

CaseCentral: Countering the eDiscovery Myth-Makers

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A recent spate of eDiscovery announcements seems to make certain claims: 1) that eDiscovery analytics are all alike, 2) that there is an end-to-end eDiscovery solution, and 3) that all eDiscovery processes should be brought in-house.

Now hear me on this: *All three claims are false.* eDiscovery analytics are most emphatically *not* alike, there is *no* end-to-end solution, and *not* all eDiscovery processes should be brought in-house. The irony is that there is a solid core of truth in the announcements. Useful analytics do exist on the left-hand side of the Electronic Discovery Reference Model (EDRM). Tighter technology and support integration are available between eDiscovery products. Early eDiscovery processes can be quite valuable in-house. These are all good things and we support the vendors who do them well. But providing a full eDiscovery workflow is a different kettle of fish.

We fully support dedicated Review and Analysis platforms for the critical right-hand portion of the EDRM. Review and Analysis represents a good 80% of overall expense in the eDiscovery workflow from early case assessment on, and services and technology that can slash that figure are critical to corporate legal health. CaseCentral falls into this category, presenting a compelling eDiscovery platform that ranges from early case assessment to full review and analysis. It offers secure collaboration, single or multi-case management, process analytics and measurement, and sustainable procedures.

| Myths -- and Facts | |
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| Myth | Fact |
| <i>All eDiscovery analytics provide Review & Analysis.</i> | Review & Analysis requires specialized analytics and surrounding processes. |
| <i>Customers can buy an end-to-end eDiscovery solution today.</i> | They can't because there isn't one. |
| <i>All eDiscovery processes can and should be brought in-house.</i> | In-house is good for some processes and terrible for others. |

Myths and Facts

Let us first look at this issue from the lens of the eDiscovery myth-making machine:

Myth #1: All eDiscovery analytics provide Review and Analysis.

Fact: Review and Analysis requires specialized analytics and supporting processes. Users are confusing the classic Review and Analysis process with collection-based analytics from the left-hand side of the EDRM. This is traditionally Information Management, Identification, Preservation/Collection, and occasionally Processing. Processing also leads off the right-hand side of the EDRM followed by Document Review and Analysis, Production and Presentation. Although only one Review and Analysis stage occurs in the EDRM, in fact different categories of analytics are occurring throughout the entire eDiscovery process. Left-hand vendors do offer analytics around identification and collection-based activities, such as stored data analysis or quick-and-dirty initial sampling of collected ESI.

This is not the same thing as the dedicated Document Review and Analysis platform that attorneys need and expect. This Review and Analysis involves professionals who review, analyze and code documents and emails for the particular matter, including for privilege and confidentiality. This is an absolutely critical stage for the litigation process,

and requires a full set of analytics, tiered review support and production. (For the record, the same analytics that run at the Document Review and Analysis stage can be initiated early for ECA.)

Myth #2: Customers can buy an end-to-end eDiscovery solution today.

Fact: No. They can't. The buzzword for certain vendor claims is “end-to-end.” Frankly, customers want this, and they will spend money to get it. The problem is that *there is no end-to-end eDiscovery technology.* Anywhere. From anyone.

The vendors claiming that they do end-to-end have to play fast and loose with the terminology. Specifically they count their analytics as full-blown Review and Analysis support, which they are not. They also quietly pass off processed data to other products or technologies for Production and Presentation.

The market is certainly moving towards an end-to-end model in response to user pleas. However, this does not mean that we will ever see a single product that does every stage of the complex eDiscovery workflow. In fact, this might not even be a good idea given the complexity and scope of the full eDiscovery path. We are more likely to see tighter and more transparent integration points between separate eDiscovery products, possibly to the point where it appears to the customer to be an end-to-end solution

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But we are not there yet, and outright statements to the contrary are disingenuous.

Myth#3: All eDiscovery processes can and should be brought in-house.

Fact: In-house is excellent for some processes and terrible for others.

Certainly the left-hand side of the EDRM can do very well in-house, assuming the corporation has the IT staff in place to deploy and manage dedicated in-house systems. (With smaller companies this can be a large assumption; not so with larger ones.) Corporations can gain significant ROI by automating portions of Information Management, Identification, Collection, and even Processing.

