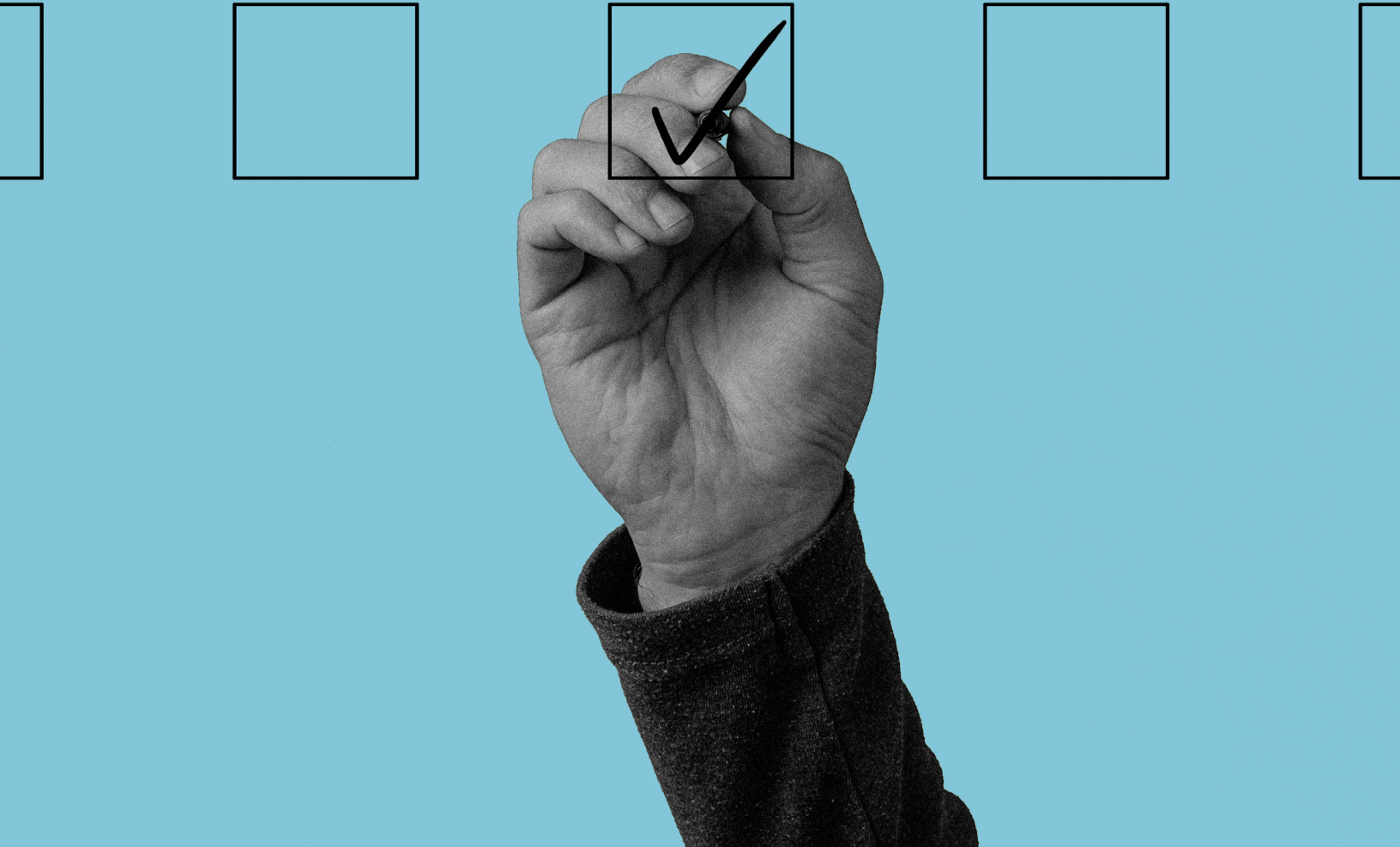


EDISCOVERY BUYER'S CHECKLIST GUIDE

Doing Your Due Diligence Before You Take the Plunge



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Executive Summary

With a plethora of ediscovery solutions currently on the market, legal organizations are test-driving various new technologies in the hopes of finding a solution that will address their needs today and, perhaps, well into the future. Ediscovery technology continues to evolve to meet the market's changing needs, whether that means migrating to the cloud or supporting the growing array of data sources. As a result, buyers of the technology now often find themselves at a disadvantage when trying to evaluate a wide selection of vendors, navigate an ever-growing list of capabilities, and understand how to apply them to different use cases.

