

Ethics, Efficiency, and Economics Technology in the Practice of Law

An introductory overview of how to consider technology in the practice of law.

Speed, Agility, and Control

Considering Information/Litigation Lifecycle Management

An introductory overview of how to consider the lifecycle management of data.

Definitions, Design and Differentiation

Considering eDiscovery and eDiscovery Offerings

An introductory overview of eDiscovery and Orange Legal Technologies.

Orange Legal Technologies

Ethics, Efficiency, and Economics Technology in the Practice of Law

An introductory overview of how to consider technology in the practice of law.

Considering the use of technology.

- What are the ethical expectations for technology use?
- How does one organize/equip for technology efficiency?
- How can one minimize the economic costs of technology?

Ethics | Efficiency | Economics

Ethical Expectations

In all professional functions
a lawyer should be
competent,
prompt and
diligent*.

*ABA Model Rules of Professional Conduct, Preamble 1(4), (2004)

Ethical Expectations

A lawyer shall provide competent representation to a client*.

Competent representation requires the legal knowledge, **skill**, thoroughness and preparation reasonably necessary*.

*ABA Model Rules of Professional Conduct, Rule 1.1, (2004)

Ethical Expectations

“Reasonable” or “reasonably”

when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer*.

*ABA Model Rules of Professional Conduct, Rule 1.0(h), (2004)

Ethical Expectations

What is reasonable in relation to a lawyer's understanding of technology?

- Understanding of technology requirements.
Create (ESI) | Connect | Communicate | Collaborate | Conduct (Management)
- Understanding of technology related requests.
eMail | eFiling | Meet and Confer | Collection | Production | Storage
- Ability to articulate technology and requirements.
Legal Team | Client | Opposing Counsel | Jury | Judge

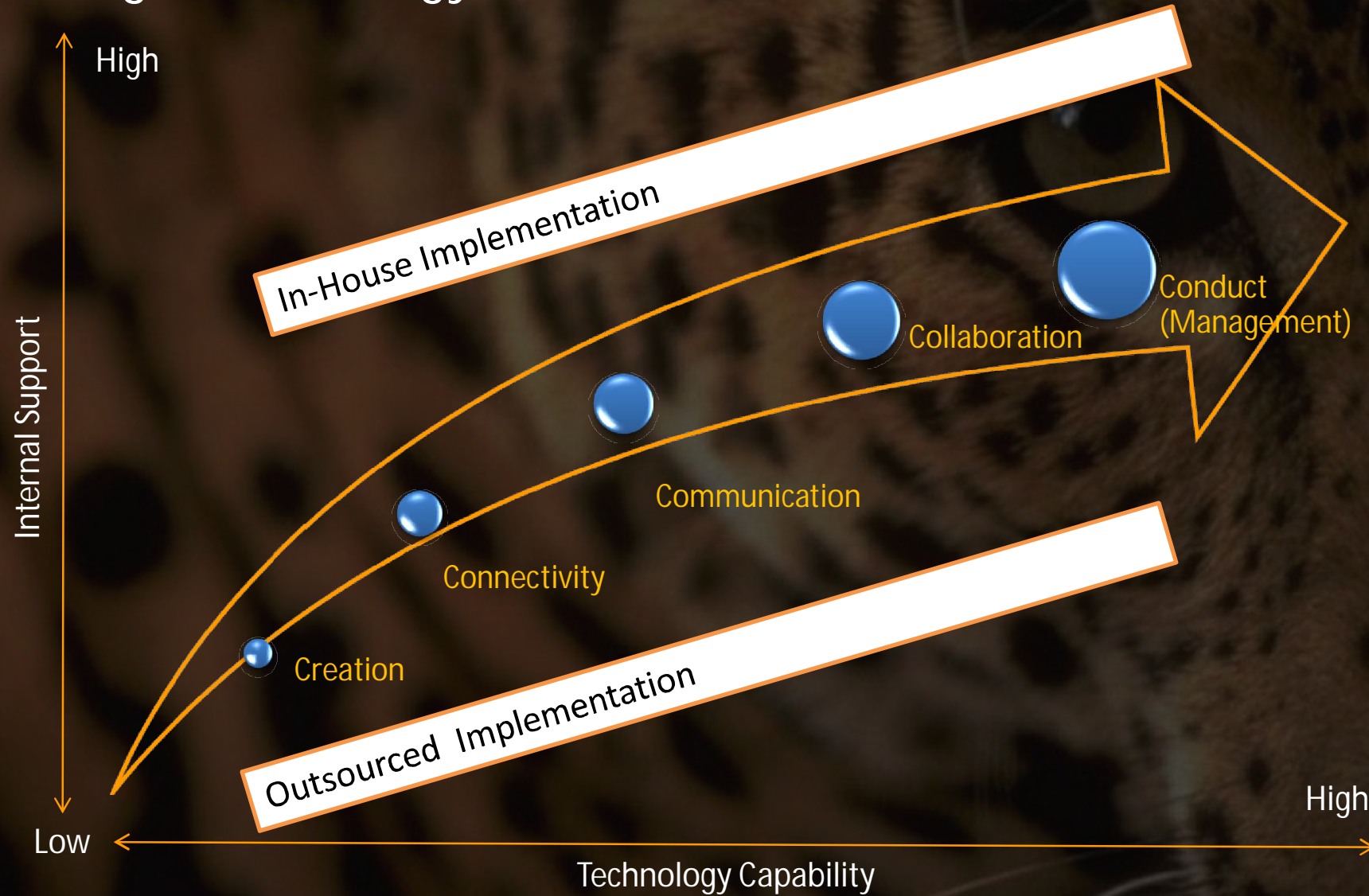
Efficient Technology

Five critical areas in relation to a lawyer's understanding of technology:

- Creation (ESI*).
- Connectivity.
- Communication.
- Collaboration.
- Conduct (Management).

*ESI: Electronically Stored Information = all information on computers. 11/06, Third Branch

Legal Technology Reference Model



Efficient Technology

Technology enables the creation of Electronically Stored Information.

- Data Structures.

Structured | Unstructured

- Data Formats.

Still Image | Moving Image | Sound | Textual | Web Archive | Generic

- Data Volume.

Uncompressed | Compressed

- Data Security.

Unencrypted | Encrypted

- Data States.

Active | Static | Residual

Economic Technology

Technology enables the creation of Electronically Stored Information.

- Data Structures.
- Data Formats.
- Data Volume.
- Data Security.
- Data States.

Hardware

- Personal Computer
- Monitor
- Network Interface Capability (Wire and/or Wireless)
- Electrical Protection System
- Storage Backup
- Multifunction Printer/Scanner/Fax

Software

- Operating System
- Productivity Suite
- Email Enablement Application
- Security Suite (AntiVirus/Spyware)
- Media Playing Application
- HTML Viewing Application
- PDF Creation/Viewer Application
- Compression/Decompression Application

Economic Technology

Connectivity of technology accelerates efficiency.

- Personal Area Networks.
- Local Area Networks
- Campus Area Networks.
- Metro Area Networks.
- Wide Area Networks.
- InterNetworks.
- Data Storage Networks.

Hardware

- Server
- Electrical Protection System
- Network Switch / Router (Wire and/or Wireless)
- Storage Backup

Software

- Server Operating System
- Server Security Suite (AntiVirus/Spyware)
- Firewall*

Service

- Internet Connectivity

*Firewall can be hardware and/or software enabled.

Economic Technology

Communication is the benefit of Connectivity.

- eMail.
- Instant Messaging.
- Podcasts/Videocasts.
- SMS/Text Messages.
- RSS Feeds.
- Voice Mail.
- Webinars.
- Websites.

Hardware*

- Video Camera
- Microphone

Software

- Server Email Enablement Application
- Server File Sharing Application
- Instant Messaging Application
- RSS Feed Reader

Service

- Instant Messaging Service
- SMS/Text Messaging Service
- Voice Mail Service
- Webinar Service
- Website Host

Economic Technology

Collaboration is the benefit of connected communication.

- Blogs.
- Conferencing Applications.
- Message Boards.
- Wikis.

Hardware

- Video Camera
- Microphone

Software

- Blog Enablement Application*
- Online Conferencing Application*
- Message Board Enablement Application.*
- Wiki Enablement Application*

Service

- Blog Service*
- Online Conferencing Service*
- Message Board Service.*
- Wiki Service*

*Can be delivered via server software and/or online service provider.

Economic Technology

Conduct (Management) of technology is reasonable.

- Billing and Accounting.
- Case Management.
- Document Management.
- Information Backup.

