

# WHY HOSTED LITIGATION SUPPORT SOLUTIONS MAKE MORE SENSE THAN EVER

By Tom O'Connor, Director, Legal Electronic Document Institute

---

Hosted litigation support solutions offer the robust benefits of on-premise implemented software while concurrently reducing the complexity, capital, infrastructure and internal resources required to prepare data for litigation review. Such solutions are deployed rapidly, reduce costs and risks, save users from having to scale and staff litigation projects for peak utilization and allow legal teams to focus on their core competencies. Hosted solutions are ideal for cash and resource-strapped law firms and corporate legal departments.



“Cost also was a major factor, but like all technology, web hosting has become much less expensive and complicated than when it began.”

## INTRODUCTION

Internet-based document hosting is not a new concept. It started in the late 80's with big companies renting out extra space on their servers and projects such as the JDDI (Joint Defense Data) electronic repository, which held 16 million pages and supported 47 law firms via ISDN connections. Then in 1991, two nearly simultaneous events triggered a much larger growth of online hosting. First the National Science Foundation (NSF) decided to lift commercial restrictions on the web and then CERN (a European Organization for Nuclear Research.<sup>1</sup>) unveiled the World Wide Web with its user friendly HTML (Hypertext Markup Language) interface and specifications for URLs (Uniform Resource Locators) which became the universal standard for locating website addresses.

But despite the user friendly interface of the Web and their increased familiarity with massive online research databases, law firms have resisted using the internet to host their own documents until recently. Why? Control was a major issue, which focused on concerns over security and the integrity of the attorney-client privilege. Cost also was a major factor, but like all technology, web hosting has become much less expensive and complicated than when it began.

---

<sup>1</sup> The name is derived from the acronym for the French Conseil Européen pour la Recherche Nucléaire.



“As with all technology, the cost of web-based hosting has been greatly reduced since 2000.... The result is significant savings in the cost of both setting up and maintaining web-based document hosting systems.”

## WHY HOSTING?

So why have law firms and corporate general counsel departments come to embrace this technology now? First and foremost, the social climate has embraced internet technology. On-line banking and shopping, travel sites offering comparative airfare and hotel pricing, even the widespread proliferation of national and local news have all made the acceptance of the web and “cloud” computing<sup>1</sup> a much more comfortable business proposition for attorneys.

Specific to the legal community is the increased need for compliance with document retention regulations such as HIPPA and SOX and, more recently, the massive increase in data sets due to electronic discovery requests resulting from the 2006 changes to the Federal Rules of Civil Procedure. These changes have increased the responsibility of attorneys to advise their clients on the need to manage, prioritize and migrate their data to different storage and backup systems throughout its life in order to control costs and ensure compliance with the latest data retention and retrieval requirements.

Further, the impact of natural disasters such as Hurricanes Katrina and Ike has shown both the need for, and efficacy of, distributed computing systems. Firms have been doing e-filing in Federal courts for several years but in the wake of these hurricanes, federal courts showed their ability to have their dockets back up and running within days by simply accessing the information for one court at another location.

Finally, as with all technology, the cost of web-based hosting has been greatly reduced since 2000. First, prices for the hardware to set up and maintain web servers has dropped steadily and secondly, the prices set by third-party providers to host these services has followed suit as more competitors have entered the field. The result is significant savings in the cost of both setting up and maintaining web-based document hosting systems.

<sup>2</sup> Cloud computing is a term which is used to refer to the use of scalable, real-time, Internet-based information technology services and resources.<sup>[1]</sup> This is a nebulous concept that incorporates software as a service (SaaS), utility computing, Web 2.0 and other recent, well-known technology trends, in which the common theme is reliance on the Internet for satisfying the computing needs of users, without them needing knowledge of, expertise with, or control over the technology infrastructure that supports them.<sup>[2][3]</sup> An often-quoted example is Google Apps, which provides common business applications online that are accessed from a web browser, while the software and data are stored on Google servers.

The term *cloud* derives from a metaphor used for the Internet, from the way it is often depicted in computer network diagrams, and is an abstraction for the complex infrastructure it conceals



“A web-based system allows law firms and corporate counsel departments to better manage documents and take control of complex legal matters... and focus on their core competencies.”

## 4 THE ADVANTAGES OF HOSTING

The advantages of hosted litigation support solutions are clear: a web-based system allows law firms and corporate counsel departments to better manage documents and take control of complex legal matters through the secure access and review of those documents by multiple people from divergent locations without requiring any additional client-side hardware or applications.

In addition, hosting allows law firms and general counsels to focus on their core competencies. Companies that provide hosted litigation support solutions as their core business have every incentive to provide a secure, reliable, and easy-to-use solution which allows law firms and corporate counsels to focus on their core business.

These advantages can be summarized as follows:

- Reduced Costs:
  1. Savings on expenditures for evaluation processes, expensive hardware and software implementations, staff expansions and the further depletion of IT resources
  2. Reduced costs associated with training time, database management, document review time, file conversions and document productions
  3. Reduced administrative and/or IT costs based on eliminating the need for configuration of multiple computers and user interfaces
  4. Rapid deployment of data from one source

- Data Control:
  1. Control of all data from one administrative platform
  2. Control all work flow and review processes from one point
  3. Initiate and maintain security levels for all users from one centralized location
- Reduce Risk:
  1. Centralization and management increases data integrity
  2. Enables users to evaluate infrastructure and processes on one matter before wider deployment
  3. Allows easy incremental purchasing decisions
  4. Software is constantly upgraded, monitored, and maintained in real time

In short, a properly designed web-based litigation support solution can enable geographically distributed teams to acquire, cull, review, redact, and produce large data sets on a 24/7 basis in a single, secure and scalable solution. The ability to provide these adjacent e-discovery services from collection to production allows the client law firms and corporate counsel departments to deal with one trusted partner and eliminates the need to manage multiple vendors performing different functions.

