AMERICAN LEGAL TECHNOLOGY INSIDER

Legal hold becomes flavor of the month

The past four weeks have been unusual because they have seen the launch of not one, not even two but three new legal hold systems. The three vendors, in strictly chronological order, are: Guidance Software with their EnCase Legal Hold product – this enjoys tight integration with the company's EnCase eDiscovery system and provides users with a previously unavailable level of legal hold functionality. Next came Recommind, entering this market with its new Insite Legal Hold system. Although the company is best known for its MindServer search/KM technology, Recommind say Insite represents another step in its strategy to create a portfolio of integrated products for managing 'enterprise information risk', including its filing, storage, access, collection, retention, review and analysis. Finally, last week Autonomy announced its new Legal Hold solution. Effectively this is version 2 of its established Aungate *...concluded on page 3* ➡

Aderant changes hands

At the beginning of the week Aderant announced the private equity group Vista Equity Partners had acquired the company for an undisclosed sum. We understand that not only has the entire existing executive/senior management team at Aderant been retained (including president & CEO Mike Kohlsdorf) but also that many of them have taken the opportunity to invest their own money in the company.

The Vista deal also ends market rumors that the previous owners (another private equity group – Francisco Partners) were poised to sell Aderant to LexisNexis. Instead, Aderant remains a privately held, independent vendor. Apart from removing any uncertainty, this also ensures there will be no disruption to services and customer-facing operations, which would have inevitably followed if Aderant had become part of a larger, existing legal market player.

November's big deals

Akin Gump switches to Interwoven
Akin Gump Strauss Hauer & Feld LLP has selected the Interwoven suite of applications (WorkSite, Universal Search and Records Manager) to provide its new document, content and information management platform. The firm is switching from its legacy OpenText/Hummingbird system to Interwoven because it wanted a vendor with a "track record of collaboration with users to innovate and improve products."

DLA Piper select Index Engines
DLA Piper has selected Index Engines' Tape Engine to bring the discovery and collection of data on backup tape inhouse. The firm's director of litigation support Mary Pat Poteet said the move would provide a faster, more secure process for finding data on tape without the need to outsource to 3rd party forensic experts.
www.indexengines.com

Kilpatrick Stockton go with eBillingHub
Kilpatrick Stockton LLP has selected eBillingHub as its electronic billing management solution. Associate director of financial services Sue Wilder said that along with better management, she believed the system would "significantly automate and homogenize" the e-billing process.

Also in this issue...

Reasons to be fearful

So the recession is here, or at least it's in the lobby hanging up its dirty raincoat, but what impact will this have on legal IT purchasing decisions? This month American Legal Technology Insider is running a Readers' Poll – that both law firms and vendors can respond to – checking out some of the reports, myths and urban legends surrounding the downturn in IT procurement in recent weeks. Are organizations really putting their plans on hold or even cutting back? And what is the motivation behind this: concerns about the future – or concern that it doesn't look good to be investing in IT at a time when you may have to lay off staff?

• You can find the *Latest Readers Poll* link to the survey in the *most popular* menu bar, at the top of all pages on the Insider website. All responses are strictly anonymous – and the results will be published in our December issue.
www.legaltechnology.com/alti.htm

Digital dictation news

Client Profiles partner with Philips

Client Profiles has announced a strategic partnership with Philips Speech Processing, the digital dictation systems (DDS) division of Dutch-based Philips Electronics, that will see the company selling Philips DDS within the Client Profiles customer base. The two companies are currently working on the integration of Philips' flagship SpeechExec Enterprise 2.5 enterprise-wide dictation management system with Client Profiles' Case Management application.

Roll outs and Blackberrys with Bighand

Foley & Lardner LLP has selected and rolled out Bighand's Bighand3 digital dictation application across 17 offices in the US. The process, which began in October 2006, takes an average of 6-to-8 weeks per office and already has over 860 lawyers and staff using the system. The firm is replacing analog tape dictation technology.

• Minnesota law firm Lind Jensen Sullivan & Peterson PA reports a 'significant boost' to productivity and cost savings through their use of Bighand's Blackberry mobile digital dictation software. The system was implemented by Loffler.