Hardware

- External Storage Capability

Software

- Billing and Accounting Application*
- Case Management Application*
- Document Management Application.*
- Automated Information Backup System

Service

- Billing and Accounting Application*
- Case Management Application*
- Document Management Application.*

*Can be delivered via server software and/or online service provider.

Legal Technology Reprise

Are you competent in leveraging technology in representing clients*?

Is your knowledge, and skill, in relation to technology reasonable*?

*ABA Model Rules of Professional Conduct, Rule 1.1, (2004)

Technology in the Practice of Law

As a general rule,
the most successful man in life
is the man who has the best information.

Benjamin Disraeli

A close-up photograph of a tiger's face, focusing on its eye and the distinctive black stripes on its orange fur. The tiger's eye is sharp and looking towards the viewer. The background is a soft-focus pattern of the tiger's fur.

Speed, Agility, and Control Considering Information/Litigation Lifecycle Management

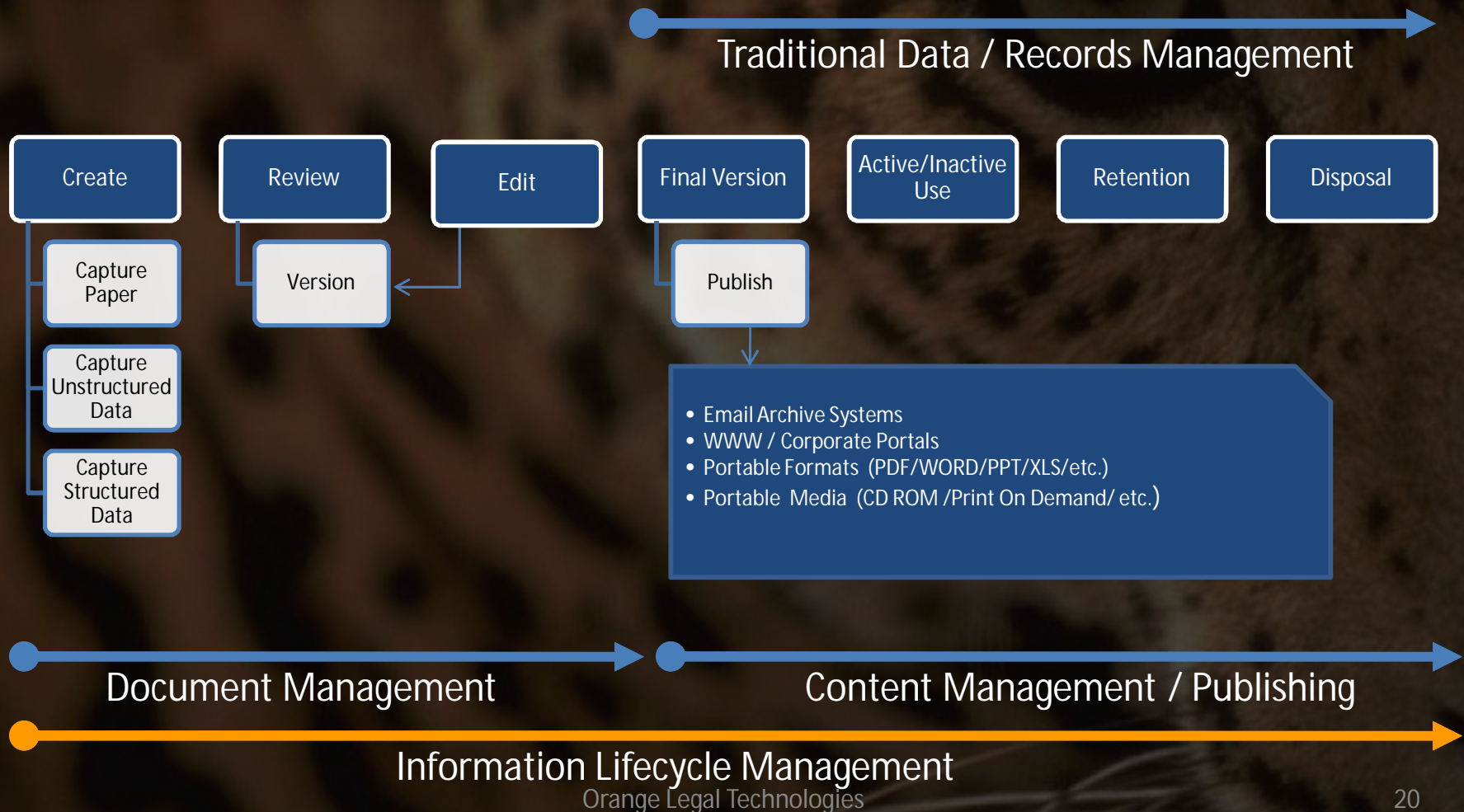
An introductory overview of how to consider the lifecycle management of data.

Information and Litigation Lifecycle Management

- **What is Information Lifecycle Management?**
Considering the phases of ILM.
- **What is Litigation Lifecycle Management?**
Considering the phases of LLM.

What is Information Lifecycle Management?

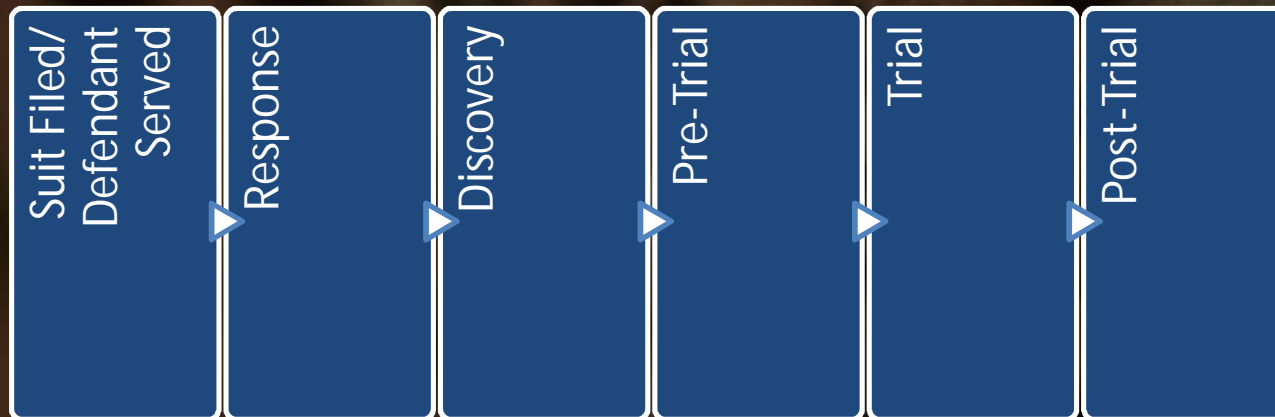
IT View Of Managing Information



What is the Litigation Lifecycle?

