the nature of the sanction depends in part on the state of mind of the destroyer, some remedy may be appropriate even where the destruction is merely negligent."

Similarly, in *Clark Construction Co. v. City of Memphis*, the court admonished the defendant for allowing a destruction of evidence by an employee in light of its

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E-Discovery

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litigation hold obligations. The court found that the destruction of documents was grossly negligent and ordered a rebuttable adverse inference instruction.

Form of Production and Inaccessibility

As the proposed Federal Rules were passing through the Judicial Conference, a few cases offered a glimpse of what may come with respect to case law interpretation of some of the new terms found the rules. In *Williams v. Sprint/United Management Co.*, the court held that when Excel spreadsheets are ordered to be produced in the form in which they are ordinarily maintained, a party must produce them with the metadata intact.

This case is the first of its kind to interpret language that is part of the new Rule 34, which outlines a default provision for the form of production of electronic information. That rule states that if a request does not specify the form or forms for producing electronically stored information, a responding party must produce the information in a form in which it is ordinarily maintained or in a form that is reasonably usable. While an argument can be made that the *Williams* holding should be limited to the production of Excel spreadsheets due to the unique characteristics of the metadata in those files, as technology changes, we will likely see more cases like this one interpreting "ordinarily maintained" and other terminology.

Similarly, language that will ultimately be added to Rule 26(b) regarding

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undue burden and accessibility of data was at issue in at least one case this year. In *United States of America v. Ameri-cagroup Illinois, Inc.*, the court held that the burden was on the responding party to prove by "affirmative and compelling proof." that producing e-mails on backup tapes constituted an undue burden. After reviewing the evidence, which showed that to restore the backup tapes would be costly in terms of "expense, equipment and manpower" (18 weeks of manpower to complete the restoration), the court held that "in the hierarchy of accessibility, it is clear that electronic data stored on media such as the backup tapes involved here is near the bottom." Thus, even the current rules and case law, accessibility of data is already a consideration in the discovery context.

2006 ELECTRONIC DISCOVERY INDUSTRY PREDICTIONS Areas of Litigation

What is clear from the cases above is that *all* industries must be vigilant in their e-discovery process. Each one of these cases involves a different type of litigation and a different type of business. What is also apparent is that electronic discovery is here to stay. The proposed federal rules and commentary by judges this year have made it clear that parties — and their lawyers — must become educated about technology. No longer will courts tolerate an attorney who does not understand his or her client's IT systems, and judges will likely have less patience for the attorney who shows up to court unprepared to discuss the likes of "accessibility" and "backup tapes."

The good news is that the legal profession — even corporate counsel, long reliant upon outside counsel in matters of discovery — is taking note. This was clear from several of the sessions on e-discovery and document retention at the Association of Corporate Counsel meeting held in October. The overall focus of that conference was on compliance, which corporate counsel now understands includes document retention and litigation preparedness with respect to electronic documents. In fact, a study of corporate general counsel conducted

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Ideal Case Management Implementation

By Shannon Hampton

Legal case management software is a valuable tool that law firms use to efficiently manage legal cases. However, while the application provides attorneys with a convenient method of effectively managing client and case information, there is a clear disconnect in many law firms that occurs at the point of implementation.

A great illustration of this disconnect is the data from the 2004-2005 American Bar Association Legal Technology Survey. It found that while 41% of respondents reported having case management software available, only 18% personally use it. (*Editor's Note: See our exclusive Special Report on the ABA Tech Survey inside the January 2006 issue of Legal Tech, available to online subscribers at www.lawjournal-newsletters.com/pub/ljn_legal-tech/23_10/pdf/145854-1.html.)*

The fact that legal case management software implementation can run into difficulties should not serve as an indictment of the technology. Instead, the way a firm goes about implementing the solution deserves attention. Firms that choose to trudge forward without the necessary planning and leadership are destined to end up with case management systems that fail to provide any substantial return on their technology investment.

A HELPFUL TECHNOLOGY TOOL

With applications such as centralized calendaring, contact management, task management, document assembly, and electronic access to

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case data normally held in paper files, a successful implementation of a case-management system will potentially increase the profitability of a law firm, improve client reporting and decrease the level of stress an attorney endures during the process of managing a case. It enables staff and attorneys to share information thereby helping prevent duplicate data entry.

