Legal Teams Save Time and Reduce Costs with Early Data Assessment

In the United States, nearly 98 percent of cases settle outside of court. Consequently, streamlining the discovery phase becomes critical, underlining the importance of early data assessment (EDA). As an essential component of early case assessment (ECA), EDA enhances case strategy and delivers substantial time and cost savings.

The Importance of Early Data Assessment as Part of Early Case Assessment

Early case assessment (ECA) refers to the process of evaluating all aspects of a pending legal case up front to determine risk, project costs and build strategy. As a central component of ECA, EDA involves running a preliminary eDiscovery to gather and evaluate potentially relevant information.

EDA plays a particularly essential role because the scope and cost of discovery typically drives case strategy. Thus, effective EDA will deliver insights into the amount of potentially relevant data to gather and review, as well as the cost of that process. It will also allow the legal team to project the strength or weakness of the case.

The EDA process can involve various approaches. Key steps might include the following:

- Interview custodians of potentially relevant information to build a big-picture view of the data and people involved in the case. These custodians can point the legal team to the location of important documents and help them understand the scope of the matter.

- Build a keyword list, including those keywords likely to bring up the most relevant information.

- Conduct initial data analytics. While the team will not sift through all relevant documents at this stage, they can use eDiscovery technology to gain key insights. For instance, analytics will help to estimate the amount and quality of relevant information and determine how defensible the data gathering process will be.

ECA Delivers Critical Benefits

The earlier and more efficiently the organization can complete ECA, the better. In the first place, an effective ECA helps the legal team understand the best possible outcome and make informed decisions about how to reach that outcome. By identifying important issues and potential roadblocks early on, they can then develop a focused and efficient strategy.

Secondly, conducting a preliminary data assessment provides significant cost savings. By providing focus for the eDiscovery, it helps the team avoid over-collection of data. This means less data to process and review. And the earlier the team can build a picture of the case details, the more time and money they will save throughout the litigation process.

Thirdly, ECA helps the team identify and mitigate risks early on. For instance, placing legal holds on potentially relevant documents at the beginning of the process improves defensibility and reduces the risk of sanctions.

For claimants, ECA proves particularly important, as they need to file a claim before the statute of limitations runs out or evidence and witnesses become difficult to track down. Additionally, claimants must present detailed eDiscovery requests to meet regulatory requirements. Data assessment informs those requests.

Best Practices for Effective Early Data Assessment

Certain EDA best practices will improve efficiency, generating more precise insights and better outcomes. For instance, an established information governance strategy will simplify the data assessment process. When organizations know the state and quality of their data, where it lives, who owns it and how to access it, eDiscovery becomes much less complex.

Additionally, in-place data assessment saves substantial time and effort by allowing the legal team to perform an initial analysis before collecting any data. With the right eDiscovery technology, the team can gain visibility into data across multiple platforms and devices.

Legal technology also helps by automating much of the process of culling out irrelevant, duplicate, and outdated data, thus reducing the data set for collection. By investing in the right tools, legal teams can bring in-place EDA in house, gaining a competitive advantage over other law firms.

Legal technology partners like Messaging Architects help legal teams choose and implement eDiscovery tools best suited to their needs. They can also help your organization build a solid information governance strategy, ensuring eDiscovery readiness.