It's a Numbers Game: The Value of eDiscovery Metrics

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Overview

- What are eDiscovery Metrics?
- Why Use eDiscovery Metrics?
- What Metrics Matter Most?
- Collecting Data: Practical Tips
- Useful Tools
- Key Takeaways

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What are eDiscovery Metrics?

Effective means of measuring the ***volumes, cost & time*** *associated with e-discovery activities*

www.edrm.net/projects/metrics/metrics-model

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Why Use eDiscovery Metrics?

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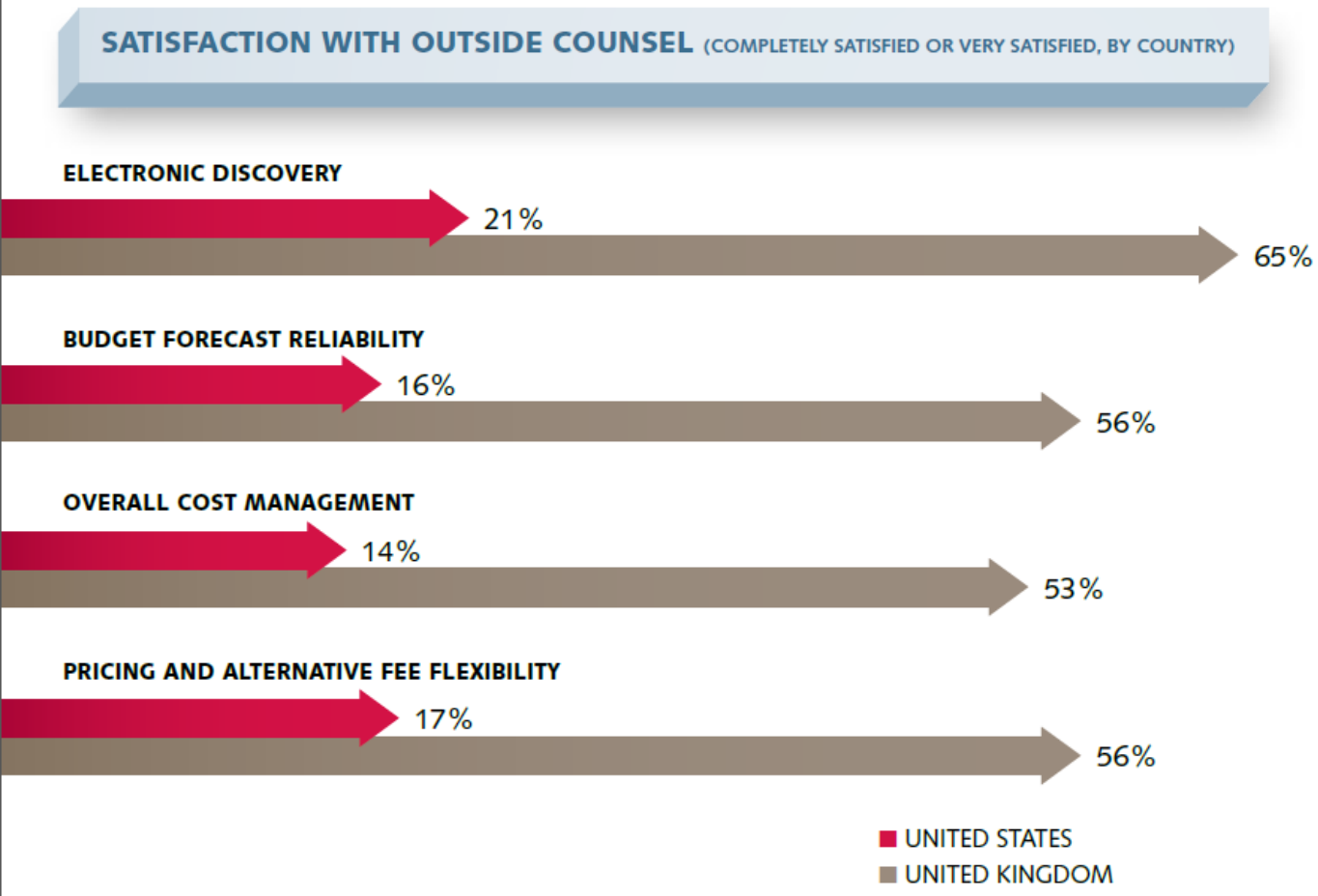
What Clients Want



Respondents were asked to indicate their levels of satisfaction/dissatisfaction with how well outside counsel meet their litigation needs in a variety of areas.

