



Reuniting Scattered Documents For More Efficient Review: An Evidence Exchange Case Study

Common problems aren't necessarily easy to solve. One of the oldest, most basic—and still pervasive—problems when working with electronically stored information (“ESI”) in legal disputes is organizing these materials in a way that they can be efficiently analyzed by a reviewing legal team. This problem can be magnified when working with legacy e-mail systems that contain potentially relevant materials. Recently, New York-based Evidence Exchange used the Equivio>EmailThreads tool to help one of their clients analyze a non-standard ESI collection that required fast, accurate, and cost-sensitive treatment. Thanks to EmailThreads, a common and frustrating problem was quickly and successfully resolved.

The Problem

Evidence Exchange was invited to work with a technology manufacturer and its outside counsel in the discovery phase of a litigation matter. As a producing party, the technology company had a sizeable volume of ESI that it had already collected using its in-house protocols. While much of the material consisted of common word processing, presentation, and spreadsheet documents, a much larger percentage of the collection consisted of e-mail messages harvested from the company's proprietary e-mail system. This non-standard system presented a particular challenge: although it supported sending and receiving file attachments, the way that it stored messages often severed the connection between a parent e-mail message and its attachments. As a consequence, while the client was confident that all potentially relevant e-mail content had been collected, due to the limitations of the legacy system, the relationships between many of the e-mail message elements had been lost.

In addition to the problem of reuniting related documents, Evidence Exchange also had to ensure that the client's preferred document review platform could support the efficient review protocol that was required by the needs of the case. To reduce load on its own infrastructure and to outsource server and database maintenance, the client had decided to store and review the document collection in Evidence Exchange's Relativity-based review platform. This made excellent sense. First, it reduced the time it would take to have these materials readied for review. Second, it ensured that documents would be accessible at any client location. And third, it protected them against possible data corruption via Evidence Exchange's redundant co-located server farms. However, the deployment of a specific technology at this point in the case also risked limiting additional analytical treatment that the team might want to apply to the documents to better organize them for review.

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Furthermore, the client had both limited time and budget for the review. Although the amount of data that required review and potential production was relatively small compared to the multi-terabyte productions increasingly common in commercial litigation matters, time was of the essence for this review, and the legal team needed to complete a competent, defensible review of the collection as quickly as possible. Finally, the document review needed to be proportional to the size of the dispute and manageable for the legal team. A solution that could reliably and defensibly reduce the scope of the review would help significantly in this regard.

To understand the full scope of the project, Evidence Exchange first applied its own processes to remove bulky but irrelevant system files and to further trim the remaining data by date ranges provided by counsel. Though this significantly reduced the size of the data collection, approximately 250,000 documents still matched counsel's criteria for potential relevance and would require further review. It was also apparent that a significant number of the e-mail messages in the remaining documents were part of extended e-mail threads—though these connections could not easily be reconstructed from the metadata collected and provided to Evidence Exchange. Though the documents were ready to load into Relativity, Evidence Exchange needed to provide additional analysis that would further optimize the collection for the team's review.

The Solution

Evidence Exchange turned to Equivio>EmailThreads to fine tune the document review. Members of the legal team had previously used Equivio near-duplicate identification technology in a prior project, and they believed that EmailThreads, with its ability to identify and group substantially related e-mail messages into threaded conversations, would greatly streamline the review. Reviewing related e-mail messages in a group, as

opposed to seeing them spread across the document collection, would also increase the consistency of document classification; reviewers would be able to quickly extend analysis of substantially related e-mail messages to the rest of the group without having to spend as much time individually analyzing each message. Most importantly, EmailThreads would also help re-connect e-mail messages that had lost a metadata connection to their attachments—a key problem in this collection.

EmailThreads looked promising, but Evidence Exchange was also concerned about how well the tool would integrate with its Relativity review platform. Equivio Technical Support was able to quickly resolve this potential issue.

Equivio's partnership with kCura, the software company that developed Relativity, had given it deep insight into the review platform's field structure, key fields, and other organizational underpinnings. As a result, Evidence Exchange's developers were able to use Equivio's out-of-the-box bridge to fully integrate the two tools, substantially extending the document review functionality available to review team members without forcing them to master additional programs or review environments. From Evidence Exchange's point of view, the two systems operate in seamless unison.

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For Evidence Exchange system administrators, their final step prior to releasing the document collection for review was creating the Equivio EmailThreads relationships and testing that the Relativity integration was working properly. Applying EmailThreads to the 250,000 document collection took less than an hour, and the results were quickly made available to document reviewers. Actual subjective review was ready to begin.

The Results

Deploying Equivio>EmailThreads dramatically helped the review. Initially faced with 250,000 discrete documents that would require individual review, the review team found that EmailThreads grouping had reduced the number of unique document clusters by over two-thirds (~70%). Within a given thread, reviewers could start with the most inclusive e-mail message—that is, the last message in the thread. Reviewing these “inclusive” messages provided immediate access to extended chains of e-mail conversations, rather than single or highly incomplete sections of the conversation. As a consequence, reviewing a single e-mail message provided reviewers with all the information they needed to classify all the preceding messages in the thread. After all, for many documents, they had already read the individual messages before, and in a larger context. The result was a more consistent review, completed in a fraction of the time required for linear review of the individual messages.

Using Equivio>EmailThreads also helped the legal team with an additional and equally important task: screening documents for legal privilege. Grouping related e-mail

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messages made it much easier for document reviewers to locate all examples of a privileged document, instead of inadvertently overlooking one or more isolated copies of a document spread throughout the heterogeneous unstructured collection. In addition, revising the status of privileged documents—a common task as initial privilege determinations are double-checked over the course of a document review—was both easier and more effective as a result of the EmailThreads groupings. Proof of the tool’s efficacy was clear: though the legal team had negotiated a privileged

document claw-back agreement to protect inadvertently produced privileged documents, no such documents were found once the production had been completed and sent to the requesting party.

Continuing Success

Based on its experience with Equivio>EmailThreads, Evidence Exchange has been asked to use this tool in an increasing number of cases, both for the same client and for other clients. For Evidence Exchange, the seamless integration of EmailThreads with its Relativity review platform has permitted it to expand the depth and quality of its client services without materially increasing the staff needed to support its review platform infrastructure. “No one has wanted to reject a tool that speeds and simplifies document review, especially when it also increases quality and consistency in the review,” says Tom Svoboda, one of Evidence Exchange’s Managing Directors. “It just makes sense.”

About Evidence Exchange

Evidence Exchange (www.evidenceexchange.com) is well known by leading law firms and corporate legal departments as a high quality provider of Electronic Discovery Processing & Online Document Review Services. We combine 30 years of business experience in legal consulting and technology development with the industry's best track record in the area of Electronic Discovery Processing and Online Document Review. We provide a full range of services including, analysis & consulting services, ESI processing, hosted review, production and testimony. We are also the first recipient of kCura's 2011 Best In Service Award for Relativity.

Evidence Exchange was founded back in 1996 as a successor to Pronnis Consulting Group, Inc. (established 1989), which was an Arthur Andersen & Co., S.C. spin-off. Evidence Exchange maintains corporate offices in New York, NY and Leesburg, VA and operates data centers in Herndon, VA and Dallas, TX. For more information, please visit www.evidenceexchange.com.

About Equivio

Equivio provides analytical solutions for e-discovery. Equivio's solutions enable the Smart Discovery™ paradigm, reducing review volumes while finding more relevant documents. The Equivio suite includes predictive coding, near-duplicates, email threads, language detection and relevance mapping. Request a demo at info@equivio.com or visit us at www.equivio.com.

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