



An interview with Steve d’Alencon of CaseCentral; thoughts about ECA, cloud computing, document review, — oh, and the “Case in Point” cartoon

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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 [\[click here\]](#).



Steve d’Alencon is as vice president of product management and marketing and Chief Marketing Officer for CaseCentral. He is responsible for leading go-to-market programs for CaseCentral, including product management, demand generation, public and analyst relations and marketing communications.

And there are few folks in this industry with his pedigree. He is a product management and marketing executive with more than 20 years of experience at top enterprise software and high technology companies, including running his own marketing consultancy in Silicon Valley.

Prior to CaseCentral, Steve was vice president of product marketing at Kazeon Systems, where he transformed its brand from a storage management company into an e-discovery product and solutions leader. During his tenure, the company’s e-discovery and overall revenue grew significantly and it received recognition from ESG, Forrester, Gartner and IDC as being a leading product for in-house proactive and reactive eDiscovery in response to litigation, information security and privacy, corporate investigations and regulatory compliance requirements.

We caught up with Steve at the ACC Annual Meeting in Boston last year, and then in New York at the recent IQPC eDiscovery conference.

TPL: Last year was a big year for CaseCentral. It was selected as a [“2009 Trend-Setting Product”](#) by KMWorld Magazine due to the popularity of your early case assessment product; you led all vendors with the largest gain in usage by [Am Law 200 law firms in the 2009 Am Law Tech Survey](#); and you attained [Safe Harbor Certification](#). But most important: your e-discovery cartoon series “Case in Point” [was one-year old in October](#). Which brings up marketing. And branding. The “Case in Point” series is brilliant and gives you so much industry recognition. How did that start?

SD: Thanks. But of all the things you focused on it had to be the cartoon? Well, a brief history of the series: Chris Kruse and I were having a discussion in mid-2008 about how we could start a creative marketing program that would improve CaseCentral’s brand awareness without being a “me too blog” or other “me too program.” He said, “Hey, I know a cartoonist, maybe we could start a cartoon?” And [‘Case in Point’](#) was born. We spent 3 months coming up with the concept, the name and the frequency. The cartoon was launched at the 2008 ACC Annual Meeting and has been running weekly for about 67 weeks now. I work closely with our cartoonist, Tom Fishburne, to help him turn industry ideas into funny cartoons. It’s harder to be funny every single week than most people would imagine, but I think we have a good track record and we’ve developed a great, worldwide audience. [Our readers also supply us with some fantastic real-world ideas.](#)

TPL: Thanks. We always wanted to know. Now, onto more important things. What does CaseCentral do, in a nutshell?

SD: Ok, in a nutshell. CaseCentral is the leader in secure, on-demand software for corporations and law firms to simplify and take control of eDiscovery. The CaseCentral eDiscovery platform integrates collection, early case assessment, processing, analysis, review and production capabilities, enabling customers to succeed with a single matter and seamlessly migrate to multi-matter, multi-party support within the same software platform.

The benefit? CaseCentral enables repeatable, defensible and measurable business processes that significantly reduce eDiscovery risk, cost and time. In late 2008, CaseCentral built and delivered the industry’s first process analytics and eDiscovery dashboard upon our multi-matter, multi-party eDiscovery platform.

Why is this important? Because CaseCentral’s process analytics and dashboard enable authorized users to receive real-time, quantitative measurement of key eDiscovery process points, providing critical insight into eDiscovery costs, trends and efficiencies. This information is vital for corporate legal and law firms alike to measure cost (per document, per matter, per law firm), efficiency (review time) and effectiveness (review quality) across one or multiple matters.

TPL: And the CaseCentral/StoredIQ hook up. What’s that about?

SD: If you use the Electronic Discovery Reference Model (EDRM) as a foundation, the announcement from CaseCentral and StoredIQ was all about creating a strategic partnership to provide clients with an integrated eDiscovery offering that ranges from identification, preservation, collection and processing of electronically stored information (ESI) through

analysis, review, production and post-production re-use. In other words, an end-to-end eDiscovery platform.

TPL: Ah, one development I forgot. Last year CaseCentral debuted its “[Review Service Providers Certified Partner Program](#)” which provides training and tools for document review, using the partners’ review services bundled with CaseCentral’s review software. A large segment of membership/readers are contract attorneys and/or involved in the review/production (“right-side”) of the EDRM.