The chart indicates responses by country of residence in four key areas, and in all four, the figures are lower than they were in last year's survey.

Fulbright 2011 Litigation Trends Survey Report

The Value of Metrics

- Drive down costs & make cost savings more apparent
- More accurate budgeting
- Manage client expectations up front
- Quality control and vendor management
- 26f conference – be prepared
- Proportionality arguments

What Metrics Matter Most?

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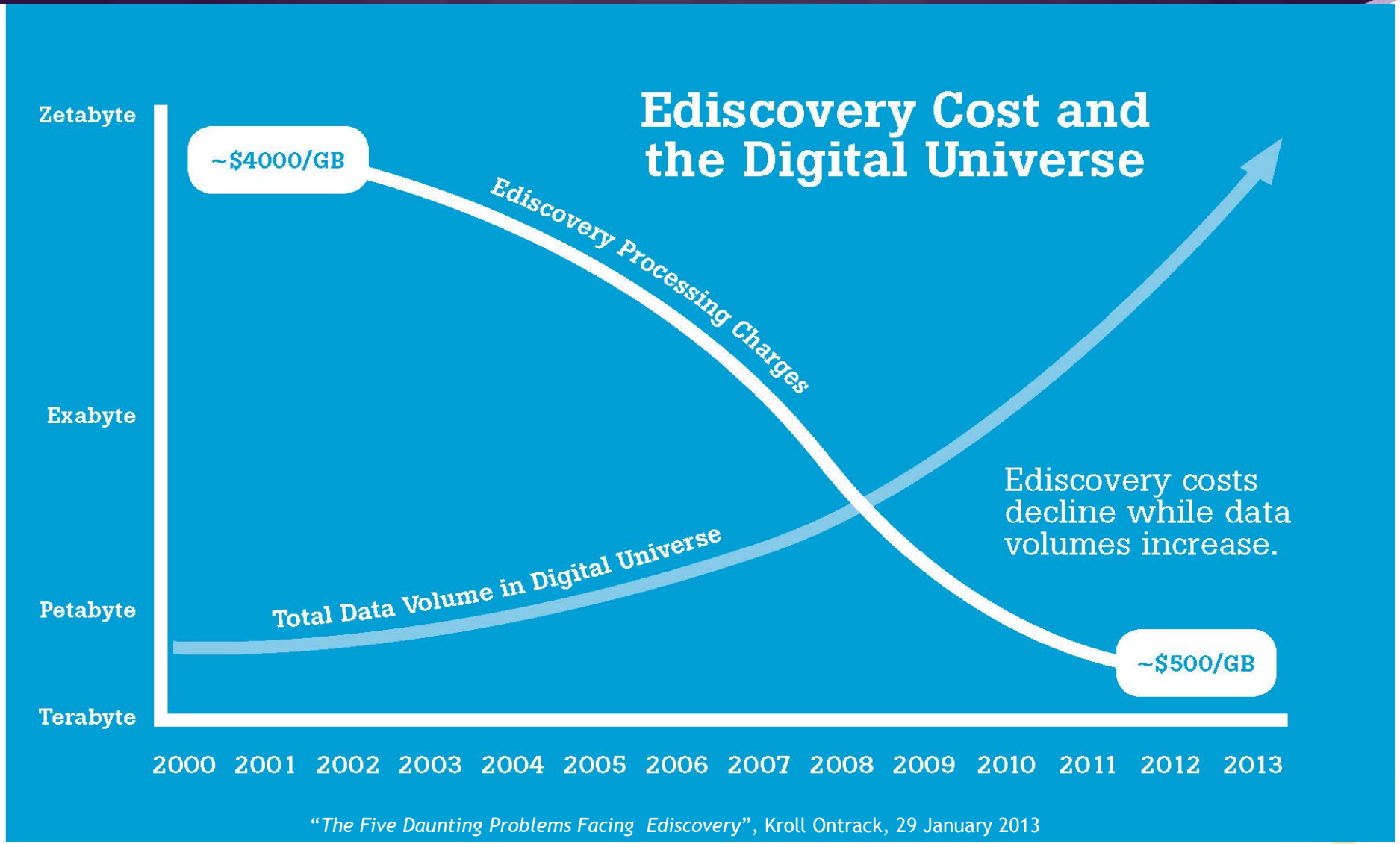
Volume = Cost



