

TRILANTIC

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Tech feature of the month – litigation theme

Nigel Murray of Trilantic on eDisclosure

Simplifying procedures when searching emails for relevant case data.

eDisclosure is a hot topic at the moment and quite rightly so. Electronic documents, especially email, often contain key information in any legal matter. Added to which, the recent changes to CPR 31 (disclosure and inspection of document legislation) means law firms can fall foul of the law if they aren't able to comply effectively.

Readers may have heard stories about the volumes of data involved in and the costs associated with tackling electronic data caseloads. The volumes can be huge, for example a CD of emails printed out can equate to nearly one hundred thousand pages or the equivalent of three hundred lever arch files. Then there are individual's PC's, servers and of course back up tapes, all holding volumes of potentially relevant material.

In my view however, costs can be kept under control, and in this short article I aim to address two areas; offering an alternative to indiscriminate printing of electronic media and to provide an introduction to a methodical approach to tackling electronic documentation.

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Tech feature of the month – litigation theme

Nigel Murray continues..

I was recently asked by a lawyer to dispose of over twenty boxes of paper because “it was worse than useless”. It transpired that a client had sent in a DVD containing pertinent documents. The lawyer mistook it for a CD and sent it to the print room with the instruction “please print the contents”.

At approx £0.23 per page, the print room rubbed their hands in glee. Can you see that for the law firm even if the printed items had not been “worse than useless”, the task took copious time and resources reviewing the emails which could have been diverted elsewhere. Have you ever tried to determine the start and end of an email chain when there are no dividers between each mail?

If lawyers require printed copies, they could instead adopt some simple rules. Reviewing the documents electronically to determine the relevance and only print those that are important. This can be carried out by extracting and inserting key data relating to each document into a spreadsheet with a hyperlink to the original mail message. Then using a tick box to identify those that are of significance.

I also recommend printing emails in date order with a coloured divider between each document. Or where there are a large number of emails, especially from different sources, emails should be de-duplicated. The list goes on....

Tech feature of the month – litigation theme

Nigel Murray continues..

In the old days, when tackling a matter containing just paper, the lawyer would identify the key individuals associated with the project, and request their relevant files. I suggest that with electronic data, the same approach is taken - obtain the email boxes of the individuals along with their project filing area, and generally you will find that most relevant documents will come to light. Only if there are gaps do you then need to start looking elsewhere. Most cases don't require the professional services of a forensic expert. They can be handled internally by IT staff, once properly instructed.

Cases with electronic documents are here to stay and increasing in volume but are they increasing in value? With your clients having to squeeze your fees because of pressures of their own, this simple change in data management will simplify your processes. It will also keep your charge out rate from soaring out of control.

Nigel offers in-house lectures to law firms on this topic.

<http://www.trilantic.co.uk/>

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