

Clearwell Early Case Assessment Solution Brief

Data Sheet: Archiving and eDiscovery

The Challenge: Weeks Delay Ascertaining Case Facts and Determining Case Strategy at the Onset of a Legal Matter

Early case assessment (ECA) has gone from a "nice to have" to a "must have" as legal practitioners have realized the need to quickly and accurately estimate the scope of eDiscovery, prepare for meet & confer conferences, and assess case facts to evaluate risk and settlement value. In addition to informing better case decisions, early case assessments also provide the foundation for substantial legal cost reductions. According to industry studies, 90.5% of legal professionals believe that early case assessment is critical to reducing eDiscovery cost in their organizations¹, however most organizations still don't have solid eDiscovery procedures in place and the technologies needed to support them.

The traditional approach to eDiscovery provides very little visibility into the volume and makeup of case data bound for processing and review and lacks an effective method for rapidly accessing the relevant case information at the onset of a legal matter. Moreover, organizations rely on multiple standalone tools for collection, processing, and review, which cause delays before legal teams can access the case data. This makes it almost impossible to accurately scope the time and cost of eDiscovery and evaluate the case facts at the beginning of a case. Without this knowledge legal professionals are forced to make "fight or settle" decisions with incomplete information, which often results in suboptimal case decisions and significantly higher legal risk and costs throughout the case.

The Solution: The Clearwell Early Case Assessment Solution

By providing rapid access to case facts and industry-leading search and analysis capabilities in a single application, Clearwell accelerates early case assessments from weeks to hours. Key capabilities of the Clearwell eDiscovery Platform include:

Analyze emails, attachments, and documents in minutes: Clearwell is operational quickly, allowing legal teams to begin their eDiscovery process sooner and understand the context of the case across the collected data set. As a single application for the entire eDiscovery lifecycle, Clearwell provides the capability to collect from all critical enterprise data sources, process data immediately, and begin analysis without moving data between multiple standalone tools. As a result, legal teams gain earlier access to the case, providing visibility to make informed decisions from the onset of a legal matter.

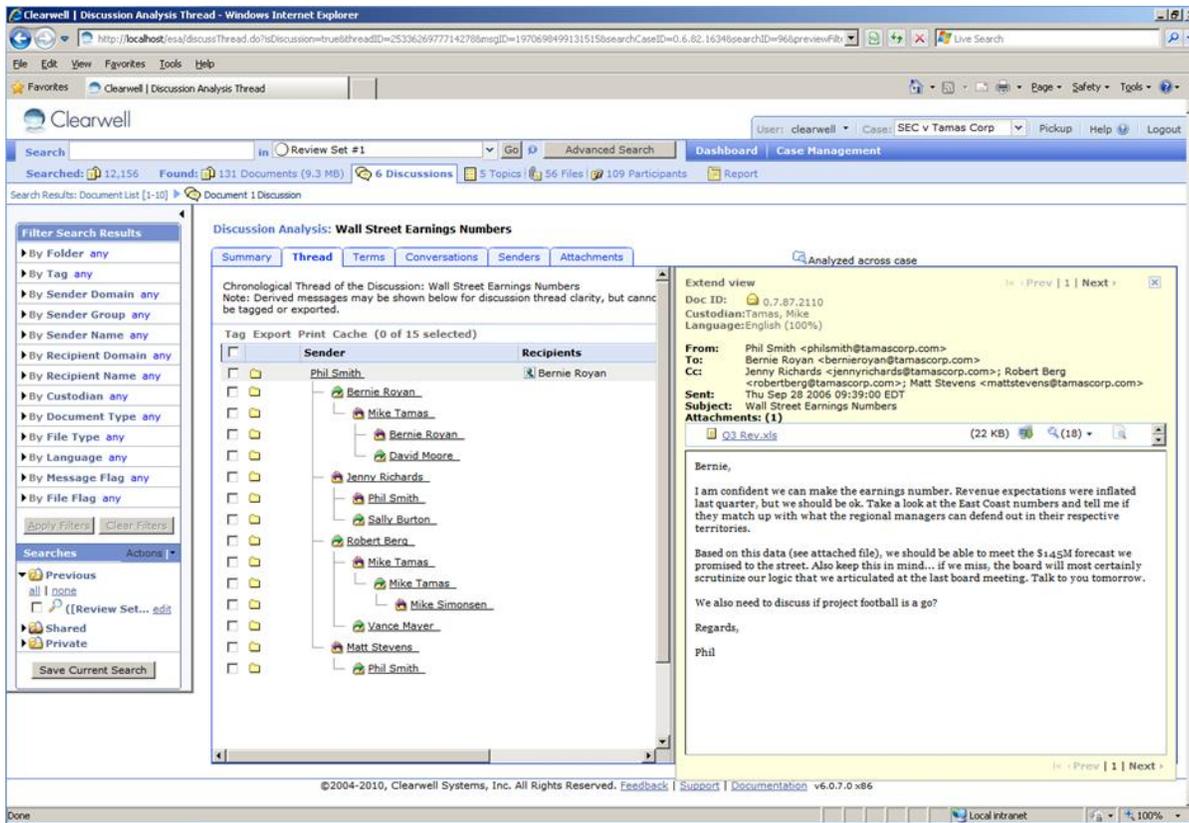
Rapidly collect data in a defensible manner: Clearwell's collection capability allows either IT or legal teams to easily collect custodial data from multiple critical data sources including email servers, employee computers, file servers, SharePoint™, and applications in the cloud. During the collection process, Clearwell verifies the integrity of the data before and after collection, ensuring data is forensically sound and providing a defensible audit trail that can be used to document chain of custody.

