



E-Discovery Project Management: Bringing Process to Practice

Litigators who want to succeed in today's economy must recognize that discovery is at least as much about controlling the process as it is about practicing the art of law. The Federal Rules of Civil Procedure (FRCP), recent case law, and corporate

management's increasingly vocal discomfort with the cost of e-discovery all make this point painfully clear. Attorneys, whether in a firm with client corporations or in corporate counsel answering to the executive office, have heard the demand for increasing their efficiency and managing to a budget. Smart attorneys

have figured out that their problems are not unique. They also understand that the business solutions that have worked in other parts of their organization could be effective in helping them manage the many moving parts of complex e-discovery. These attorneys recognize the power of applying project management principles to the task at hand, and using integrated project management applications and practices to help determine efficiencies, manage resources and delegate tasks effectively.

The marriage of project management and e-discovery has been a long time coming, recently gaining critical mass in the industry, as evidenced by recent works produced by the Electronic Discovery Reference Model's Project Management Workgroup and

The Sedona Conference's "Achieving Quality in the E-Discovery Process." Indeed, in their latest report on the e-discovery industry, George Socha and Tom Gelbmann stated that "project management . . . minimizes missteps and delivers more predictable, reliable, and cost-effective results."

From the standpoint of available solutions, e-discovery has become a complex playground. One of the biggest challenges is coordinating the resources used in the process to produce a repeatable, sustainable and defensible process. Project management tools and strategies facilitate

the coordination of the many parties and point tools involved, promote communication and collaboration between those parties, create a record of the process, promote discipline and consistency, and provide a framework for compliance enforcement.

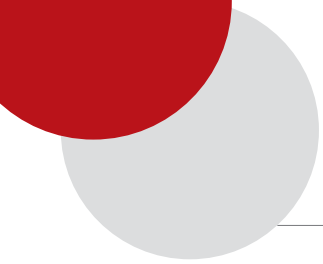
GAINING PERSPECTIVE ON E-DISCOVERY PROJECTS

For attorneys who are not classically trained

in concepts native to many business practitioners, it's important to make a distinction between project management and organizational business process management. The two are separate but interconnected disciplines. In a nutshell, project management is

an organized process designed to address a unique set of requirements with a defined start and stop, whereas organizational business process management comprises a set of repeatable, sustainable processes that can be improved upon on an ongoing basis. Project management is an essential step in moving toward process maturity. For those who have not yet taken this step, the most obvious litigation process in need of project management and its accompanying process maturation is e-discovery.

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Each discovery project should be viewed as one big project that must be conducted in phases. In a complex, multiphase project like e-discovery, it's important to consider dependencies created in the process. Without successful management through to completion of an early phase, such as legal hold or collection, problems will persist to downstream project phases, like analysis and review, and will result in unpredictable costs, missed deadlines or undiscovered data.

The problems faced at each stage of the Electronic Discovery Reference Model (EDRM) are complex and profound, but they're seen in every e-discovery project, large or small. A dearth of resources needed to manage high data volumes, as well as the lack of technically skilled staff, communication tools, and centralized repositories for tracking e-discovery information and project details all contribute to the chaos.

THE RISE OF THE LEGAL PROJECT MANAGER

Every organization with a legal department should designate at least one person as e-discovery project manager. The Sedona Group refers to this person as the "lead e-discovery attorney in charge" or the "team leader." This person should understand the specific tasks that are required to work the EDRM and move case development forward. Given the increasingly digital nature of discovery, this person should have a degree of technical proficiency; many e-discovery project managers have an IT background.

This project manager or legal department leader should either create or refine an existing task list or workflow template for e-discovery projects. Ideally this should be done before the onset of litigation

and commencement of discovery, but even legal departments managing scores of matters can benefit from an honest assessment of their processes utilizing a project management perspective. There is always room for refinement, improvement and standardization.

Before litigation begins, it is enormously beneficial to invest in an e-discovery project management or legal process management software solution that's built specifically to manage the many constituents and point tools involved in e-discovery. Even if you are immersed in litigation, this solution can be applied to minimize problems going forward. Having both a designated project manager and a software solution that can act as a collaborative platform for communication between teams, tools and resources will provide a framework to guide you through each step.

E-discovery project management allows e-discovery practitioners to develop meaningful metrics and improve the e-discovery process. This, in turn, moves the litigation process toward the type of organizational business process standardization that can be effectively measured and accurately predicted.

HOW TO GET THERE: A STEP-BY-STEP GUIDE

The EDRM project management framework outlines seven steps that closely parallel those set out by the Project Management Institute's steps for all project management, with one key deviation: e-discovery project management involves more planning phases than a generic project, a natural evolution for a process with high risk exposure.

