

# BRINGING BUSINESS INTELLIGENCE TO E-DISCOVERY

BY MONICA BAY

Business intelligence is not just changing how companies work — it's redesigning litigation tactics, including electronic data discovery. To help the legal community understand the nuances of BI, Legaltech News recently presented a webcast, "Bringing Business Intelligence to eDiscovery," sponsored by Epiq.

## PANELISTS WERE:

- [Patrick Oot](#), partner at Shook, Hardy and Bacon and co-founder of The Electronic Discovery Institute. He was previously senior special counsel, eDiscovery at the U.S. Securities and Exchange Commission. Based in Washington, D.C., Oot is chairperson of ALM's Legaltech News educational advisory board.
- [Adi Elliott](#) is based in Chicago as vice president of market planning at Epiq. He previously worked for Iris Data Services (which was acquired by Epiq in 2015), as well as kCura, where he led the marketing and enterprise teams, guiding the creation and definition of the Relativity brand and overseeing Relativity's growth with law firms, corporations and government agencies.
- Moderator [Zach Warren](#), editor-in-chief of ALM's Legaltech News, is also based in Chicago. He previously worked at InsideCounsel, which has since been acquired by ALM.

## SIMPLE IN THEORY

Warren set the stage by noting, "Business intelligence seems simple in theory, but it's actually a bit harder in practice."

Enterprises have massive amounts of data, all ripe for the picking, he said.

"Collecting that data has become easier than ever before, given the rise of new technologies in the marketplace," Warren said. "But how, exactly, should that data be applied, particularly when it comes to eDiscovery?"

In other words, how can BI concepts be applied and executed for preferred outcomes?

## GETTING STARTED

"Business intelligence is definitely a big buzzword," said Elliott, but it has merit: BI allows professionals to make better decisions because they more fully understand their data.

For this, some organizations first turn to analyst groups, such as [Gartner](#), [IDC](#), [Forrester Research](#) and [451 Research](#), he said. Whatever the approach, the first 100 days are the most crucial in the creation of a BI system, said Elliott.

“You want to get your architecture right, but you [also] want to make sure the underpinnings are right so you build a strong foundation,” he said.

Elliott suggested creating a centralized — and decentralized — organizational BI model; he calls this “the [King Solomon](#) approach.” Your team of data scientists should crunch the numbers, true, but it’s also necessary to push it out to the entire organization, empowering all to make data-based BI decisions.

While many organizations adopt BI to track sales, customers, human resources and other agendas, the information it gathers can also be essential in litigation. BI data can help organizations deal with a range of legal issues, from gathering information about judges to matter management and billing, said Oot.

Many enterprises take advantage of consumer relationship management tools like [Salesforce](#) and [Microsoft Dynamics](#), Oot added. For smaller firms, email marketing tools can quantify relationship development with current and potential clients, including [Marketo](#), Oracle’s [Eloqua](#), [Neeve Research](#) and [Campaign Monitor](#).

Warren noted how ALM uses Big Data to fuel its journalistic and BI services. That information comes from 30 years of survey data gathered by editorial and research departments, along with [VerdictSearch](#), [Judicial Perspectives](#) and [RivalEdge](#).

## LITIGATION INTELLIGENCE

BI can help lawyers decide whether to litigate or settle a case. Once in play, counsel can use BI to track and better understand data in order to predict outcomes and gain firmer control of litigation.

Jury verdict databases and judicial information are especially useful in the early stages, said Oot. With data from these sources, you’ll know what type of court you’re dealing with, any potential standing orders or outcomes and the worst-case scenario (i.e., the highest jury verdict potential in the jurisdiction) before you even walk into a discussion, he said. And it can be extremely valuable to track the number of documents that actually end up marked as exhibits in depositions and trials, he said.

It’s advantageous when lawyers can provide data to their adversaries and the court, he added — this can help determine, for example, whether you’ll have 20 custodians or 300.

When analyzing BI trends, there may be nuances that could disprove original assumptions. If you see data that show a potentially negative climate, for example, there might be a greater likelihood of settlement, said Oot.

On the billing side, he said, BI can help monitor expenses, including consulting fees, eDiscovery service providers, etc. — in turn helping evaluate eDiscovery service providers (capacity, work efficiency, etc.) when determining with which to partner.

## OTHER CASES

Too often, eDiscovery teams forget about projects from elsewhere in the organization that may be helpful to a case today, warned Elliott. Almost every EDD project essentially involves taking a group of data from an organization, separating the responsive from the non-responsive and giving that to someone else, he said. While it may technically be a very simple process, the execution can be different from case to case — and for good reason, he said. That’s where BI can be a blessing. And with a CRM like Salesforce, “you really set it and forget it.”

Elliott also discussed DMX (DocuMatrix), Epiq’s eDiscovery business intelligence platform, which offers end-to-end transparency throughout the eDiscovery process: from the original data sources to what’s been processed to what was ultimately reviewed and produced — and all data is displayed in an interactive, user-friendly dashboard. DMX supports kCura’s Relativity, as well as other document review platforms, Elliott said. And, with the DMX dashboard, data from previous projects can easily be referenced to inform decisions about future cases, he said.

## TAKEAWAYS

Oot finished by reminding the audience that BI metrics can help clients reach successful proportionality arguments. When appearing at status and 26(f) conferences, those who know their proportionality metrics will be prepared to discuss them with the adversary — and to push back on over-discovery and fishing expeditions.

When entering a case, consider which metrics might be requested by clients, service providers and corporations, suggested Elliott. Know what metrics would help your firm. What have you learned that might help you on the next case? And for your next case, think about metrics up front, how to obtain those metrics — and who to get them from.