

Review: earlyCASE

By Paul Easton

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earlyCASE

www.earlycase.com

TechnoScore: 4.8

1 = Lowest Possible Score;
5 = Highest Possible Score

“Every battle is won before it is ever fought.” Wise words from Chinese philosopher Sun Tzu, and a sentiment to which every litigator aspires. Though still not possible in absolute terms, a new electronic discovery technology — early case assessment — can serve as the litigator’s equivalent of a scout conducting pre-battle reconnaissance. In this TechnoFeature review, litigation support expert Paul Easton evaluates Level 9’s earlyCASE, a low-cost, on-demand early case assessment tool. Does earlyCASE deserve the medal of honor? Read the review and find out.

INTRODUCTION

In response to increasing legal discovery costs, companies are exploring ways to minimize the volume of data collected, processed, reviewed, and produced. Companies can do this proactively by reducing the amount stored. For example, implementing shorter retention periods.

Equally important, however, is early case assessment (ECA), which provides the means to reactively decrease eDiscovery costs. By thoroughly understanding your data, you can devise collection and processing instructions that target files most likely responsive to the matter at hand. This evaluation limits wasteful processing and

review of data unlikely to contain relevant information.

While a number of excellent tools exist, the licensing, training, and operational costs prevent many companies and law firms from taking advantage of ECA technologies. These organizations should give serious consideration to Level 9’s earlyCASE for their next matter.

earlyCASE is an on-demand, Web-based application that provides a battery of reports that an eDiscovery team can use to determine which directories and files they should collect, process, and review.

earlyCASE comes in two versions: Basic (free) and Professional. The Basic version, which is supported by advertising, will analyze an unlimited amount of data, including email contained in PST files and most uncompressed files.

The Professional version costs \$198 per run. It provides additional reporting and a number of advanced processing features, including: extracting and analyzing zip files, generating MD5 hash values for identifying duplicate, near-duplicate, and system files, processing Lotus Notes/Domino NSF files; processing Encase images, and exporting logs and scripting commands.

Enterprise pricing for unlimited runs of the Professional version is available, starting at an annual flat rate of \$8,000 for the first 25 users and \$1,500 for each additional block of 10 users.

INSTALLATION

Installation is quick and painless. earlyCASE is a “Rich Internet Ap-

plication” that uses Microsoft’s “Click Once” technology.

After completing an online registration form, you simply click a “launch” button on the earlyCASE Web site and the application is loaded into your Web browser’s cache.



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earlyCASE requires Microsoft .NET 3.5 SP1, Adobe Flash Player, and Microsoft Imaging, and will attempt to install these if they are not detected on the local machine. Assuming these components are already installed, the entire process takes only a couple of minutes before you are up and running. A standalone version is available for those using proxy servers.

Microsoft Outlook and Lotus Notes are required to process these programs’ email containers. The runtime version of Microsoft Access is required to view and print earlyCASE’s reports and the full version of Microsoft Access 2003 or newer is required to modify the reports.

Also recommended is Microsoft Office Web Components, which provides certain reports within the

earlyCASE application that you would otherwise need to fire up Microsoft Access to view.

CREATING A CASE

After launching the application, you have the option to create a new matter or open an existing matter. Creating a new matter involves completing a six-step form with information about the matter, including project cost and productivity assumptions.

If you accept the default values, you can complete the form in a couple minutes, but I found the default cost assumptions higher than what I'm accustomed to and spent 15 minutes or so going over the numbers. You can change your assumptions later in the Microsoft Access database that earlyCASE generates after processing the data, making it a useful tool for comparing pricing from various vendors and the costs of various processing scenarios.

Overall, I found that the inputs tracked closely to the data points I typically use in my pricing models. earlyCASE does not, however, cover some common pricing options.

For example, it only enables you to enter per-gigabyte costs for "filter/culling/de-duping." I would also like the ability to enter per-custodian pricing. I would like to see the option to enter minimum fees for several of the costs, such as minimum hosting fees as well as more options for entering document review costs.

It is common on large U.S. review projects to have a U.S. law firm's attorneys working together with contract attorneys in the United States and/or offshore reviewers. The differences in review costs among these groups are quite significant, making earlyCASE's cost estimates less useful in these scenarios.

PROCESSING THE DATA

According to the the [FAQ page](#) on the developers' Web site, earlyCASE should process about eight gigabytes an hour, although at least one [press release](#) claims 20 gigabytes an hour. Performance will, of course, vary widely depending upon the processing computer's configuration and the nature of the data being processed.