New hires

Aderant makes lateral hires from Elite

Aderant has just announced that Jim Dallas has accepted the position of senior manager, alliances, with the company. He joins from Thomson Elite, where he held a similar role as partner channel manager for a number of years.

• Chicago-based Arne Pederson has also joined Aderant from Elite as an account executive. Prior to Elite, Pederson held sales roles at West and Matthew Bender.

Wendy Wolff joins eMag

Attorney Wendy Wolff has joined eMag Solutions as its new director of e-discovery project management. Most recently working as senior counsel in the corporate legal department of Georgia-Pacific in Atlanta, Wolff has almost 20 years experience practicing law, including 12 years with Skadden Arps in New York.
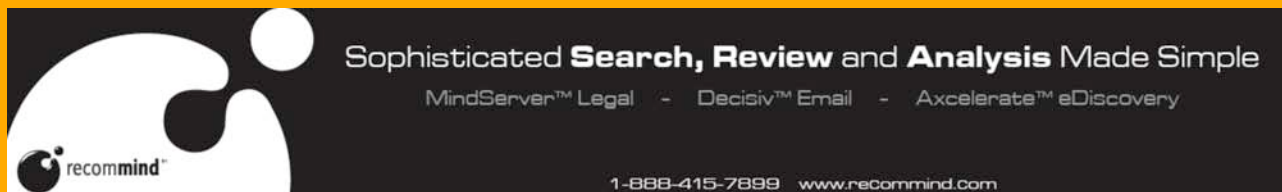
Two new appointments at Wave

Wave Software has hired Layton Smith-Perrin as their director of information services and technologies. Prior to joining Wave, Perrin was the founder and president of Smith-Perrin Consulting.

• Wave has also hired Corin Tassio as director of law firm accounts, with responsibility for managing the relationships with law firm litigation support departments.

Courtroom Connect announces new COO

Shelly Albaum has joined Courtroom Connect as the company's new chief operating officer. Previously Albaum worked at Oxford University Press and he also spent 14 years at Thomson in senior manager roles in product development, strategy, and business development.

New product launches & upgrades

Epiq upgrades DocuMatrix
Epiq Systems this week announced an upgrade to its DocuMatrix e-discovery document review tool. Along with new workflow controls, the latest release includes automated, color-coded keyword highlighting and enhanced email threading functionality. The latter displays messages in the context of an exchange, as well as highlighting the 'inclusive' – the last email in a series that contains the complete text of all previous messages in a thread.
www.epiqsystems.com

EarlyCase SaaS extends NSF support
Also earlier this week, EarlyCase announced full support for Lotus Notes and IBM Domino email files (NSFs) in its e-discovery early case assessment software, which is available on a SaaS (software as a service) basis.
www.earlycase.com

Wave Software launches Trident 5.2
Wave Software yesterday announced the launch of version 5.2 of its Trident Pro de-duplication software. The upgrade adds new filtering options and faster processing times.
www.discoverthewave.com

Now TX Text Control can control PDF/A files
Charlotte, NC-based The Imaging Source has announced that the new version of its word processing component TX Text Control can create or convert PDF/A documents from industry standard file formats DOCX, DOC and RTF. An evaluation copy can be downloaded from the web.
www.textcontrol.com/downloads/trials

Legal hold becomes flavor of the month
⇨ *continued from front page...* Legal Hold product, albeit with some substantial added functionality, as well as security, scalability and interface enhancements. The product also offers direct connectivity with the company's Early Case Assessment and Introspect review platform.

All three companies say their products possess features that differentiate them from the competition. And they ⇨

⇨ undoubtedly do although to some extent this stems from the fact all three are approaching legal hold from different core business/technology perspectives. What is interesting however is that all three are reacting to developments in both case law and procedural rules that mean the vast majority of e-discovery risk can now be linked to the legal hold process.

In other words, it is no longer adequate to email a memo to all staff saying "Hey guys, don't shred or erase any more files." Instead, organizations have a duty to take affirmative steps to preserve potentially relevant information when they reasonably anticipate specific litigation, government investigation or are notified of a credible claim. And, litigants now clearly have a duty to *actively discharge* these preservation duties – and this requires process, diligence, follow through and accountability.

