



DATA CRUNCHING FOR SUCCESS

by Kathy Tremmel, Esq.

Have you ever been overwhelmed by reams and reams of detailed data produced by opposing counsel, but you don't have any way to organize and analyze it so that you can effectively draw conclusions and make your point to a jury?

Our experienced team of experts has handled many cases where they take enormous volumes of data and extract and analyze all critical information. Common case examples include:



- 1) Compiling sales orders to establish business trends or patterns during a specific time period.
- 2) Coding and analyzing employee time cards in order to determine whether managers have manipulated the actual hours worked.
- 3) Recording data from invoices in order to establish whether there are continuing sales of hazardous materials.

How does this process work? Initially, a Tusker Group project manager works with you to design a template of complex rules to extract the exact data you need to capture. Then, we mobilize a superbly trained team to tackle your problem quickly and efficiently. Next, we calculate or summarize your results and provide you with the relevant data per your request (i.e., spreadsheet or database). From the gathered data, your assigned project manager will work with you to prepare models and/or charts based on the key points you want to convey. In the end, the complete process comes with a significant cost advantage, due to our ability to utilize our highly-educated Indian operations to handle the labor-intensive work.

Ultimately, you will have your winning argument supported by a concise, well-organized presentation. And oftentimes, the ability to provide a comprehensive analysis of the raw data is enough to resolve a case before going to court!

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Problem: A large corporation is being sued for employment discrimination.

Tusker Group solution: Tusker Group takes all the files in the interview process for potential employees, whether they were hired or not, and all employee personnel records, and provides a comprehensive database organized by each person's social security number. Tusker Group captures information for over 200 fields of data, ranging from such criteria as what high school and/or college the person attended, their GPA, their criminal record to the interviewer impressions of the candidate, the person's work experience and their performance reviews.

Benefit to the client: The client is able to import this data into their database and then organize data as needed for trial.



DON'T GET HOSED BY THE COMPETITION

Tusker Group's sole focus is on simplifying the document review and search process for you, so that you can focus on the more important aspects of your case.

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

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 am unhappy with the metadata I receive from e-mail attachments. What can I do?

– Sleepless in Seattle

Dear Sleepless,

One option is to have the attachments manually coded. Many times the metadata on e-mail attachments does not reflect who truly authored a document or the correct title for the document. We have performed several projects where we augment the metadata with manual coding of select attachment document fields. We can also deliver to you one load file containing both the metadata and manually coded data to make your load process easy.

- Uncle Mike

Dear Uncle Mike,

I want to perform LDD (Logical Document Determination) on a certain set of documents in a population following custom rules. I don't need all the invoices broken down individually, but I do need them grouped by week. Is this possible?

– Hopeful in Houston

Dear Hopeful,

Yes, it is. While most LDD is performed to standard rules, we can easily customize instructions to break out documents based on specific criteria, such as date ranges, to help you prepare your case. If you are interested in having the invoices totaled by week, we can provide that service for you, as well. Customization is never an issue when we can document the rules you wish us to follow.

- Uncle Mike

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

TUSKER GROUP HERD INCREASES BY TWO!

Tusker Group is pleased to announce that the following individuals have joined our firm:

Michelle Garber - President, Western Region

Tom Carroll - President, Northeastern Region

More details to be supplied in our summer edition.



DID YOU KNOW?

The Tusker Group name and logo are based on the male "Indian elephant" (*Elephas Maximus Indicus*).

These animals tend to grow to 7-12 feet in height and weigh between 6,500 and 11,000 pounds. Most of the male elephants of this species have tusks.



STREAMLINING SECOND REQUEST PROCEDURES: FTC'S NEW MERGER REVIEW PROCESS by Dario Olivas, Esq.



The Federal Trade Commission ("FTC") has implemented new guidelines for reviewing and streamlining "second request"

pursuant to the Hart-Scott-Rodino Antitrust Improvements Act (the "HSR Act"). The new guidelines apply to all filings effectively submitted as of February 17, 2006. For those not entirely familiar with the process, pursuant to the HSR Act, a second request is the FTC and the Department of Justice's Antitrust Division (the "agencies") collective authority to request additional information (both paper and electronic) as it pertains to a proposed merger and acquisition ("M&A"). In essence, the process enjoins a transaction until further review of the potential competitive effects posed by the M&A. The underlying premise of a second request is to determine whether the effects of a proposed M&A are likely to be anticompetitive.

Complying with a second request is commonly associated with complexities, voluminous amounts of data, substantial time consumption (usually months), and extreme-costs (easily in the millions). Changes in antitrust analysis and technological advances have played a significant role in the substantial cost-hike of compliance. Considering that over ninety percent (90%) of all documents are electronic, technology has facilitated the ability to retain, store and produce massive amounts of electronic data. However, this luxury has presented both an economic and exhaustive burden on compliance, as parties must allocate substantial resources to accommodate the massive endeavor needed to collect, review and analyze the production of all responsive material.

Therefore, in an effort to mitigate the process, the FTC has recently instituted reforms to the second request procedures that attempt to formalize well-defined best practices and are designed with the following core objectives:

- 1) Lowering the costs of M&A investigations for all parties involved.
- 2) Quickly identifying relevant issues.
- 3) Concentrating the focus of the review on relevant documents and data.

The FTC has indicated that the reforms are intended to control costs by:

- 1) Reducing the volume of electronic storage materials that parties need to preserve.
- 2) Eliminating the need for most multiple searches of employees' files.
- 3) Reducing privilege log size.

continued...



SPRING EVENTS

Visit with Tusker Group representatives at these upcoming national events:

April 20-22
ABA Techshow
Chicago, IL
www.techshow.com

June 5-6
LegalTech West Coast
Los Angeles, CA
www.almevents.com

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

STREAMLINING SECOND REQUEST PROCEDURES, CONTINUED.

Below is a brief synopsis of the reforms as identified by Deborah Majoras (Chairman of the FTC):

Custodian Presumption: "There will be a presumption that the FTC will not require a party to a transaction to search the files of more than 35 of its employees to comply with a second request." However, the presumption only applies if the party also complies with other designed clauses. Furthermore, the restriction on the number of employees does not apply to requests for information contained in "corporate" or "central" files (i.e. central databases, budgets, contracts and financial reports).

Two-Year Relevant Time Period: "There will be a presumption that the 'relevant time period' is two years prior to the date upon which the FTC issues a second request."

Backup Tapes: "There will be presumptions that (1) a party may elect to preserve backup tapes for two calendar days identified by staff, and (2) the FTC will only request documents in backup tapes when responsive documents are not available through other more accessible sources."

Reduce Privilege Log Requirements: The FTC will allow a party to produce a partial privilege log for all custodians in the search group as opposed to producing a log of all responsive documents.

Electronic Production and De-duplication: If the party intends to use de-duplication or near-duplication methods or electronic review software, the party must first advise the FTC staff before proceeding to do so.

See Deborah Majoras' announcement, "Reforms to the Merger Review Process", at <http://www.ftc.gov/os/2006/02/mergerreviewprocess.pdf> for more information regarding the detail requirements and exceptions to the aforementioned reforms.

If you would like more information as to how Tusker Group can cost-effectively assist with your e-discovery and compliance needs, feel free to contact us at (512) 477-5400 or via email at info@tuskergroup.com.

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