



## An interview with Scott Gillard and Michael So of e.law Asia Pacific; the spike in e-discovery work in Asia

Jan 28th, 2010 | | By Gregory P. Bufithis, Esq.

This interview is part of our new series “Data! Data! Data!” — Cures for a General Counsel’s ESI Nightmares”. For our introduction to the series [click here](#).



*As Posse List members know, especially members of Posse List Asia, e-discovery work in Asia has exploded. We have seen work expand in China, Japan and Korea with the greatest expansion in Australia. One company we have kept abreast of in the market is major player e.law Asia Pacific.*

*Scott Gillard is head of the e.Solutions team at e.law Asia Pacific Pty Ltd. Scott has 15 years litigation consulting and project management experience in the legal, government and corporate market space and 9 years technical consulting, systems development and implementation experience in e-discovery as well as software design and development experience with regards to litigation support databases, e-discovery platforms and litigation workflow. Scott also has International litigation consulting and project management experience with a number of Legal Top 100 firms in the UK and US and Legal Top 20 firms in Australia.*

*Michael So is Asia Regional Director Based in the e.law Hong Kong office, Michael brings with him over 15 years experience in management, business development and project management in the Asia Pacific region. Having worked with various leading IT&T and software vendors in senior roles, Michael is passionate about technology and its emerging role in the legal industry. Michael’s experience with managing complex cross border projects makes him a perfect fit for*

*our growing Asian operations. Michael is fluent in English and Chinese, and has extensive knowledge of all facets of litigation support in Asia.*

*We met with Scott last year at The Masters Conference and Michael So at last summer's LexisNexis e-Discovery Conference in Hong Kong, and then caught up with the whole team in their corporate headquarters in Australia.*

**TPL: Scott, when we met last year you folks were CCH Workflow Solutions. Then e.law scooped you folks up in November. How did that all come about?**

**SG:** The acquisition of CCH Workflow Solutions by e.law was a real surprise to the industry and has shaken things up considerably! e.law recognized, quite rightly, that the two businesses were really compatible and made a strong move to broaden their service offering. The combination has been of incredible benefit to our clients, given that all areas of evidence collection and presentation are now covered by the one solution provider. The merger has been a seamless transition for us given the pre-existing nature of both businesses. Everything has stitched together beautifully by filling the gaps that existed in both businesses in the EDRM model and further strengthening key areas such as e.discovery and document imaging and coding.

**MS:** I'd add to that by saying that the acquisition of CCH Workflow has enabled e.law to move with relative ease into the Asia litigation support market. We've experienced huge demand for our services throughout Asia, the market is growing at an amazing rate and we have already a very healthy US + UK client portfolio who rely on our local knowledge and support when they have discovery needs in Asia.

**TPL: Give me an overview of what e.law does.**

**SG:** The best way to describe our business is as a specialized information technology advice and solution provider. I know that is probably not very clear, but simply put we assist the legal profession, courts, Inquiries and even Corporates and Government agencies with complete data and document management solutions. We provide products and services in five major areas; e.forensics, e.discovery, bureau services, e.courts and case management software solutions. We provide services from legal photocopying and imaging, through to coding, electronic evidence discovery and even forensics.

**MS:** Our business model in Australia and Asia is essentially the same, however we experience a much greater demand for our hard copy processing services in Asia, for example imaging and coding of hard copy documents. Most of our business in Asia is for US and UK clients who have a matter involving document and data located in Asia. It's obviously a much better option for our clients to utilize the local e.law teams in comparison to flying their own team into an unfamiliar location and culture. And of course they can always call on The Posse List to further the process with substantive review.

**TPL: So the e.law team includes qualified lawyers, as well as skilled information technology specialists?**

**SG:** Absolutely, our team comprises of experienced lawyers and business professionals who work closely with technology specialist, consultants and project managers to develop and deliver customised solutions.

**TPL: That's a significant investment in resources.**

**SG:** Well, the legal knowledge and background means we have a keen understanding of our clients business and their pain points, combine this with some very smart technical minds and there is no project we can't manage.

**TPL: Give me an idea of the types of projects and clients you work with?**

**MS:** It varies significantly, from your very small law firm with less than 20 staff to major projects such as Royal Commissions and huge multi-party litigations where you are dealing with tens of millions of documents in both hardcopy and electronic. We see anything from 1 box or 1 CD of documents to over 6000 boxes and terabytes of data. In terms of client base, this spreads across law firms, the corporate sector as well as the government sector. Internationally we work with a large number of global organizations and in addition the legal firms that support them.

**TPL: On your website you mention "e.solutions". What is that about?**

**SG:** e.Solutions encompasses all of e.law's electronic solutions for clients. This includes eDiscovery, our SaaS offering and our software development initiatives which service both our clients and our internal processes and systems. For example, no single "off the shelf" eDiscovery tool or document hosting platform meets all of our customer's day-to-day needs. e.Solutions is about implementing the best tools in the optimum workflow with our own "special sauce" to deliver customers a market leading service across the entire business.

**TPL: On your website you discuss your expertise in hard copy and electronic discovery. Back in the U.S. we are freaking out over the "tsunami of e-data". Would you say that in Asia hard copy is more prevalent than electronic documents?**

**SG:** Right now, paper is definitely still the predominant format in Asia. However the "tsunami of e-data" is fast heading Asia's way. When we first setup our Asia business in 2002, we were 110% paper focused as the concept of eDiscovery just didn't exist in that region outside of Australia. But via education and Singapore leading the way with the introduction of new rules around electronic discovery, the eDiscovery beast has definitely been woken up in the last 12 months.

