

# **E-DISCLOSURE TECHNOLOGY AT A GLANCE**

 **IN-PLACE EARLY  
CASE ASSESSMENT**

**exterro<sup>®</sup>**

# IN-PLACE EARLY CASE ASSESSMENT

## Understanding ESI Before Collection

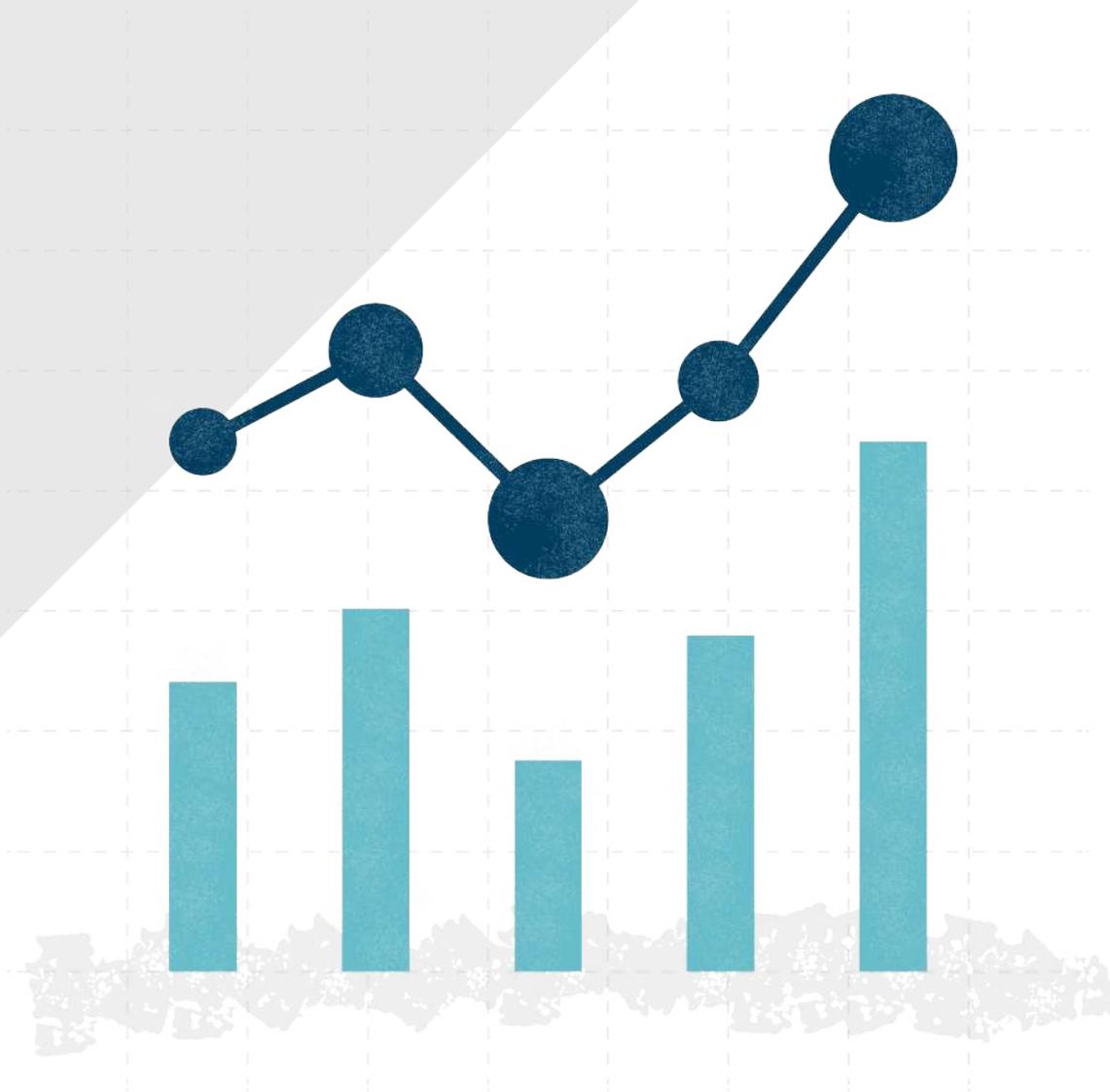
In-place early case assessment (ECA) leverages increased visibility into ESI, **before you have collected it**, to define case strategy. It allows e-disclosure professionals to get to the facts of a given matter faster, producing downstream cost and time savings during collection, review, and production.

