The eDiscovery eGuide, Volume 1: Finding the Precedent

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The provision of relevant information and records forms the initial phase of litigation. Legal workers on both sides of a dispute must obtain and evaluate key documents, records, and other pieces of data to ensure evidentiary equivalence.

As information sources have shifted from physical to virtual mediums, however, the exchange process has evolved. Along with secure policies for document collection and access, law firms and corporate legal departments must also develop robust electronic discovery (eDiscovery) processes that empower them to locate relevant electronic resources.

The challenge? Finding this data is only the first step in effective eDiscovery. To leverage legal information on-demand, sight is essential; firms and corporations need tools capable of capturing and converting digital documents at scale. Here, we'll break down existing issues, address critical sightlines, assess potential finding functions, and dig deeper into the eDiscovery ecosystem.

Existing eDiscovery Issues

Law.com puts it simply: "Data types evolve faster than law. New data types are expanding the scope of discoverable data. The variety, velocity, and complexity of electronic evidence challenges legal processes and the technology-enabled legal applications that are designed to support them."

In other words, there's a digital disconnect. While legal workers recognize the need for electronic documentation that supports key arguments and stands up to court challenges, the sheer amount of data makes finding the right information at the right time difficult at best, and impossible at worst.

As noted by Legal Technology, compliance is also a critical concern. Legislation such as the General Data Protection Regulation (GDPR) and the newly-minted California Consumer Privacy Act (CCAP) lay out specific guidelines about how data must be collected, used, stored, and ultimately destroyed. While law firms and legal departments benefit from their legal right to obtain detailed data sources, they're not exempt from regulations and can face serious consequences for violations.

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Sight Unseen

Compliance concerns aren't the only challenges facing legal firms. Even after locating key documents and requesting access, there's often an even more frustrating hurdle — viewing.

Here's why. While eDiscovery documents were historically relegated to cumbersome file formats such as TIFF and JPEG, the sheer number of data sources available has prompted a shift to native format first discovery. As [Thomson Reuters](#) points out, this means lawyers may encounter myriad file types when sourcing relevant data — from DOCs and PDFs to SMS text messages, emails, XML, and even DICOM.

While data owners are equipped with the right technology to view these files on-demand, there's no guarantee that legacy legal IT frameworks offer the same functionality. This means that time and effort are wasted as legal workers switch between multiple applications to be able to view these variant document types. Plus, they must navigate potential security warnings as they leverage software that may not offer adequate data protection.

The verdict? Without the ability to view all file types on-demand and inside a single app, eDiscovery becomes more difficult as file format fragmentation flourishes.

Finders, Keepers

To seamlessly source and view legal documents, organizations need a consistent and comprehensive approach. One option is building out in-house viewing solutions capable of recognizing and displaying multiple file types, but this is often expensive and time-consuming, especially if firms don't have large IT budgets.

While free document viewers present an alternative, these options have limited functionality and may not play well with legacy legal systems. Security can also be a concern. If files are compromised during the transfer or conversion process, legal firms could run afoul of compliance regulations.

HTML5 document viewer solutions, meanwhile, offer the best of both worlds. Instead of building apps from the ground up to securely handle legal documents or relying on multiple external apps that can carry the load but increase the risk of compromise, HTML5 document viewers bridge the gap. Back-end software processes convert a variety of file types into web formats for secure and efficient viewing in a browser.

Along with the benefit of integration, HTML5 document viewing solutions offer other eDiscovery advantages, including:

Original Formatting — Converted files retain their original formatting, making it easier for staff to find the information they need, when they need it.

Anywhere, Anytime Access — HTML5 viewers aren't dependent on downloaded applications; with the right permissions, end-users can access documents anytime, anywhere.

Improved Viewing Performance — By shifting document conversion to back-end processes, end-users are able to view their documents much faster on the front-end.

Enhanced Security — Instead of sending and converting full files, which potentially exposes them to eavesdropping risks or man-in-the-middle (MiTM) attacks, HTML5 document viewing solutions handle all conversion at arm's length. While secure connections are still required to meet regulatory requirements, reduced document traffic flow helps minimize overall risk.

Sense and Scalability

Creating the strongest case possible demands eDiscovery processes that prioritize key data sources and deliver secure, on-demand viewing options. But sight isn't the only sense that matters in this legal landscape. Staff also need solutions that empower them to go hands-on with discovered documents and hear what other enterprise experts have to say.

The result? Firms require eDiscovery tools that deliver annotation and redaction capabilities to ensure relevant resources are properly flagged and secure data remains protected. There's also a growing need for streamlined collaboration solutions that automatically track document changes and user comments to limit the potential for duplicated eDiscovery work.

Scalability is also critical. Tools must be able to handle existing document volumes and account for the ever-expanding landscape of legal documents. As complexity grows, solutions must scale to keep pace and keep firms competitive.

When it comes to legal eDiscovery, sighting precedent isn't possible. With data volumes exploding and file formats expanding, law firms and corporate legal departments need tools that empower them to find exactly what they're looking for, easily view it anytime anywhere, and quickly collaborate with colleagues. Ready to dig deeper into eDiscovery? Check out volume two of this eDiscover series, *Finders, Keepers*.

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