Additionally, many programs link with personal digital assistants (PDAs) so that calendars and schedules are always handy and up to date. Some case management packages are Web-based, with more on the way, allowing anytime access to all features.

Many types of legal case management software systems are in the market, ranging from off-the-shelf to highly customizable products. For the purposes of this overview, we will focus on those situations in which a higher-end product would be needed for a large firm or a specific practice area.

A great example is Hays, McConn, Rice & Pickering, P.C., a Houston-based law firm of 42 attorneys and a total of 110 employees. The firm specializes in many areas of general civil litigation. Due to the high volume and well-defined work processes, the firm's toxic-tort practice area was identified as an ideal practice area to automate.

Three critical ingredients to a successful implementation of legal case management include: top management support, project planning and the modification of work flow process.

SUPPORT OF TOP MANAGEMENT

The very act of introducing case management to a law firm affects how people work. Therefore, case management implementation is significantly more likely to be successful if the initiative is supported and championed by a key partner.

"Top-management buy-in was the key to the successful implementation of case management for the toxic-tort practice area," says Brandi Kendziora, Hays, McConn, Rice & Pickering, P.C., who has been a leader in integrating case management into their processes. "Employee cooperation increased dramatically once the management committee stood behind the decision to implement case management."

If management is not pushing the change then the staff will not use the software and will continue to use their tried and true methods for getting their work done. Specific steps to take include:

- Informing everyone affected by the new system of the goals;
- Getting all members of the management committee on the same page and building consensus for the decisions that are made. There will be pushback from this type of change and unless management enforces the new policies the entire project will fail; and
- Engaging top management to be the champions of the project. They must understand the goals and be able to sell the rest of the firm or practice area on the ideas.

This top-down approach sets the tone throughout the organization. Recognizing that a central goal of a non-billing staff member is to get the job done as quickly and efficiently as possible, it's not surprising that many resist case management implementation. After all, learning a new system or way of working slows down their work in the short term. They might not consider the long-term benefits.

A case management implementation will face significant obstacles if the law firm expects the non-billing staff members to embrace change without encouragement. Therefore, if the attorney they work for does not share the firm's long-term goal for case management, the staff members will continue to do their job the old way.

PLANNING

As Ross Kodner stated in *Case Management Systems: Practical Tips for Implementation Success*: "Failing to plan is like failing to prepare for trial — walking in the day of trial without knowing the facts, without having any witnesses, with no questions to ask and never having met your client. A total disaster."

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Case Management

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It is critical that the firm plan well in advance of actually purchasing and installing a specific piece of software. Planning typically focuses on the following major categories:

- Defining the goals for the project;
- Establishing the project team and setting clear assignments; and
- Creating a training curriculum for everyone in the firm.

Since law firms do not specialize in the implementation of case management software, it is recommended that a professional consultant be retained to help in the planning, purchase and implementation process. A consultant will help keep the law firm on track and focused on the goals of the project.

One of the first decisions that must be made is to determine the goal of the project. Ultimately, the goal for most firms is to increase profitability. However, this is typically not the driving force behind such a major change.

That driving force usually is the client.

Many law firms are being strongly encouraged to provide their clients more information about their cases in a shorter time period. In fact, some corporations are requiring that law firms use case management software before they will retain that law firm's services.

Are the goals to improve productivity, client reporting or just improve data management on the cases? Whatever the reason for this need for case management the goals must be documented.

Next, assemble a team of firm employees to manage the project. An appropriate cross-section of the firm should be involved in planning the implementation of a legal case management system.

Likewise, the team assembled to work with the technology consultant should include people from a mix of disciplines within the firm. This group might include a partner, associate, legal assistant, legal secretary, firm administrator, and technology manager. Each of these people brings a different perspective to the table and it is important to consider their needs or concerns.

"Our firm assembled a team that included a partner, associate, legal assistant, internal technical support and an outside consultant," says Kendziora. "It was very helpful to hear the perspectives of each of these individuals.

The future of case management lies in continued integration with other critical applications — legal or otherwise.

This process insured that the new system would benefit everyone using it."

Training is another important element that needs to be included in the plan. Before the software is installed and implemented it is important to train the project team. Once the project team understands how the software works, they can make better decisions regarding the customization the software to fit specific practice areas.

WORK FLOW PROCESS REVIEW

The last critical step in implementing a case management system is reviewing the workflow process of the practice area. Of course, changing the way lawyers work is always a touchy subject.

