# Procopio's Electronically Stored Information (ESI) Processing Center

During the early stages of litigation, each party is required to gather and produce <u>ALL</u> relevant or potentially relevant pieces of information relating to the litigation. The process of collecting information is known as "discovery." In today's electronic age, an enormous amount of potentially relevant information is generated and stored as electronic computer files. Microsoft Word, Excel, PowerPoint, Adobe PDF and e-mail are examples of electronically stored information that is commonly collected. Specialty database, graphics, AutoCAD, project management and similar industry specific applications also generate vast amounts of electronic information that must be considered and is subject to collection. Voicemail, instant messaging, web sites, and information stored on hand held devices may also be collected.

Electronically Stored Information or simply, **ESI,** is a major component of business records that must be collected and produced to opposing sides during a lawsuit. Recent court rules and case law places the responsibility of collecting all potentially relevant information on both the client and on their attorneys. Improper collection and production of ESI can result in harsh sanctions, even dismissal of your claim.

Once ESI is collected, it is evaluated and processed through specialized litigation support software. The original electronic documents are converted to static images and information about the file (*i.e.*, metadata) is extracted and imported into a database for further review, sorting, searching, and general information management. If a portion of an otherwise relevant and responsive documents needs to be protected due to attorney client privilege, privacy concerns, the document image can be electronically "redacted" or masked before produced to the opposing side.

The process of identifying, preserving, collecting, reviewing, culling, analyzing, and production of potentially relevant information, has been modeled and is known as the Electronic Discovery Reference Model or EDRM:
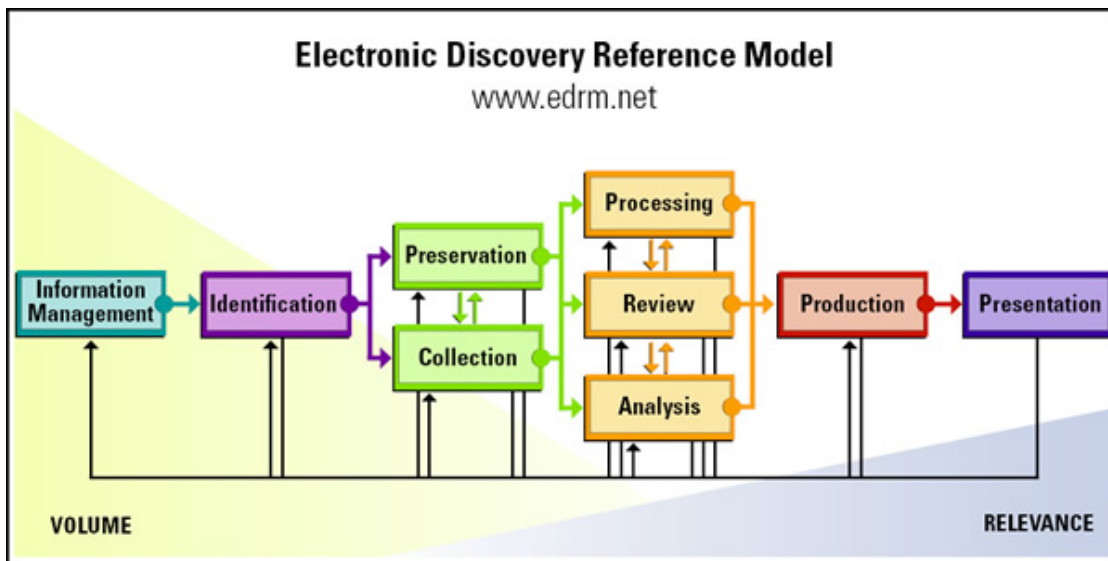
Due to the ever increasing volume of ESI, this process can often involve a significant amount of time and require use of specialized information processing. Discovery related litigation expenses have become one of the largest litigation budget items.

Most firms out-source the collection, processing and sometimes review functions of the discovery model at great expense to the client. ESI processing as a whole has grown into a multi-billion dollar industry. To reduce these costs for our clients, Procopio has invested significant resources in developing its own in-house ESI Processing Center, which can perform most of the ESI processing tasks with greater control, efficiency, and dedication than can be accomplished with a disinterested, disconnected third party vendor. And we do it at less cost to our clients. Advantages of Procopio ESI Processing include:

- 25-50% processing cost savings over traditional out-side vendor ESI processing.
  - PLUS, more service and a greater functional end product;

- 25-40% hard copy scanning cost savings over traditional out-side vendor scanning.
  - PLUS, better service and a greater functional end product;

- Customized output; greater attention to case specific needs;

- Each data set is different and requires customized treatment based on the nature of the case;

- Procopio's in-house service is better positioned to understand and deliver the specific needs of each case.

ESI PROCESSING

To best understand what ESI processing entails, it may be helpful to understand the various components of the process and what is required to effectively import, review, analyze, and produce natively electronic files.

Native File. This is the term for an electronic file as created by its authoring software. Microsoft Word's *.doc files, Excel's .xls, PowerPoint's .ppt, Adobe's .pdf, e-mail's .pst or .msg are only a few common examples of native files. Native files are often converted to static images for use in the litigation a process.

TIFF or **PDF.** These are common document image types used. Native files are converted to static image files to preserve the file, allow for bate numbering and redaction, easier printing, emailing, and general information management within the litigation context.

OCR. Optical Character Recognition is a process whereby computer software converts shapes of letters to searchable text. Text as part of a native file such as word can also be extracted for use in the database. This process can also be referred to as OCR and is helpful for fast and efficient review and analysis of your electronic information.

EBN. Electronic Bate Numbering is a process by which a sequential unique number is assigned to each page of a file, electronic or paper, to allow the parties and the court to refer to documents with accuracy.

Data Harvesting. This is the act of copying native files from company network drives, individual computers, laptops, pads and other devices capable of storing electronic information.

Data culling. This is the process of taking the entire collection of data harvested and whittling down to highly probable responsive information.

De-duplication. Due to the shear amount of electronically stored information present in any given dispute, there is inevitably a substantial amount of overlap. This computerized process of identifying and removing duplicate copies of electronic files reduces overlap and ensures an efficient and time effective review of your ESI.

For more information on Procopio's ESI services, contact Michael E. Hagen, Manager of Litigation Technology, at mike.hagen@procopio.com or 619.515.3825.