



Control Litigation Spikes and Risks

Why SaaS is the New Standard for eDiscovery

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More than 90 percent of all documents produced since 1999 were created in digital form. Of that volume, less than 25% has been reduced to a paper form. Electronic discovery is here to stay, which means that electronic evidence management is a business process that corporations, their in-house counsel and the attorneys that serve them must learn to master this task to decrease risk, to reduce costs and business interruptions and to boost responsiveness and efficiency.

The four challenges of electronic evidence management

Cost - Complex litigation may require millions of documents and involve multiple cases across many jurisdictions. As a result, building and maintaining an electronic evidence platform is a substantial investment. The cost of that investment must be managed effectively to reduce the total cost of ownership (TCO), while increasing return on investment (ROI).

Business disruption - “Disrupt once, reuse and leverage many times” should be the mantra for corporations that want to minimize the business disruption of electronic discovery. A document that is relevant to 100 cases should be collected just once, not 100 times. When personnel across the enterprise stop doing their jobs to respond to discovery requests, productivity suffers.

Scale - By definition, evidence management assumes that the evidence platform will grow as litigation is pursued or disposed of, compliance requirements are continuously met and internal corporate governance policies change. An evidence management platform should scale easily to accommodate all this expected growth.

Security - Large, complex litigation is a collaborative process, involving multiple attorneys, paralegals, administrative staff and contract service providers. The discovery lifecycle requires that the evidence management platform be easily accessible to all relevant parties, while maintaining tiered levels of security that match user roles, enforce privileged designations and prevent spoliation.

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Evidence management platforms - licensed or SaaS?

Companies are always looking for ways to improve their bottom line. As any general counsel will tell you, the cost of discovery lifecycle management is a large and growing expenditure, to which the CFO will certainly attest. A reduction of that expense drops right to the bottom line. So the decision to implement a licensed evidence management platform and use a SaaS solution can have a significant impact on the financial performance of the company. There are six primary factors to evaluate when making this decision:

1. Start-up cost - The core of any evidence management platform is the electronic evidence repository. When opting for a licensed solution, the upfront capital cost is borne by a third-party service provider. With an on-demand solution, the cost of the platform is part of the monthly service fee. There is little or no upfront expense.

The evidence platform should be accessible to all relevant parties while also maintaining tiered levels of security that match user roles, enforce privileged designations and prevent tampering.

2. Predictability - For companies that build their own evidence management system, electronic discovery service firms provide an estimate based on a repository requirements document. As the scope of discovery broadens—almost inevitably—the cost of building the repository increases, but not in a predictable way. With an on-demand platform, prices are based on escalating levels of usage. Within these limits, the monthly service fee is stable, predictable and budgetable. This enables more efficient and accurate resource planning and allocation.

3. IT maintenance – An On-demand evidence management platform provides additional and ongoing savings to be recognized from a reduction in IT maintenance. These significant savings are realized because with a hosted solution there is no

“A law firm first must consider the potential conflict of interest if it has to provide expert testimony regarding chain of custody for digital data ... If a firm does any kind of digital-data handling or processing, it must be able to explain and defend what it did...”

Richard E. Davis, Law Technology News, 2004, ALM Properties, Inc.

maintenance. While licensed software maintenance costs continue to accrue from year to year with new versions, patches, fixes and application integration challenges, all of these costly concerns simply disappear with a hosted solution. For a typical corporate IT group, which spends from 60 to 80 percent of its budget maintaining existing infrastructure, any reduction in the additional, legal-imposed burden is welcome.

4. IT responsibility - If your IT group chooses, deploys and maintains a licensed evidence management solution, staff may be called to testify regarding chain of custody, as well as regarding the handling and processing of digital data. With an on-demand solution, the service provider addresses these issues.

5. Collaboration - The bigger the case, the more attorneys and support staff need to collaborate—and, for the corporate counsel or lead firm, the more complex it is to manage that collaboration. On-demand solutions scale easily to accommodate hundreds or even thousands of simultaneous users with multiple data access levels. But you only pay for what you use. With a licensed solution, once you've added capacity and licenses to meet a demand spike, it's yours to maintain—forever, even if you rarely or never need it again.

6. Security - Hosted solutions eliminate behind-the-firewall concerns, a primary issue when trying to configure a licensed application to accommodate multiple outside users, such as outside counsel, experts or adversaries.

CaseCentral - the leading SaaS evidence management platform

The CaseCentral SaaS evidence management platform is a secure, robust, review solution that facilitates simultaneous, controlled access by multiple users. The platform preserves document confidentiality, scales easily for even the most complex legal matters and provides predictable pricing. Users have anytime, anywhere access regardless of location. The system organizes, searches and quickly retrieves important case data, including documents, transcripts, emails and attachments. Available in editions tailored specifically to enterprises or law firms, the CaseCentral evidence management platform supports a defensible, repeatable business process for litigation and regulatory response that keeps document reviews on schedule and on budget. By ensuring secure, efficient, on-demand access to documents throughout the discovery lifecycle, the CaseCentral platform:

- Reduces risk with a consistent discovery methodology
- Expedites, simplifies, and controls document reviews—no matter how large
- Enables compliance with FRCP governing discovery
- Drives document reuse from case to case
- Simplifies coordination and management of multiple law firms and contract attorneys
- Efficiently manages multi-case and pattern litigation
- Eliminates behind-the-firewall security concerns
- Leverages robust access controls to support secure, streamlined collaboration within a large user base
- Scales easily on demand with no in-house IT maintenance or expense
- Facilitates enterprise spend management with predictable pricing
- Delivers responsive, litigation savvy professional services

To learn more about evidence management, please visit www.CaseCentral.com or call us at 800-714-2727.

This white paper was developed by CaseCentral, the leader in evidence management.

For more information
please call us at
1-800-714-2727
or email
info@casecentral.com.