Regardless, reviewing the firm's workflow process is an opportunity to examine and, if necessary, update firm policies and procedures. The last thing you'll want to do is automate your firm's dysfunctional *manual* case management system. Doing so will simply lead to more problems.

Modifying a business practice will benefit the law firm whether or not they ever implement a case management system. Specific steps include:

- Documenting the "flow" of the practice. Identify what steps are followed administratively through the life of a matter;
- Deciding how to streamline the practice's procedures. This step provides the opportunity to eliminate unnecessary or duplicative processes; and
- Implementing the newly streamlined procedures. The new procedures should be tested using the firm's existing applications or

software before carrying that process over to a new system.

"The long-term effect of reviewing and modifying the workflow process of a practice area can be significant," says Kendziora. "I'm convinced that with or without case management, this step would have improved the efficiency of the entire practice area."

The future of case management lies in continued integration with other critical applications — legal or otherwise. As case management software continues to develop, there will be more demand for integration with applications such as legal accounting software and Microsoft Outlook. Tighter integration with these types of applications will make case management even more appealing to law firms.

There will also be increased interest in sharing case management databases either with co-counsel on a case or with the client. This type of collaboration will cut down on many client-related expenses such as reproduction of documents.

Implementing a case management system can be a daunting undertaking but ultimately it can save a law firm a lot of money by increasing the productivity of the attorneys and staff. Proper planning for the implementation project will insure a higher level of success in the short-term and long-term. Case Management will become more popular as the products become more robust. More law firms will begin to use some type of case management software even if it is for the most basic tasks in their practice.



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PRODUCT REVIEW

Mining Invaluable Information with MindServer Legal Enterprise Search

By Brant A. Freer

All law firms have invaluable information — information about cases, precedent, contracts and clients. But in many instances, that information is not readily available. Some is locked away inside the heads of attorneys, and other types of information are stored away under obscure file names in disparate data repositories.

About 2 years ago, Miller, Canfield, Paddock and Stone, P.L.C. realized we were sitting on a treasure trove of such information. But, with nearly 400 attorneys and paralegals in 15 offices in three countries much of that information was effectively walled off from the professionals who could make valuable use of it. In fact, we had more than 5 million documents locked away in eight separate document libraries and across multiple information systems. There was no mechanism in place at the firm that would allow for quick, accurate and broad full-text searches to access firm-wide information and share it among lawyers and staff. So we began looking for a tool that would efficiently open up those repositories of documents and knowledge. After much research and careful consideration, we found it in Recommind Inc.'s MindServer Legal Enterprise Search.

GOOGLE FOR LAWYERS

We first began looking at options in the late spring of 2004. At our firm, we have an Information Systems

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Committee that includes attorneys, the chief operating officer, several members of the information technology staff, the head librarian and the head of human resources. That committee looked closely at several different search systems. By July 2004, we had narrowed our search to two products — Recommind's MindServer and West km. MindServer, however, had several advantages that we thought important. First, the MindServer products are the core competency of Recommind — unlike West, which is involved in such a broad array of legal products. Second, the staff at Recommind were extremely responsive to our questions. Additionally, we liked the user interface, which at the time was the cleanest, simplest and most intuitive of the systems we examined. We wanted an interface that was welcoming for our attorneys, paralegals and staff and found that MindServer resembled one very popular general search engine, making it almost like "Google for lawyers."

Based on the advantages of MindServer, we decided to launch a pilot program with a subset of information from our document management system. We chose a small library with about two hundred thousand documents. The pilot program was launched on Aug. 16, 2004, about a month after contracting to begin the trial. Recommind proved to be very responsive to technical questions, issues and suggestions. With engineers in both California and Germany, Recommind was able to respond very quickly to questions that arose during the pilot (and subsequent rollout). Problems were often fixed between the time we left the office at night and when we arrived the next morning.

The pilot test went well, and attorneys and staff offered immediate positive feedback. The views of our associates were particularly important, since the program was mainly geared towards those attorneys who may not have the experience and knowledge base of more senior lawyers, but who need quick and effective ways to gather that information.

MindServer not only worked well, but it worked in the way that we thought it would.