"*The Five Daunting Problems Facing Ediscovery*", Kroll Ontrack, 29 January 2013

Collection, Processing, ECA

METRICS

- Volume per custodian
- Cost per custodian
- Files per GB
- De-dupe / DeNIST rate
- Search term culling rates
- TAR metrics
- Hosting rates

BUDGET

1. ESI Collection		
# Custodians	10	
Avg. GB/Custodian	3	Estimated; Adjust after collection
Total Custodian GB	30	
Est. Network GB	20	
Est. Other ESI Sources in GB	20	Possession, Custody, Control, Cloud
Total GB Collected	70	
Est. Files per GB	3,500	Adjust after collection
Total ESI Files	245,000	Adjust after collection
Collection Costs per Custodian	$5,000	Assume $500/Custodian
Network/ Other Collection Costs	$5,000	Hourly Charges between $75 -100
Total Collection Costs	$10,000	
2. ESI Processing Costs		
		Note - Wide variability of pricing among
Total GB Collected	70	vendors
Processing Fees/GB	$300	Assume $300/GB
Total Processing Fees	$21,000	
Total ESI Files	245,000	
DeNIST/DeDuplicate % Reduction	0.7	Assume 30% Reduction
# Files Loaded to Review Tool	171,500	
3. Early Data Assessment		
Costs for EDA Tool	$25,000	Tool/Vendor Specific
Attorney time to train and use EDA Tool	$5,250	Assume $350/Hour for Attorney
Total Cost of EDA	$30,250	
Percentage of Files Deemed Relevant	0.4	
File Count to Review Platform	76,100	

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Review

METRICS

- Docs reviewed per hour
- Relevance rate
- Privilege rate
- QC rate
- Supervision
  # law firm lawyers per
  # contract reviewers

BUDGET

4. Phase 1 Review		
Total Files to Review	76,100	
Attorney review rate (Files/Hour)	60	
Attorney hours needed to complete review	1,268	
Cost per hour of attorney review	$65	
Review attorney cost of Phase 1 review	$82,442	
Supervisor/Project Manager (~10% Rev Atty Cost)	$8,244	
Total Cost Phase 1 Review	$90,686	
Estimated # Responsive Files	68,490	Assume 90% if EDA Tool Used
Phase 2 Review		
Yield from Phase 1 Review	68,490	
Files to be Reviewed in Phase 2	6,849	Assume 10% of Phase 1 Yield
Attorney review rate (Files/Hour)	100	
Attorney hours needed to complete review	68	
Cost per hour of attorney review	$150	
Review attorney cost of Phase 2 review	$10,274	
Supervisor/Project Manager (~10% Rev Atty Cost)	$1,027	
Total Cost of Phase 2 Review	$11,301	

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Privilege Review, Production

METRICS

- Files per hour
- Privilege rate
- Privilege QC rate
- % Docs redacted
- # Docs produced
- # Docs opponent produced
- Total cost per file reviewed
- Total cost per custodian