But this is only half the eDiscovery battle. Vendors on the right-hand side of the EDRM need to provide levels of analysis and matter management for an inherently collaborative process that may involve many different internal and external stake holders. Matters involving discovery will never stay entirely within the firewall. At some point the corporation will have to engage outside law firms, contract with various service providers, and deal with opposing counsel.

In addition, internal eDiscovery requires technology purchases and across-the-board expertise that the typical corporation usually lacks. IT can and should be deeply involved with left-hand EDRM decisions and deployment. We cannot say the same for the rarified world

of Review and Analysis and Production. Additional challenges include advanced eDiscovery workflow management and the need to preserve and re-use data and processes for subsequent matters. All of these issues demand a different set of competencies than do left-hand side activities.

CaseCentral

CaseCentral delivers its applications via software as a service (SaaS) or as a cloud computing model. CaseCentral's integrated, multi-purpose eDiscovery review platform enables clients to start with ECA and extend through analysis, review, production and post-production re-use. The platform also enables clients to collaboratively assess case merits and liabilities, and applies first pass review and real-time transfer to active review as required.

CaseCentral provides controllable, repeatable and measurable eDiscovery processes and can ingest over 400 file types. Its on-demand architecture uniquely supports the virtual teams that are typical in eDiscovery review: corporate legal, potentially located in multiple states and time zones; law firms doing review work outside the corporate firewall; outside review houses or LPOs, performing critical review from locations across the country and even from other countries.

CaseCentral manages these distributed teams and procedures with centralized

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data management and enterprise-class security in a SAS-70 certified data center. Ultimately this reduces the risks typically borne by corporations when they transmit proprietary and confidential data outside the firewall to multiple law firms and service providers.

CaseCentral can process the data with de-duplication and near de-duplication filters to shrink the size of the data sets for more cost-effective review. It then loads the results to a secure site where customers can preserve, review and produce the data as needed. Users access the secure, shared site subject to their security requirements and access controls. The site dynamically scales to support thousands of authorized users and tens of millions of documents without performance degradation.

A major strength of the offering is their integrated review and analysis platform. Review jobs, including early case assessment, first pass review and four corners review is performed within the same system, eliminating the need to transport the data to a second system for further review and eventual production.

The platform's sophisticated capabilities include secure, real-time, multi-party access for complex cases, workflow analysis, and centralized monitoring and management. It supports both single and multiple matters with repeatable, sustainable and measurable processes. This level of review support and analytics

is exactly what we mean when we refer to a dedicated analytics platform.

CaseCentral also leverages the on-demand model to provide high levels of control over the eDiscovery process. Users can immediately access and apply previous work product across all applicable cases, resulting in consistent work processes and creating an invaluable knowledge base. A review performance dashboard allows companies to monitor eDiscovery activities and to analyze data characteristics, productivity, costs, and risk across the entire case portfolio.

These and many other features prove our point. CaseCentral returns a dramatic ROI to Review and Analysis, which is by far the most expensive of the eDiscovery stages. CaseCentral provides a level of security, matter management and repeatability that in-house storage management is simply not set up to do.

Taneja Group Opinion

Do not mistake our message: we strongly support collection-side analytics and eDiscovery support, especially when they leverage information access to multiple business processes. And recent announcements from storage vendors like EMC point to useful capabilities and integration on the left-hand side of the EDRM.

But the fact remains that there is no end-to-end eDiscovery solution -- from EMC

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or anyone else. Corporations must have multiple tools for accomplishing the full eDiscovery workflow, and no amount of announcements and marketing materials will change that.

Companies need both types of eDiscovery processes from Information Management all the way across to Presentation, and every stage in between. But be aware that when it comes to the critical stage of

Review and Analysis, the corporation needs a full-blown collaborative review platform. This platform should include complex matter management support, ECA features, tiered review and analysis capabilities, advanced production, tight security and reusable work products. CaseCentral fits the bill and we strongly recommend it as a powerful review and analysis eDiscovery platform.

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