WEIGHTING IMPORTANT FEATURES

A firm-wide rollout of MindServer followed, which took about 3 months. As part of the rollout we were able to customize the user interface and various aspects of the results ranking. Recommind customized our Advanced Search options, allowing attorneys and staff to limit searches to Miller Canfield specific practices, groups, clients and the like. Those metadata fields can narrow searches down considerably. Additionally, Recommind provided and reviewed a list of certain legal "stop" terms that were particularly useful so that common terms would still provide relevant results.

We were also able to give the search results weight based on certain metadata and other information — we could designate which documents to place particular emphasis upon and which to pay less value to in a search. This weighting system was particularly useful because of the way documents are identified at our firm. All the documents in our document management system must be assigned certain identifiers when they are created. For example, a purchase contract should have those words in the title that identifies the document; the same is true (or at least, should be true) for other documents such as loan agreements. If an associate searches the term "loan agreement," documents that have those words in the title are weighted higher, and tend to appear closer to the top of the search results.

In addition to searching our document management files and libraries, we pointed MindServer to our intranet. There, we store vital information such as best practices, information on clients and training materials. Recommind was able to include these files in the search index and we chose to have items that originate in the intranet weighted with greater importance than those that appear in our

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MindServer

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document management system. Those documents are considered more important because they have undergone an additional editorial process, and have been blessed as it were, by someone knowledgeable at the firm.

MindServer also has the ability to search external web sites, so we opted to include information from the Web sites of the Federal Communications Commission, the Environmental Protection Agency, the Internal Revenue Service, the New York Stock Exchange and the Michigan Department of Environmental Quality.

Another feature we have found particularly useful has been the ability to allow users to group search results via a simple, drop-down menu. After executing a search, the hit list can be instantly grouped by client, author, document type, office where it originated, or source. This helps to quickly filter information and has been used by those doing research to determine who our firm "experts" are. Say that an associate searches for a particular type of contract and comes up with 50 documents. By grouping the documents by author, the associate may see that one attorney has authored five of those 50, another attorney has authored 10 and a third attorney has created the remaining 35. Logically, the associate can turn first to the attorney

who has created the most documents, assuming that attorney has the greatest experience with that particular subject matter. In effect, the search tool becomes an expertise locator.

TRAINING TO PRODUCE POWER-USERS

While we were particularly impressed with the intuitive feel of MindServer, we did offer training to attorneys and staff who would be using the program. The search terms are similar to other common legal search tools, so staff and attorneys experienced with other systems were instantly able to pick up on the new system, but the additional advanced training proved helpful. The training sessions were relatively brief, generally about 20-25 minutes. As with most advanced search systems, there is a search syntax that is useful to know. There are also specific terms (OR, +term, -term, "phrase search" etc) that make it easier to do complex searches. We found this training was particularly useful because MindServer searches at a conceptual level — and that can be an adjustment for attorneys who tend to think in more literal terms and who are used to more literal search engines such as West and LexisNexis. It has taken a certain amount of training to explain to some lawyers that the conceptual searches are positive and more effective than the literal ones (*ie*, a search for car insurance should also produce auto coverage information). These training sessions

have given attorneys useful tools when performing a search and can quickly turn the average user into a power user.

Recommind has also been receptive to customer feedback, and with the help of their customer advisory board, we understand that several suggested improvements made by their current customers will be adopted in the near future. One of the suggestions we've made is to include proximity searching; that is searching for a word that appears three or four words from another word. Additional features that are in development are a mechanism for saving searches and an e-mail notification procedure for alerting users when a document that meets certain criteria is entered into the document management system or intranet. In our current version, there is no way to know when a new document related to a particular client or subject matter is created, but we understand this feature request is coming soon.

MindServer had an instant impact on our firm. The technology has enabled us to better understand and utilize the information that already exists within our firm, helping us become more responsive and accurate in less time than ever before.



E-Discovery

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by Fulbright & Jaworski L.L.P. found that the largest growing litigation burden cited by general counsels from the U.S. was that of e-discovery. Twenty-six percent of the firms who participated in the study cited cost efficiency as the way they measure individual lawyer success. The costliest litigations cited were intellectual property and employment litigation, which are both on the rise. This has been confirmed by our own internal tracking metrics. For example, IP litigation, particularly patent infringement actions, is on the rise due to the widespread recognition of the increased value and importance

of intellectual property assets, especially in the areas of biotech and pharmaceutical patents. Along these lines, it appears that patent infringement actions filed with the U.S. International Trade Commission are also on the rise.