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Using a broad set of analytic and predictive intelligence capabilities, in-place ECA rapidly identifies the most important documents prior to collecting a single document, justifying proportional and narrowly tailored e-disclosure production parameters. Bob Haskin, Managing Director at Morae Global, explains the power of true early case assessment, *“It shifts from traditionally reactive approaches to a more proactive one with the goal of learning what you need to know sooner in the process.”*

Using more advanced technology, such as artificial intelligence, during ECA, can provide e-disclosure professionals with even more insight, revealing hidden concept clusters, communication patterns, and custodian relationships. Tools like [Exterro Smart ECA](#) can unlock even greater savings than traditional ECA technologies, speeding up organisations' ability to get to the facts and define case strategy.



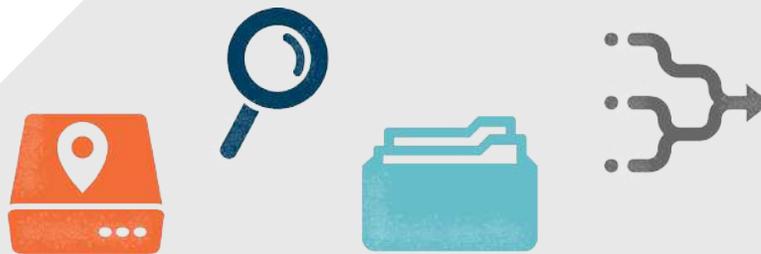
# Implementing In-Place Early Case Assessment

With In-Place ECA technology, legal teams leverage document storage and preservation capabilities to access data earlier in the EDRM. Since these capabilities are integrated with commonly collected data sources, legal teams are empowered to quickly review data in-place, before collection.

Linda Luperchio, Information Governance and E-Discovery Director at The Hanover Insurance Group, recalls, “Because I’m not waiting for everything to be collected and processed, I can just start looking at the data right away. Usually within 48 hours I can provide a hit report.”

To provide effective insight, in-place ECA technology requires:

- Integration with data sources
- An accurate data map
- Appropriate permissions for sub-folders
- Search functions across content keywords and metadata



EARLY CASE ASSESSMENT

## Alternatives to In-Place ECA

There are two primary alternatives to dedicated in-place early case assessment technology: traditional e-disclosure workflows and ECA capabilities that are baked into other software applications.

The biggest competitor to in-place early case assessment isn't another technology; it's entrenched ideas about e-disclosure workflows. When the EDRM was developed, technology simply didn't allow deep insight into ESI prior to collection. Lawyers could negotiate e-disclosure protocols using boilerplate arguments, because they could safely assume their counterparts would be in the same situation. In-place ECA upends that paradigm.

On the technology front, many data repositories provide some level of analytic insight into their contents. These native capabilities also compete with third-party in-place ECA technologies.



“More and more technology providers are working to embed native ECA functionality directly within applications, as opposed to companies needing to use third-party tools. If many of your e-disclosure data sources offer ECA functionality, the return on investment from a third-party in-place ECA tool might be limited.”

*-Bob Haskin, Managing Director at Morae Global*

# Pros and Cons of In-Place ECA



## PROS

- Cost savings in ESI storage, review, and processing
- Define case strategy earlier



“There are only pros to ECA, in my view. It allows you to get to the key point of the case and the data that’s responsive to it sooner.”