Legal View Of Managing Information

eDiscovery: Before Rule Changes To Federal Rules Of Civil Procedure

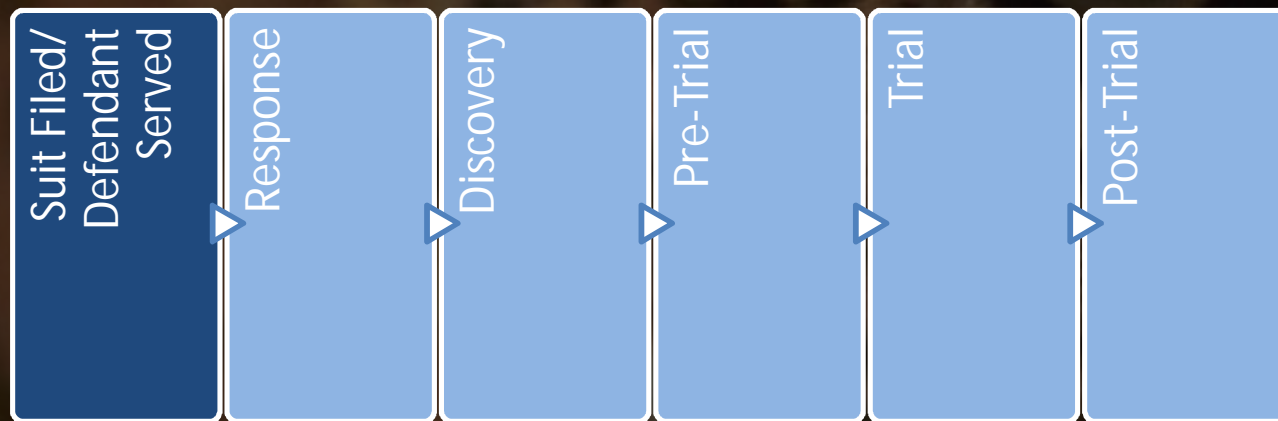


eDiscovery: After Rule Changes To Federal Rules Of Civil Procedure

95% Of Cases Settle In Pre Trial Phase*

What is the Litigation Lifecycle? Phase One

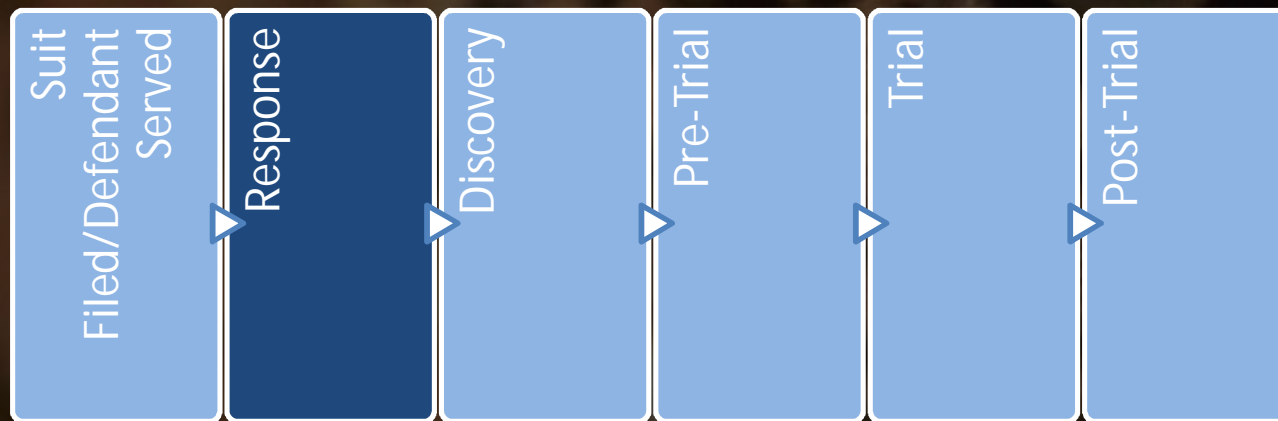
Suit Filed/Defendant Served



- Begin Information Preservation
- Begin Discovery Planning
- Prepare Information Repository
- Plan / Conduct Forensic Imaging
- Plan / Conduct Scanning
- Plan / Conduct Coding

What is the Litigation Lifecycle? Phase Two

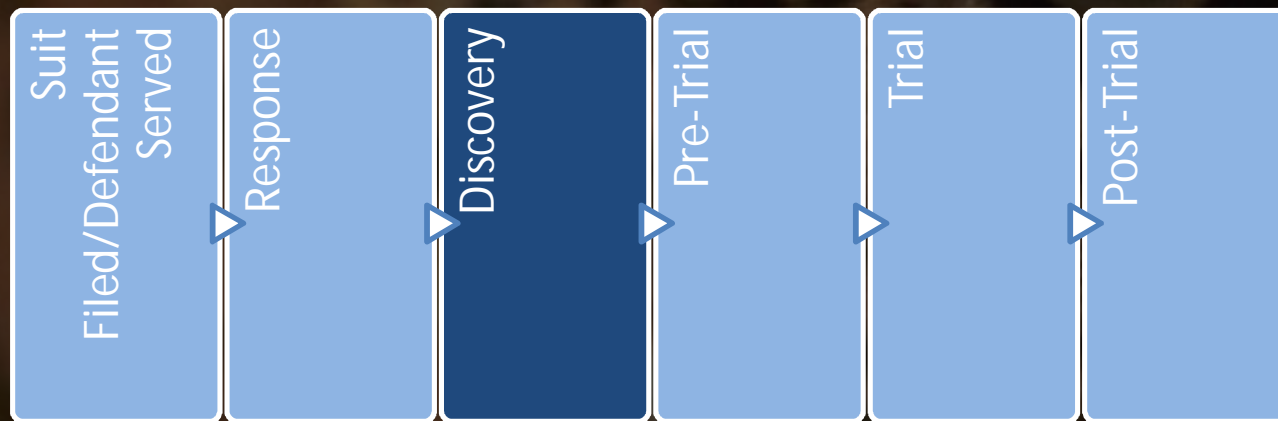
Response



- Conduct Forensic Imaging
- Establish / Populate Information Repository
- Conduct Discovery Negotiation Planning
- Begin Preliminary Data Investigation
- Establish Date For Meet And Confer Conference
- Conduct Meet And Confer Conference

What is the Litigation Lifecycle? Phase Three

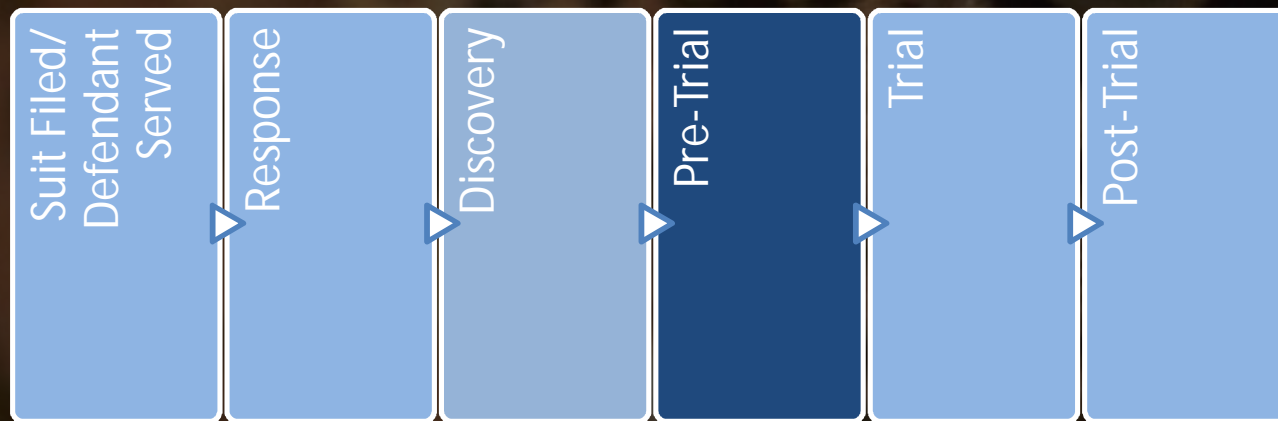
Discovery



- Determine Parameters For Relevant Information
- Populate Information Repository
- Conduct Discovery Processing
- Conduct Information Review
- Conduct Analysis Of Review Results
- Conduct Production Activities