Products liability and securities litigation are also growth practice areas. Products liability will continue to develop with growth in pharmaceutical, chemical and the medical device arena. Causes of action for lead paint are also expected to grow in 2006. After years of bringing lawsuits against landlords, the plaintiff's bar is starting to show some promise with respect to suing the manufacturers of the paint. Mealey's expects this trend to potentially be "massive." And although

securities litigation will continue to grow, its pace will not be as rapid as some other practice areas. There will, however, likely be an increase in antitrust merger and acquisition reviews under the Hart Scott Rodino Act and SEC investigations, which can include both civil and criminal implications.

Indeed, according to the National Center for State Courts (NCSC), state courts processed 96.2 million cases in 2002 (the most recent statistics which will be updated in 2006) in comparison to 250,000 federal filings. However, due to the passage of the Class Action Farness Act in February, no doubt federal actions will continue to be on the rise. This is especially true as more of

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the larger cases are consolidated under multidistrict litigation procedures.

The Applied Discovery study also found that while federal and state litigation is on the rise due in large part to employment and IP litigation, cases will continue to settle, dismiss or withdraw prior to trial completion. Despite the increase in cases filed, federal courts conducted fewer civil trials in 2002 than in 1962. The only exception to this is the number of securities cases that go to trial. According to the *National Law Journal*, this appears to be due to the size of settlements and the level of preparation of defense cases through such tools as mock trials.

What is common among all of these types of litigation is that they are all document intensive — even the cases that ultimately settle. And the very real concern among corporate counsel for doing any discovery project correctly and at a reasonable cost will really drive the market in 2006 and beyond. Any litigator who does not have the ability address electronic discovery will no doubt be forced to in the near future.

E-DISCOVERY MARKETPLACE

Waiting in the wings to handle all of these projects are a whole host of e-discovery providers who are vying for the business in a very competitive market. There are over 230 players in the e-discovery space, but in 2005, there was tremendous consolidation among the top third of the market. There was also, however, an increase in law firms using in-house solutions this year for smaller and mid-sized cases. This is probably a direct response to the cost concerns as in-house counsel began to take more control over the e-discovery process and continued to put pressure on outside counsel to cut litigation costs. But unless a firm is large enough to absorb all of the start-up costs of an in-house solution, for many, outsourcing is much more practicable.

To compete with this, 2005 saw major developments in functionality in the products offered by outside vendors. These functions help with overall cost savings through data reduction, such as the ability to de-duplicate

documents and bulk tag documents. Giving access rights to corporate counsel who can monitor progress and productivity of their outside counsel is also another feature aimed at cost reduction.

Functionality of workflow management will also be improved in 2006

[I]n 2005, there was tremendous consolidation among the top third of the market. There was also, however, an increase in law firms using in-house solutions for smaller and mid-sized cases.

with such elements as the ability to manage and monitor reviewers, offering templates for user profile, chain of custody tools, and discovery planners that combine best practices analyzers for early case assessment with cost estimators. In addition, the ability to use one set of data for a multitude of purposes by organizing the material into a variety of databases is a new innovation that allows greater flexibility and ultimate cost savings after initial processing. Using an online e-discovery system as a method for production to another party through a separate database and access rights was another process that was used to a great extent last year — especially in producing documents to the government in investigational matters.

Pricing was also stabilized last year. Before, comparing the pricing of e-discovery providers was like comparing apples to oranges. With many companies going to more standard pricing schemes like gigabyte pricing, it had become easier to determine the best value. Many of the top tier vendors began to offer full service packages along with their core e-discovery services, such as consulting services in the areas of data collection, backup tape restoration, forensic services, litigation preparedness and project management, essentially taking a corporation through the entire document

management process from document retention policies through discovery.

There has also been a real move towards the integration of products into other solutions, such as e-mail archiving, paper scan and code, and case management. For example, Concordance is used by litigators and support staff to store, organize, manage and analyze vast quantities of documents produced in litigation. It is therefore crucial that any e-discovery offering be compatible with programs such as Concordance and other case management products, in order to provide clients with a total solution for managing litigation. Products must also be compatible with e-mail archiving. Driven by laws such as the SEC regulations that require certain companies to keep e-mail for a prescribed period of time, e-mail archiving is becoming a necessary part of any document management solution. E-discovery vendors can now use this archive in connection with proprietary software to make searching for relevant documents easier than ever before.