Unfortunately, some organizations treat the selection of an ediscovery solution as a transaction — a means to an end. But since ediscovery is becoming such an increasingly critical component of business operations, selecting a solution should be viewed less as a one-time transaction and more like entering into a long-term relationship with a trusted business partner. Furthermore, to maximize the return on investment, buyers need to ensure not only that the technology checks all the boxes but that the technology vendor does as well. This white paper will explore what legal teams need to look for when selecting the best ediscovery solution for the organization.

Introduction

In the early days of ediscovery, the first platforms were not intended to be DIY. Instead, they required a tremendous amount of support to maximize their potential. This situation led to the emergence of litigation assistance specialists who were responsible for:

- Ensuring that data received from opposing parties were compatible with the platforms used by their firms.
- Uploading this data to the firm's platform.
- Performing a series of complex and often indecipherable steps for the text, images, and metadata associated with a document to display correctly.

The process (both time-consuming and expensive) had to happen before the first document could be reviewed, and it sometimes took days, or even a week or more, before case preparation could begin. In addition, most early document review projects required consultation to identify search terms, prioritize custodians, and train reviewers on the use of the platform, which was sometimes not the same as the platform used to manage the data. It was not ideal.

Fortunately, the ediscovery world has evolved. Most of the leading ediscovery platforms are now cloud based, fast, less expensive, and, more importantly, managed primarily by lawyers themselves. As a result, the era of do-it-yourself ediscovery is here. Legal professionals across industries are searching for reliable ways of handling ediscovery needs on their own with easy-to-use, self-service platforms.

What to Look for When Choosing an Ediscovery Solution

Law firms, corporations, government agencies, and nonprofits leverage ediscovery technology to manage litigation, conduct investigations, perform due diligence, and respond to regulatory requests effectively and efficiently. Because ediscovery is an increasingly critical component of business operations, selecting a solution should not be taken lightly.

To maximize the return on investment in that partnership, it is critical to ensure that both the software and the software developer meet the needs of the business by employing the following:

User-Friendly Platform

While many believe that modern software design and development is all about the product, any quality project manager will tell you that the focus is on the end user. Ultimately, the product is just a means of helping the user complete a task or function. Ediscovery software is a necessity for legal professionals who require seamless collaboration, data security, and streamlined methods to manage complex litigation and ediscovery projects.

But what makes for a good user experience? Technology users develop a standard for their expected experience, and the more consistent an experience is with these expectations, the faster users can adopt it. Consistency is especially valuable in the litigation space, where it can reduce the time needed for document review, decrease costs, and minimize onboarding time.

Everlaw employs a team dedicated exclusively to user advocacy and improving the experience of all users. Our user advocates gather feedback from users for product development and delivery, interpret data about product usage to improve interfaces, and create learning and support materials to ensure users have an optimal experience while using the Everlaw system.

QUESTIONS TO ASK POTENTIAL VENDORS

- Is this product an improvement over the current solution in place?
- Is this product a good fit for our use cases?
- Are advanced features, like predictive coding, straightforward to use, flexible, and defensible?
- Does the vendor conduct usability testing? If so, how often?

Continuous Innovation

Technological innovation has transformed the way we live and conduct business. Tablets, automated payment systems, edge computing, machine learning, and artificial intelligence have enabled organizations to take advantage of productivity gains and realize significant cost savings. To be innovative, companies and products must not be just new — they must be unique, bring about beneficial changes, and continue to evolve.

In the last ten years, legal tech innovation has disrupted the practice of law. As a result, firms are adopting analytics and cloud-based ediscovery solutions to help them offer superior client service. The pandemic and subsequent stay-at-home orders also forced law firms and their IT teams to embrace solutions that enable virtual collaboration and productivity.

The practice of law is evolving rapidly to embrace digital transformation and remote work. Court systems are increasingly managing case matters online, with teams presenting arguments and conducting depositions virtually. Legal tech innovation that fosters collaboration and promotes productivity will be crucial to success in this critical time.

The importance of aligning with a partner who is constantly innovating can't be understated. The last thing you want is a platform that works for your 2022 needs but suddenly isn't scaling to meet your 2023 or 2024 needs.

