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kCura Relativity Delivers as Database for Thompson & Knight

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The effective use of new technology in litigation and practice support departments can be a source of substantial cost savings for law firms and their clients. At Thompson & Knight (“TK”), we have aggressively engaged in deploying these applications. Many law firms, including ours, have well-established software tools, such as Concordance, Summation, CaseMap and LiveNote, which have adequately met attorney needs. However, a new generation of applications that offer Web-based connectivity and extensive customization continues to make dramatic improvements and can now effectively replace a wide variety of existing software tools. Data processing tools have also evolved and are now well suited for use in law firms to prepare electronic data for use with these Web applications. Law firms that implement these new applications are well positioned to significantly improve efficiency, better serve their clients and dramatically reduce costs.

UNIFYING THE DATABASE

After an extensive evaluation process, TK attorneys, staff, and an IT group selected kCura’s Relativity platform as the best application for our needs. The selection process was rigorous and the implementation challenging, but the impact of these tools has been well worth the effort. Under the current regime of software tools in many firms, as it was at TK, data is isolated in a number of different repositories. Litigation support is given the duty to move data into, out of, and between these

diverse tools. Deposition transcripts reside in LiveNote or a number of other transcript management tools. Pleadings reside in a document management system, such as iManage or its competitors. Until recently, evidentiary documents resided exclusively in a “flat-file” document review platform, such as Summation or Concordance. The deployment of a unified database system helps address this distribution of data and dramatically improves efficiency.

With the explosion of electronic discovery during the last decade, modern database tools, such as Relativity, iConect, Atenex, Ringtail and any number of other hosted review platforms, were steadily supplanting Summation and Concordance. To be fair, both Summation and Concordance are being substantially improved in their latest versions as well. However, until recently, the newer tools were exclusively available through third-party service providers at a significant cost, including hosting fees, per-user licensing fees, technical service fees, etc. Now, as law firms begin to bring these applications in-house, the impact will be realized in increased efficiency and substantial cost savings for both law firms and their clients.

THE LAW FIRM ADVANTAGE

Bringing a Web-based database application such as Relativity into a law firm is a major investment in hardware, software, training and labor. However, the rewards are real. Many small to medium-sized businesses do not have the volume of litigation required to justify this expense, but a law firm is well suited to make the investment. Furthermore, a law firm will realize a number of unique advantages due to the nature of the tools.

The first of these is the unification of the many tools that law firms currently use into one platform. With the Relativity platform at TK for example, we replaced

Summation, Concordance, IPRO Viewer, JFS, and many other vendor-hosted review tools in a single application. This resulted in a substantial reduction in licensing fees for these various tools. We also brought cases in-house that were being hosted with third-party vendors — at significant cost. All law firms can realize these benefits.

However, an application like Relativity is not just limited to document review. With the customizable database functionality, called “Dynamic Objects,” Relativity also allows the replacement of tools such as CaseMap, Case Notebook and Access. Going further, the extensive customizability allows the system to be used to organize pleadings, correspondence, written discovery, legal research, factual research, budgets and case plans. It can also be customized to provide litigation support functions, such as project management, evidence and media management and chain of custody. The unification of all these functions into a single comprehensive platform substantially reduces the cost of licensing, support and training for many different applications. At TK, the process is ongoing, as we continue to retire old applications and develop new applications within the Relativity platform.

COLLABORATION INCREASES EFFICIENCY

With the unification of so many tools, the substantial improvement in efficiency is self-evident. For attorneys accustomed to moving from tool-to-tool, unification means that they can organize all their case materials and search them in one place. Trial team members can more effectively communicate among themselves, and capture their thoughts, questions and research about the case in a single Web-accessible location. Importantly, when a document, transcript, or portions thereof are received, reviewed and noted by a member of the team as hot, relevant or irrelevant, it will

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not need to be re-reviewed, repeatedly, by other members of the team. Finally, team members can be assigned for review and collaborate from any office in the country, allowing for more efficient allocation of resources.

Corporate attorneys also benefit from the deployment of a centralized database application. For transactional practices, these databases can serve as a project management and document repository that serve many purposes. At TK, the Relativity application is used to manage transactional case workflow so that our Capital Markets partners can receive continuous updates on the status of portions of transactions that are being handled throughout many practice groups. This means that the per-transaction cost is reduced, due to greater efficiency and uniformity in management. The review platform also serves as a repository for pleadings, matter-specific forms, key client information, and any number of related spreadsheets of information. Additionally, the system has been used to facilitate contract comparison, analysis and review in a merger context.