What is the Litigation Lifecycle? Phase Four

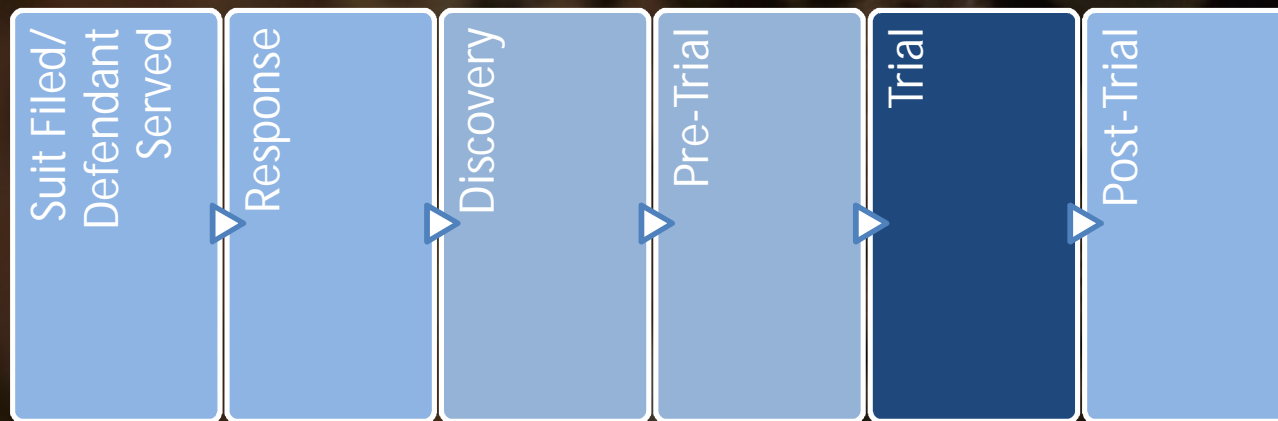
Pre-Trial



- Maintain Information Repository

What is the Litigation Lifecycle? Phase Five

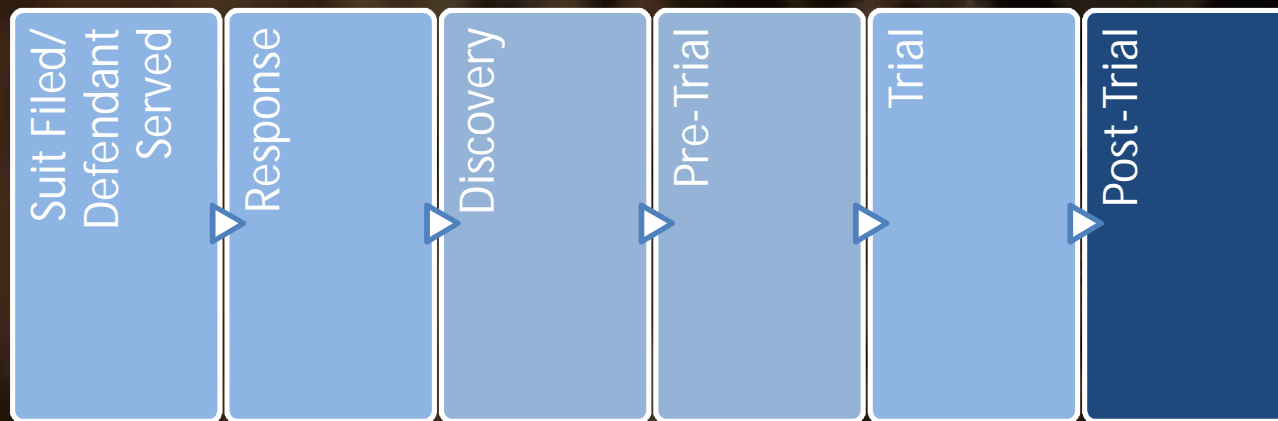
Trial



- Provide Expert Testimony
- Maintain Information Repository

What is the Litigation Lifecycle? Phase Six

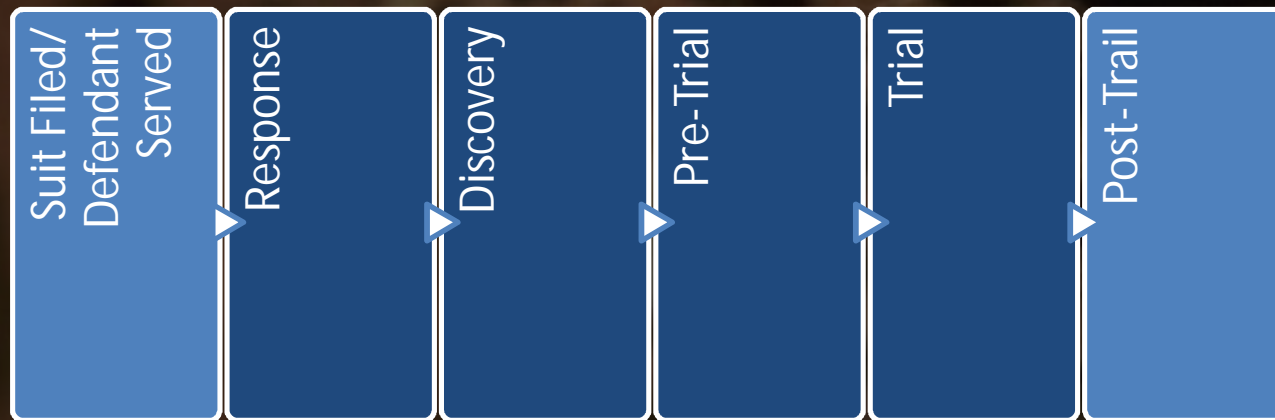
Post-Trial



- Decision Of Maintenance Of Information Repository
- Maintain Information Repository As Required
- Delete Information Repository As Required

Need help in managing Evidence?

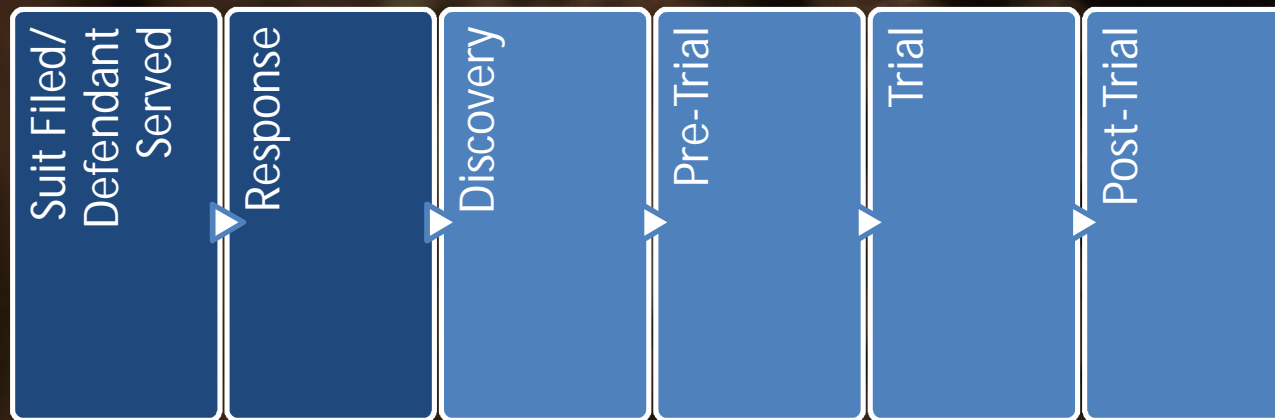
- **I Need To Organize The Data Now.**
Immediate ability to organize data without vendor assistance.



- Establish / Populate Information Repository
- Conduct Discovery Negotiation Planning
- Begin Preliminary Data Investigation
- Conduct Discovery Processing
- Conduct Information Review
- Conduct Production Activities
- Provide Opposing Counsel Production Output
- Continued Analysis Of Review Results
- Maintain Information Repository

Need help in managing Evidence?

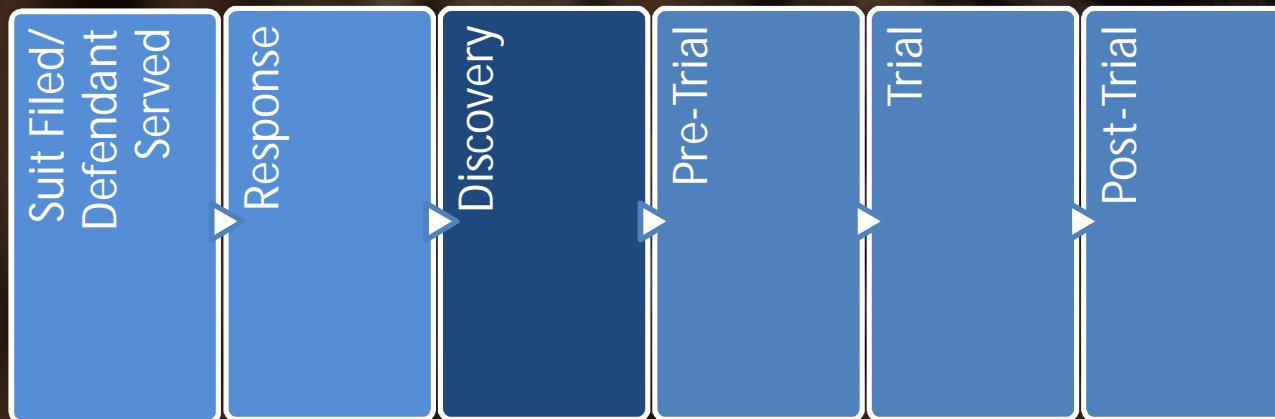
- **I Need To Begin Work On A Review Strategy Now.**
Immediate ability to begin work on determining review strategy.



- Begin Discovery Planning
- Prepare Information Repository
- Establish / Populate Information Repository
- Conduct Discovery Negotiation Planning
- Begin Preliminary Data Investigation

Need help in managing Evidence?

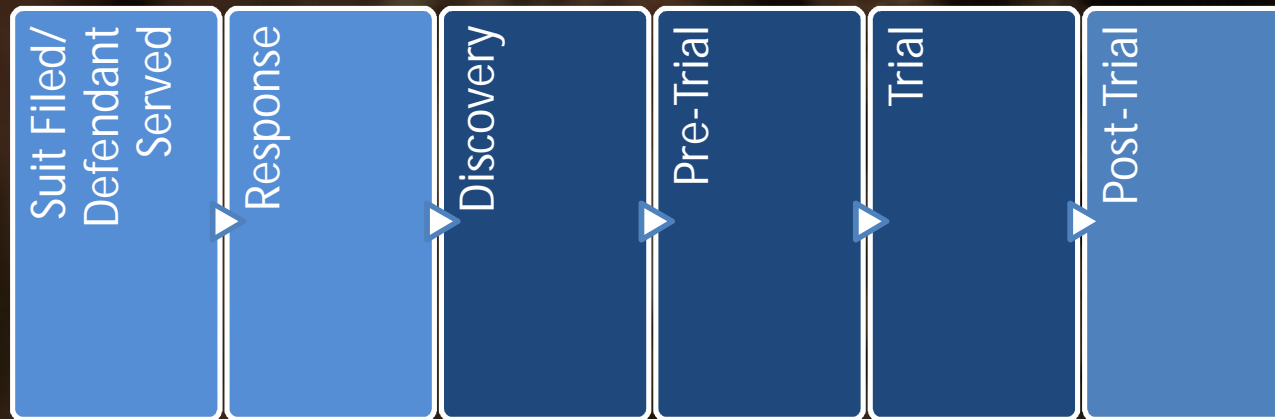
- **I Need To Conduct A Full Review On The Data Now.**
Immediate ability to search, annotate, and review data.



