



Eat Your Vegetables, Use e-Discovery Tools ... And Other Lessons from Mom

By Shawn Huston

On this recent Mother's Day, I couldn't help but reflect on lessons learned from my mother while she masterfully raised three sons and a daughter. She taught each of us the importance of knowledge and education, respect for others and a duty to serve those in need. While some lessons came in profound ways, many were made through what seemed like daily routine and minutia. Eat your vegetables. Go out and play. Don't hit your brother. What I didn't realize until many years later is that these same lessons that helped me successfully navigate schools and personal relationships growing up, could also be applied to our professional lives.

One of the greatest lessons I learned from mom inspired me to create Legal Support Partners (LSP) with the mission to make E-Discovery technology more accessible. Specifically, she instilled in me a passion for helping others, regardless of the context or need. With LSP, that comes in the form of assisting firms and corporations to leverage e-Discovery technology to assist in the delivery of legal services, and hopefully, a more rapid resolution to what is usually a difficult situation. Helping people includes reaching out to attorneys, paralegals and technologists to show the benefit of the services we provide. Many times though, the difficulty isn't to convince folks to use LSP instead of a competitor, but rather to use proper e-Discovery technology or practices at all. Change can be threatening, especially when what we've done for decades has seemingly worked fine. Unfortunately, the ABA disagrees with this mindset.

Eat Your Vegetables

The ABA revised the comments for Model Rule 1.1 of the Model Rules of Professional Conduct regarding competence to include the line, "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**" (emphasis added). Just like having to eat our vegetables to grow up healthy and strong, legal professionals are going to have to start addressing technology as it relates to the practice of law and to provide an even better level of service.

Having at least a basic understanding of technology - in a world where the majority of communication is captured in electronic form - is critical to providing the level of guidance necessary in any modern litigation. Along the same lines, the use of software technology to increase quality while reducing time spent on things like searching for documents in a collection of data, is critical to the cost-effective and expeditious resolution clients expect. The efficiency and quality improvements, alongside an understanding of how data is created and stored in the course of business, can potentially lead to a stronger position that you can leverage in your client's interest. I've seen this to be especially true when one side possesses a greater understanding in this area than the opposition. Knowledge is power.



Moore's Law and the Cost Excuse

One of the most common reasons I hear for ignoring the use of e-Discovery technology is that the cost is too high. While there may not be an e-Discovery is Too Damn High Party like there is for rent, the cost of the technology in this area has come down dramatically in recent years. That is not to say that there aren't e-Discovery service providers still charging exorbitant rates, but there are companies, like LSP, that have found ways to leverage modern software and hardware to greatly reduce the expense historically associated with managing Electronically Stored Information (ESI).

Moore's Law is one reason that costs should, and have, come down. This theory, created by the founder of Intel Corporation, Gordon E. Moore, purports that computing power speeds will double every two years. More speed translates to more computing power, which means more can be done in less time. Along the same lines, storage capacity continues to rise while the cost per gigabyte of raw storage has been dropped dramatically. It wasn't long ago that a 512MB flash drive was thought to be more storage than we could conceive of needing for our documents.

For these reasons, and due to exponentially better e-Discovery software, the processing cost for a single gigabyte of raw ESI has come down from over \$2,500 per GB ten years ago, to under \$200 per GB today.

You Do Get What You Pay For

Like many people, I have pet peeves as well. While mom taught me to be forgiving of others, sometimes things can just rub me the wrong way. My first pet peeve is people who litter. After all, who doesn't hate this! No one wants to pick up after you! My second pet peeve is e-Discovery service providers who overcharge for e-Discovery services and justify it with the claim "you get what you pay for." To that I say, hogwash!

If the statement, "you get what you pay for" really was true, then we wouldn't hear frequent complaints from both clients and industry insiders alike, regarding the poor quality of work that frequently accompanies those high price tags. By painting all services and technologies that have found a way to reduce costs as "cheap," these companies are merely attempting to validate their archaic (and excessive) pricing strategies. If you still choose to believe the "you get what you pay for" propaganda, then you must also be willing to accept that - as in many industries with the type of rapid innovation existing today in the E-Discovery industry - higher prices may more likely be a product of inefficient processes and excessive overhead. Someone has to pay for all those layers of management and old-time systems after all, right?



When it comes down to it, the important factor is making sure you as a consumer of e-Discovery technology services is informed and aware of your needs and options. Online research and personal recommendations can ensure you get exactly what you are paying for, and more.

While my mom still may not entirely understand what it is I do on a daily basis, she still prods me to eat healthy, work hard and be nice to others. Per mom's advice, LSP is here to help you navigate the ever-changing e-Discovery landscape.

This article discusses issues of general interest and does not give any specific legal or business advice pertaining to any specific circumstances. Before acting upon any of its information, you should obtain appropriate advice from a lawyer or other qualified professional.

This article may not be duplicated, altered, distributed, saved, incorporated into another document or website, or otherwise modified without the permission of TASA.