Commitment to Security and Compliance

When stay-at-home orders were issued in response to the pandemic, many legal organizations responded promptly by leveraging technology that would help them work remotely. However, hackers took notice and subsequently ramped up cybersecurity attacks like phishing and malware, increasing the frequency of data breaches. As a result, protecting confidential client information is more critical to the legal industry than ever before.

Finding an ediscovery solution that appropriately prioritizes security and compliance is easier said than done for many legal organizations. Prior to beginning their ediscovery journey, legal professionals should make some key considerations before committing to a provider. These include:

- **Internal governance.** Ediscovery providers should have a compliance program that includes a formal system of internal control to ensure that their platform is secure.
- **Independent auditing and testing.** Ediscovery providers should undergo rigorous security and privacy testing by independent third-party auditors.

QUESTIONS TO ASK POTENTIAL VENDORS ABOUT INNOVATION

- Is it an on-premise or cloud-based solution?
- What proprietary technology is available for users to leverage?
- What is the development release cycle?
- Are there any upcoming feature releases that would be game-changers?

Cutting-Edge Automation Technology

It is vital for an organization to attempt to quantify the cost savings that it will experience simply by improving the speed of everyday tasks. For example, improving the doc-to-doc review speed by a few seconds per doc could save thousands of hours across a million-document set, ultimately saving an organization hundreds of thousands of dollars. In addition, automation allows legal professionals to get things done reliably, on time, and without introducing timeline uncertainties for client requests.

Solutions built to work quickly and automate redundant tasks — even in the face of huge data volumes — should help ensure that the ediscovery process goes smoothly as it progresses from data ingestion to production. An exploration into a few key areas will provide insight into the platform's speed and help indicate the level of vendor commitment to speed.

Transparent Pricing

Because **ediscovery accounts for more than 70% of total litigation costs**, the pricing transparency of software providers is critical. However, if price is the only basis for selecting a solution, buyers are likely making a huge mistake. The worth of extras that a provider offers — ongoing training, special pricing for certain types of matters, assistance in working with outside counsel — isn't necessarily reflected in the quoted price, but should be considered when evaluating the overall cost.

Training and support are often profit centers for software providers, leading to unwanted surprises at invoicing time. Some vendors use training and support fees as leverage during price negotiations, while others believe that support and training are crucial to users' success on their platform and provide them free of charge. Because of the wildly varying philosophies, it is essential to understand the vendors' position before engagement.

The Everlaw pricing model is predictable and easy to understand because it's based on the amount of data hosted, unlimited user licenses, and unlimited processing and productions. Training and support are free, with materials customized depending on a user's role in the review process. As a result, Everlaw users can fully leverage the platform without relying on certified experts or incurring costly project management fees. Project administrators can visualize the billing size of the data in their case at any time, and segment that visualization by specific content and metadata to understand what segments of data may be leading to increased costs.

QUESTIONS TO ASK POTENTIAL VENDORS ABOUT THEIR TECHNOLOGY

- Are there any AI capabilities? Is predictive coding available?
- When software updates are issued, do all users get them at once?
- How long will it take to get the new system up and running?
- What collaborative tools currently exist in the platform?

Comparing Software Solutions

Review tools have gone through an evolution over the last few years. The most effective solutions feature intuitive user interfaces for discovery, time-saving capabilities like predictive coding that can reveal the hidden details of documents at scale, and tools that enable secure collaboration with colleagues, business partners, and inside or outside counsel.

Here are some points to ponder when comparing ediscovery solutions:

WILL THE PLATFORM HELP US DISCOVER RELEVANT INFORMATION?

Legal document review is often associated with the highest litigation costs, so using technology to help eliminate manual effort can be quite impactful. The solution that allows reviewers to discover what matters most automates and streamlines every step of the ediscovery process, from data ingestion to search, review, and production.

CAN THE SOLUTION ILLUMINATE THE HIDDEN DETAILS OF DOCUMENTS (AT SCALE)?

With many tools, data such as chats, audio/video (A/V) files, CAD drawings, or project management files are left in the dark during discovery because the software cannot correctly interpret the file type(s). The best solution augments human brainpower to dramatically accelerate review by exposing relationships between different classes of information, predicting where the most relevant evidence lies in a document corpus, and bringing hidden data to light.

DOES THE SYSTEM ALLOW USERS TO ACT SECURELY AND COLLABORATIVELY ON THE INFORMATION?