Not only can the EDRM as a whole be viewed through the lens of project management, but each step along the way can and should be approached using these steps. Each step of the e-discovery

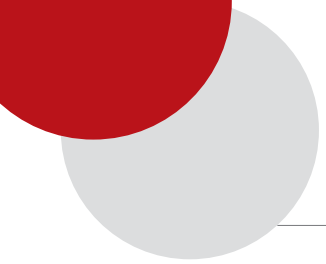
E-DISCOVERY PROJECT MANAGEMENT: BRINGING PROCESS TO PRACTICE

workflow represents a discrete task with a set of specific objectives. Each project phase can be cyclical, but the overall goal is to progress through the phases from left to right along the workflow. Breaking down each phase of the EDRM using project management principles allows for a seamless and efficient progression from start to finish.

- **Scoping:** In e-discovery, the scope is set by the nature of the case. Determine how to manage the scope of each project phase by gathering key constituents and creating a project team, including organizational team members, law firm team members and any vendors involved. Be sure to include both legal and IT constituents. Set context, determine constraints, align teams to project goals and create a task checklist to serve as a guide through project completion.
- **Preliminary Planning:** Establish timelines and objectives, and produce a project plan with enough detail to enable the next step — resource selection. For information management, this step might include determining requirements for a data map with asset management integration capabilities; for review, this might include reconciling the amount of data for review with budgetary constraints. For the e-discovery project as a whole, the initial planning phase would include drafting a “big picture” timeline for case development. These timelines should mark off specific projects and deadlines in the case, such as the 26(f) conference, and also list high-level goals for each phase of the EDRM.
- **Resource Selection:** Choose internal and external resources and formalize work orders. Compare

vendor pricing, availability and turnaround times, and allocate workload accordingly. There are e-discovery workflow management tools available that make vendor and resource comparisons, among other things, extremely easy.

- **Detailed Planning:** Develop a comprehensive plan detailing how the project will be executed. Take the e-discovery checklist from step one and set up user roles and responsibilities to ensure that each step is covered. Formalize communication channels, determining who needs to communicate what to whom and when; how they will communicate (*i.e.*, using what channels); and how this communication will be tracked. Today’s e-discovery workflow management software provides a fail-safe system for formalizing communication and project roles, monitoring compliance with job duties and tracking communications. Nevertheless, it is still important for a project manager or project team to engage in detailed planning at the beginning of each e-discovery project.
- **Start-up:** Set up project workflows and technology, conduct user training and validate project assumptions, conduct sample data exchanges and pilot other processes. For a review project, for example, this step would include training for specific review tools as well as training for what the particular issues are for the matter so attorneys can effectively review during the execution step.



- **Execution:** Execute the project and make adjustments as necessary. Keep an eye on changing specifications and deadlines as errors here can cause reputational damage and hurt client relationships. E-discovery project management solutions can automate the process of ensuring that everything on the e-discovery checklist is taken care of. E-discovery workflow management software can automate workflow contingencies that ensure each step is completed satisfactorily before the project can progress. It also serves as a collaborative platform to facilitate communication throughout the e-discovery process, from internal legal and IT teams to outside counsel, vendors, HR leaders and custodians.

- **Closeout:** Close out each project phase and ensure critical communication points and documentation are wrapped up and carried over to the next phase. Archive or dispose of data as needed, and ensure critical information is conveyed appropriately. A core concept of project management is “you can’t manage what you can’t measure, and you can’t improve what you can’t measure” so be sure to summarize metrics and conduct “lessons learned” activities. A postmortem on matters overall, and e-discovery project phases in particular, is essential — the answers for the next case can often be found in the resolution of the last matter.

While The Sedona Conference has just begun their work on project management, and the EDRM has defined a framework using a traditional project methodology, the stage has been set toward a more effective and efficient methodology specifically for managing electronic discovery projects. For those of us who’ve been practicing e-discovery project management

for years, alternative and innovative approaches utilizing project and process management are gaining credibility and widespread acceptance in the practice of law. The steps outlined above can provide an excellent starting point for practitioners looking to move in that direction.

PROJECT MANAGEMENT IS A MUST FOR E-DISCOVERY

With cost and time pressures advancing on legal teams, it has become more natural for attorneys to seek out methods to increase efficiencies and cut costs in e-discovery. As e-discovery moves into the realm of repeatable business process, it’s clear that increasing value for clients will remain a driving factor in how attorneys approach litigation. In the coming years, e-discovery and legal project management will come into their own as recognized practice areas. In the meantime, law firms and corporate legal departments alike must strive to remain competitive by utilizing emerging best practices and the technologies built upon those tenets to deliver real value to their stakeholders. **ILTA**

E-Discovery Project Management Toolkit

- >> [Case Study: How Haynes and Boone Automates its E-Discovery Processes](#)
- >> [Webcast: E-Discovery Project Management: A Practical Approach for Law Firms](#)
- >> [Webcast: How to Apply Project Management Principles to the EDRM](#)
- >> [EDRM Evergreen: Project Management Framework \(Now open for comment\)](#)
- >> [The Sedona Conference Commentary on Achieving Quality in the E-Discovery Process](#)



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