

TechTalk:



New Discovery Technologies – Cool Buzz or Irritating Noise?

By Kevin Carr, President, InterLegis

Editor's note: Each month, Kevin will share his insights on discovery technologies in an easy-to-read straight-forward manner. Check each edition of ALSP Update to stay abreast of his view on current technology topics and future trends. In this article he offers a useful framework for evaluating different discovery technology offerings.

Let's face it. There's a lot of noise out there in our profession as it relates to technology. This is typical of any emerging industry such as ours, and with this growth new advancements seem to hit the market every other day. However, many people are finding it all a bit overwhelming.

A walk through the exhibit hall at any large industry conference illustrates this the most. Big booths, flashing lights, worthless chotchky, a throng of people pressed against each other, and more ... all translates to visual and mental overload. Are we in Vegas? Might as well be. I'll put \$25 on black, please.

As you weave through the trade show chaos, have you ever found yourself trying your best to figure out what each vendor does, all while avoiding eye-contact with them like the plague? Admit it – of course you have. And I don't blame you. You want to learn, not be sold to, right? These opposing interests between vendor and prospect only complicate the noise.

But the reality is that we cannot escape technology's place in our industry.

We've gotten to the point where discovery collections have grown so large in both size and complexity that we NEED advanced technologies just to do our jobs. Without it, cases are oftentimes physically impossible to manage. We realize this so we dive in. But how does one get a handle on all the new whiz-bang tools available to help us work as efficiently and cost effectively as possible?

The cool thing is, despite the noise, there really are some great discovery technologies (and best practices on how to use them) emerging out there.

As Seen in:



Some of the discovery technologies legal teams can utilize include: concept searching and clustering, duplicate and near-duplicate detection, metadata filtering, advanced data culling tools, e-mail thread analysis, visual mapping of data, native review and redaction, rules-based relevance and coding, early case assessment tools, high volume online document repositories, forensic collection solutions, email/data archiving, e-Discovery analysis and processing and many more. (*Whew!*)

So whatever your needs are, there's likely an innovative technology that could streamline your tasks. However, a major risk we run is that with all these choices, information overload ensues. And because most learn about this stuff in bits and pieces, there are many walking around with just enough knowledge to be dangerous. This leads to the dissemination of erroneous information, mistaken understanding of the capabilities of various technologies, bad decisions, unnecessary expenditures, and further perpetuation of the "noise factor" mentioned above.

For example, I recently had a conversation with a big, really important title at a large firm who made the following statement, "I gave you guys ONE Outlook file to process and you give me back thousands of e-mails to review!"

My expert and eloquent response was something along the lines of ... "*Huh?*"

I tried to explain that an Outlook file is essentially a collection of e-mails (and other things) and in order to evaluate the contents it was best to "explode" the individual e-mails and attachments out of the file while maintaining all e-mail thread information. But unfortunately, he was set in his "expertise" and nothing I could say would change his understanding.

I'm not making fun; just making a point. It's hard to get a grasp on things when there is so much information out there and it changes so quickly – especially if you are still climbing the proverbial technology learning curve. And with so many "moving parts" to all this technology sometimes there isn't a black and white answer. Sometimes the answer lies in the grey areas. For example, take the Outlook scenario above. Is it possible to review the contents of a PST (Outlook) file without extracting the individual e-mails? Technically, yes. Is the most efficient way? Not usually, but it depends on the situation and technology choices available to the individual or organization.

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So, how do we figure out what's what?

First, we take a deep breath (a good thing to do often anyway!)

Second, take a 20,000 foot view of all the available technologies. The best way to do this is to plot where each falls on what I call the "**Discovery Life Cycle**." That's a phrase I use a lot. So, I'll repeat it ... Discovery Life Cycle, or "DLC" for short.

The DLC is essentially comprised of 6 phases: Records Management, Collection, Processing, Review, Production and Resolution. A major problem is that there are different technologies that do different things throughout the DLC. There are a slew of solutions every step of the way, and they don't always line up nice and neat into each "bucket". In other words, there is some cross-over, and most do not take you all the way through the DLC. So a combination of solutions is likely necessary.

As you evaluate different technological solutions in the marketplace, your first task in understanding their usefulness to you is to simply plot where each lives on the DLC. This way, if you need a specific solution, such as e-Discovery processing platforms for example, then you can hone in on a short-list of vendors who can help. Doing so could arguably eliminate more than 80 percent of the noise.

Of course, you'll still need to do further evaluation. This includes setting up demos, obtaining pricing information, ensuring proper compatibility with legal strategy, IT considerations, possible integration with existing in-house solutions and so forth, just to name a few. Still some work to do, but why evaluate the entire universe when only a single planet is relevant?

With proper perspective on your technology research, you can quickly ascertain the best fit for you, your organization and your cases. But to do so, it is important to become a student of the space and be a sponge for new information. Set a goal to become the go-to person in your organization who provides effective solutions to the problems your legal teams face. For example, when they ask, "Should we use a conceptual review tool?", they should immediately respond with, "Call _____ (insert your name here)."

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Just be smart with your research. The key is knowing precisely what each available solution offers along the DLC timeline. Yes, it does take some work, but it's worth it in order to filter through the noise and make sound decisions – and becoming a major asset to your organization.

Or, on the other hand, we could all just pack up our bags and head to Vegas where the noise is much more fun. Meet you there. I'll be over at the slot machines with a cup full of quarters. C'mon sevens! And remember, what happens in Vegas ... um, nevermind.

Til next time ... KC

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Kevin Carr, president of InterLegis Inc., has a wide range of Internet-based technology expertise. As the architect of the InterLegis system, he has developed cutting-edge discovery technologies and best practices relating to data mapping, conceptual analysis, electronic data culling/processing, similarity matching, streamlined document review, automatic categorizations, visual analysis, document digitization, optical character recognition, compression, database indexing, advanced searching and document security
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