The Information Technology department in a law firm will also achieve significant benefits from deploying these applications. In a firm with multiple offices, flat file database applications often have to be distributed throughout the firm and supported individually. The alternative, as we did at TK, is to host these database applications inside a Citrix environment and require each office to connect remotely. This can — and did at TK — result in very poor performance. The current generation of Web-based applications avoids this problem entirely. The centralization and reduction in the number of tools reduces the training and support burden on IT and litigation support dramatically.

Finally, the reduction, if not elimination, of third-party invoicing for services is a major benefit by itself. Partners avoid explaining the need for third-party electronic discovery processing vendors to their clients, while also gaining the pricing flexibility to discount or write down these services entirely and explore higher value, alternative fee agreements. Law firms no longer need to assume the risk of financing their client's third-party e-discovery processing and hosting needs. Litigation support and accounting departments no longer have to pursue partners to ensure that clients pay their outstanding invoices.

CLIENT BENEFITS

When a law firm implements new technology in litigation support, clients are the ultimate beneficiaries. These benefits are both direct and indirect. The most clear direct benefit is cost. The rise in data volumes and the corresponding increase in total cost for discovery processing, hosting and review are well known. The move by many firms to bring these services in-house is the natural reaction. By implementing the latest generation of review and database technologies, TK is able to aggressively control these costs and carefully select the circumstances in which third-party providers are engaged for services that the firm is not equipped — or wants — to provide.

Furthermore, when brought in-house, the “barrier for entry” to these tools is dramatically reduced. At TK, many smaller matters with limited budgets could not previously benefit from hosted tools that had thousands of dollars in up-front setup costs and prohibitive per-user, per-gigabyte and per-month pricing.

Clients can also see a great reduction in costs when they are engaged in a series of related matters involving the same or similar evidence. By reviewing data once and hosting it in a shared repository, the work product can be reused repeatedly. Often, in related litigation, the same documents are produced multiple times in slightly different variants. When this data is managed by a firm in-house, the costs for maintaining multiple cases, tweaking productions for multiple cases, and re-review of documents is minimized. For example, when hosted with a vendor, five related matters may each incur a “user” fee for an attorney to access them, regardless of the fact that the attorney can only work on one matter at a time. In a firm, these redundant costs are eliminated. Furthermore, cases can be archived indefinitely and quickly resumed without incurring fees for long term hosting or archival.

Collaboration is another area that benefits clients as well as law firms. Here, the collaboration is between client and counsel. As Web-based applications are easily accessible inside and outside the law firm, and since the law firm manages the creation of user accounts, access and security itself, clients are able to effectively participate in the review and analysis of their own data. This is of enormous benefit to the litigation team, as the client

knows their information far better than any outsider. This also means reduced costs for the client as they can have their own staff paralegals, in-house attorneys, scientists, engineers, managers, and other subject matter experts easily review evidence and answer questions without paying hourly bill rates to third-party experts.

IMPLEMENTATION

At Thompson & Knight, our software evaluation and selection process was rigorous and required the development of RFPs, including needs analysis, specification development, usability studies and survey instruments. This was accomplished with the assistance of outside consultants. Yet, the challenges that needed to be overcome did not end once a tool was selected.

Implementation was the next major effort. Working with our IT managers and technical staff, we were able to build the infrastructure recommended by kCura, involving major investments in hardware, software, storage, training and labor. It also involved additional investment in support tools, such as LAW PreDiscovery, which has its own training, hardware and software needs. The process also included initial pilot testing, evaluation, and eventual deployment.

The Relativity platform has proved to be very popular with our attorneys and clients due to its ease of use, collaboration, efficiency and cost savings. As a result, we face a whole new challenge in accommodating exponential growth. Initially, we sized our storage and processing needs based on the volume of cases and data that we were then currently handling, with a reasonable 30%-50% annual growth forecast. We were pleasantly surprised to find that the demand for these tools was so great that we saw 300% growth in the first year. We are currently addressing the staffing, equipment, storage and management challenges that such dramatic growth entails. Regardless, TK is delivering enormous cost savings to clients and enabling our attorneys to deliver legal services with greater efficiency, organization and speed.