

## Michelle Kovitch

---

**From:** Michelle Kovitch [kovitch@lmtsupport.com]  
**Sent:** Tuesday, July 15, 2008 5:31 PM  
**To:** kovitch@lmtsupport.com  
**Subject:** News from Litigation Management Technologies

Volume 1, No. 3  
July, 2008

## Litigation Management Technologies "For the Record"



Greetings!

I hope you are enjoying your summer! This month you'll learn what's new with Summation? Part IV of the series on ESI and your CT Summation Database, Frequently Asked Questions, and whether you should Rent or Buy with respect to litigation?

Litigation Management Technologies promotes JD Supra and the Association of Litigation Support Professionals and introduces regular webinars for your Summation training convenience.

If you find this helpful, please forward it to a colleague. Enjoy!

 Forward to a Friend

### Featured Articles

[Rent vs. Buy?](#)

[What's New With CT Summation?](#)


[CT Summation Classes, Webinars & User Groups](#)

[ESI & Your Database, Part IV](#)

[CT Summation FAQ's](#)

## Rent vs. Buy? ? ?

You may remember when you were contemplating whether to continue renting or buy? Does it make sense to continue paying rent or should I bite the bullet, make the investment and hope that in the long run I get more return for my money?

 Services for

### "Summ it Up" Your CT Summation Guide

"As you know working at the Helpdesk, people expect you to know everything. While that is a great thought, it is rarely true. When I started your class, I felt that I had a "little" understanding of how Summation works, when I left I took a deeper, more useful working knowledge of the "hows"

The same thing applies in litigation and has for a long time. Take into consideration how many cases you have in your practice with a large volume of documents. You had to consider if it was more feasible to send the documents to a vendor for copying and production or copy the documents in-house. In the first option we would negotiate a rate with the service bureau and then pass the expense right through to the client. With the second option, having bought the heavy duty copier for in-house jobs we would spend time manually copying the documents and then charge the client a fee for copies while generating a minimal amount of revenue. The end consideration weighed heavily on how long it would take a member of your staff to manually copy the documents and still return an investment by passing the expense through to the client.

As we move forward and consider how the changes in the *Federal Rules of Civil Procedure* and subsequent adoption of those laws by over 30 states to date are forming our requests for discovery incorporating electronically stored information, ("ESI") you will continue to consider do we rent or buy? If you haven't worked in a case involving ESI yet, you'll soon find yourself in a situation where you either need electronic data or the opposing party is requesting it from your client. Let's assume that your client has a document retention policy in effect in which you have confirmed their compliance. Let's also assume that you and your staff have properly drafted the request for production not only asking for the electronic files but that they are produced in a file format in which you and your staff are familiar with. Finally, let's assume the collection process from your client followed a strict chain of custody, leaves no error for manipulating any of the data and you're comfortable that their collection procedures comply with the request.

Now that you have the ESI from your client, you must process the data and cull it down with a specific search criteria, date range and file types. You should also eliminate duplicate documents and maintain the structure between an email and it's attachment. In order to get back to *practicing law* and begin your review for privileged/responsive documents you must decide if it is more feasible to buy the software and perform this process in-house or out-source to a service bureau. Initially, it will probably make sense and make you and your staff more comfortable to work with a service bureau and have someone hold your hand through this process. ESI is not going away so this will be a consideration you must ponder for every case.

If you thought out-sourcing the copying job was expensive, the cost associated with processing ESI will make you gasp. You are also at the mercy of the service bureau in relying on their explanations and assuming the deliverable file is what you thought you were getting. Again, this will be an expense that is passed through to the client. If you understand how important the communication is between you and your representative together with having a clear understanding of what it is they are doing and what they are delivering, ESI can be culled down to a very manageable set of documents and empowering at the same time.

Once you have a couple of cases involving ESI under your belt you'll likely start to wonder if there are any tools on the market to buy in an effort to control costs for your client. There are many tools available for processing ESI that firms are using in-house. CT Summation offers **Discovery Cracker** which is one of their many products offered to meet this need.

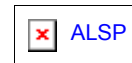
Many firms are already processing ESI in-house and have invested in the required hardware to load volumes of data collected from their clients and/or opposing parties. At some point you'll need to consider if it is more feasible to rent or buy? You should also consider that if you or a member of your staff is handling ESI,



and "whys" of the program. I feel more confident that when called upon, I will be able to assist my users. **Your book rocks!** It is filled with practical advice and methods to keep on top of the case from the beginning! Everyone should have one!

Sherri Hodge  
Weinberg, Wheeler,  
Hudgins, Gunn & Dial

ORDER YOUR COPY AT:  
[WWW.LMTSUPPORT.COM](http://WWW.LMTSUPPORT.COM)



Recently the Association of Litigation Support Professionals, ("ALSP") started a local chapter in Atlanta. ALSP is a nationwide organization dedicated to establishing global professional standards for the litigation support profession through collaboration, education and certification.

Litigation Management Technologies promotes ALSP since it is the only organization whose members comprise the full range of individuals involved with litigation support: litigation support managers and analysts, attorneys, paralegals, technical support staff, consultants, software developers and judiciary. As a result, they are truly bridging the gap.