SD: The CaseCentral RSP Certified Partner Program combines CaseCentral’s industry-leading eDiscovery platform with certified high-quality, low-cost domestic or offshore document review services offered by the RSP Partner, for example [Cobra Legal Solutions](#) or [Compliance](#), LP. Within the program, projects can be quoted using three different pricing rates: per hour, per gigabyte or per document. The pricing model creates informative pricing comparisons to provide clients with the most economical option available. We have a number of RSPs with whom we have successful engagements and we’re always looking for more.

TPL: Early case assessment (ECA). That seemed to be the mantra in 2009. And everybody seemed to have a product for it, was developing a product for it, wanted to have a product for it. We all know why: “ECA and e-discovery integration equals huge savings”. But not everybody can do it and you guys became a leading light. How? What’s the key?

SD: CaseCentral’s first-mover position of providing a multi-matter, multi-party eDiscovery product that enables post-production re-use of work product has put us in what we now call the “ECA market” for at least five years. Part of the answer to your question goes back to examining the definition of ECA. In speaking to our clients and doing our own research, we concluded that the term “ECA” sometimes is a misnomer in that people think it is one, finite thing and in fact it is not. We found that the term “ECA” was being used to describe a host of activities that could literally be performed early, during, or late in the dispute resolution process. The most commonly understood ECA effort is to analyze a relatively small data set against target custodians, date ranges and key words in order to cull that data set to a much smaller, potentially responsive data set for attorney review in order to limit costs and, presumably, risk.

However, there are a number of limitations to this approach. First, most of the current Early Case Assessment tools are designed only for the matter at hand and require a data export to another tool for active review. Also, the manner in which ECA is often performed today provides a disincentive to clients to perform other types of analysis. In speaking to several of our large clients, they were interested in performing “what if” scenario testing and risk forecasting on very large data sets that could be multiple Terabytes in size. In addition, since these clients were using CaseCentral’s multi-matter, multi-party platform, utilizing historical system metrics, such as cost and rate of review, to deliver a scope and cost estimate for a new or pending matter enabled the client to more effectively make “fight or flight” decisions.

These client needs, plus the more basic, contemporary uses of ECA, led CaseCentral to heavily focus on re-defining ECA away from a single purpose utility and instead delivering it as part of

an integrated review and production platform. This led to our [announcement in June, 2009](#) of delivering the industry's first integrated eDiscovery platform, including ECA.

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

SD: You're absolutely right. The exhibit halls do seem a bit crowded of late [laughing]. Ok, there are 4 things that I think distinguish CaseCentral from the pack: **(1)** CaseCentral invented multi-matter, multi-case eDiscovery software. The benefits of this are: **(a)** enables clients to standardize on a repeatable process and **(b)** securely stores only one copy of client data in one location; **(2)** CaseCentral was the first cloud computing / SaaS delivery model for eDiscovery. The benefits of this are: **(a)** enables clients to bring eDiscovery "in House" via the cloud; **(b)** extensive collaboration (multi-party) capabilities; and **(c)** instant-on with no CAPEX investment required; and **(3)** CaseCentral pioneered the integrated eDiscovery software platform. The benefits of this are: **(a)** reduces risk by reducing handoffs between different applications and **(b)** eliminates expensive processing and labor at each step; and **(4)** CaseCentral invented Process Analytics & the eDiscovery Dashboard. The benefits of this are it enables quantitative eDiscovery process measurement for: budget forecasting; resource governance; risk and cost oversight; managing matter timelines; and production deadlines. Clients can do this on a single matter or, more importantly, across all cases and matters, which is unique.

For example, it was these things and more that compelled [Boeing to select CaseCentral](#) to provide a comprehensive set of repeatable, defensible and measurable eDiscovery capabilities as the corporate standard for new legal cases. CaseCentral will be used for early case assessment, processing, analysis, review, production and post-production re-use capabilities for both single and multiple matters.

TPL: Last year — for obvious reasons — corporations and their law firms were searching for and selecting more cost-effective e-discovery processes and technology. How does CaseCentral fit in the "cost-effective" bucket?

