



INTELL1GENT ONE  
Real-time data analytics reporting

## What Is Intell1gent One?

Created by the clients, for the clients

*This white paper discusses:*

- *Understanding How Intell1gent One Saves Time and Money*
- *Developing a Data Filtration Process*
- *Using Client Knowledge and Needs to Build a Solution*
- *Using Intell1gent One to Save Money Downstream*
- *Employing Search Specialists to Enhance Data Filtration*
- *Implementing Alternate Pricing*
- *Using Common Sense to Achieve High ROI*

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## WHAT IS INTELL1GENT ONE<sup>SM</sup>?

Intell1gent One was really created by our clients – their need to have **immediate information** about data and the desire to **eliminate data faster** in the discovery process became more apparent over time. Additionally, clients were becoming frustrated with the current industry culture of keeping things hidden (or at least behind the scenes) too far into the process to help them make intelligent decisions.

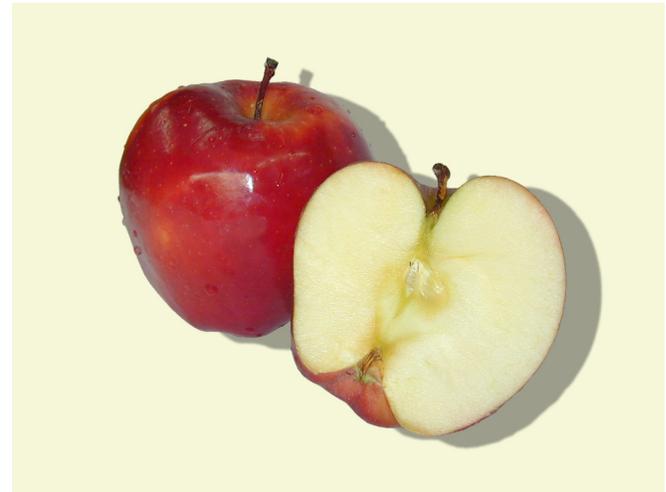
At the same time, the amount of data was exponentially increasing and clients were getting concerned as the word “pedabytes” began to enter our industry’s vocabulary. With that amount of data, the cost of doing discovery to win a case, arbitrate a settlement or just gather information for other data management purposes has become exorbitant and cost-prohibitive. As clients began to see this, they realized that the only full proof way to reduce electronic discovery costs is to eliminate irrelevant data early in the process.

Intell1gent One begins to ease these pains and provide solutions because it combines dynamic data metrics reporting with a transparent electronic data reduction process that provides the client with input and insight into the overall effectiveness of data filtering. Intell1gent One is specifically designed to allow you to “see” the process and tweak a data filtering system while it is in progress and to eliminate up to 95% of the data prior to document review resulting in significant savings in downstream attorney review costs.

While it may be impossible to compare apples-to-apples when it comes to electronic discovery, it is possible to open up the box and show you how it works. And just like apples, even an apple-to-apple comparison doesn’t really get to the heart of the people, process and technology that is going to be implemented on an electronic discovery process – even every apple is different.



Intell1gent One does just that. It gives you insight into the data allowing you to make better decisions on how to manage electronic data pursuant to discovery. eTERA takes the apple and slices it open so our clients can see the who, why and how of what Intell1gent One is providing.



## Intell1gent One was really created by our clients...

### ***What can you expect to gain by using Intell1gent One?***

The following are just a few of the significant benefits:

- Compelling cost reductions,
- Transparency of process,
- Stage-by-stage data reporting,
- Ongoing reporting on the Return on Investment (ROI), and
- Significant reduction in document review labor costs.

### ***Intell1gent One provides reporting at all stages.***

This includes reporting on these and other, metrics:

- Document count and file sizes for collections,
- Document count and file sizes for filtering,
- Unique documents and duplicates,
- DeNISTed and excluded documents,
- Document exceptions,
- Search hit analysis, and
- Web review statistics.