Which is where all these new legal hold systems enter the picture as they contain the workflows to manage the entire legal hold process – from the initial notification onwards – but with audit trails and forensically sound collection options that offer a legally defensible process.

• By coincidence, last week also saw the publication of the results of a new survey – conducted by CGOC (the Compliance, Governance & Oversight Council) and Huron Consulting – looking at the legal holds practices of global 1000 companies, with particular emphasis on the impact of process and software on reducing risk and cost. This is an excellent report and a copy (as a PDF file) can be downloaded from the litigation support section of the Insider's know-how resources page.
www.legaltechnology.com/casestudies.htm

Thought Leader #1: Discovery from the European perspective

by Nigel Murray, Managing Director, Trilantic

On a recent discovery project in France, we wanted to use the weekend to expedite our task. No go. French law mandates adherence to the 35-hour work week. We were not allowed into the client's offices because no employee had enough hours available to supervise us. Just as work customs and laws are different, regulations governing electronic discovery are not the same in Europe as in the US – and they vary from nation to nation and state to state within the European Union.

In October 1998, the EU adopted the 1995 directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Article 1 treats privacy as a basic human right. Articles 2-4 state that the directive covers *all* processing of *all* personal data except in matters related to public security and criminal law. It prohibits the processing of personal information unless the individual has been informed and "unambiguously" consents.

Article 4 also obliges all EU member states to enshrine the directive into their national laws-and this is where the fun starts. Each country has applied different rules. Some are very stringent, others less so. And, there are not just national rules. In Germany, for example, where the government is a federal system, 14 of the 16 individual states have their own data privacy laws.

In a US-based matter (litigation or regulatory) involving data based in Europe, four key questions need to be addressed... (1) How do I identify what needs to be collected? Once I do, what must I do before starting a collection? (2) Can I collect, and if so, how and where? (3) Can I process, and if so, where? (4) What can be shipped for review?

Each matter must be addressed on an individual basis, taking into account the type of case, the country, the client, the type of data to be collected and the local laws. Collecting data in the EU should be approached with great caution, ⇨

➡ because the person doing it could end up in jail.

To bridge the different approaches to privacy between the US and the EU, the US Department of Commerce and the EU Commission developed a safe harbor framework, which was approved by the EU in 2000. The primary aim was to enable companies with European subsidiaries to operate as if there were no borders. Since then, a plethora of organizations have sought safe harbor accreditation, including e-discovery vendors. To comply with the principles, a company must be certified and have its name registered in a database of safe harbor companies.

The system is essentially self-regulated – the fact that a company says it is complying is regarded as good enough. The framework ostensibly is backed by federal law. If a company is found not in compliance, it can be charged with deception. To my knowledge there has been no legal test of safe harbor from any EU country.

Working methods can affect your e-discovery project abroad. The average European does not work like Americans. We like our holidays, and the idea of working on a 24-hour basis is alien to some. In France, as you read above, the 35-hour work week is strictly enforced.

Language frequently is a factor. In half the cases heard by the London Commercial Court, both parties are based overseas and in 80%, one of the parties is based overseas. One specific issue is processing. Can the software process an e-mail box or loose files in, for example, Russian? Can it recognize non-Latin character filenames without inserting lots of *...concluded on page 5* ➡

nQueue continues growth

nQueue reports that its partner channels continue to gain traction with the addition of four more firms to its roster of users. The four are Krieg Keller Sloan Reilley & Roman LLP in San Francisco, who will be running the nQueue Embedded system on Xerox; Jennings Haug & Cunningham LLP in Arizona (on eCopy and Ricoh); and Kopon Airdo LLC and Cremer Shaughnessy Spina Jansen & Siegert LC, both of Chicago and both running with Canon MFPs.

nQueue has also announced a new strategic partnership with print management company FlexPrint Inc, which has offices in Los Angeles and Tempe, Arizona. It was FlexPrint that helped clinch the Jennings Haug deal. Another nQueue channel partner – Canon Business Solutions – brought in the two Chicago deals.

