Discover the Power of

EARLY CASE ASSESSMENT

Tips and Information to Help
Improve Your Case Strategy

AVALON Legal

Relativity®

There's a powerful strategy in eDiscovery that's often overlooked, even though it offers an abundance of benefits, including time and cost savings, early risk identification, and improved client satisfaction. So, what is this "miracle" tactic? It's called early case assessment (ECA) and if you're not already utilizing it, you should add it to your eDiscovery process ASAP.

What is early case assessment?

ECA can be described many ways, but for the purposes of this white paper, it is defined as a process legal teams use to gain insight into electronically stored information (ESI) during the initial stages of the eDiscovery process, i.e., prior to full processing and review. While it's not part of the electronic discovery reference model (EDRM), ECA is a crucial component of eDiscovery, and helps attorneys gain perspective when they need it most: at the beginning.

Why add ECA to your legal process?

Legal teams once thought of ECA as simply a method to cull data to reduce the amount for review. But now, while it's certainly an excellent time-saving process, there are many additional benefits. In fact, insights gained via ECA are used to evaluate key facts, assess risk, determine case strategy, comply with legal obligations, and reduce cost.

- **Evaluate key facts** – ECA allows you to understand more fully the volume and type of data you have and where it resides, what to cull and what to keep, who your main custodians are, where search terms may come into play, and what concepts are covered across your data set.

- **Assess risk** – If a smoking gun is found during the ECA process, legal teams and their clients can weigh risks and decide whether it's worth the time, money, and effort to move forward with a case or if settling is a wiser choice.

- **Determine case strategy** – ECA search and Analytics workflows (we'll discuss this in more detail later) allow legal

teams to focus efforts on the most relevant information sooner, empowering attorneys to create more effective strategies. It also enables specific objections to discovery requests.

- **Comply with legal obligations** – ECA helps you avoid the potential alteration of metadata, applies defensible limitations to your discovery scope, and ensures you follow federal rule requirements.

- **Reduce cost** – The amount, type, and quality of your data influences your budgets and timelines. By reducing the amount of irrelevant data, you reduce review time, which is one of the costliest stages of the eDiscovery process.

So, how does the ECA process work? Let's take a closer look.

THE FOUR STAGES OF EARLY CASE ASSESSMENT

We've broken the ECA process down into four stages to provide a better understanding of how ECA in RelativityOne functions and offer suggestions on how to improve your success:

1. Gather

- This is when you determine the who, what, when, and where of your case by interviewing potential custodians. Questions should include:

  - *Are they involved with the known issues of the case?*

  - *What is the approximate time frame?*

  - *Do they know where potential evidence resides?*

  - *Are they aware of a "smoking gun" that could help or hurt the case?*

- You also want to begin putting parameters around data collections by setting aside folders, files, and metadata that could slow down assessment, as they seem unrelated to the case.
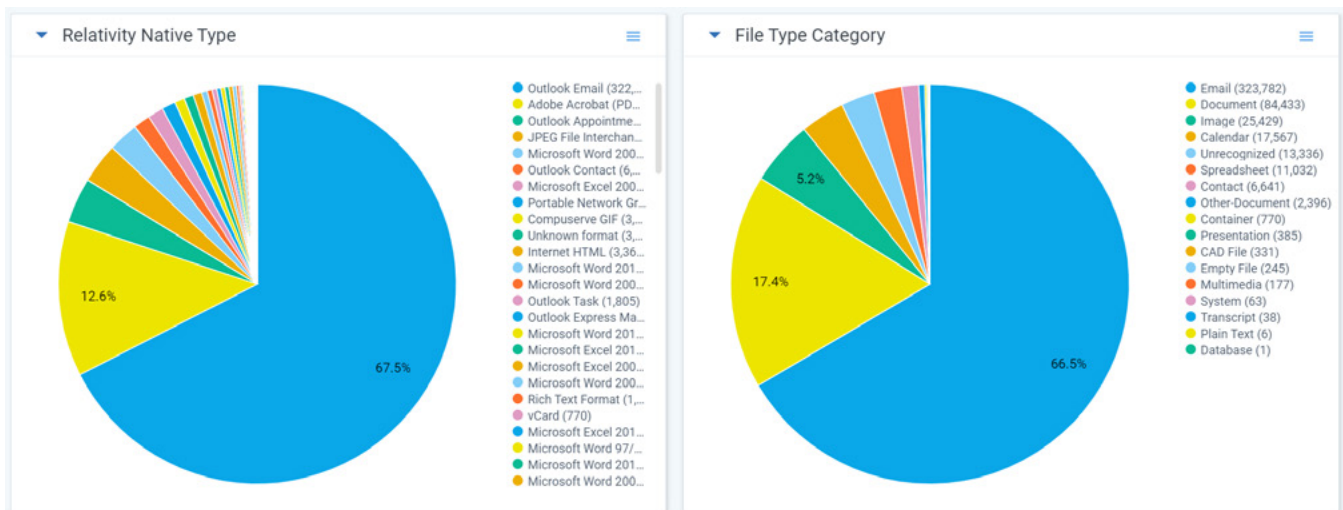
2. Search

- Search for data with high potential relevance by conducting keyword searches and apply filters that reveal more of the story. For example:

  - *Try keywords that align with a project name.*

- *Search for email domains of competitors or consultants.*

- *Filter by date range.*

■ Use contextual clues to expand keywords.