-Linda Luperchio, Information Governance and E-Discovery Director at The Hanover Insurance Group

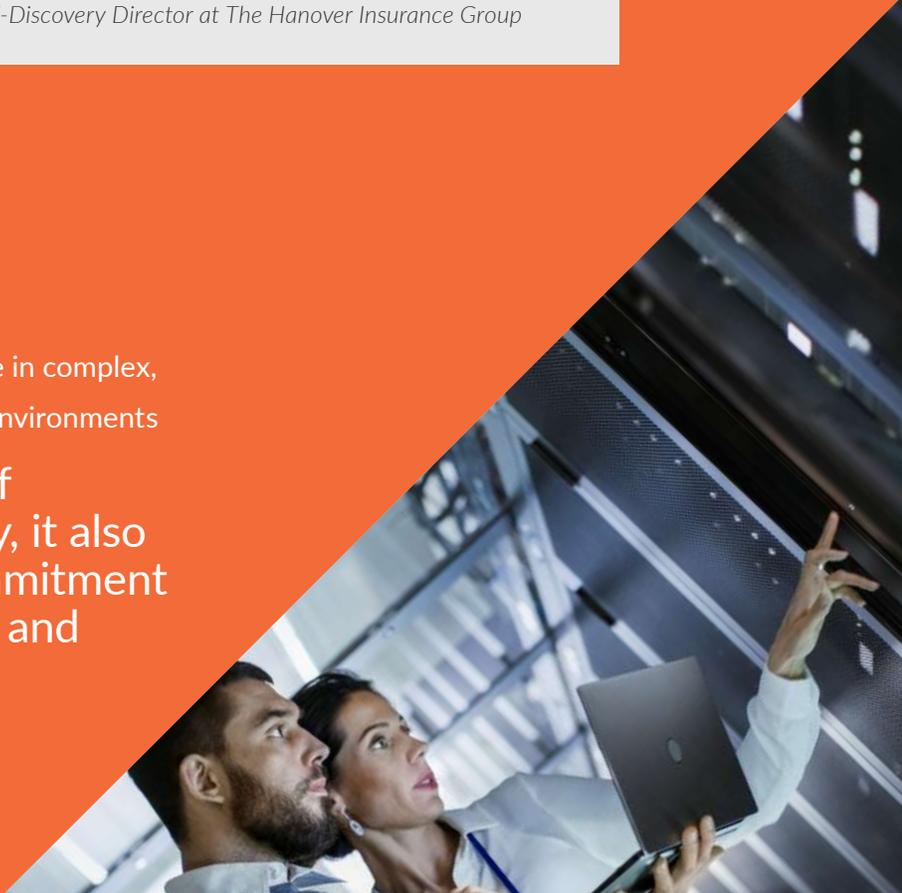
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## CONS

- Requires ongoing IT buy-in and support
- Technical and regulatory issues increase in complex, distributed, or multi-national network environments

“If you go down the route of purchasing ECA technology, it also represents an ongoing commitment to invest in the technology and training for your people.”

-Bob Haskin, Managing Director at Morae Global



# Is It Time to Implement an In-Place ECA Tool?

In-place early case assessment technology can answer extremely important strategic questions about legal matters you're facing—even before e-disclosure protocols have been negotiated and agreed to.

- How much data is responsive to a given matter?
- What would it cost to search, collect, review and process the data?
- Do we have gaps or issues within our ESI?
- What are the implications for negotiating a settlement or going to trial?

With the possibility of such insight, the question isn't, "Should you invest in in-place ECA capabilities?" Linda Luperchio says, "People should ask themselves can they really afford not to? Can you afford not to know about the case early? Can you afford not to have a way to cull down that data to save money on review and storage?"

No matter how compelling the case, though, Bob Haskin cautions that IT buy-in is essential. "You have to look at it with the backdrop and support of your IT and information security brethren to make sure you can execute this model. You have to do a little homework to know which sources you're going to connect and the necessary levels of access and permissions to traverse the company network are provided. Do you have the right people to own, operate and manage the process and technology not just during implementation, but on an ongoing basis?"

▶ **FOR AN IN-DEPTH LOOK** at early case assessment principles, processes, and tools, download [Exterro's Comprehensive Guide to E-Discovery Early Case Assessment](#).