

## Technical Tip

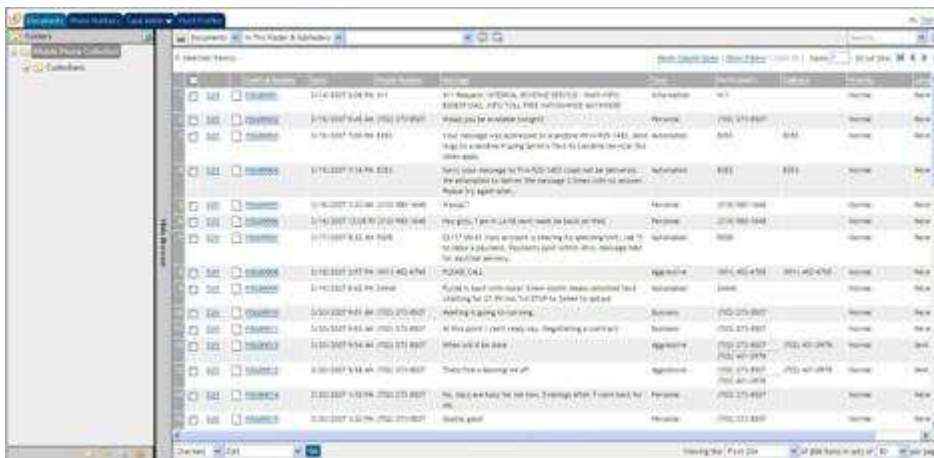
### Ahhh - We have to review the Text Messages for Mr. Big - Now What?

by Tom Groom

There are very few people today who don't thumb text messages on their phones. We tend to treat text messages as if they can't be retrieved once we hit send. "Nobody will find this" one may tell themselves. Oh really? What happens when opposing counsel requests text messages to be included from one of your key custodians? At first you object in that your client's text messages are not "reasonably accessible" but that argument isn't as easy to win as it used to be. Once you've accepted the fact that review of the text messages is going to happen, the question hits you -- "How can text messages most efficiently be reviewed?"

The answer may surprise you. Think of each individual text message as a record (like an email or Word document). If properly collected, each text message record has metadata associated with it that can be used to stitch together the bigger story. Text message timeframes are normally measured in seconds (vs. days as with email) so they are often reviewed in a separate database than email or scanned documents. The key for efficient text message review is to have a common "date and time" field to sort the messages in order to create a conversation. This is especially true if messages for more than one custodian are being reviewed. Another key is to leverage relational fields that can be used to associate phone numbers to participants as well as to enable "group and pivot" reports between phones, participants, timeframes and even conversational tone.

Relativity hosted by D4 provides such a platform as shown in the screen shots below. Text messages from three different phones were placed into this database. From here the reviewer can choose which phones to include as well as which participants to include in the query. Sorting by date and time will piece together the text messages between parties which can help establish intent and/or reveal interesting behavior.

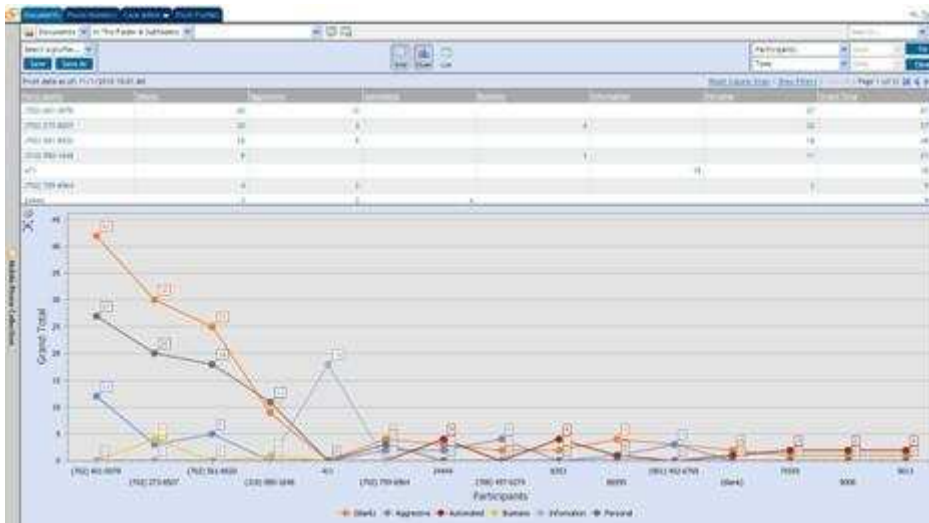


Case	Document	Date	Time	Sender	Recipient	Message Content	Participant	Phone	Status
100	1000000001	1/14/2007	1:04:36	100	1000000001	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000002	1/14/2007	1:04:36	1000000001	100	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000003	1/14/2007	1:04:36	100	1000000001	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000004	1/14/2007	1:04:36	1000000001	100	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000005	1/14/2007	1:04:36	100	1000000001	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000006	1/14/2007	1:04:36	1000000001	100	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000007	1/14/2007	1:04:36	100	1000000001	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000008	1/14/2007	1:04:36	1000000001	100	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000009	1/14/2007	1:04:36	100	1000000001	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal
100	1000000010	1/14/2007	1:04:36	1000000001	100	Hi! Thanks for the info. I'll be sure to look into it.	Information	100	Normal

Using the new "Pivot" feature in the Relativity 6.x system, one can analyze which participant created the most messages.



By grouping on participant and pivoting on "tone", one can determine which messages are sent and received for business, personal and with some enhancement, the type of conversational tone used in the message such as "aggressive" or "flirtatious".



You will likely be involved with a case involving cell phone collection and review in the future. When that happens, be assured there are processes and tools that can be leveraged to make text messages collected from phones more useful for your matter.