

THE **INTERNET** lawyer

October 2006

Managing Litigation Documents on the Web

By Karen Unger

Paper, e-mails, electronic files, photographs, web pages, text messages, x-rays, engineering drawings and video recordings are just some of the documents included in modern litigation. Even the hidden information – the metadata – about when a document was created, printed or last accessed is part of litigation now.

But many of the systems attorneys use to organize these documents really don't work for more than about 40 percent of the documents in a given case. As litigation becomes more and more complex – and because collaborating over documents in an online setting is now a reality – attorneys and paralegals owe it to themselves and their clients to explore new ways to organize their litigation documents.

Online document collaboration allows a litigation team made up of members anywhere in the world to log on to a secure website where they can view and comment on all the pieces of evidence that play a part a case – all at the same time. It can also streamline and improve the flow of case preparation and save hundreds of hours and thousands of dollars in both employee time and travel costs.

How It Works

Any litigation document – whether a computer file or a scanned version of a paper document – is loaded onto a centralized, secure, web-based retrieval system. The system then allows users to search, sort, extract, comment upon, redact, print and share, all from a litigation team member's own desktop, anytime of the day or night.

When properly catalogued and categorized online, information is available immediately – not after support staff makes the time to dig through boxes, then thumbs through the files to locate the document within. A system's search capabilities help attorneys locate information quickly and easily.

The technology is so sophisticated that multi-level security assignments can be made so that individual attorneys and support staff are assigned to specific projects, cases or documents. Individuals can be authorized to view, print, review, make comments or redact documents. However, what one person sees is not necessarily what everyone sees, because only certain users with the right permissions are allowed to comment, change, print or view specific documents.

Using web technology, pages can be redacted online and produced with or without the redactions. Litigation team members can create electronic production sets, witness kits and exhibits. When specific documents are needed, they're "tagged" within the system for a specific purpose, such as a deposition. The user determines whether to number the chosen documents with the original Bates numbers or renumber them with custom numbers specific to that production.

The system automatically tracks which documents were used in the production set, the numbering scheme used, the reason for the production (deposition, witness at trial or opposing counsel request, for example), the person requesting the production set and the date and time. Redactions and other annotations are included by a simple checkmark.

The litigation team no longer needs cumbersome lists or spreadsheets to track the documents produced. Online document collaboration systems use just a click of a mouse and then the system walks the user through the protocol. Later on, a user can tell just by looking at a specific record whether that document was ever produced – and why, when and by whom. Or, the user can re-create a production set quickly.

Litigators working on several related lawsuits can break down documents by case, giving them the ability to review and assemble pertinent information for each individual case or make comparisons across more than one case.

All this means firms can cut litigation costs in many areas. Travel costs to a central review site are virtually eliminated. Multiple sets of copies aren't necessary because all work is conducted against the centralized, online document set. Shipping documents to attorneys in various locations is no longer necessary. Redundant review is reduced or purged entirely because review can be centrally assigned to multiple firms and individuals and all reviewers are working with the most current set of documents.

Most importantly, costs are contained through consistency and centralized organization.

How To Find a System

A tech-savvy attorney or a law firm with a talented IT staff can certainly host an online repository. This requires, however, that the law firm become a technology-proficient entity and use resources on an endeavor that likely isn't their core business. By working with a knowledgeable service provider specializing in legal document management, a law firm or general counsel's office can concentrate on its primary business.

Whether in-house or outsourced, the litigation team needs to ensure their technology is capable of handling their complex needs. Redacting, renumbering, tracking production sets and handling electronic discovery needs requires multiple servers, high-speed Internet connections, large data repositories and

support personnel to preserve and protect the information.

Further, special care should be taken to ensure confidentiality, especially in cases that come under the auspices of Sarbanes-Oxley, HIPAA, SEC or Graham-Leach-Bliley requirements.

Many providers in the United States and Europe offer this kind of specialized service.

Like any other business service, a key element a firm must determine is the how much support the provider actually offers. From the beginning of a project, planning, training and customer support should be a part of the process. And because online repositories allow litigators to work any time, anywhere, technical and customer support should be available after hours, on weekends and on holidays.

The Bottom Line

The two bottom-line questions about online document collaboration are: how much space do we need and how much will this cost?

How much space depends on many factors. Typically, one gigabyte (Gb) will hold approximately 15,000 to 20,000 documents that have been scanned, or between 55,000 and 75,000 "pages" of electronic documents or e-mails. This "page count" reflects how many pages would be either printed or converted to an image for use in the online retrieval system.

Cost for storing documents online also varies. When online repositories first began, some charged every time a user logged on and every time a user accessed or printed a document. Now, providers charge by a combination of number of users, number of documents, number of images and/or storage size. The current market is usually charging per gigabyte for storage and per user for access to the system. A good service provider can establish a budget to allow the litigation team to budget how much the project will cost.

Karen Unger is president and CEO of American Document Management. AmDoc has offered online repository services since 2000, and currently has millions of "pages" stored for clients world-wide.