E-discovery & litigation support

InterLegis announce native file redaction
InterLegis has introduced, as part of its Discovery360 e-discovery culling and review system, what is believed to be the industry's first available capability to allow users to redact files in their native file format.
www.interlegis.com

Mimosa enhances e-discovery
Mimosa Systems says its new NearPoint Tiered Storage Option can help customers expedite the e-discovery process by augmenting existing early case assessment capabilities for dealing with large volumes of, typically, email data, located on their NAS and other storage infrastructures.
www.mimosasystems.com

Trilantic Discovery Thought Leader

➡ *continued from page 4...* question marks? Another is searching. Can your software search across multiple languages and character sets? A third is review. How will you review documents in French, Polish, German etc?

Working in this industry in Europe has its challenges. They can be overcome if you are aware of some of the pitfalls and plan ahead, employing local knowledge.

• *Nigel Murray is the founder of Trilantic, a European-based legal support company focused on the e-disclosure market. He can be reached at* **nigel.murray@trilantic.co.uk**

New product launches

EasySoft and NJICLE bring in FamilyDocs
EasySoft has teamed up with the New Jersey Institute for Continuing Legal Education to bring FamilyDocs – a fully automated software edition of NJICLE's family law templates and forms – to market. FamilyDocs includes more than 120 family law forms in MS Word and PDF format.
www.easysoft-usa.com

Doculex enables collaboration
Doculex now offers colleague collaboration functionality with its Archive Studio content management software, so teams working on projects, either inhouse or remotely, can work together via a permission-based web portal. You can request an online demo of the software via Doculex's own website.
www.doculex.com

American Legal Technology Insider

American Legal Technology Insider (ALTi) is the legal IT industry newsletter for the US and Canadian large firms' market. Published monthly in digital (PDF) format, ALTi is available free of charge as a download from **www.AmericanLegalTechnologyInsider.com** or delivered directly to your email in-box. To subscribe email **altisubs@legaltechnology.com** For advertising and background information, including editorial submission guidelines, visit **www.legaltechnology.com/alti.htm**

Editor-in-Chief: Charles Christian
Phone: +441986 788666
Email: **altinews@legaltechnology.com**
Office hours: 6:00am to 3:00pm EST

Thought Leader #2: Translating content management to thought leadership

by Brian D. Zeve, Microsoft

The fundamental role of lawyers has not really changed over time. They still meet with and counsel clients, interpret the law and represent their clients' best interests. What has changed exponentially is how attorneys obtain and communicate their knowledge.

In the 1980s and 1990s, the internet unleashed tremendous opportunity for attorneys to readily tap into a plethora of information. Taking advantage of this access along with other forms of online content, law firms significantly invested in point solutions to tackle their specific needs. Policy-driven content compliance and risk requirements, for example, influenced firms to implement document and records management applications. To better recall identifiable sets of information, many firms developed knowledge capabilities and some have begun to extend their knowledge management with search and expertise finding tools. A few firms are even looking at informal ways to build knowledge and expertise via social computing constructs.

While each application has delivered benefits, law firms now have the opportunity to build upon their infrastructures to make thought leadership a true competitive advantage. By synchronizing their enterprise content management investments and knowledge management efforts, law firms can better position their practitioners to become even more indispensable to their clients by:
• Expertly finding and using the right information at the right time.
• Growing their expertise and intellectual capital - even expand into new practice areas.
• Supporting professional development to better attract, cultivate and retain talent.
• Managing content in a compliant manner to further reduce risks.

Emerging technologies that Microsoft believes are important for law firms to achieve these goals include team workspaces for matter-centricity and advanced knowledge management.

To address complex organizational issues related to merger growth and globalization sprawl, law firms are searching for smarter ways to handle document and records management. Leading firms are integrating their traditional document ⇨

⇨ management efforts with portal technologies to bring together people and content in a virtual environment. The team workspace is transforming how legal professionals collaborate on matters and disperse expertise across work sites.