SD: Well, let's start with volume. By our estimate Fortune 1000 corporations are managing more than 500 pieces of litigation at any one time. Matters range from small investigations involving a few gigabytes of data to large-scale "bet-the-company" cases in which multiple terabytes of data are collected. As corporations take greater control of this process they need cost-effective, defensible processes and tools to secure the best possible outcome without disrupting the company's core business.

We realized that despite the focus on ECA, incumbent vendors are charging a premium price of as much as \$1,000 per GB for just this phase of eDiscovery. This is what led us to deliver the industry's first integrated eDiscovery software platform and to price ECA capabilities starting at \$10 per GB, not \$1,000 per GB. We also introduced an Enterprise pricing model, which provided clients with a predictable, bundled monthly cost for GB processed, GB stored, ECA, review and analysis software, productions and services.

Lastly, “cost-effective” isn’t all about dollar cost; it is also about efficiency and repeatability. CaseCentral invented the multi-matter eDiscovery system and it is this notion that uniquely allows clients to templatize new case creation in moments, do advanced conflict checks to avoid inadvertent productions, do global de-dupe at the time of ingestion, to re-use prior work product in new matters as appropriate and to store a single copy of a document despite the fact that it is used in multiple cases with different workflows and designations in each.

TPL: Does CaseCentral operate globally?

SD: Given that more than 80% of active litigation is in the United States, CaseCentral primarily operates in the U.S. to support our clients’ U.S.-based matters. We support multi-national clients, as well as U.S.-based clients.

TPL: At IQPC in New York in December you said “*E-discovery delivered via the cloud is certainly a trend for 2010 because of the efficiency versus on-premise software*”. We discussed this at ACC in Boston when we met and you said there were pitfalls. What, exactly? Where do you see the problems, and the benefits/solutions for e-discovery?

SD: First, I need to define what I mean by “the cloud.” I like a University of California, Berkeley definition: “Cloud Computing refers to both the applications delivered as services over the Internet and the **hardware** and systems software in the **data** centers that provide those services. The services themselves have long been referred to as Software as a Service (**SaaS**), so we use that term. The data-center hardware and software is what we will call a Cloud. When a Cloud is made available in a **pay-as-you-go** manner to the public, we call it a Public Cloud. We use the term Private Cloud to refer to internal data centers of a business or other organization that are not made available to the public.” Personally, I feel that the definition of “cloud computing” does not usually apply to hosted applications (including ASPs) where a reseller is simply allowing you to access an application that s/he is hosting on your behalf. In the eDiscovery industry, it is also important to differentiate services based upon public Cloud infrastructure like Amazon S3 and Google Docs. The reason for this is that in those services, you don’t know where (including what country) your files are stored and you don’t know if you can really control document retention and destruction. As a client, you need to know that you are completely in control of your data and a private Cloud is the only way to do that.

In early 2009, CaseCentral delivered the first **private cloud computing**-based eDiscovery software platform with centralized data management and enterprise-class security, reducing the risks typically borne by clients when they transmit proprietary and confidential data outside the firewall. CaseCentral’s platform delivers a collaborative, multi-party application platform and single-instance storage along with the industry’s only **enterprise-class eDiscovery disaster recovery and business continuity protocol** to safeguard client data.

If you think of the EDRM, the moment you cross over from collection to processing, analysis, review and production, you are involving multiple resources (outside counsel, contract reviewers, service providers, etc.) that reside outside of your company and network. Cloud-based applications like CaseCentral are built from the ground up to provide a secure, collaborative platform that allows you to manage your proprietary data in a single place while

allowing 10s, 100s or 1000s of users outside your firewall to productively access that data on your behalf.

And, as we're talking about eDiscovery and the Cloud, a recent Gartner, Inc. report, "Predicts 2010: Regulatory Changes and Business Demands Will Drive the Long-Delayed Adoption of Legal Discovery Technology" published November 17, 2009, states "Application service providers, software-as-a-service delivery models and "cloud" solutions will dominate the review and analysis phases of e-discovery."

TPL: Another thing we discussed at ACC was controlling electronic discovery using in-house resources. Can you give us an overview on what CaseCentral is doing for in-house law departments?