- Populate Information Repository
- Conduct Discovery Processing
- Conduct Information Review
- Conduct Production Activities

Need help in managing Evidence?

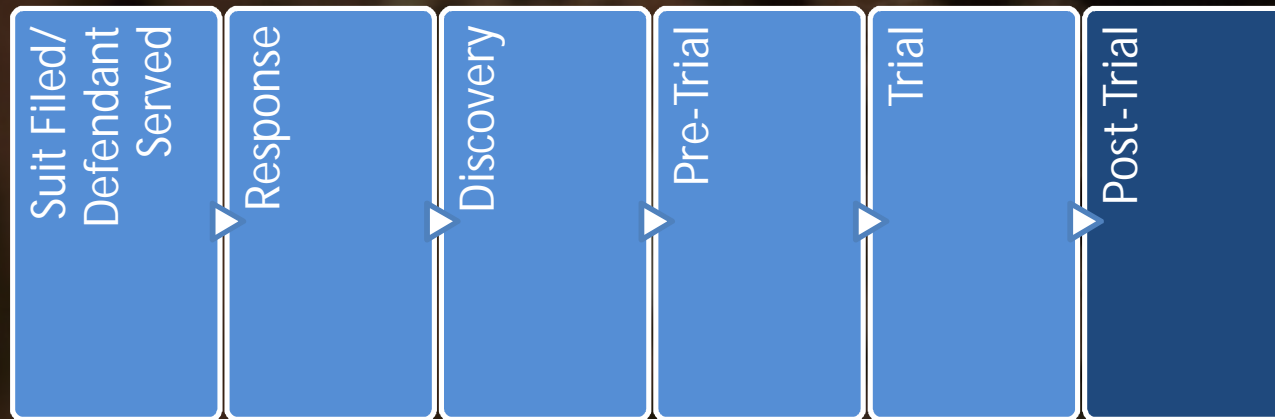
- **I Need To Share Access To The Information For Review.**
Immediate ability to provide secure access to others.



- Populate Information Repository
- Conduct Discovery Processing
- Conduct Information Review
- Conduct Production Activities
- Continued Analysis Of Review Results
- Maintain Information Repository

Need help in managing Evidence?

- **I Need To Archive And Have Access To This Info In The Future.**
Ability to archive information for potential future use.



- Decision Of Maintenance Of Information Repository
- Maintain Information Repository As Required
- Delete Information Repository As Required

Definitions, Design and Differentiation Considering eDiscovery and eDiscovery Offerings

An introductory overview of eDiscovery and Orange Legal Technologies.

Defining eDiscovery

Electronic Discovery is simply:

- Finding electronically stored information (ESI).
- Making it available for others to use.
- Maintaining it in a legally defensible manner.
- Using it in litigation, audits, and investigations.

Considering eDiscovery Differentiation

- What are the elements of an eDiscovery offering?
- What are the core offerings in eDiscovery?
- How can one compare different eDiscovery offerings?
- How big is the electronic discovery challenge?
- How do we help to solve eDiscovery challenges?

What are the elements of an eDiscovery offering?

Using Geoffrey Moore's* "whole product" definition as a guide, an eDiscovery offering typically consists of:

- **Core Offering**
Analytics | Processing | Review
- **Enabling Elements**
Hardware | Software | Connectivity
- **Complementary Elements**
Architecture | Protocols | Interfaces
- **Complementary Services**
Consulting | Training | Support



What are the core offerings in eDiscovery?