■ Take advantage of text analytics.

- *Enter known keywords into the "keyword expansion" feature to uncover a list of conceptually related terms.*

■ Search for information you don't need.

■ Identify documents with low potential, like junk email, and take advantage of analytic features like email threading and near-duplicate identification.

■ Expand on your results.

- *When you find a relevant document, copy and paste the text into a concept search to find similar documents. Or run a concept search on irrelevant info to find more items to eliminate.*

Avalon's helpful categorization app does the hard work for you, filtering your data by using a small set of file categories rather than thousands of different file types.

3. Analyze

■ Create a timeline.

- *Plot your documents by date on a line graph to see when key issues fall. You can also eliminate documents if they occur outside this time frame.*

- Analyze where keywords and custodians intersect to determine who is connected with what issues.

- Evaluate hot spots in your data set.

  - *Use cluster visualization, an Analytics tool that groups conceptually similar documents on an interactive map, to find patterns.*

4. Act

- Tag documents for review.

  - *Use structured analytics tools like email threading, clustering, and language identification to group data by conversation, concept, and language and tag for review.*

- Send findings to case team.

  - *Insights gained during ECA – for example, "hidden terms," date ranges, etc. – could be useful to the team as they prepare to meet opposing counsel.*

- Build your eDiscovery budget and timeline – The data you've found can help your legal team decide how many reviewers will be needed, and whether you will need the assistance of a subject matter expert or foreign language reviewer.

Now that we understand more about ECA, let's look at how Avalon and Relativity can help streamline your casework, reduce the cost of eDiscovery, and develop winning strategies for your next case.

WHY USE AVALON FOR ECA?
OUR PEOPLE, PROCESSES, AND TECHNOLOGY

To achieve success in ECA, you need your people, processes, and technology working in harmony. Your technology must be the best in the industry: powerful and secure, yet easy to use. Since every case is different, you need custom processes to organize and search your data efficiently and effectively. And the team of people you partner with must be experts in the field; knowledgeable, strategic, dedicated to your needs and goals, and capable of using that superior technology and those tried-and-true processes to reveal the data you need. The partnership between Avalon and Relativity delivers on all three of these criteria time and time again and has since it began in 2011. Read on to see how, together, Avalon and Relativity can assist you with ECA.
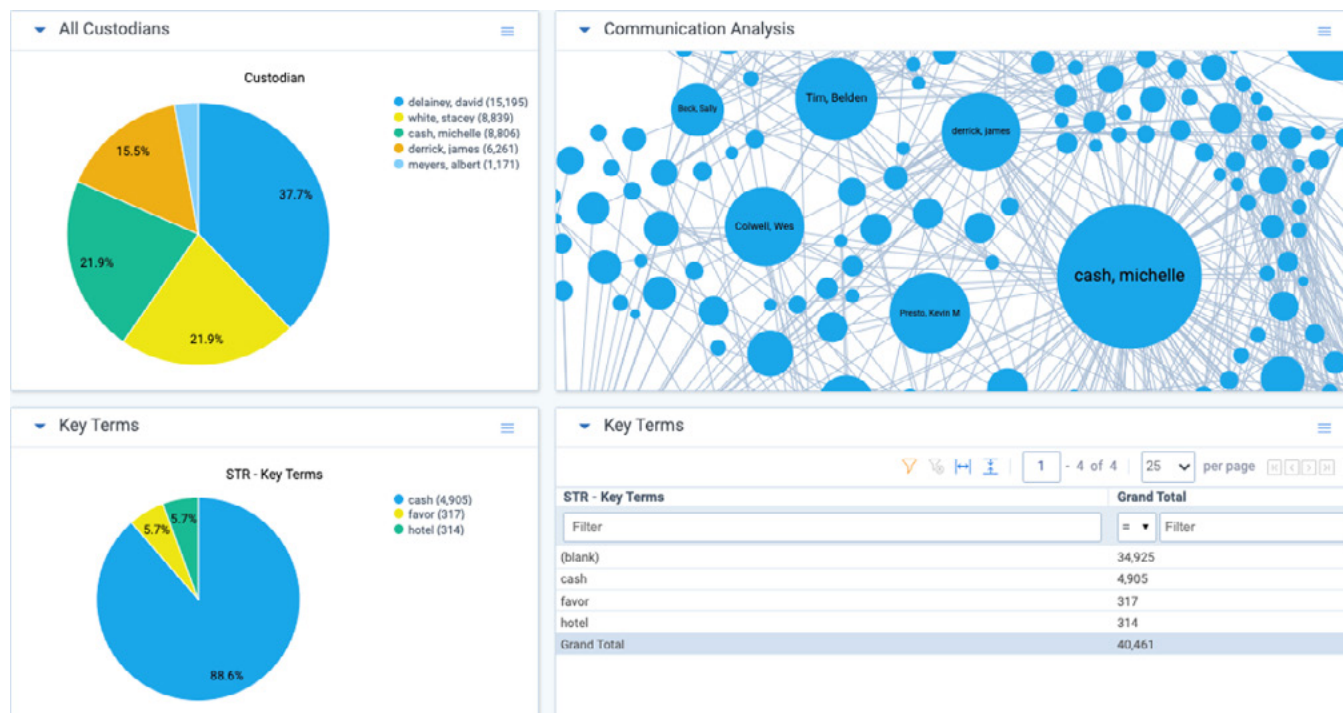
RelativityOne for Early Case Assessment