In the coming weeks and months, ALSP will: Begin the process of implementing generally acceptable professional

collecting, processing, reviewing or producing, this is all billable and should be passed through to your client.

Let's take it a step further and consider another scenario which is reviewing the data. When you're managing a case involving ESI, the volume of discovery will be increased significantly. The data needs to 'sit' somewhere in your office and you should not be thinking about printing it all and organizing it in a box in your war room! I am referring to sitting on a server. Once again, even after processing the data you must consider if you are going to rent space or buy space to host the data?

There are many hosting solutions in which your data sits in a secure environment on the internet while you are provided with a user name, password and 24/7 hour access. These are subscription fee services and the cost will likely be a direct result of the amount of data, the number of users that need access and how long the space on the internet will be rented? Of course, these fees will be passed along to the client. CT Summation offers **Case Vault** as their hosted solution. The added value is that Case Vault's interface is similar to iBlaze, so you'll be working in a familiar environment.

Once you have a few of these cases behind you, the same consideration of whether buying an in-house solution to host the data might benefit both you and the client? Each case involving ESI is unique. There is no blanket answer. CT Summation offers their **Enterprise** solution for hosting cases in-house with large volumes of data. It too shares the same interface as iBlaze. Again, this in-house solution should somehow be passed through to the client.

**Enter a raffle for a FREE copy of *Summ it Up* by sharing 1) your firm's solution; 2) how your costs are explained to the client; and 3) the costs are passed through to the client. Your contributions will be anonymously posted in the next newsletter. Submit to [kovitch@lmtsupport.com](mailto:kovitch@lmtsupport.com)**

For demonstrations or information related to Discovery Cracker, Case Vault or Enterprise, please contact Michelle Kovitch at 678/467-6624.

## What's New With Summation?

CT Summation expects to release **Version 2.9.1** in the fall.

If you have upgraded to CT Summation Version 2.9 you have probably enjoyed turning on the highlighter and marking significant areas of testimony in a transcript. **Version 2.9.1** will enhance those features by allowing you to create a list of "favorite" issues for color highlighting, assign key case issues to particular colors and easily switch between colors during review.

While this provides you with the visual benefit of seeing the important testimony highlighted it also provides you with a way to generate reports by issue.

\*\*Features and enhancements to version 2.9.1 are subject to change without notice. Please contact us for up to date information at 678/467-6624.

standards for the litigation support process;

Establish a plan and timeline for providing certifications, continuing education and mentoring programs;

Assist the legal community in analyzing, recommending, anticipating and preparing for impending developments;

Provide a collaborative forum for disseminating information among litigation support professionals and organizations;

Develop education focusing on technical and managerial skills necessary for success in the field; and

Create membership, regional working group and sponsor structures.

Litigation Management Technologies encourages you to get involved and check into a local chapter near you! Click here for more information or watch our events page as new events are scheduled.

[ALSP](#)  
[LMT Events Page](#)

## JD Supra

Litigation Management Technologies encourages all of our clients to use technology in their practice for effective and efficient results. LMT proudly supports JD Supra. JD Supra offers legal professionals the unique ability to market themselves and network online while participating in the creation of an authoritative, free legal research tool.

As a legal professional, you post your court filings, decisions, forms and/or articles to JD Supra's online database [JD Supra](#), a legal research tool that is free to everyone. In tandem, you create an in-depth professional profile that is also freely available simply by browsing or keyword

## CT Summation Classes & User Groups

Our webinar series begins in August where you can learn CT Summation tools from the convenience of your desk. Quick, informative one hour sessions. Currently scheduled topics include:

**Transcripts** - Creating Notes, Linking, highlights and generating reports

[Transcripts Webinar](#)

**Coding/Indexing** - best practices for coding documents, tagging, foldering and using shortcuts

[Coding/Indexing Webinar](#)

**Tips & Tricks** - creating privilege logs, exhibit lists, saved searches and exchanging documents within Summation

[Tips & Tricks](#)

For further information call 678/467-6624 or click here  
[Beginner, Advanced & CLE Summation Classes](#)

**CT Summation User groups** are now active in Atlanta, Jacksonville and Columbia. This is a free resource designed to provide a forum for you to network and share your experiences with Summation, work through new issues your firm may be facing and leverage from listening to experiences from others in your area. For information regarding a CT Summation User Group near you, click here

[CT Summation User Groups](#)

## Next Issue of "For the Record" . . .

- FAQ's Scripting
- Integrated products
- CT Summation Courses
- CT Summation User Groups

[Join Our Mailing List!](#)

Thank you for providing me the opportunity to be your CT Summation Reseller, Trainer, Consultant and Author of, *Summ it Up*. Your feedback is welcome.

Sincerely,

Michelle Kovitch  
Litigation Management Technologies

searching, or via link from any of your posted documents. Consumers use JD Supra to research a legal issue, find lawyers who have worked on cases similar to theirs, or to read a prospective lawyer's filings, decisions, and articles.

