ASK UNCLE MIKE: TUSKER GROUP'S EXPERT IN DEMYSTIFYING DOCUMENT REVIEW

For those of you who occasionally find document review perplexing, here is your opportunity to ask Tusker Group your questions. For every question you submit that we end up publishing in The Tusker's Trunk, we'll give you a $25 gift certificate to Amazon.com.

Dear Uncle Mike,
I have a lot of documents with Hispanic names. I am worried that we will lose important portions of these names when the documents are coded. How can I be sure we properly capture these names in coding?
-Edgy in El Paso

Dear Edgy,
Due to cultural differences, there are quite a few variations for Hispanic names. A Hispanic name is often composed as followed: First name, middle name, father's last name, mother's last name. For example: Teresa Garcia Ramirez' name could be broken down as:
Teresa - first name
Garcia - family/last name from father
Ramirez - family/last name from mother
You will notice there is no middle name in this example.
If Teresa García Ramírez marries Elí Arroyo López, she generally doesn't change her name. However, it would be extremely common for her to add "de Arroyo" (literally, "of Arroyo"), making her name Teresa García Ramírez de Arroyo.
Part of the answer to your question depends on how the last name is captured and part of it depends on how you search for names in your database. If a compound last name is entered as one word ("Garcia Ramirez" is entered as "GarciaRamirez"), you will be able to find the name if you search the database using "contains Ramirez" or the character "*" immediately preceding the name. However, if you use "equal to Ramirez", then you might miss some documents.
We propose capturing Hispanic names with spaces as follows:
1) Teresa Garcia Ramirez would be captured as Garcia Ramirez, Teresa
2) Teresa Garcia Ramirez y Arroyo would be captured as Garcia Ramirez y Arroyo, Teresa
3) Teresa Maria Garcia Ramirez Martinez would be captured as Garcia Ramirez Martinez, Teresa Maria
Tusker Group will capture all parts of the name and will not leave out anything from the last name.
-Uncle Mike

Please send your questions for the autumn edition to "Uncle Mike" at mdolan@tuskergroup.com.

MANAGING RISING EDD COSTS: HOW WORKING CLOSELY WITH YOUR VENDOR CAN PAY OFF
by Priya Keshav

E-discovery is rapidly becoming a significant litigation cost. This article discusses how closer collaboration between litigation teams and vendors during electronic data processing and review can bring about cost-effective and tailor-made e-discovery solutions.

Working with electronic data presents many challenges. Developments in hardware, software and computer technology continuously change the nature of electronic data. As technology companies evolve, so do their software applications, sometimes dramatically. For example, different companies now own portions of an early "standard" email platform, Netscape Server™, but no one supports earlier versions, complicating situations where email messages have to be processed. In the communications industry, technology has quickly evolved from email and calendar items to net meetings, web conferences and smart board technologies, to name just a few examples. In addition to commonly used productivity software applications, data generated by specialized applications can also be relevant during litigation. For example, CAD drawings might be critical components in discovery. As such, successful e-discovery processing absolutely depends on staying abreast of technological developments that redefine standards. By leveraging the technical expertise of the processing vendors, attorneys can avoid unpleasant surprised during discovery.

E-discovery costs are rising primarily because of the explosion in the amount of data needing to be processed. As storage becomes less costly, the amount of data generated and preserved in the corporate workplace has increased exponentially. Data is archived in an alphabet soup of formats (zip, pst, etc.) and stored in a wide variety of current and extinct storage hardware (floppies, tapes, DVDs, flash memories, etc.). Costs can be managed by working with opposing counsels to come up with specific production requests. These requests can be implemented using complex search and filtering and de-duping strategies. Over the last few years, there have been significant improvements in e-discovery processing and review technology that can expedite review and reduce costs. It is important for litigation teams to fully understand the various options available to them. New concept-based or near-duplicate searches, coupled with bulk tagging capabilities, can significantly speed the review process. Reviewing and producing data natively is another way to manage costs.