Discovery requires an incredible amount of collaboration — both internally and externally. Teams increasingly need the ability to share messages in a secure environment, collaboratively construct fact-based narratives that leverage the insights gleaned during discovery, prepare for trial as a team, and collectively manage all the intricacies of legal matters.

When forming a long-term partnership with an ediscovery software vendor, legal professionals can maximize their chances of a successful outcome by asking tough questions about the vendor and the technological capabilities of the tool. It is also crucial for an organization to test-drive any technology

QUESTIONS TO ASK POTENTIAL VENDORS ABOUT PRICING

- Will I get charged every time I contact the support organization? What about training?
- Do salespeople understand all the complexities of the product and provide straightforward, honest assessments of the capabilities?
- Are their pricing models predictable? What's their fee structure?
- What processes exist for customer input or other feedback channels?

under consideration before making a final decision. Organizations that conduct a thoughtful evaluation of both the software and the vendor that supplies it will see the greatest return on their investment.

Checking All the Boxes with Everlaw

Everlaw's model creates a central space from which all data can be received, reviewed, and shared throughout the organization's ediscovery process. Our centralized platform allows for unmatched communication, consistency, and control at every step in the process — be it an investigation, litigation, or otherwise — by leveraging only the most up-to-date cloud technology.

Keeping Your Data Secure

Everlaw's security and compliance program is holistic and part of our core philosophy. It demonstrates our commitment to ethics and company values, and compliance with our security, privacy, and confidentiality commitments to customers, applicable laws, and regulations. Although many cloud-based solutions are securely hosted on Amazon Web Services (AWS), relying solely on AWS security is often insufficient. Everlaw's comprehensive approach spans architecture, software design, and people. Our processes are validated by SOC II Type 2 certification, in-process FedRAMP certification, and voluntary independent audits for both HIPAA and GDPR compliance.

Our Commitment to Rapid Innovation

Everlaw is always moving forward. We release a new product roughly every four weeks, and our frequent release cycle keeps us "close to the code" so that bugs don't linger. As a cloud solution, we have the advantage of instantly deploying our innovations and enhancements to all customers. All cases are continually updated with the latest technology — no waiting months for bug fixes or your license renewal to get costly version upgrades. Releasing new products frequently, in real time, to all our customers ensures that they stay ahead of the curve and get the latest version, regardless of when they started using Everlaw.

QUESTIONS TO ASK POTENTIAL VENDORS ABOUT SECURITY

- What are the technical and organizational measures in place?
- How does the organization perform risk assessments, security monitoring, and third-party audits?
- Do they have a security and compliance program that includes written policies, procedures, regular training, and an employee code of conduct prioritizing security?
- Who is accountable for the security and compliance program?