While Intell1gent One is a revolutionary new way to think about the management of your data, there is another interesting fact about Intell1gent One that our clients like:

**On average, our clients save \$15 for every \$1 they invest.**

**WHY DO YOU NEED INTELL1GENT ONE TO ELIMINATE DATA?**

Before looking into the transparent Intell1gent One solution, let’s take a look at the pain our clients have been talking to us about. Why do they need elimination of data? Because the biggest expense they have to face in any document process is the review of those documents and the studies prove this out. If you only take one gigabyte and look at the statistics, it would look something like this:

**Estimated Cost to Review All Documents in a GB:**

Pages per GB:.....	75,000
Documents Per GB:.....	10,000
Review Rate: .....	50 documents/hour
Total Review Hours: .....	200
Reviewer Billing Rate: .....	\$50/hour
<b>Total Cost to Review Each GB: \$10,000</b>	

*Extrapolated from an analysis conducted by Anne Kershaw a few years ago and published in the Gartner report E-Discovery: Project Planning and Budgeting 2008-2011*

There are numerous studies that have shown that the review portion is the most expensive phase in the Electronic Discovery Reference Model (“EDRM”); there are even studies that show that this cost can be as much as \$18,000 per gigabyte.

Using these numbers, that means that the document review portion of a 200 GB project (in our metrics, a median project) could be as much as:

**\$3,600,000 Dollars**

Now, obviously, our clients use some of the tools currently available to them to eliminate the data, but much

of this is done in a “black box” with no input into the process. With Intell1gent One, eTERA opens up “the box” so that our clients’ expertise, in conjunction with our experts, can be used to enhance the filtering process.



**On average, our clients save \$15 for every \$1 they invest**

**WHY IS INTELL1GENT ONE IMPORTANT TO OUR CLIENTS?**

The importance of transparent pricing and reporting in electronic discovery is not only critical but essential in gaining both a strategic and competitive advantage in litigation matters. Given the nature of electronic discovery pricing and reporting, it is extremely difficult to compare apples-to-apples because of various components and options. In particular, electronic discovery pricing is very different from those projects where only labor rates have to be calculated. If you think about it, several organizations have pricing specialists as part of their bid and sales teams given the importance of developing competitive proposals that lead to statement of works (SOWs).

Law firms, corporate legal departments and governmental agencies who rely on electronic discovery vendors and consultants need to make it a point to get their arms around the business side of electronic discovery pricing and reporting. Our clients have made eTERA realize that while legal issues are complicated and critical and usually take front and center stage, they are working with us to look under the hood of electronic discovery from a business and cost perspective.



eTERA's principals are business owners and as business owners, they need to understand their operating costs of the business to make smart decisions for the health of the company. Our clients have asked us to do the same for them. As an electronic discovery consultancy, eTERA is a proponent of helping clients understand their costs through transparent pricing and reporting, which also allows them to make smart business decisions for their corporate clients. eTERA always strive to ensure that our clients understand all facets of electronic discovery pricing and reporting. By providing clients with the necessary pricing and reporting tools throughout the electronic discovery process, our clients are able to make better informed business decisions. So regardless of who our clients use as an electronic discovery provider, our clients need to understand pricing.

In addition to pricing, our clients have identified business objectives that integrate with Intell1gent One in three key areas:

- **Data Control** – The first key business objective is data control. Data control results from utilizing Intell1gent One allowing you to manage data either proactively (multiple matters) or reactively (one matter). Intell1gent One is a multi-disciplinary approach that integrates legal, technical and business experts into the process early on. Intell1gent One = Return On Investment because the focus is on the key business objectives of data management.
- **Data Reduction** – The second key business objective is data reduction. Simply put, less data means fewer costs especially when it comes to the review stage. And less data means better decision making abilities. By integrating the right mix of subject matter experts, key processes and technologies, you will be able to significantly reduce your data set to a more manageable size.
- **Data Decisions** – The third key business objective is related to data decisions. Once you have control and reduce the data to a manageable set, you will be in a better position to make decisions regarding review, production and storage. And keep in mind it is certainly difficult to make any intelligent business decisions without understanding the information contained within your data set.