But exactly what core competencies are needed to implement this process?



5

## WHAT TO LOOK FOR IN A HOSTED LITIGATION SUPPORT SOLUTION PROVIDER

The proper implementation of a web-based system requires several specific elements including:

- Robust infrastructure and scalability
  1. State of the art, company-owned data center
  2. Expert, dedicated support team
  3. 24/7 up time
  4. Flexibility and reliability
  5. Very high scalability
  6. Web-based monitoring and management
- Steadfast security
  1. Document access controls
  2. User authentication
  3. Robust chain-of-custody
  4. Physical, personnel and network security features
- Experience in hosting and servicing large data sets
  1. Proven, repeatable processes
  2. Experience with data sets of tens of millions of documents
  3. Extensive litigation experience
  4. Dedication to customer service
- Ease of use
  1. Outlook type interface
  2. Personal, customized entry screens
  3. Native file review of all data types
  4. True Unicode capability
  5. Automated and ad-hoc foldering
  6. Easy annotation and marking
  7. Client ability to easily manipulate their data
  8. Fast powerful searching
  9. Customizable workflows and reports
  10. Ability to migrate hosted system to on-premise
- Quick ramp-up time
  1. Fast installation
  2. Rapid training time
  3. Easy data importing and/or converting
  4. Importing of ALL metadata



“Hosting is about quality services as much as the platform. It is a matter of having not just the application to implement workflow, but the team that can understand a client’s requirements, quickly implement them, and then revisit and refine the process as it’s in motion.”

6

## CONCLUSION

Hosting is about quality services as much as the platform. It is a matter of having not just the application to implement workflow, but the team that can understand a client’s requirements, quickly implement them, and then revisit and refine the process as it’s in motion. Cost efficiency and risk mitigation are all about continual improvement, and that requires both a platform and services model that allows that type of natural evolution of the implementation. Law firms work in a dynamic environment and require a tool that allows them to adapt to those dynamics.

This means not only the ability to tailor and automate the work flow to meet the clients specific needs but the availability of a team that understands how to conduct a review using the technology to improve efficiency. Standard litigation support applications have been commodity products; web-based systems need to be just that: work flow systems which utilize a technology team to work with the attorneys to find the most efficient technology solution without compromising the legal aspects of the review.

The best hosting solution will, then, be able to customize and host a workflow process that works for the client and adapts those specifications as they change from matter to matter. The technology and experienced services should efficiently handle processing, review, analysis, production, reporting and archiving, which frees the attorneys to focus on their expertise: practicing law and winning cases.



## ABOUT THE AUTHOR



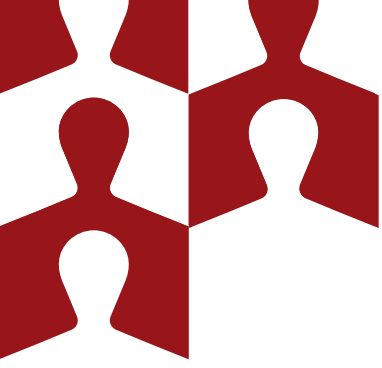
Tom O'Connor is a nationally known consultant, speaker and writer in the area of computerized litigation support systems. He is a New England native who graduated from The Johns Hopkins University in 1972 with a BA in Political Science. After attending law school for one year at The University of Notre Dame, Tom returned to Baltimore and undertook a career as a paralegal specializing in complex litigation.

His initial exposure to a document intensive case came several years later when he assisted several public interest firms in Boston with a class action voting rights suit brought on behalf of patients at state hospitals. Over the years he has been involved in asbestos litigation, the Keating case, the San Diego Civic Center construction litigation, California class actions against crematoriums, national breast implant litigation, tobacco litigation on behalf of the Attorney General of Texas and various phases of the Enron litigation.

Tom's involvement with large cases led him to become familiar with dozens of various software applications for litigation support and he has both designed databases and trained legal staffs in their use on many of the cases mentioned above. This work has involved both public and private law firms of all sizes across the nation and, over the past several years, has expanded to include electronic document depositories and trial presentation systems.

A frequent lecturer on the subject of legal technology, Tom has been on the faculty of numerous national CLE providers and currently teaches a course on legal technology in an ABA approved paralegal program at a local college. He is also a member of the American Bar Foundation and the Governing Council of the Law Practice Management Section of the ABA. A frequent lecturer on the subject of legal technology, Tom has been on the faculty of numerous national CLE providers and is also a member of the advisory board of the national LegalTech conferences. A prolific writer on the subject, with articles in numerous legal publications as well as being the Editor of several legal newsletters, Tom is also the author of *The Automated Law Firm*, a guide to computer systems and software published by Aspen Law & Business, now in its fourth edition and *The Lawyers Guide to Summation*, published by the ABA.

Sometime over the past 15 years, Tom also found time to return to law school and acquire a J.D. He currently resides in the Puget Sound area with his son, Seamus. They hope someday to have their own float in the Krewe of Tucks Mardi Gras parade in which they ride every year, down the Mississippi in New Orleans.



---

For more information, visit  
[www.anacomp.com](http://www.anacomp.com) or  
call (877) 285-3883.