SD: Certainly, this is one of my current pet peeves . The notion of "in-house eDiscovery" has been over-hyped and over-marketed. In particular, many vendors have shaped the incorrect implication that "bringing eDiscovery in-house" means the purchase, installation and on-going management of on-premise software for various eDiscovery tasks. This is particularly misleading. I prefer to begin with this premise of "bringing eDiscovery in-house" instead: rather than relinquish control of the eDiscovery process to 3rd party experts and their firms, in-house legal teams and their executives are trending toward retaining control of decision-making, creating and owning the overall process and acting as collaborative partners throughout the life cycle of a particular matter.

It is this equilibrium that will dictate the growth and development of electronic discovery in the years to come, and not simply technology or regulatory guidelines. Those who embrace the internal/external partnership will streamline progression and enhance their readiness for favorable outcomes.

At Case Central we bandy about the phrase, "bring eDiscovery in-house using the Cloud." The point of this is that adoption of SaaS and cloud computing-based software continues to rapidly increase as corporations and law firms have awoken to utilizing reliable and proven cloud-based systems for eDiscovery to drastically reduce application deployment time and receive "instant on" availability for new matters. Initial cloud computing deployment and on-going maintenance costs are also much less than traditional on-premise software deployments. And, using the cloud provides virtually unlimited and elastic storage of data.

..... and there is a lot of data out there.

TPL: Ok, bingo. You have hit on the purpose of this series of interviews. The "tsunami of data" as Ralph Losey says. A volume of data (and cost of discovery) which seems to be exponentially greater by the minute. In a nutshell, how do you help clients cope, get organized?

SD: Electronically stored information has a compound annual growth rate of nearly 60%. It was estimated by IDC that by 2011, over 1,800 Exabytes of will exist. That's 1,024 Petabytes for each Exabyte. And there are 1,024 Terabytes in each Petabyte. In short, we're all creating a lot of data! CaseCentral's expertise lies in dealing with the information that has been collected

for a particular matter. Our partners on the left side of the EDRM specialize in general information management disciplines and we have several strong partnerships there, including CommVault, StoredIQ and Symantec.

Our goal for our clients is always to minimize risk, cost and time as it relates to collection, processing, data analysis, review and production. Obviously the specifics can vary greatly depending upon the particular matter.

TPL: So, 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?

SD: First, as Ralph and others correctly assert, technology is not a required program of study to graduate from law school. Second, as a technology executive, I have a hard enough time myself keeping up with all of the changes and advancements in technology – business, personal or otherwise. In fact, when I stop to think about the decade that just ended, we began it without Facebook, without Twitter, more or less without blogs, without texting cell phones and, God forbid, without Apple iPhones! So, it's no surprise that lawyers have a hard time keeping up with technology. Having said all of that, I prefer to view the issue in terms of a mindset. Those who view technology as “the enemy” are missing the point – electronically stored information (ESI) accounts for more than 90% of information being created every day and, as a result, it is inevitable that this ESI will become relevant in the courtroom.

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

SD: Yes. CaseCentral is a trusted advisor to clients from case initiation to conclusion. We strive to do everything we can do to de-mystify technology and its implications for our clients.

TPL: And your technology works no matter what — potential litigation, government investigation, internal investigation, whatever?

SD: Yes. Potential litigation, government investigation, regulatory request, internal investigation, active litigation, class action, etc. CaseCentral made its name on the largest, most complex cases out there and in over 15 years of business has repeatedly demonstrated an ability to scale from small to large in terms of cases, users or data volume.

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

SD: In the past 20 years, virtually every department within the corporate enterprise has undergone some sort of Six-Sigma process review and improvement except the legal department. The fundamental objective of the Six Sigma methodology is the implementation of a measurement-based strategy that focuses on process improvement and variation reduction. Many types of well-known software help to accomplish this kind of improvement. Think of GL, ERP, Supply Chain, Manufacturing, CRM and other related types of software that help enterprises become measurably more efficient. This need for measurable legal process

improvement is precisely the reason CaseCentral invented its eDiscovery Process Analytics and Dashboard. The direct benefit of this development is repeatable, defensible and measurable business processes that significantly reduce eDiscovery risk, cost and time.

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?

SD: I think this is directly related to the notion of taking eDiscovery “in-house.” The point is that in-house counsel are increasingly taking control of their eDiscovery processes and standardizing so they are repeatable, defensible and measurable. The fact that in-house counsel are taking control of their eDiscovery processes does not degrade the importance of their relationship(s) and partnership(s) with outside counsel. CaseCentral is committed to serving both inside and outside counsel and while we may have a direct relationship with inside counsel in some circumstances, we also maintain strong relationships with outside counsel.