THE BENEFITS:

General Counsels, attorneys, and litigation support professionals within enterprises and law firms realize significant benefits by using the Clearwell eDiscovery Platform during early case assessments to:

- Rapidly identify relevant evidence and collect from key custodians
- Accurately estimate eDiscovery time and cost at the onset of the case
- Quickly assess case facts to determine best case strategy
- Better prepare for the keyword negotiation during the Meet & Confer
- Meet court appointed and FRCP deadlines

1. Cowen Group Survey, 2009



Discussion Threads Automatically links emails into threads enabling rapid analysis and identification of case facts.

Accurately scope eDiscovery budget and timeline: Clearwell's Pre-Processing Analytics visually summarize overall document set characteristics and present detailed analysis by custodian, timeline, volume, and file type. This rapidly confirms that all case data has been collected and provides detailed statistics used to accurately estimate eDiscovery budget and timeline.

Discover exactly who knew what, and when: Clearwell's Discussion Thread feature links together all related messages including all replies, forwards, CC's and BCC's, and provides a chronological thread of the entire discussion. By tracing the thread, legal professionals can quickly identify all participants involved, and determine who knew what, and when.

Conceptually understand the data: Clearwell's topic clustering utilizes patentpending linguistic algorithms to automatically organize documents into specific topics, enabling users to quickly analyze all documents related to a particular subject.

Quickly discover the most relevant evidence to your case: Clearwell's Transparent Search delivers a new set of search features that enable a more defensible and collaborative eDiscovery search process and allow users avoid excessive false positives and identify the truly relevant data rapidly. The identification of pertinent information is further accelerated by Clearwell's Find Similar feature which allows reviewers to easily identify and view items with similar content to the document under review, revealing the scope of an idea across the entire case.