BUDGET

5. Production		
# Files to be Produced	61,641	Assume 90% of Phase 1 Yield
Cost per file	$0.10	Assume $0.10
Total Costs of Production	$6,164	
6. Privilege Review		
Privileged Documents to be Logged	6,164	Assume 10% of Responsive Files
Logging Pace Files/hr	10	
Logging Hours Needed	616	
Hours/day	8	
Logging days needed	77	
Loggers (Staff attorneys)	10	
Project Days needed	8	
Avg Hourly Billing Rate	$100	
Cost of Privilege Review	$61,641	
7. Review of Opposition's Production		
Assume Equal Amount of Data Received as Produced	61,641	
Attorney review rate (Files/hr)	100	
Attorney hours needed to complete review	616	
Cost per hour of attorney review	$100	
Review attorney cost	$61,641	

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Collecting Data: Practical Tips

- *Good enough is perfect*
- *Use metrics as indicators*
- Identify trends over time
- Ask vendors for reports
  - Standard reports per case
  - Cumulative reports per quarter/year

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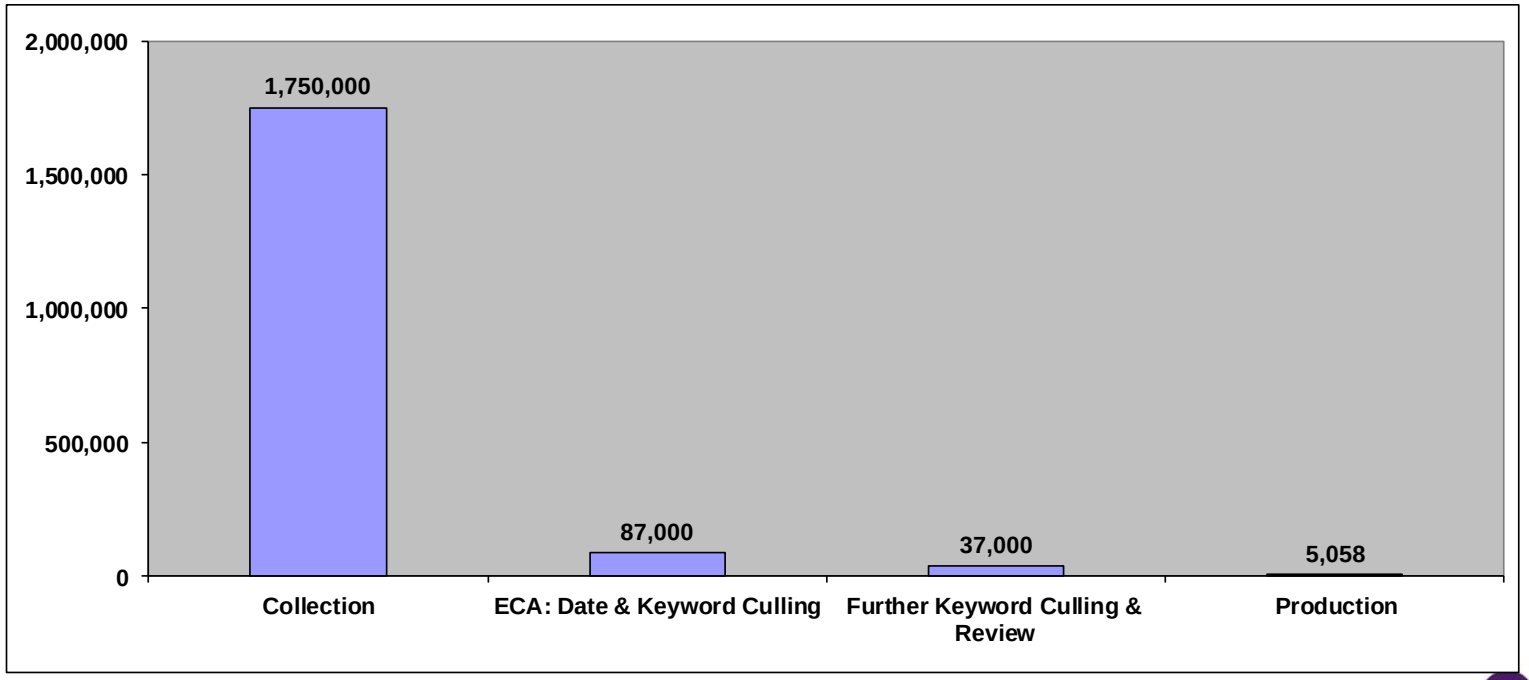
Example: Vendor Metric Report

