

Roundtable: Recent Improvement Of Technological Products; Strategies For Integrating Systems Across Global Operations

The Editor interviews: Afshin Behnia, President & CEO, Mitratech; Brad Harris, Director, Discovery Center of Excellence, Fios Inc.; Elizabeth Nolan, Vice President, Global Marketing, SPi Legal; Debra E. Weaver, Vice President, Marketing & Sales, TrialNet, Inc.

Editor: How have recent technological advancements improved the effectiveness of technology products for legal departments?

Behnia: Sophisticated business applications such as matter management, e-billing, and GRC solutions have made major technological advancements in terms of ease-of-use. These systems cull large volumes of data with complex relationships and are able to present that information to the users with incredible simplicity. Using business intelligence tools that are embedded in many matter management solutions allows legal departments to gain a clear understanding of the relationship between their litigation portfolio, insurance converges, and corporate compliance programs in a visually friendly format. The end result is a legal department that is better informed to make good business decisions.

Harris: Technologies for legal departments have advanced tremendously

over the past year, particularly in the areas of search, legal hold management and early evidence assessment. When it comes to e-discovery, the first instinct for IT is to evaluate new software applications as a means to managing the exploding data population now subject to litigation or investigation. Yet, in the wake of the firefight, the biggest area of miscommunication tends to lie somewhere in between the legal and IT departments. Legal needs to have information preserved and collected in a defensible manner; IT needs to issue legal holds, preserve and collect the potential evidence while also doing its regular job. The confusion and miscommunication can lead to costly mistakes and unnecessary capital expenses.

Nolan: Newer technologies for litigation discovery review cluster together documents that have similar content. These are in mainstream use, and they are having a positive impact on the budgets of outsourced litigation projects and on the efficiency of cases managed in-house.

Most law departments are concerned with managing the cost of large discovery projects. A major component is the cost of review for production. For large projects, the use of clustering technology allows reviewers to complete their work in one half to one third of the time,

compared to traditional review applications. The result is a savings in what would otherwise be the cost of discovery.

Most law departments want to manage small cases (like HR cases) in house. For small projects, the clustering technology lets a single lawyer or paralegal find important documents very quickly. The result is inexpensive early case assessment and efficient discovery review.

Weaver: Over the years, legal departments implemented various software applications to accommodate internal workflow processes for each practice group. These applications cost a tremendous amount of money and time to implement, yet no one particular application could speak to the other. As time progressed, the need to integrate these solutions became imperative – or a new application would have to be purchased that would accommodate all practice groups' workflow process, which was many times not an option due to budgetary reasons, or simply wasn't available. With the advent of outsourced ASP services, this opened up new avenues for applications to be easily integrated and thus streamlining the internal workflow process. Applications could now speak to each other through internet technology. Data could be input in one location and nightly transferred to various applications, thereby much improving internal technology workflow.

Editor: What strategies do you recommend for companies that are integrating technology systems across global operations?

Behnia: The best integration strategy is to avoid integration whenever possible. Managing multiple vendors relationships, maintaining different technology platforms, and integrating multiple systems is a costly, inefficient, and unnecessary burden for any company to undertake. Global companies are consolidating systems and saving money by implementing solutions that have been engineered to service geographically and culturally unique legal departments. The end result is a regionally configured system that meets the needs of each country while providing seamless information back to the parent office.

Harris: In general, there are three definitive guidelines for managing the e-discovery response process:

- Have well-documented processes in place
- Ensure that the processes are transparent
- Make sure that the processes are easy to follow, routinely deployed and repeatable

To ensure technology implementa-

tions adhere to these guidelines and meet discovery needs, the best place to start is by conducting a formal assessment of the organization's e-discovery practices. This assessment can help counsel better understand the company's greatest areas of risk, cost and time, as well as help IT define functional requirements for leveraging existing content management or archiving systems or for purchasing new technology for legal purposes. Prior to determining what is right for the enterprise, IT and legal need to understand the processes and legal requirements around e-discovery to ensure the technology solutions can meet these provisions.

Nolan: There is a growing convergence of legal and IT strategic planning needs. It results from growth in litigation costs and growth in the information management requirements of regulatory compliance. This convergence poses two challenges:

The first challenge is always to consider integrating business IT needs with the needs of legal and regulatory compliance. Centralized systems for storing emails and other electronic objects should take into account at least the following: business and compliance records retention schedules, records management lifecycle, litigation holds, version control, audit trails, and international privacy directives.

The second challenge is to allow easy and more granular identification of content and access to it. Email archiving and document management systems are a start. Routine incremental backups of desktop and laptop computers would ease the pain of bringing in data on the "edge" of most enterprises.

Long term, these strategies will save money in both IT and legal services.

Weaver: First of all, don't assume that the IT staff knows everything about their environment. Many implementations may have occurred prior to the current IT staffs' tenure. It is imperative to have regular dialogs regarding the company's entire network infrastructure. Discussions should include physical and local components of the network – such as, wiring connections, hubs, routers, gateways, switches, software applications, any integration with outsourced applications, etc. Once the infrastructure is determined, decide which applications are working optimally and which are not. It's important to either utilize all applications to their fullest potential or replace applications that are too outdated and do not cover the current or future workflow process. If new applications are needed, specifications must be drawn out to ensure purchases are correct choices and viable. Next, determine highest priorities versus lowest priorities, and then determine how those priorities fit within your budget.

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