Intell1gent One provides our clients with pricing, reporting, data filtering, data hosting and search exper-

tise enabling them to control, reduce and make decisions about their data. Intell1gent One allows the client to spend judiciously upfront to gain extreme savings downstream.

## HOW IS INTELL1GENT ONE REPORTING USED TO SAVE MONEY DOWNSTREAM?

With data growing at an exponential rate, and with pedabytes becoming the new standard of data size, the problems of wading through the data should not start with technology, but rather with intuition and knowledge. Like all good projects, the analysis of a data management or electronic discovery problem should start with these four questions in doing the assessment:

- What am I trying to achieve? (*e.g.*, Find the right data versus eliminate the wrong data)
- How will I know when I succeeded? (*e.g.*, “hot doc” found that wins a case vs. business decision to keep costs low, even if case settles as a result)
- What did I do last time that worked? (*e.g.*, used Near-Duplication and Clustering)
- What did I do last time that didn’t work? (*e.g.*, only used keywords that didn’t find what you wanted)

Intell1gent One helps clients save money downstream by tracking previous project metrics, the solutions that provided savings and providing insight into the current project at-hand. By taking a look into the data at the very early stages, search specialists and data filtration experts can immediately eliminate 20-30% of the data at the early stages and 50-70% in the middle stages to get the data to needing to be reviewed down to the last 5% of the data.

In a 2011 case study done by eTERA, our client was able to eliminate 99% of their data through the use of search specialization tools and streamlined human review, eliminating the need to individually review over 1.3 million documents. Through the use of transparent reporting and integrated search strategies, the clients’ experts and eTERA’s search specialists were able to quickly eliminate non-relevant data and enhance the speed of responsive data review.

**...eliminate 99% of their data...**

## HOW DO SEARCH SPECIALISTS AND DATA FILTRATION EXPERTS FILTER DATA?

Search specialists and data filtration experts are a new breed of professionals that have had years of experience working with all types of different technologies. They are experts in understanding not only the Boolean syntax of a search but the “art” of putting together the right Boolean search. Additionally, these search specialists also understand that the days of the keyword search are numbered; while still helpful in getting to a specific set of data, the search cannot stop only with keywords because you will still end up with too much data to wade through. The search technologies include, but are not limited to the following:

- Keyword Expansion,
- Similar Documents,
- Near Duplication,
- E-mail Threading,
- E-mail Thread Size Grouping,
- Clustering,
- Categorization,
- Intelligent Sorting,
- Predictive Coding – Technology Assisted Review, and
- “More Like This”.

By understanding search technologies and their interaction with each other, search specialists can help determine the right combination of tools to achieve your goals. Additionally, because of their experience and tracking of all projects that go through their system, they have a good handle on the metrics of data filtration.

## HOW DOES INTELL1GENT ONE PROVIDE COST CERTAINTY?

In many of the projects that eTERA handles, Intell1gent One is able to provide clients with cost certainty through data sampling, metrics comparison (knowing that 1 TB has the ability to drop to less than 50 GBs, for example), and technology tool combinations.

If clients use the Intell1gent One “system”, Intell1gent One can provide much better estimates, and in some cases not-to-exceed pricing that will help with litigation and data management budgets.

## INTELL1GENT ONE: A COMMON SENSE APPROACH TO MANAGING DATA

In an article by Dave Walton who is a member of Cozen and O’Connor’s Labor and Employment Practice Group and co-chair of the firm’s e-Discovery task force (see <http://www.law.com/jsp/pa/PubArticlePA.jsp?id=1202519527855&slreturn=1>), there is an accurate thought process, presented in plain English, regarding how to minimize the costs of electronic discovery requirements.