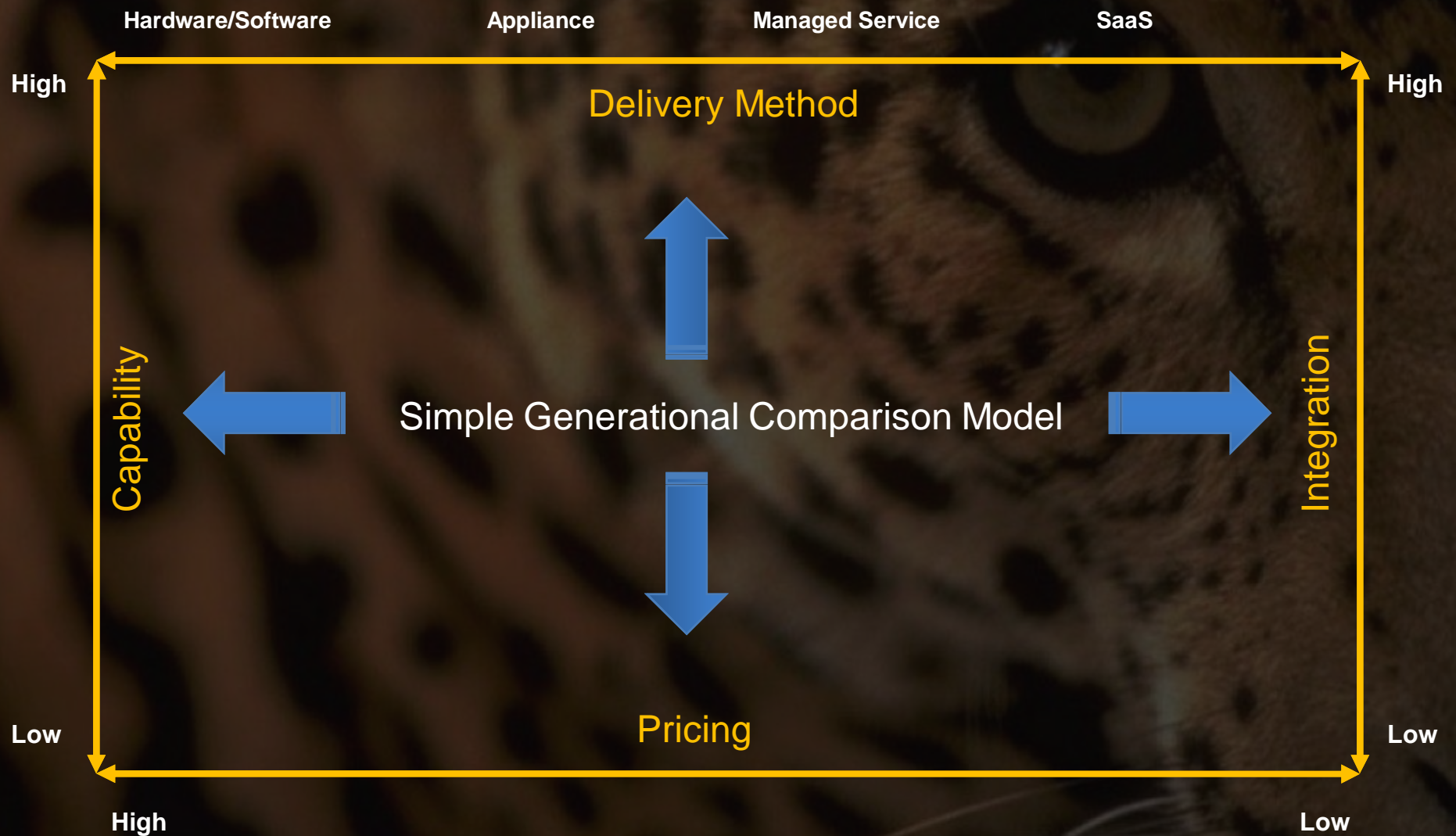
Waterfall Model of Electronic Discovery

Electronic Data Creation

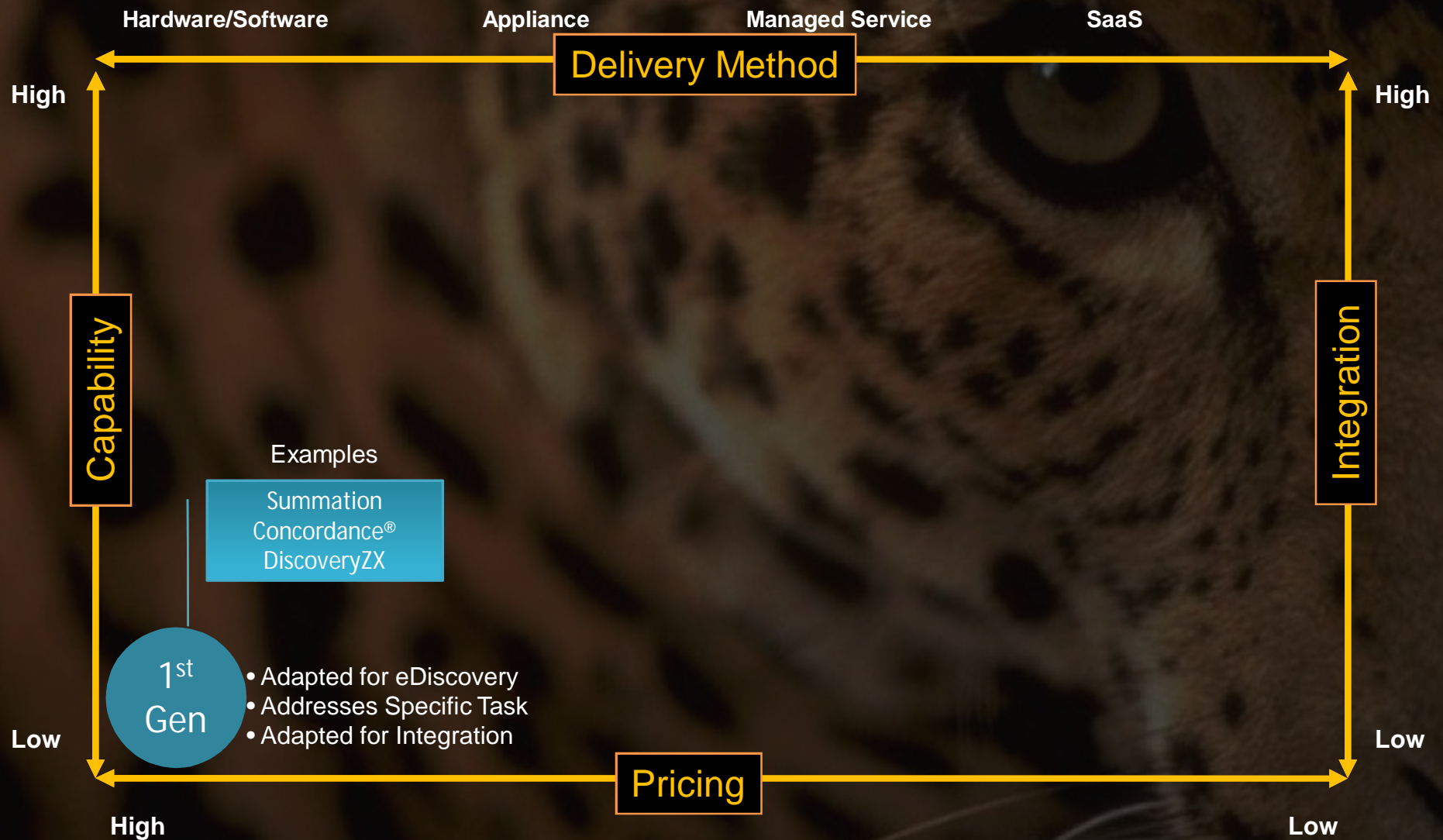


Electronic Data Presentation

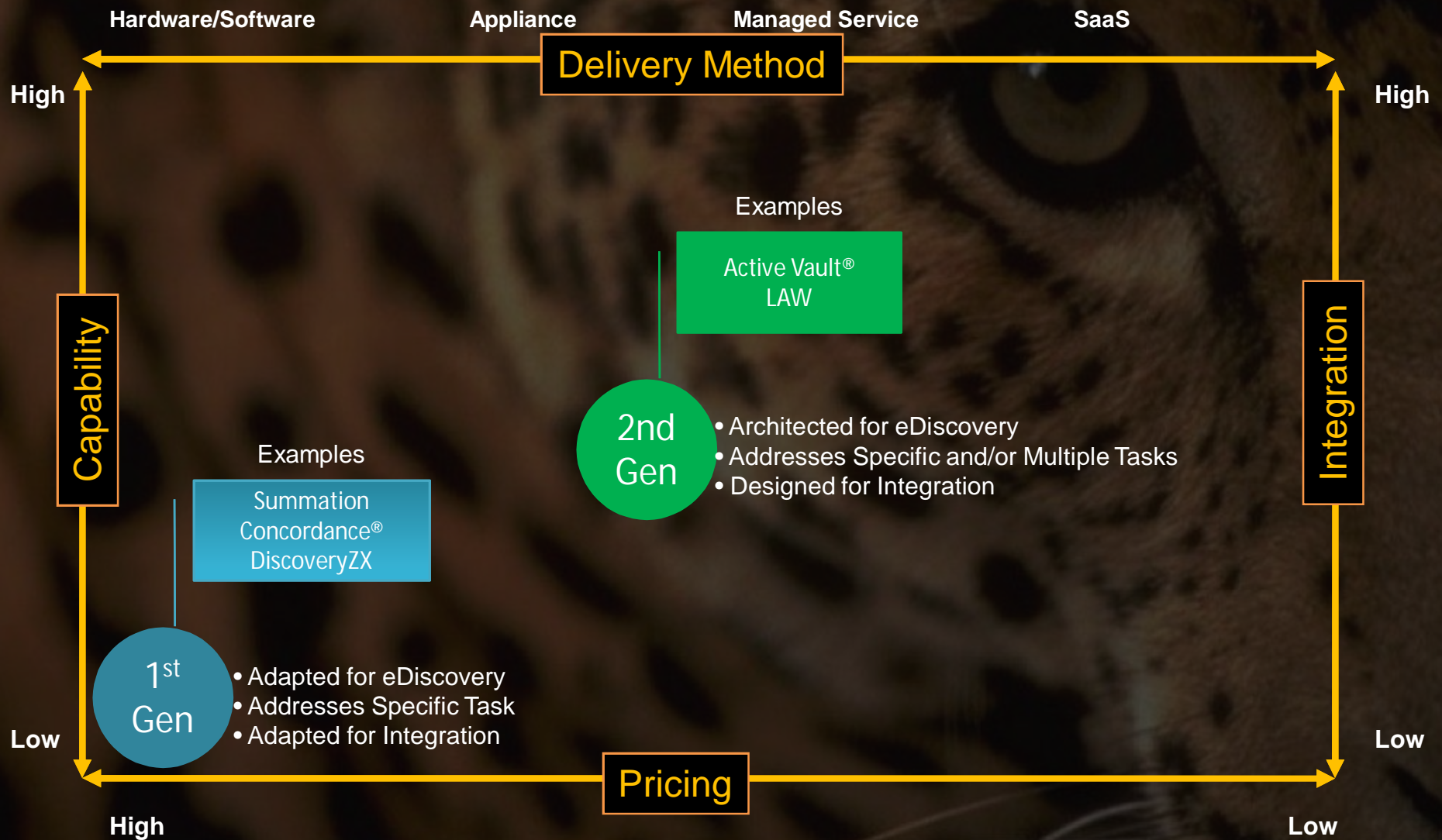
How can one compare eDiscovery offerings?