Your peers and colleagues use JD Supra as a robust research tool, both for their own practices and to find like-minded colleagues and referrals.

Anyone can search JD Supra for free, and so the networking and marketing benefits to you are enormous. For further information and details contact John Christiansen at 415/209-4855 or [john@jdsupra.com](mailto:john@jdsupra.com) and mention our name.

## ESI and Your CT Summation DB

Part I, II and III of ESI and your CT Summation Database focused on Collecting, Processing and Reviewing data which were discussed in our previous newsletters. In this issue, we'll focus on Production and conclude our series.

Some courts require that before certain types of motions be heard by the court, the lawyers and sometimes their clients must "meet and confer" to try to resolve the matter or at least determine the points of conflict. This can be a waste of time for the parties and their attorneys but can also be a good time to have this discussion about how the documents will be produced. At the very least, it will be addressed within the request for production.

Once again, even when creating a production set, taking into account whether it will be handled in-house or out-sourced still requires attention. Depending on what you concluded during the case planning session, the documents can be produced:

\* In native file format - understand that if opposing counsel has not requested native files you may be tipping your hand and providing too much information. Additionally, you will not be able to number or redact native files until they are converted to an image.

\* In TIF/PDF file format - by producing the documents as they were converted to an image file on a CD does not constitute e-discovery. It is simply paper that has been either scanned or converted from a native file to an image and gives you the option to redact or number the documents. This method in conjunction with producing the native files or the text extracted from the native files is common. This provides you with the option to number the documents but also affords opposing counsel the same opportunity to search the data.

\* In a CT Summation file format - if the parties have agreed to exchange data in a CT Summation file format, this can save an exorbitant amount of money between the parties, since the receiving party is not tasked with starting the processing stage at its infancy. This can be accomplished by either producing an SBF or by creating a dii load file from the responsive documents within your Core Database.

Even if it has been decided to produce paper, provide the image files to the service bureau. The service bureaus have the tools to print "blow backs" of the image files quickly and inexpensively.

You will find as you become more and more involved with producing and requesting electronic discovery, that you or someone in your office will spend unnecessary time sifting through data just trying to understand exactly what has been produced.

If you are producing electronic files, take the time to address in a cover letter or some other type of transmittal of what you are providing: images, OCR, text, which fields of metadata, a load file with the metadata, what are the delimiters of the load file, SBF file, briefcase, native files, PDF files, single page files, multi-page files, etc. In turn make sure upon requesting data that opposing counsel provides you with the same type of information.

Finally, when creating a production set within CT Summation, identify how the attachments will be handled. The reviewers may identify a parent document as responsive while the attachment is not. Remember, the linking fields "Parentid" and "Attchids" maintain these documents as a "family structure". One attorney may decide to redact all or parts of the attachment while another may withhold the entire document. In either event, CT Summation recognizes the parent and child as a family. As a result, when creating a production set, if the attachment is privileged or unresponsive, the application will pull the child into the production set regardless of the litigation team's practice and vice versa. Contact us and we can provide you with best practices and alternative solutions to issues like this.

Since working in a database requires case planning, by the time it is appropriate to produce the documents, how the documents will be produced should have already been addressed.



**FAQ's  
Related  
to the  
Core  
Database**

**Is there a way to track**

**which cases have companion-DB access to another case?**

**Scenario:** The firm deals in large class-action cases, for which there are certain documents used across multiple cases. They want to set up a separate case called "Research" and make its CDB a companion to other cases. They'd like a way to know, from within the "Research" case, which specific cases have access to a given "Research" case document.

**Answer:** No, unless a custom field is established and tagged accordingly in the research case to identify which cases have a companion connection.

**Can you create toolbar buttons for common functions?**

**Scenario:** The user would like to create a toolbar button that performs the Shift+F4 function in the CDB. **Answer:** No

**Are alternative CDB report format options available?**

**Scenario:** The user would like to be able to run customizable reports on the CDB, like you can in MS Access. **Answer:** No

**Can you combine searches within Summation?**

**Scenario:** The user performs a search and receives a subset of records, then performs another search and retrieves another subset. Is there a way to easily combine the two previous searches? **Answer:** No, you would have to identify a way to build the search into one by using Connectors.

**Can you add radio buttons and check boxes to a form in iBlaze?**

Not at this time.

**Is there a way (briefcase or some other method) to apportion documents to a given reviewer?**

**Scenario:** The user wants to assign DocIDs 1001 to 1100 to Reviewer A, 1101 to 1200 to Reviewer B, etc. Can you do this within the CDB with live data or does it have to be segregated to a briefcase and

then merged after coding? Or is there a way you can set up a Review Set to do this live?  
Answer: Review Sets is the remedy

Watch for Part V of FAQ's in our next newsletter.

[Forward email](#)

✉ **SafeUnsubscribe®**

This email was sent to kovitch@lmtsupport.com by [kovitch@lmtsupport.com](mailto:kovitch@lmtsupport.com).  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



Litigation Management Technologies | 2526 Mt. Vernon Road, Suite B-195 | Atlanta | GA | 30338