Plain and simple, Mr. Walton makes the argument that “retaining data through litigation hold is relatively cheap.” In other words, over preservation is not the challenge. To really get electronic discovery costs in line, he reasons that:

- you must start with less data through target selection and prioritization of the information, and
- provide transparency of your approach to opposing counsel.

eTERA totally agrees. As a consulting and service provider of electronic discovery to the legal world, eTERA has been asked to bid on filtering/searching the ENTIRE data population. Many times, this makes absolutely no sense.

As a service provider NOT married to one product, eTERA has seen success:

- through the use of early data analysis software, and
- the combination of experienced consultants.

Applying the Intell1gent One solutions (sometimes in combination with Early Information Assessment®), clients have eliminated a significant amount of data before any heavy processing occurs resulting in significant cost savings. This analysis and targeting can be done analyzing data in its current, live and active state, and provides a legally defensible audit trail.

To agree with Mr. Walton’s article, we must all operate from an industry supported premise. Mainly, the most expensive aspect of an electronic discovery process is document review. The fewer documents that make it to the document review stage, the less cost to our clients. Although predictive coding is the new hot topic and the technologies available do speed review, they do not lower the total document population.

The only way our clients can assure a lower document population and subsequent costs is to start with less documents while the other side agrees to the process. In the world of electronically stored information, there is no way you are going to capture EVERYTHING, meaning some things will be missed. However, if your



approach and process is “reasonable,” which can be defined as built on sound logic (data analysis), makes sense (targets priority custodians), and has the opposing counsel’s blessing, then our clients are in a very strong position to minimize the cost burden associated with discovery.

Intell1gent One is a common-sense, transparent, and cooperative model that is reasonable and provides a look immediately into data before our clients move it through the process, while the process is in progress and afterwards. And most importantly, Intell1gent One is about you – **the client**. Intell1gent One was built by our clients, for our clients, and most importantly, it adapts to our clients’ needs.

### ABOUT THE AUTHOR

With over 16 years of information technology and litigation support experience, [Todd Haley](#) brings a different perspective to the litigation support arena, applying the managed services, information governance and workflow protocols of the information technology arena to litigation support. He specializes in complex electronic discovery, information governance and data technology, including matters throughout the EDRM model. As eTERA Consulting’s Vice President of Electronic Discovery, he regularly consults clients on how to plan a defensible electronic discovery and data retention strategies. He is also an adjunct professor at Georgetown University in their Paralegal Studies Program.

Previously, Todd was the Chief Technology Officer at a national litigation law firm specializing in products liability, toxic tort and insurance litigation. He was the primary architect in the development of their information technology and litigation support strategies and departments. As Chief Technology Officer, he consulted with clients and co-counsel on litigation hold strategies, record retention and regulatory technology issues, workflow process, employee compliance, document designation best practices and defensible approaches to overall litigation matters. He managed large document discovery projects, which included 70+ contract attorney teams plus multiple web-based document review systems, including Introspect, iConect, Cataphora, Catalyst and Ringtail, for large document discovery projects, including joint defense litigation, while providing tight integration with internal systems. Todd also designed, developed and implemented one of the first-ever, in-house, web-based document review system using a proprietary integrated system of Interwoven, Concordance, IPRO, LiveNote, iConect and other litigation support web-based tools.

Todd participated in the forensic recovery of data from both active and archive media, ensuring that a proper chain-of-custody and defensible methods of retrieval were used to obtain maximum results.

A frequent author and speaker on e-discovery, litigation support and information technology, Todd has written on diverse topics, such as the implementation of enterprise-class case management systems and the proper processes and protocols necessary to implement successful electronic discovery strategies. He has delivered speeches on electronic discovery and information technology at the DC Bar Association, the International Legal Technology Association, Estrin LegalED Seminars, Glasser LegalWorks conferences, various litigation support group forums and private conferences to lawyers and legal staff. Todd has also educated lawyers and litigation support personnel in complex case management and litigation process management. He meets regularly with vendors and technology developers to help facilitate implementations and products that will meet the discovery requirements of his clients.