



Our e-Discovery Predictions for 2011

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Not to be outdone by Clearwell Systems, Fios, Craig Ball, Recomind and everybody else making e-discovery predictions/trends-to-watch in 2011, The Posse List presents its 10.5 e-discovery (and other) predictions for 2011.

1. E-discovery vendors abandon the idea of end to end e-discovery and return to concept of “one trick pony” (“We can scan that for you but for that OCR stuff ya gotta go to our strategic gold and platinum premium channel partner buddy”)
2. In a cut-throat competition war that takes cloud computing to a new threshold, a new computing paradigm, a new dimension, a new [insert your own clichéd and overused phrase here] is born when Microsoft-Google-Autonomy began to buy up all cumulus clouds they can find. DOJ and DGCMP launch inquiries. Climate change advocates riot in the streets just to riot in the streets having forgotten what the crowd sourcing text message actually said.
3. LegalTech drops title of largest “legal technology” event and renames itself “EDiscoveryTech” after Law.com survey reveals that of the 422 vendors present, 419 do e-discovery, and the other 3 are Hyundai HotWheels, Speedway Racers and Convert-A-Van who thought they were at the Javits Auto Show.
4. Not to be outdone by Recomind’s “Predictive Coding” and FTI Consulting’s “Suggestive Coding”, vendors clamor to provide “Inferred Coding” and “Looks-Related” coding.

5. Before the events are broadcast, Wikileaks announces winners of BAFTA, Golden Globe, Oscars, Emmys and Tonys. Julian Assange assassinated by shadowy group called MADMEN (“That Iraq/Afghan stuff just cost lives. We’re talking money here!!”)
6. Moving beyond early case assessment and early information assessment, Guidance Software launches “Precog Assessment” which tells you who will sue you and why before they are even born. Browning Marean’s great-great grandchild writes e-book on the implications for legal holds.
7. Sensing a (monetization) opportunity, Facebook launches “They Said It, We Got It” which allows legal enforcement officers, attorneys, ex-spouses, potential employers, etc. to buy anything ever said by anybody on Facebook. Facebook amends its privacy policy to read “None”.
8. January 2011 Steve Jobs announces launch of iPad2. Hits stores in April 2011 and sells 12 million units by July. In September Steve Jobs announces iPad 3, in stores by Xmas.
9. Due to an unfortunate typo at the first annual “Cloud Computing and eDiscovery Conference” in Punta del Fuego, cloud computing becomes the next “new new thing” as vendors scramble to figure out why they didn’t think of it. Microsoft-Google-Autonomy began to buy up all vacant land in Argentina for servers. DOJ and DGCMP launch inquiries. Climate change advocates riot in the streets yadda yadda yadda.
10. In an expected development, all document review software now includes a drop-down choice for contract attorney reviewers titled “Irrelevant-Data Dump” to accelerate the production of data to opposing counsel. Pundits suspect it is attempt to take the piss out of those judges’ panels which seem to appear at every e-discovery conference.
- 10.5 After years of meetings, the Sedona Conference Working Group on information, discovery and disclosure issues definitions of “e-discovery” and “e-disclosure” over American objections (“I still think those EU folks are a bunch of wankers; just download the damn stuff and give it to me!!”) but debate continues on whether you still need the hyphen between the “e” and the “d”.

Happy Holidays from The Posse List.

Gregory P. Bufithis is the founder and chairman of The Posse List and its sister sites The Electronic Discovery Reading Room (<http://www.ediscoveryreadingroom.com>) and The Posse Ranch (www.theposseranch.com). He is also founder and chairman of Project Counsel (www.projectcounsel.com).