CONCLUSION

So, where are we going in 2006? Are we done with e-discovery and can we all go home now? Not likely. As fast as new lawsuits are filed, we are moving more and more to a world where we will no longer refer to the process as “e-discovery” but as “discovery.” Heading into 2006, it is likely that not only user interface, but high quality customer service will continue to be the focus as vendors work on their search capabilities and other functionality and compatibility to provide a painless discovery process to the industry. Corporate involvement, in not only the discovery process but in document management as a whole, will continue to grow. And as companies become more global, new challenges will arise such as how to manage documents under differing international records retention and privacy laws. These, along with changing technology that will provide more and more places for information to hide, will continue to drive the market and the case law that surrounds it.



Training

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then design lessons that present, demonstrate and practice those features. Although many hours are allocated toward developing hands-on practice and demonstrations, as well as providing labs, floor support, and documentation, the number of participants who successfully grasp and master the objectives is small and increasingly dwindling. Most training participants gain a loose understanding of the materials, but not enough to successfully complete designated tasks with their newly acquired product knowledge. All in all, time is too short and the list of “key” features and functions is far too long.

PROCESS-FOCUSED TRAINING

If the goal is skill retention and mastery, training programs need a new model.

First, approach the training agenda with the purpose of teaching a process. Perhaps the topic is creating a correspondence document in Microsoft Word. The focus is not on presenting a medley of various features; but how to approach the more general but practical task of document creation. This also provides a sense of direction for the training participants. Various features will still be covered but in the context

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of a single purpose or task. The learned features are tied in to accomplishing this project. Because a useful process is being directed, the lessons learned along the way are more easily retained and mastered. This provides context; there is a beginning and an end — the completed document, closure, and a measurable feat to benchmark success. If the training is geared to learning Microsoft Word, for instance, when are you finished?

The document-based approach to teaching Microsoft Word in particular is effective in the legal community because in this industry it’s all about the documents. It’s also less intimidating because we all understand our documents and automatically determine who is in need of this specific training.

Second, determine those few critical skills that provide a solid foundation in understanding a product’s core philosophy. “What do I need to know?” is just the first step. The next question is “What is the main theme or the overall thought process?” If learning how to format in Microsoft Word, what needs to be learned is how to bold, center, underline, etc. That won’t really take you very far though. The core philosophy is you’ll either spot format by selecting text and applying the format here and there or you’ll want to carry a formatting theme through the document by using styles. Teaching in terms of ‘themes’ is like looking at the forest instead of the trees. In this case, grasping the philosophy (forest) of formatting is more important than experiencing a hundred features (trees). The features will be gained incidentally while mastering the philosophy.

PHILOSOPHY-FOCUSED TRAINING

The focal point of a successful software-training program has to be in developing competency by emphasizing philosophies. In other words, the philosophy of formatting — using styles — is the goal because that is the competency that all the miscellaneous features are built upon. In this scenario,

to be truly competent in formatting legal documents, you must understand the philosophy of formatting.

Understanding a philosophy empowers us to go to the next level. We can take that one understanding and apply it to a myriad of circumstances. Feature-based learning is narrow and limiting and results in users who feel overwhelmed. There really is no end if you’re just learning product features.

Shift the spotlight from what users need to know to philosophies they can build upon. Learning philosophies give us a desire to connect the dots.

It’s critical that the backdrop of this new model is an emphasis on quality over quantity. Short 1-hour sessions on a single theme are easy to digest and the message is “this is important.” This approach is vital for attorney training where the need for training is high but the availability is low. A brief session on a core concept will go far.

The topic of a recent Microsoft Word session I led for attorneys was creating business documents like agreements. My target audience was obvious — those who create transactional documents. The main feature in these documents is usually paragraph numbering so the process was definable — select a numbering scheme, apply paragraph numbers. This was practiced several times in various transactional-type documents. With each practice, a few new features were added to the same overall process. At the conclusion, a group of novice Microsoft Word users mastered one of the most important skills in document formatting.

You’ll find increased retention and mastery in this document based approach because there will be repetition in every exercise and a definite beginning and end to measure accomplishment and competency. Learning key concepts (philosophies) in the context of a process (document-based, for instance) in a short block of time (quality) is powerful.



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