AUTUMN EVENTS

Visit with Tusker Group representatives during the Tenth Annual Electronic Discovery and Records Retention Conference:

**October 10-11
New York City
Princeton Club**

**November 9-10
Chicago
Embassy Suites**

**December 7-8
San Francisco
Ritz Carlton**

**Details:
www.westlegalworks.com**

**Contact John Thickett at
jthicket@tuskergroup.com
or (512) 477-5400 to schedule a meeting with Tusker Group while attending these events.**

DID YOU KNOW?

An elephant's trunk is actually a union of its nose and upper lip, and contains more than 100,000 separate muscles.

MANAGING RISING EDD COSTS, CONTINUED.

For example, first level review costs, which are usually the majority of legal costs when preparing for depositions and trial, can be *significantly reduced* by choices made at the start of e- discovery. There are almost always documents which are completely identical For example, a company CEO prepares a quarterly report for a meeting with the Board of Directors and e-mails copies to everyone attending the meeting, resulting in several identical copies. By using technology, it is possible to de-duplicate these exact copies, such that only one version is reviewed and produced. Choices made about de-duplicating within and across custodians, and also how e-mail messages and their attachments are treated, can impact how many files are de-duped in this process.

Similarly, in preparing the quarterly report, the CEO created four versions/drafts on her computer, revising each one successively until she had the final version ready to send out to the Board of Directors. Just as it is possible to identify the exact copies of the final sent report, it is possible to identify documents that are similar to each other – the drafts and final version – and flag and group together those for the review team using a process called near de-duplication. This grouping of similar documents significantly speeds up review time and also lowers costs.

Because the documents are just similar, and not identical, the mathematical algorithm (aka, "shingling") provides a <u>probability</u> that the documents are "identical". Typical current practice is that a probability of over 80% is strongly suggestive of a near duplicate for the purposes of clustering together for review. However, that probability can be set to any level requested by the client. In addition, the process of near de-duplication looks at the content of the files and will detect near-duplicates, even for different file types. For example: a word document that has been converted to a pdf for distribution.

In e-discovery projects, vendors often simply follow the specific processing instructions provided to them by their clients. Instead, a solution-oriented approach that leverages the technical expertise of the vendor can result in significant cost savings. It is important that vendors work closely with attorneys to understand the case, ask proactive questions and suggest appropriate methodologies to attorneys before processing data. This can not only save costs, but also avoid e-discovery pitfalls like those highlighted in *Coleman Holdings v. Morgan Stanley Co*, *Williams v. Sprint/United Mgmt Co.*, etc.

MANAGING RISING EDD COSTS, CONTINUED.

It is also very important that e-discovery solutions not disrupt processes adopted by legal teams. Vendors have to realize that usability in e-discovery is as important as legal compliance and accuracy in processing. Flexible review and processing tools that can adapt to workflows of legal teams can reduce disruptions and costs significantly. Flexibility can mean adding something as simple as capability to print documents locally or complex, like incorporating advanced search heuristics.

Customized e-discovery solutions and responsive vendors can help legal teams to control costs. Tailor-made solutions that incorporate the best practices will simplify document review and will allow lawyers to focus on their core expertise.

HERD OF US? TUSKER GROUP IS BIG ON SIMPLIFYING DOCUMENT REVIEW.

Tusker Group can perform LDD on more than 100,000 pages and code more than 20,000 documents per day. Our e-discovery processing handles millions of pages. Our OCR capacity is virtually unlimited and our ability to customize software and solutions for you knows no bounds.

E-discovery
Paper Coding
Online Repository
First Level Review
Customized Solutions
Outstanding Service
Rapid Turnaround
Superior Quality

TUSKER GROUP CEO TO SERVE AS PANEL MEMBER AT NATIONAL CONFERENCE

Please join our CEO, Mike "Uncle Mike" Dolan, who will be speaking on panels at the following 10th Annual Electronic Discovery and Records Retention Conference locations:

New York City and San Francisco
"Metrics and Finance: Measuring the Past, Predicting the Future"

Chicago
"Project Management: The Headache Two Aspirin Can't Begin to Cure"

For further information, contact us at info@tuskergroup.com