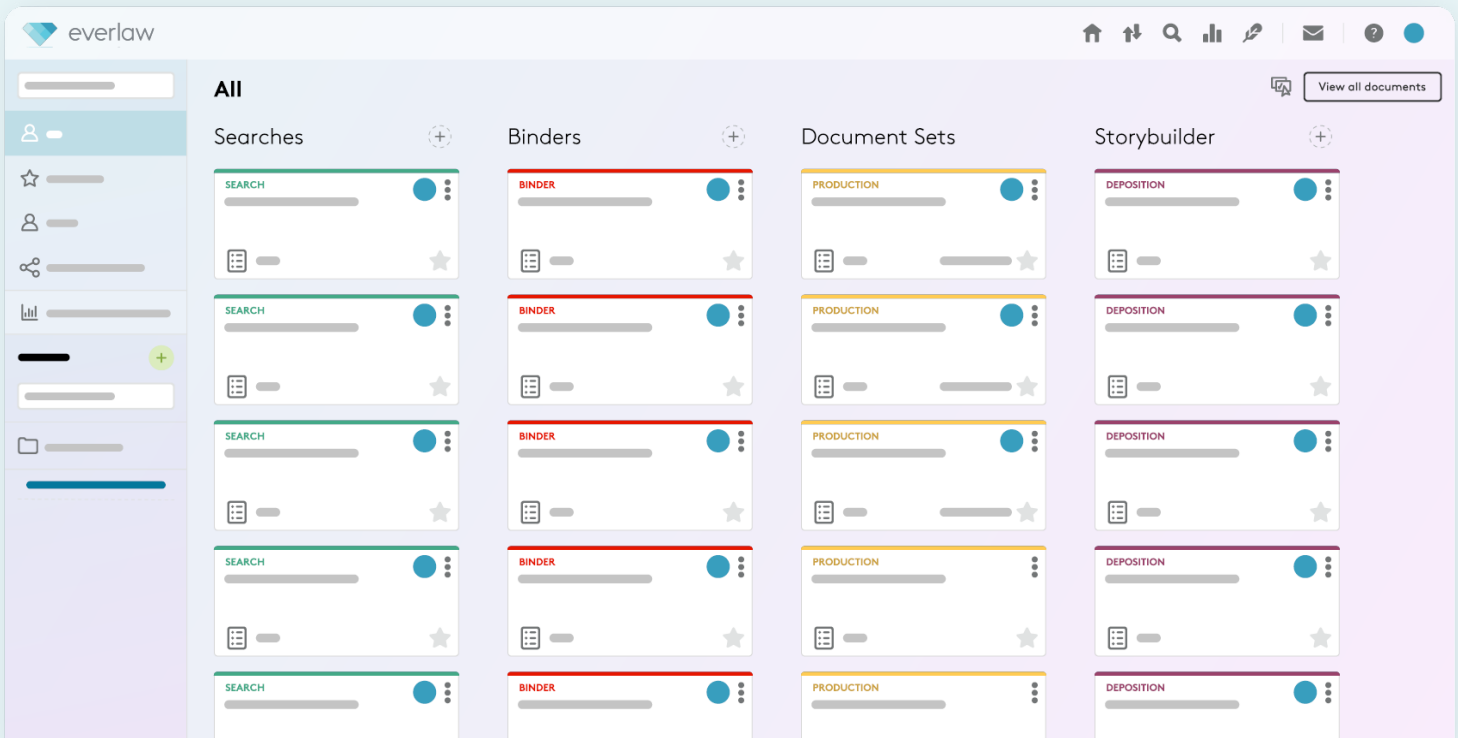
Automating Every Step of the Ediscovery Process

Everlaw accelerates the document review process by enabling reviewers to upload their documents, plugging in seamlessly with third-party cloud-hosting platforms and ingesting documents quickly. The platform utilizes a high-speed processing engine that handles up to 900,000 docs per hour while simultaneously performing error handling, deduplication, deNISTing, OCR, audio transcription, language detection, and imaging. Ultimately, this speed eliminates the lag time between the initial document upload and review.

Additionally, the platform automatically updates email threading and search indexing as part of this process, which is typically divided into separate tasks requiring an administrator on other platforms. Our blink-speed search provides instant results with even the most complex search strings. Everlaw's proprietary PDF viewer saves our users thousands of hours of review time, rendering docs in 1/8th of a second. Everlaw realizes further efficiency gains with its in-platform tools that enable collaboration across users.

Our Goal: Happy Users

Everlaw's approach to building software involves delivering elegant solutions with thoughtful design that makes for happy software users. Our customers not only get their jobs done but also find enjoyment in the process. We aren't interested in making quick changes to the platform that don't provide utility or align with our long-term strategies. Flashy add-ons to address this quarter's buzz are not our thing. We strongly believe that immediate gratification doesn't always translate well to long-term strategies for building an amazing product. Our team routinely collects feedback from our current customers across multiple channels to help improve user experience.



Conclusion

Ediscovery's gradual transition from clunky on-premises platforms of the past to its future state in the cloud has happened quicker than many expected. Therefore, legal teams and the organizations they serve now have many reasons to adopt more sophisticated technologies and digital solutions.

By identifying emerging trends in ediscovery, Everlaw has created a platform that remains an undeniable leader in the increasingly competitive ediscovery space. Our tools for collaboration respond directly to novel modes of communication and integration, and our intuitive workflows make the adoption of these tools easy for legal teams to assimilate. In addition, Everlaw's dedication to careful training and support has enabled us to ensure optimal workflows at every step of the ediscovery process.

While other cloud-based solutions might be able to get you there eventually, Everlaw can help your legal team to realize the future right now.

ABOUT EVERLAW

Everlaw is a collaborative, cloud-based litigation platform for corporate counsels, litigators, and government attorneys that enables teams to discover, reveal, and act on information to better drive internal investigations and positively impact the outcome of litigation. Unlike slow, unwieldy, client-server software and expensive third-party service providers, only Everlaw combines speed, security, and ease-of-use into a unified, comprehensive solution that unlocks the collaborative power of teams and enables them to investigate issues more thoroughly, uncover truth more quickly, and present their findings more clearly.

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