RelativityOne's ECA template provides you with a streamlined workflow to make early case assessment easier and to attain critical insights much faster. Here's how it can help:

- **Reduce your data set** – We all know the amount of electronic data continues to grow exponentially, which means you could have thousands – even tens or hundreds of thousands – of documents, emails, group messages, texts, and other file types to look through for your case. But RelativityOne uses artificial intelligence (AI) to reduce that data set to a more manageable size, as well as dashboards with helpful widgets that allow you to identify data that's irrelevant and promote useful data to a new workspace for review.

- **Find infractions fast** – You can easily detect patterns, as well as red flags, through RelativityOne's sophisticated analytics and visualizations, which extract various concepts found within your documents and help you narrow documents by concept.

RelativityOne's cluster visualizations extract various concepts found within your documents to help you narrow your searches.

- **Find who, what, when** – Easily browse emails, texts, and chat messages to determine participants, conversation timelines, and more. Use the communication analysis widget to understand who's talking to whom and identify new individuals and information relevant to your case.

The Communication Analysis widget lets you quickly identify key individuals your custodians communicated with.

- **Save time, save money** – By reducing the amount of data to process and review, you allow your review team to concentrate on the most important material for your case. You also automatically cut expenses. Once you're ready to promote documents for further review, use the Integration Points wizard to quickly push them to a new workspace.

Use Avalon's RelativityOne ECA workflows for:

- **Litigation** – Narrow down the volume of documents, discover key individuals, and understand whether there is data to support or deny a claim.

- **Data subject access requests** – Quickly sift through documents to identify potential claims and defenses, understand the major parties and issues at stake, and make an educated assessment of the risks that any potential claims pose.

- **Investigations** – Use dates, people, keywords, and concepts relevant to the issues in your investigation to find the data you care about most.

- **Third-party subpoenas** – Cull irrelevant documents based on date, people, file type, language, keywords, and concepts to reduce the cost of document review and production.

How Avalon's Legal Tech team will help you throughout the ECA process

We will:

- **Help you understand** what's in your data set.

- **Push forward only known, usable data** that is valid and within certain date ranges, etc.

- **Identify key tools for filtering (search terms, deNISTing, etc.)** This results in a smaller subset where we can dive in and find what we really need or determine why aren't we finding what we need.

- **Make decisions for moving results over** – With a cell phone collection, for example, you may identify a hit in a conversation, but you need to bring over enough of that conversation, or the entire conversation, to understand what was being said.

  - *Our consultants ensure you have the relevant hits, but also the substance that goes along with it.*

A NIMBLE TEAM COMMITTED TO YOUR SUCCESS

Partner with Avalon for your next case and take advantage of some of the most powerful eDiscovery tools in the world. You'll get access to Relativity's flexible, state-of-the-art RelativityOne platform, which allows your litigation team and other relevant personnel to easily collaborate and review documents from anywhere, at any time.

We also provide invaluable strategic services to help your firm succeed. Our hyper-responsive project managers, coordinators, technicians, investigators, solutions architects, and account managers provide unwavering support and will cultivate a close relationship with your team through scoping calls and regular check-ins to determine how we can best fulfill your needs from preservation to review. And, of course, we can help you navigate your data and develop case-winning strategies based on insights gained from early case assessment.

What you can expect from Avalon:

- The expertise to use Relativity's full suite of solutions, including ECA and Analytics, to set your case team up for success.

- One location for all your data types, which allows you to assess and determine what is relevant for your case in the initial phases of discovery.

- Customized dashboards that provide quick access to relevant case details.

- Consultation on case strategy regarding data collection, processing, and review.

You'll feel confident knowing our team works diligently to deliver a smooth, efficient, and effective eDiscovery process that strategically gathers only the most pertinent data for your case, while also saving your firm time and money. In addition to expert eDiscovery services, Avalon offers digital forensics, cybersecurity, managed office services, paper discovery, and appellate services to support you throughout the litigation process. You may also want to inquire about our managed eDiscovery services, a subscription-based package, which eliminates the unpredictable cost aspect of electronic discovery and provides a custom offering based on your firm's current and future requirements.

QUESTIONS?

For more information about any of our services or to set up a consultation, please contact:

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