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. Do you think you might move into direct document review?

SD: You mean actually staffing document review projects? No, not at all. The “Review Service Providers (RSP) Certified Partner Program” I mentioned earlier provides the solutions to expedite the document review process. We simply provide a “bundle” so to speak, offering clients a one-stop shop for initial document review using the RSP’s review services bundled with CaseCentral’s on-demand single matter and multi-matter, multi-party eDiscovery review software. Our partners can now offer all-inclusive reviewing services based on a pricing model – per hour, per document or per gigabyte – that best meets their client’s needs. But CaseCentral actually staffing? No. That is not our expertise. That is the expertise of our partners.

One concluding point on this. Outsourced review has traditionally been touted as a low cost option for document review, but locating certified attorneys or a trusted business partner has become a challenge for many companies. Through the RSP Certified Partner Program, CaseCentral helps clients solve that problem.

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?

SD: The challenge in 2010 for everybody — vendors, law firms, etc. — is going to be to reinvent ourselves with new economic models. I certainly agree that the value creation of a number of EDD activities, especially processing, is suspect and the price elasticity has been appropriately impacted. It has been broadly reported that document review comprises greater than 60% and perhaps as much as 80% of the cost of eDiscovery, which is substantially driven

by the cost of humans to review and produce case documents. This reality is a primary driver for the surge of interest in the use of technology to automate, streamline and measure eDiscovery processes.

While most of the industry has been mired in a la carte pricing on a per GB basis, CaseCentral introduced the industry's first "Enterprise Pricing" which provided clients with a predictable monthly cost for GB processed, GB stored, ECA, review and analysis software, productions and services.

Some of our clients love the enterprise pricing model and the predictability it offers. Others prefer to be billed in an a la carte fashion. It's their choice.

Also, CaseCentral [announced today](#) a new connector that integrates Symantec Enterprise Vault Discovery Accelerator, the leading enterprise archive, with the CaseCentral eDiscovery Platform, the leading cloud-based eDiscovery software, eliminating the need for IT and legal departments to manually export and upload large amounts of data for legal review. Clients using the new connector will *bypass EDD processing fees* for data moved into CaseCentral from the Symantec Enterprise Vault, and simplify the handoff process, thereby removing risk by eliminating the opportunity for error. The CaseCentral Connector for Symantec Enterprise Vault Discovery Accelerator will be demonstrated at LegalTech New York in the New York Hilton, February 1-3.

Oh, did I mention that there are absolutely no processing fees for data received via the new connector? Say "hello" to the eDiscovery in the 21st century!

TPL: As we discussed, the big "new new" thing all of last year — at every event we covered — was early case assessment and winnowing relevant data down to reduce the number of documents to review. As the stats bear out, it is the most expensive part of the process. But now we have predictive coding, plus the work being done in computer assisted review as evidenced by Patrick Oot and Anne Kershaw's study "Document Categorization in Legal Electronic Discovery: Computer Classification vs. Manual Review", plus the work being done by Google and Microsoft on auto-categorization or auto-coding. Are we headed down the path to where machines can be statistically proven to be as accurate as human review? Is the technology getting to the point where we can also winnow out the eyeballs — contract attorney reviewers?

SD: Like in The Terminator, War Games, The Matrix and other movies, I believe there is a human element and perspective that is important to maintain in the document review business. But these newer technologies hold great promise for speeding up first pass review, especially on very large data sets, providing intuitive recommendations to reviewing and managing attorneys and for increasing consistency and accuracy. CaseCentral is helping to develop and implement some of these technologies for clients, but I don't think we're ready to turn on the auto-pilot just yet.

TPL: Steve, we greatly appreciate your time.

SD: Greg, it is always a pleasure to speak with you. The Posse List is one of my top 3 sources for industry information; I don't know how you do it!

Postscript: LegalTech 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 Case Central in the Exhibit Hall at Booth #311, as well as in the Gibson Suite.

Further, CaseCentral is the sponsor of the Day 2 keynote, "[Perspectives on Corporate eDiscovery and Social Media](#)," presented by Mark Howitson, Deputy General Counsel of Facebook. That's Tuesday, February 2nd, @ 9am.

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