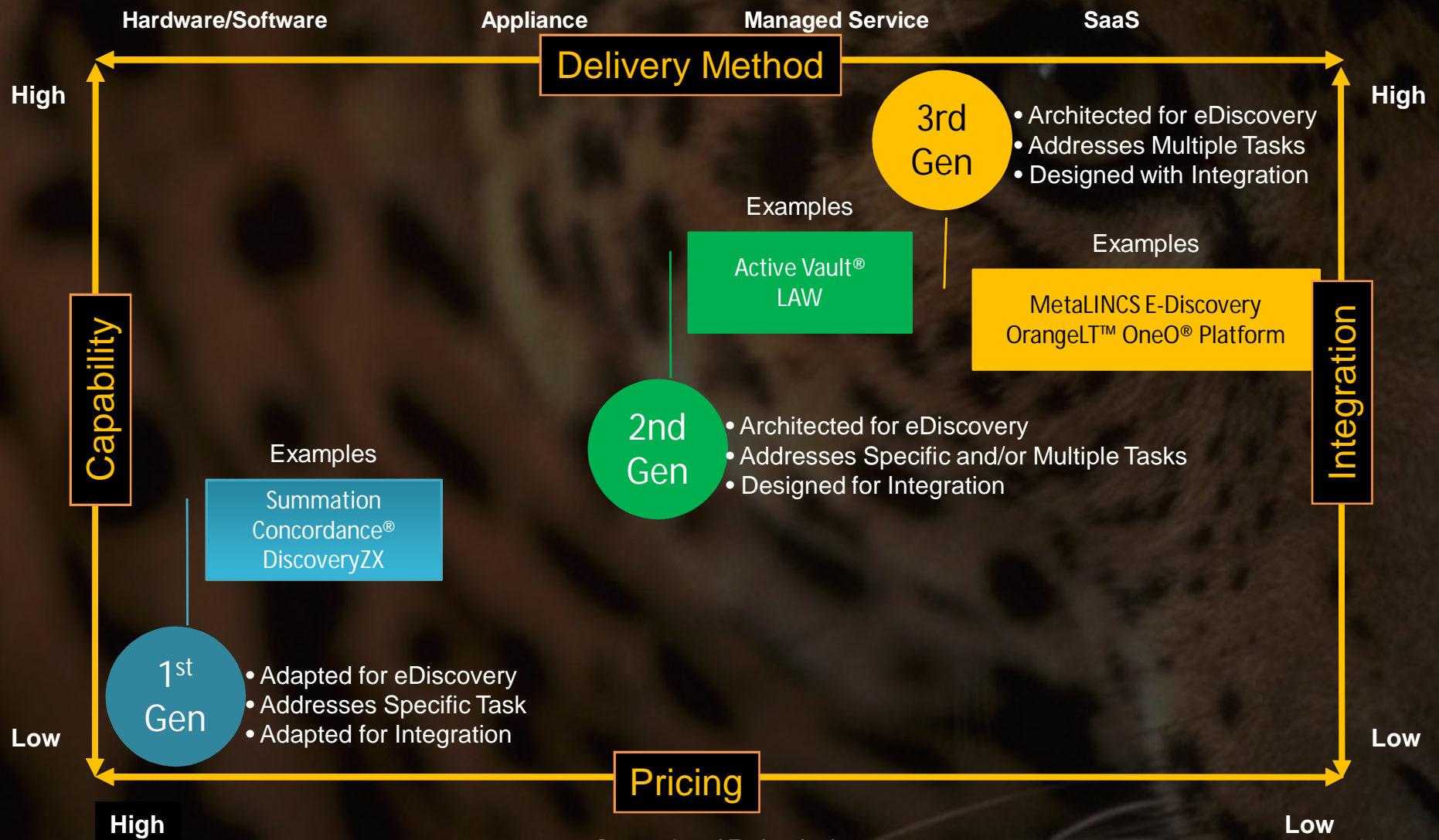
Considering first generation eDiscovery?



Considering second generation eDiscovery?



Considering third generation eDiscovery?



Why is electronic discovery a challenge?

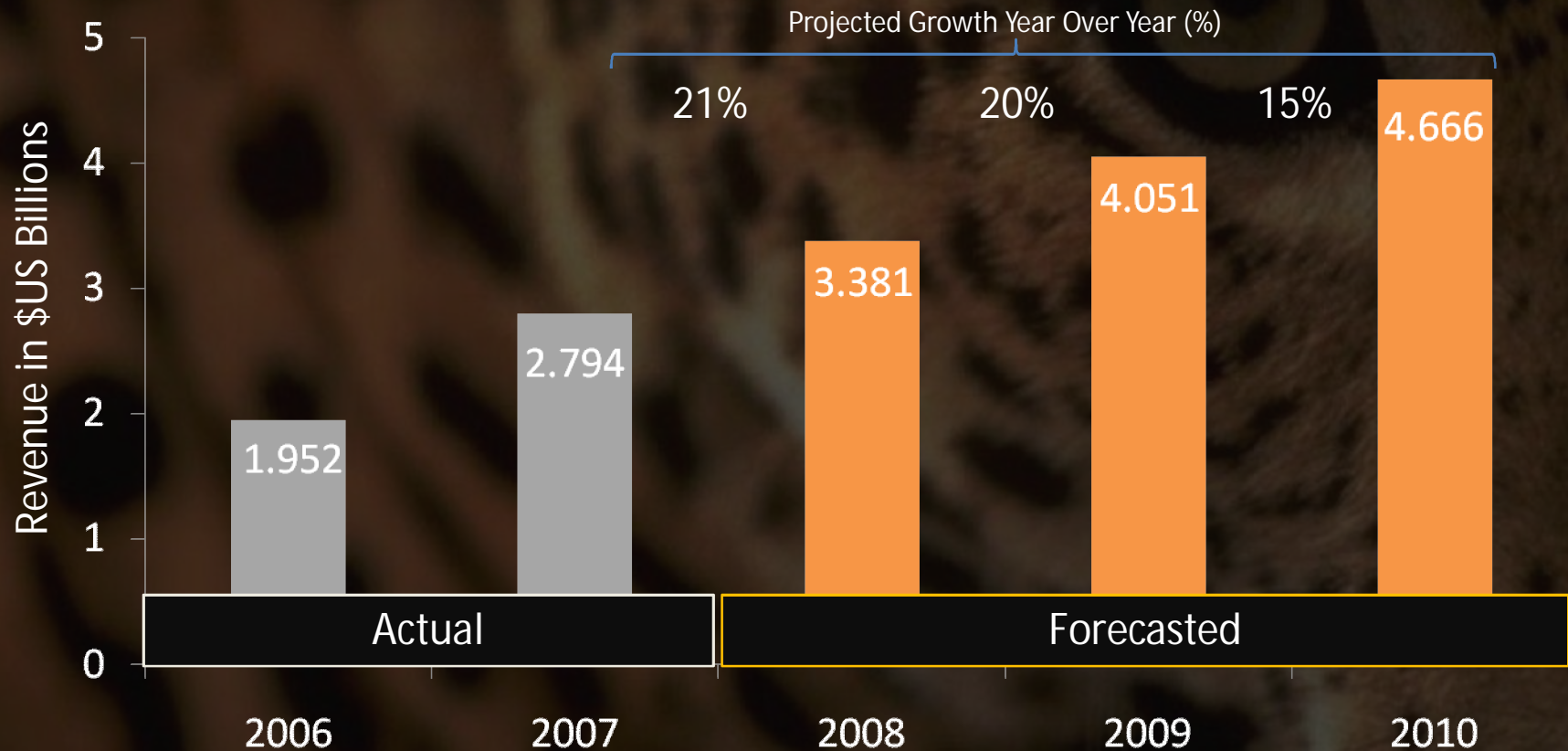
Electronic Discovery is a challenge because:

- Businesses/people primarily communicate electronically.
- ESI accountability is required.
- Accountability cannot be completely automated.
- Automation and manual intervention are very expensive.
- Electronic discovery technologies are not fully mature.

How much is being paid to solve eDiscovery challenges?

Source: 2008 Socha-Gelbmann Electronic Discovery Survey

Electronic Discovery Revenue Overview Time



How Does OrangeLT™ Address eDiscovery Challenges?

Orange Legal Technologies competitive advantages:

- We provide a complete and integrated eDiscovery platform.
- We provide services via a Software-as-a-Service Model.
- We provide a highly competitive pricing structure.
- We have a proven management team.

How do we help to solve eDiscovery challenges?

The OneO® Discovery Platform is an integrated, web-accessible, forensically sound electronic discovery platform that enables online analytics, processing, and review from the security of a hosted centralized repository.

Analytics



Processing



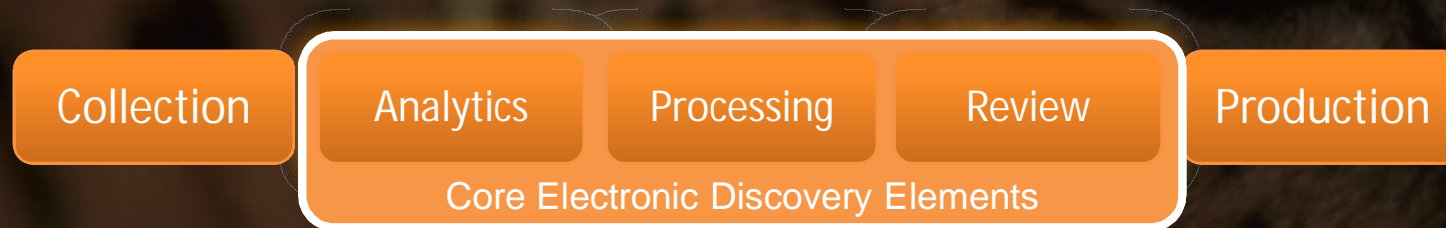
Review



The OneO® Discovery Platform is designed specifically to increase speed and reduce costs in these tasks.

We provide key and core eDiscovery offerings.

