

TRACK: Legal A
SESSION #: LA#8
DATE: Tuesday April 20, 2010
TIME: 1:20-2:35pm
SESSION TITLE: Cost-Effective E-Discovery Processes
SPEAKER(S): Anne E. Kershaw, Esq.
ORGANIZATION: The eDiscovery Institute, a 501(c)(3) research organization.

ABSTRACT: Cost-effective e-discovery processes can, in combination, reduce the cost of e-discovery in many cases by 80% or more. This session details surveys undertaken by the eDiscovery Institute, a 501(c)(3) research organization, that quantify the savings that have been encountered by leading e-discovery providers in two specific areas, consolidation of duplicate records for review purposes and reviewing records that are presented in email threads or conversations. It also reviews the findings of an Institute study that compared the consistency of different reviews of the same material by different review teams either performing traditional linear reviews (i.e. record-by-record) or using computerized search technology interactively with feedback based on examining results. The results were in line with other studies on inter-reviewer consistency with one linear-review team agreeing with other linear review teams about 70-76% of the time.

The e-Discovery Institute survey of leading e-discovery providers showed that on half of all projects, law firms do not consolidate duplicate entries across custodians and as a result review, on average, 27% more records than necessary, needlessly inflating their legal review bills and exposing their clients to additional litigation risks from inconsistent decision-making. In some cases consolidating duplicates across custodians results in savings in excess of 70%. *This session will review the reasons commonly given by attorneys for not consolidating duplicates across custodians and show how valid concerns can be addressed in ways that not only reduce costs but reduce the litigation risks associated with inconsistent review decisions on responsiveness and privilege.*

The Institute survey on the use of email threading technology showed that on average across all projects there were 4.9 emails per thread and that presenting emails in threads saved, on average, 36% of the review time – and in some cases well over 50%. The session will review some of the features to consider when selecting email threading technology and provide a list of providers who offer such technology.

SPEAKER BIO(S): Anne Kershaw is the founder of A. Kershaw, P.C. // Attorneys & Consultants, a nationally-recognized litigation management consulting firm providing independent analysis and innovative recommendations for the management of all aspects of volume litigation challenges. The firm's practice includes the design and implementation of legacy data management, litigation response plans, and protocols for preserving and collecting data for discovery.

Ms. Kershaw is also the President and a founding sponsor of the eDiscovery Institute, a not-for-profit corporation conducting studies of electronic discovery processes and dedicated to resolving discovery challenges facing the legal community. She is a faculty member of Columbia University's Executive Master of Science in Technology Management Program, teaches at the Georgetown University E-Discovery Academy and is an Advisory Board Member of the Georgetown University Law Center's Advanced E-Discovery Institute. She is one of the principal drafters of *Navigating the Vendor Proposal Process: Best Practices for the Selection of Electronic Discovery Vendors* and a contributing editor of *The Sedona Conference Glossary For E-Discovery and Digital Information Management (May 2005 Version)*, both publications of the Sedona Conference® Working Group on Best Practices for Electronic Document Retention and Production RFP+ Group. She is also a member of the Council on Litigation Management.