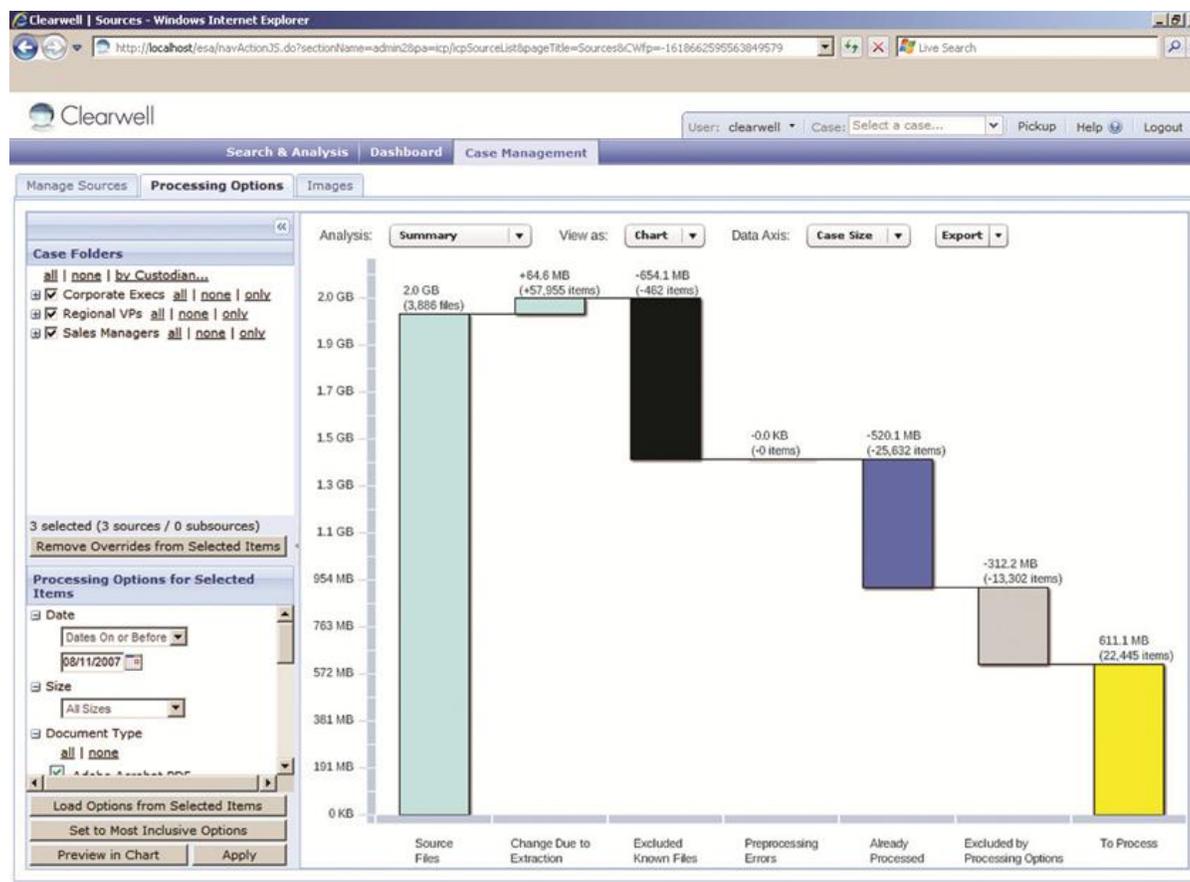
Rapidly complete first-pass review: Clearwell's Decision-Tree Tagging provides a multilayer tree structure that directs reviewers into key decision points, preventing

"With Clearwell we have instituted eDiscovery best practices including a streamlined eDiscovery workflow and strategic early case assessments, leading to significant cost savings."
Jeff Neumeyer, VP And Litigation Team Leader, OfficeMax

errors and minimizing the number of clicks needed to accurately tag documents, threads, or entire search results. Attorneys can review documents online and in native format without requiring each application to be loaded on a workstation thereby streamlining the early case assessment process.

Quickly identify all custodians: Clearwell's People Analytics feature analyzes individual and group-to-group communications within a company or to customers, suppliers, and partners, allowing users to easily access a list of top custodians for a collection or specific search. Easily identify pertinent code words: Clearwell's Term Analytics leverage natural language algorithms to analyze noun phrases, which help users uncover secret project names and code words that may be relevant to a case or investigation.

Effectively prepare for the meet & confer: Clearwell provides the ability to easily sample and test keyword searches in preparation for the Meet & Confer. Clearwell's automatically generated Search Report documents all search criteria and provides detailed analytics of the results. The report tracks search terms and variations that were included and excluded, providing a defensible audit trail of conducted searches.



Pre-Processing Analytics: Provides data statistics prior to processing enabling accurate case budget and timeline estimates.

More Information

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