We deliver e-discovery services that support the litigation, audit, and investigation requirements of legal professionals.



We are a private company, founded in 2007, and have less than 100 employees in four offices and two geographically dispersed data centers.

We currently work with 40 of the AMLAW 200 firms and are members of key industry leadership groups and associations to include the EDRM Project and ILTA.

OneO® - An **Analytics** Platform

Our Analytics Services Include:

- Data Preparation and Indexing (Ingestion/Normalization/Indexing)
- Data Organization and Understanding (Culling /Filtering Of Indexed Data)
- Early Case Assessment (Cost Estimation /Meet and Confer Planning)
- Rapid Processing And Review Services (Integrated Platform)

We Support These Services With:

- Secure Hosted Repositories
- User Access Via The Internet
- Integrated Collaboration/Workflow
- Extensive/Customizable Reporting

OneO® - A Processing Platform

Our Processing Services Include:

- Data Filtering (Date Range/Keyword) and Dedup (Custodian/Data Set)
- Full Text and Metadata Extraction (350+ File Types)
- Data Conversion (Native to TIFF/PDF)
- Load File Preparation/Custom Database Development

We Support These Services With:

- Secure Hosted Repositories
- Extensive/Customizable Reporting
- Integrated Review Services
- Dedicated Project Management/Customer Support

OneO® - A **Review** Platform

Our Review Services Include:

- International (Foreign) Language Support (Unicode)
- User Access Via Internet / Integrated Collaboration/Workflow
- Integrated Audit and Reporting Capability
- Review Proficiency Training

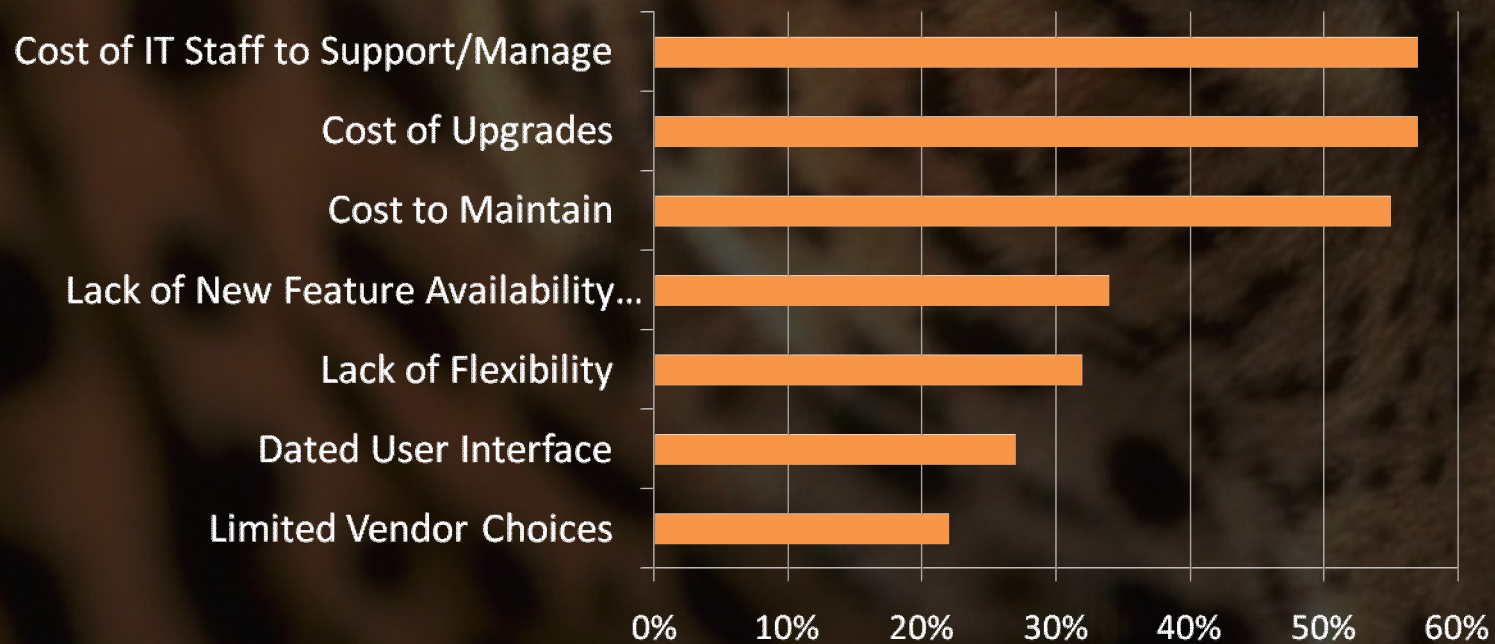
We Support These Services With:

- Secure Hosted Repositories
- Scalable Review Platform
- Dedicated Project Management
- Immediate Customer Support (24x7)

We provide a Software-as-a-Service Model.

Model requires no incremental software, hardware, or support personnel costs.

Challenges with on-premise business applications*:



* InformationWeek SaaS Report , April 2008.

374 Business Technology Professionals asked "What are the biggest challenges with on-premise applications."

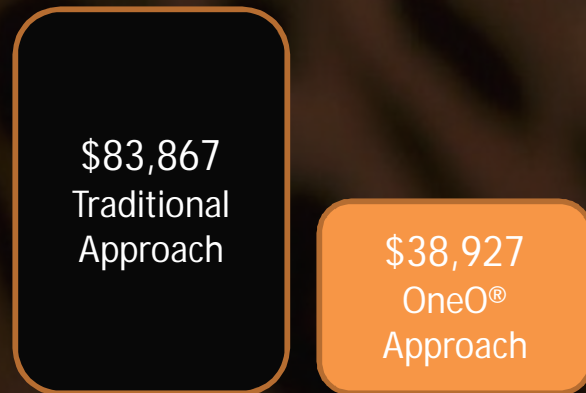
We provide a highly competitive pricing structure*.

*Predictive Pricing Estimator (Publicly Available @ orangelt.com/technology/pricing_estimator/)

Comparison Parameters:

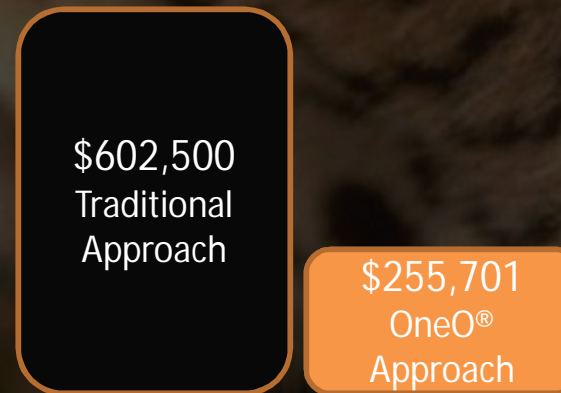
- 100 GB Estimated Data Volume (Uncompressed)
- 10 Reviewers
- Traditional Discovery Approach = Filter, Process, and Review
- OneO® Approach = Analytics, Process, and Review

Volume Driven Costs



Analytics + Processing + Review Hosting

Reviewer Driven Costs



License and/or User Fees + Reviewer Costs

Traditional Discovery Vs. OneO® Approach*

**Predictive Pricing Estimator (Publicly Available @ orangelt.com/technology/pricing_estimator/)*



Good for you.
Great for your clients.



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LEGAL TECHNOLOGIES

Orange Legal Technologies

Predictive Pricing Estimator

[Click Here To Begin Estimation](#)

Predictive Pricing Estimator Results Are Non-Legally Binding Estimates.
Actual Fees For Services Are Represented In Individual Request For Proposal and/or Statement of Work Responses.

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We have a proven management team.

Over 138 years combined business, technology, and litigation support experience.

Bret Laughlin – President, CEO, and Co-Founder

13 Years Litigation Support Industry Experience | Litigation Document Group

Ronda Raymond - Vice President, Operations and E-Discovery Solutions

19 Years Litigation Support Industry Experience | IKON - MidnightRun

Brian Meegan - Vice President, Business Development

14 Years Litigation Support Industry Experience | IKON - Uniscribe - ONSITE3

Rob Robinson - Vice President, Marketing

15 Years Marketing Experience | Compaq - Crossroads - RenewData - ONSITE3

Scott Bailey - Director of E-Discovery Operations

15 Years Technology Experience | Encore Legal Solutions - Catalyst Repository Systems

Martin Reich – Chief Software Architect

40 Years Software Development Experience | Retail – Medical – Legal - Litigation Support

Kristin Currey – Director of National Account Sales

20 Years Litigation Support Industry Experience | Eastman Kodak - IKON - H5

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Good for you.
Great for your clients.



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LEGAL TECHNOLOGIES