Today's solutions can also ensure ease of use for practitioners by providing them with a familiar environment similar to their everyday tools for authoring documents and email. With this intuitive user experience and role-based access improving enterprise content and meta-data management, team workspaces are enabling firms to more efficiently collaborate and deliver the best expertise to clients anywhere they are located.

Advancements in technology, particularly search, and the benefits realized from team workspaces (ie tighter integration of enterprise content management and portal efforts) are resulting in a redoubling of efforts around knowledge management. Innovative firms are accelerating their knowledge management capabilities by bringing together document, search technologies, presence and social computing constructs to help ensure the right information gets into the right practitioner's hands.

By providing an easy-to-use experience for translating content and implicit information into knowledge, firms can move away from a more cumbersome and time-consuming approach that entails multiple screens and tools. A new synchronized approach – one that offers integrated search among document repositories, email, desktop and other business data – empowers legal professionals to address a far broader set of issues for their clients in far less time with the right information at hand.

Traditional knowledge management has generally taken a top-down approach. When a valued ⇨

Microsoft content management thought leader

➡ *continued from page 6...* lawyer leaves the firm, so too does the intellectual capital gained over his or her years of practice. Web based collaboration provides firms with a whole new way of architecting knowledge and building expertise within the firm. And, with the pending retirement of baby boomers and incoming millennial generation, the timing is perfect.

A recent *Wall Street Journal* article (*The Trophy Kids Go to Work ...October 21, 2008*) described today's new crop of professionals as being "highly opinionated and fearlessly challenge recruiters and bosses. Status and hierarchy don't impress them much. They want to be treated like colleagues rather than subordinates and expect ready access to senior executives, even the CEO, to share their brilliant ideas."

Firms can satisfy these expectations through wikis, blogs and other tools that enable input and expertise to bubble-up within the firm. By creating a tag cloud that presents the most popular topics within the page in one quick look, firms can translate ideas or concepts that are 'roaming' the organization into a 'virtual water cooler' of ideas. While firms should consider some stewardship of this process, it's one they should get ready to embrace.

By establishing the right IT infrastructure, law firms can translate content into thought leadership and gain a true competitive advantage that makes their legal professionals indispensable to clients.

• *Brian D. Zeve is Managing Director, Professional Services Industry, Microsoft Corp. Zeve leads Microsoft's sales and services efforts for the legal industry, with the goal of helping to solve the business problems of legal professionals through industry-relevant solutions and technology.*

Zeve adds... At Microsoft, we are encouraging law firms to expand and enhance their content and knowledge management abilities by fully utilizing the capabilities and ease of integration that already exist in such technologies as Microsoft Office 2007 and Microsoft SharePoint Server 2007. For more information on how to empower your law firm, visit **www.microsoft.com/professionalservices**

White papers, webinars, blogs & events

Is SaaS the best lit support option?

Lexbe.com has published a new white paper by Brett Burney. Called *Is SaaS the best litigation support approach for your firm*, it discusses the issues surrounding online litigation repositories, security in an online environment and provides cost calculations and comparisons. It can be downloaded from the Lexbe website. **www.lexbe/hp/Request-Materials.aspx**

Consider 3rd generation e-discovery?

Orange Legal Technologies is holding a live video feed webinar, as part of an ILTA product briefing on the OneO discovery platform, on November 12 (11:00am CST). The webinar will be conducted by Orange Legal V-P and e-discovery expert Ronda Raymond, and will include a review of e-discovery tools over three generations. **www.orangelt.com/WebinarRegistration/ILTA.html**

Tom O'Connor to lead new blog

Anacomp and the Legal Electronic Document Institute last week announced the launch of a new blog dedicated to identifying trends, technologies and best practices in the e-discovery realm. The blog will be led by LEDI director and e-discovery consultant Tom O'Connor, and be updated weekly on Wednesdays. The blog will also focus on Anacomp's docNative approach. **www.anacomp.com/clx/docnativeblog.aspx**

Next issue...

The next issue of ALTi will be published on Wednesday December 3, 2008. The editorial deadline is December 1 – 6:00pm EST. In the meantime, keep up with latest news on our blog at **www.theorangerag.com**