**MS:** We have also seen a large increase in the necessity for cross border discovery, particularly off the back of the...wait for it...GFC.

**TPL: The global financial crisis?**

**MS:** Correct. We are currently managing several matters where there is data relevant to the one case located in Asia, Australia and the US.

**TPL: With the onset of e-data we now have a new lexicon, funky technology — and not necessarily technologically astute lawyers. Are most lawyers technophobic or perhaps they don't see technology like those of us in the industry?**

**SG:** I think that in the last 12 to 18 months in Australia that this has turned a corner. As the younger generation of lawyers start to filter through we are seeing a higher level of understanding and adoption of technology. These younger lawyers are also assisting with the education of the existing workforce. We are lucky in Australia that some educational institutions have electronic litigation built into their programs so lawyers have a head start when they hit the market. But there are still large gaps of knowledge in the market in regards to eDiscovery.

**TPL: So it's really a lack of knowledge, a lack of familiarity? How do you help?**

**SG:** What we do allows lawyers to focus on winning their case and not get distracted in the quagmire which can often be eDiscovery. If a lawyer is worrying about project managing the eDiscovery process, collecting data, processing data and producing data and what the difference is between a MD5HASH and a SHA-1 is, then ....

**TPL: Hold on. For our readers, MD5HASH and a SHA-1 are document signatures utilised to identify duplicate documents when you de-duplicate.**

**SG:** Yes, thanks. It's complex technical stuff so we do not want the lawyers distracted from doing their main job — being lawyers. We remove all this worry, tone it down to a level which the lay person can understand and compliment what the client needs to do to satisfy their obligations.

**TPL: And what do you think is at the forefront of the discovery process, the most important thing, the biggest challenge?**

**SG:** Timeframes are shortening, volumes are increasing, head counts and overall budgets are decreasing but at the same time costs are expected to decrease disproportionately. The biggest challenge for both lawyers and service providers is to provide services at a significantly lower cost than what we are used to but at the same level of quality in faster timeframes. I think this challenge will see law firms move away from the "bill by the hour" model to a "project fee" model and likewise, service providers will have to fit in line with this methodology.

**TPL: There is a feeling among in-house counsel (gleaned from the ACC meetings we attended) that direct relationships with e-discovery vendors is best, rather than through outside counsel. Do your law firm clients perceive this as a threat to their business?**

**MS:** The shape of the market in this area is changing by the day. We are finding since the onset of the GFC that everyone is looking to reduce costs and an outsource model is the best way to achieve this. The corporate sector are also becoming more educated and taking a more active role in how their money is being spent which is placing pressure on law firms who use full in-source model. Whilst law firms will always have a requirement to do some processes at some level in-house, with the possibility of the death of the billable hour, I think that natural progression will mean the outsource model will increase in popularity.

**TPL:** **E-discovery vendors have also had much success the last 2 years moving into the e-discovery space across the whole EDRM model, especially in the area of document review (the “right side”) and that success is due to the continuing move by corporations to move EDD directly in-house. Document review is a nice piece of change. Is this a move you contemplate?**

**SG:** Right now it is not core business for us, but it is something we have provided as a service in the past and something that we continue to look at into the future. Like anything, if you are going to do it, you have to do it right and providing document review services is not as simple as hiring a bunch of staff and throwing up a shackle which says “document review for hire”. Our preference at this point is to have a reliable and tested partner, like The Posse List and [Project Counsel](#) to extend our service reach and provide this.

**TPL:** **Ok, news flash. There is a myriad of e-discovery vendors out there — review software, early case assessment software, ESI management software, etc. How do you distinguish e.law from the pack?**

**MS:** For starters, to the best of our knowledge, we are the only genuine service provider who can lay claim to international presence and experience, we’ve offices and service centers throughout Australia and Asia, servicing clients from Australia, UK, US and the EU. We can get to any location, no matter how remote or unheard of, with mobile e.discovery and hard copy processing teams and generally we can mobilize with 48 hours.

**SG:** Exactly right, and add to that our breadth of services, take for example you have a case that requires a laptop to be forensically imaged, 50 boxes of photocopying, some fragile archive documents to be scanned, pst + e-files to be extracted and processed, then all loaded onto an online case management software accessible from anywhere in the world.....exhausted yet? We can manage this process for our clients from start to finish and we have talented experts who manage each stage to ensure absolute quality.

**TPL:** **E-discovery costs are skyrocketing. Yet much of EDD is now a commodity – and that has changed the structure of the market. Prices are — shall we say — more predictable and probably more realistic. E-discovery vendors have capped fees, set flat fees or worked with various forms of pricing estimators. Have you changed your pricing?**

**SG:** e.Law was the first service provider in Asia Pacific to offer eDiscovery processing on a “per gigabyte” rate last year. Traditionally pricing has been “per document” and/or “per page” which is often quite difficult to quantify up-front in order to provide cost certainty for the client.

But what we have found in Asia is that there is no one size fits all approach to pricing. So we treat each customer as they come and build a pricing structure which suits their requirements. It might be per gigabyte, it might be per document or some hybrid of the two.

**TPL:** Scott & Michael, we greatly appreciate your time.

**SG:** Thanks TPL, we look forward to seeing you at LegalTech!

**MS:** Thanks TPL, we always enjoy working with you guys and look forward to an exciting 2010.

***Postscript:*** LegalTech New York 2010 is one of the premier events in the industry. It will be February 1, 2 and 3 in NYC (for details [click here](#)) and you can find e.law in the Exhibit Hall at Booth 1421.

*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](http://www.theposseranch.com)). He is also founder and chairman of Project Counsel ([www.projectcounsel.com](http://www.projectcounsel.com)).*