



On the Case

Law Firm Teams with Canon to Save Millions in eDiscovery Costs While Reviewing More Than One Terabyte of Data



Lewis Brisbois Bisgaard & Smith LLP is a leading law firm ranked by The National Law Journal as one of the largest firms in the nation, employing more than 800 attorneys in 25 offices across the country. The firm represented a client with a complex eDiscovery challenge. Due to pending litigation, Lewis Brisbois was tasked with collecting more than a tera-byte of potentially relevant information contained in electronic client documents. Compounding the challenge was the fact that some of the documents were in a foreign language and an extensive amount of evidence had to be collected overseas for review by the firm's attorneys in the U.S. Lewis Brisbois tapped Canon Business Process Services (Canon) to leverage their ongoing relationship and collaborate on this and other large eDiscovery matters.

THE CHALLENGE

Lewis Brisbois faced at least three serious challenges. The first was that the potentially responsive electronically stored information (ESI) totaled more than one terabyte. The firm's client had limited financial resources, and using the conventional first-pass linear review of culled and filtered documents could have exceeded \$5 million in cost and consumed a significant amount of attorney review time. A more cost- and time-effective solution had to be developed.

Second, the logistics associated with collecting data in a foreign jurisdiction with different limitations on exporting information were further complicated by the distance and remote locations involved.

Third, the normal issues of sheer volume and tight deadlines for production were compounded when Lewis Brisbois learned that an executive with the firm's client had inadvertently deleted case-related documents on his laptop after leaving the company. He was a key custodian and the opposing party sought sanctions for spoliation.

Lewis Brisbois confronted these challenges by teaming up with Canon, an eDiscovery service provider with the expertise, technology and consultative skills that could help the firm reduce attorney review time and costs associated with managing such a large amount of data. Having worked with Canon previously, Lewis Brisbois was confident Canon could implement a defensible workflow to dramatically reduce the number of documents requiring attorney review. Additionally, Lewis Brisbois relied upon Canon's expertise to address the challenges that regularly occur in cases involving large amounts of eDiscovery.

THE SOLUTION

Canon consulted with Lewis Brisbois on implementing an iterative workflow for document review, using Canon's CaseData™, a Web-based document review tool that supports multiple languages. The workflow was designed to maximize the use of analytics and minimize attorney review time in a defensible manner. The firm and Canon confirmed that this approach could reduce review time and

THE RESULT

- + Collected more than a terabyte of data in a relatively remote location for review and processing in the U.S.
- + Implemented a defensible workflow, including innovative data review and culling strategies
- + Reduced eDiscovery review costs by 90 percent
- + Minimized legal risk by using defensible metrics, while delivering responsive data accurately and on schedule
- + Overcame spoliation allegations by establishing that deleted data existed in other forms, which were made available to the counterparty
- + Utilized Canon's Web-based document review platform, CaseData™, to efficiently process, review and analyze more than one terabyte of data, including documents in a foreign language

cost by 90 percent or more. The workflow process eliminated nonrelevant documents by using global deduplication, keyword searching, clustering, e-mail threading, statistical sampling and other analytic methodologies.

Lewis Brisbois and Canon used ANSI-based sampling techniques to confirm the accuracy of their document classifications. The results of each search were continually analyzed, tested and refined, with the goal of reducing the

number of potentially nonrelevant documents in the set of documents to be reviewed. This approach minimized overall attorney review time. The process continued until the attorney and consultant teams were confident that the division of data into responsive and nonresponsive subsets, using judicially Canon recognized metrics, was defensible.

To handle collecting the potentially relevant data located overseas, Canon created a strategy, and engaged a team that traveled to Indonesia and collected the ESI. The team went to the client's locations, deployed specialized tools and software, and created forensic images of all of the potentially relevant data located on the client's hard drives. The resulting images, totaling over one terabyte, were loaded onto an encrypted drive and processed in the United States.

Lewis Brisbois and Canon also teamed up, on the preparation of a response to allegations of spoliation, caused by the client executive who inadvertently deleted case-related documents on his laptop. Lewis Brisbois and Canon minimized the potential exposure by creating a "virtual mailbox," consisting of emails sent by and to the client executive that included data contained in the lost documents. The judge was persuaded that the opposing party received all substantive information due. Therefore, there was no prejudice in the discovery process because the data in question was produced in a timely fashion.

These approaches helped Lewis Brisbois and its client minimize the risks associated with the eDiscovery process, and deliver responsive data accurately and on schedule. They also enabled Lewis Brisbois to cut the overall budget for the case in half. This was possible due to a 90 percent savings in eDiscovery review costs and by Lewis Brisbois and Canon working together to find ways to reduce technology costs by 35 percent compared with traditional approaches.

ABOUT CANON BUSINESS PROCESS SERVICES, INC.

Canon Business Process Services, a wholly owned subsidiary of Canon U.S.A., offers managed services and technology for information and document management, business process outsourcing and specialty workforce services. We help clients improve operational performance while reducing cost and risk. Canon Business Process Services has been named a Global Outsourcing 100 Leader by IAOP for the past eleven years and recognized in the Gartner Magic Quadrant for Managed Print and Content Services for five consecutive years. We have also been acknowledged by CIOReview magazine as a "20 Most Promising Legal Technology Solution Provider." Learn more at cbps.canon.com and follow us on Twitter @CanonBPO.