I tested earlyCASE using a laptop with an Intel 1.6 GHz dual core processor, 3 gigabytes of RAM, running Windows 7. I processed a couple of runs against various directories on a network-attached storage unit in my home office, which included a mix of office documents, PST files, ZIP files, images, and other assorted data. I could process anywhere from four to six gigabytes an hour, depending upon the number of container files encountered and whether I was working in other applications at the same time.

The earlyCASE Web site provides a [performance comparison for various hardware/software platforms](#).

While it processes the data, earlyCASE displays video advertisements and product demonstrations. In a shared office environment, you may need to silence your computer to avoid distracting co-workers. You cannot disable the advertisements, even in the Professional version.

One annoyance during processing is that earlyCASE will prompt you for a password when it encounters protected container files and wait 120 seconds for user input before skipping the file. This "feature" significantly slows the processing if a large number of password-protected ZIP or PST files are present. I would like an option to automati-

cally skip such files, and instead deal with them later based on the Warnings/Errors report. Based on my feedback, Level 9 has added this idea to its feature request list.

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ANALYZING THE DATA

earlyCASE generates 55 reports, all but eight of which are available in the Basic version. You can view data by file type, date, custodian, and various other meta-data. Email summary reports include lists of all addresses that email was sent to or from, and conversations, ordered by message count.

You can print many of the reports as include/exclude checklists to assist in preparing processing instructions. earlyCASE lists all files it could not process, along with a brief explanation of the problem, in a warnings-and-errors report.

Matter information and cost assumption reports are available. If you have Microsoft Access 2003 or later installed, you can edit the assumptions and compare various pricing and processing scenarios. One particularly useful document earlyCASE will generate is its "26(f) Report," which rolls up six other reports and provides a snapshot of the data in a matter and the cost assumptions made, which you can use to negotiate

eDiscovery issues with opposing counsel.

A number of reports are useful for helping cull data, such as generally included and generally excluded file types. Duplicate, near-duplicate, and system file reports are available if you generated MD5 hash values using the Professional version.

earlyCASE's reports provide more ways to slice and dice the data than this review could list, but [you can read descriptions of every report on the Web site](#).

The \$198 per run for the Professional version is an excellent investment that can save you thousands of dollars in collection and processing costs.

ACTING ON THE DATA

With the Professional version, you can export command scripts that enable you to copy, move, or delete specific files based upon filters or flags applied in the earlyCASE database.

For example, you can flag all known system files and export a command file that will enable you to delete them from the data source.

earlyCASE exports command files with the TXT extension to protect users from accidentally triggering them. By changing the file extension from TXT to BAT, you can run the scripts, which will move, copy, or delete the specified files.

Your team should read the documentation to understand how this process works before running any command files. As always, work from a copy of the data.

CONCLUSION

I give earlyCASE a TechnoScore of 4.8 out of 5. earlyCASE can help you prepare clear, detailed instructions for eDiscovery vendors that minimize the processing of unhelpful data. earlyCASE eliminates any excuses for not incorporating ECA into your eDiscovery workflow.

The \$198 per run for the Professional version is an excellent investment that can save you thousands of dollars in collection and processing costs. Even the Basic version provides you with a powerful suite of reports that enable you to test multiple collection and processing scenarios, to better understand your data, estimate costs, and prepare for 26(f) meet and confer conferences.

EARLYCASE'S RESPONSE

We invited earlyCASE to respond to this TechnoFeature. CEO Tom Strack responded as follows:

"We always appreciate new ideas for features, reports, and new eDiscovery budgeting approaches. The reviewer had some great ideas on ways to make earlyCASE even more useful and most of the ideas have already been built and will be in our next release.

"Because early case assessment actually opens and analyzes the ESI, performance is directly tied to the overall speed of the machine and the disks the data is on. The performance the reviewer experienced is very close to our own benchmarks when using a laptop (with local or Network attached storage) as opposed to a high-end desktop machine, which can easily sustain early case assessment performance of over 20gb per hour with earlyCASE.

"One important note is that earlyCASE analyzes the data in place and insures that the data never is changed, moved, or leaves the machine you are analyzing the eDiscovery/ESI on. This lets you take the early case analysis and filter/culling to the data where ever it is, whenever you need it.

"As the reviewer noted, earlyCASE is fast to get up and running with, is easy to use, provides almost unlimited ways to slice and report on the ESI you have, and is available at a price that everyone and every matter can afford."

Paul Easton is Managing Director for [Global Colleague's](#) Asian operations, dividing his time between Taiwan and India. He has managed high-volume, multi-national, multi-lingual discovery projects for the United States' largest law firms and corporations. He also maintains a [personal blog](#) where he shares thoughts, tips, and discoveries related to the management of legal projects.

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