Example: Client Metric Report



Reduction of approx 97.9%

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Useful Tools

- **EDRM Metrics**

  Metrics project – www.edrm.net/projects/metrics

  EDRM Case Study - www.edrm.net/resources/standards/edrm-metrics/edrm-metrics-case-study

- **DOJ 2011 Questionnaire**

  http://webcache.googleusercontent.com/search?q=cache:SrLIfx13lukJ:www.justice.gov/atr/public/electronic_discovery/269110.docx+Questionnaire+on+Electronically+Stored+Information+March+17+2011&cd=1&hl=en&ct=clnk&gl=au

- **LEDES (Legal Electronic Data Exchange Standard) UTBMS (Uniform Task Based Management System) Codes** - www.utbms.com/

- **UTBMS code set for eDiscovery** - www.edrm.net/projects/metrics/utbms

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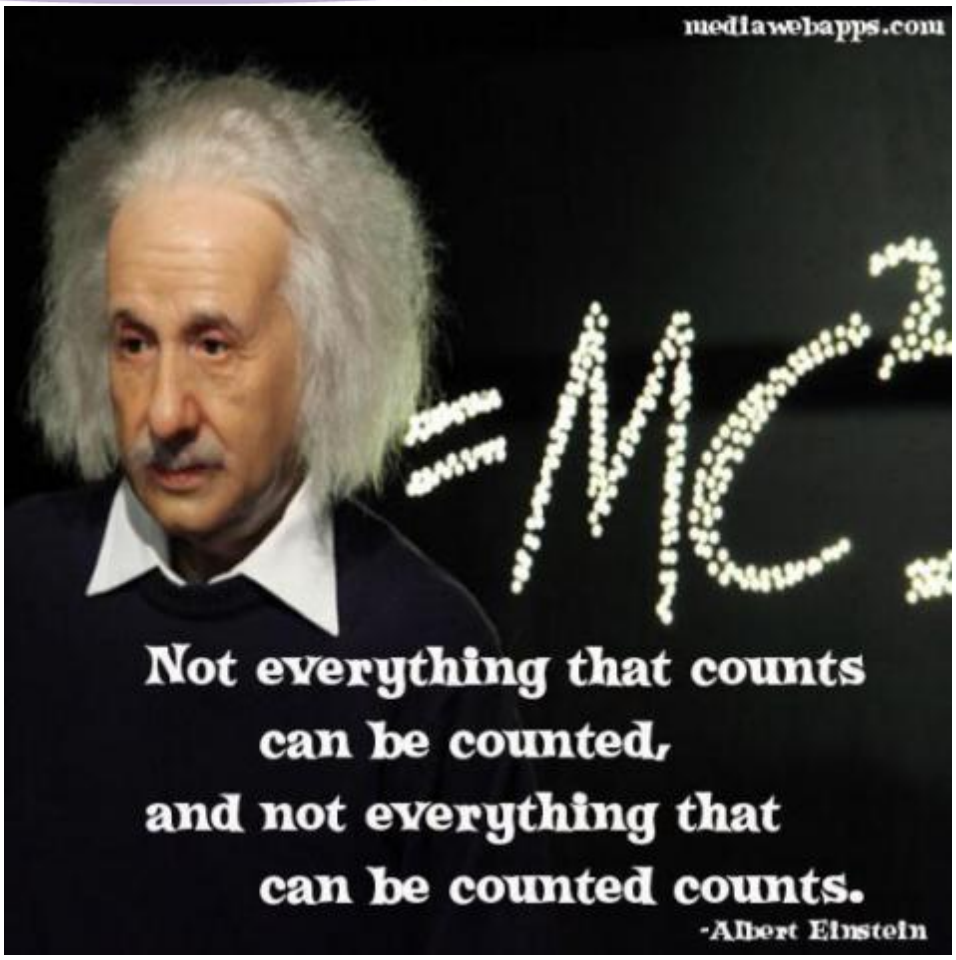
Key Takeaways



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