

A day in the life of : An independent EDD consultant

I'm Andrew Haslam and I'm an independent IT consultant who specialises in providing advice and project management to the legal profession on all things to do with litigation support in general, and electronic disclosure in particular. The following "day in the life of" is a composite of the activities that I am involved in, and aims to give you a flavour of what people like me do, and how we could help you overcome some of the issues you might encounter in this area.

My working day starts on an early train into London. I'm glossing over the mundane details of alarms clocks, ablutions and the realisation that the final glass of wine at last night's vendor do, enjoyable though it was, was probably not the best way to start a week. I console myself with the excuse that I was keeping my knowledge of the marketplace up to date, not just sharing a drink with old friends.

Normally I'm immersed in my newspaper, but today I need to fire up the laptop and use the 45 minute commute to review an interview write-up from yesterday. I'm half way through a strategic review on electronic disclosure policy and procedures for a mid-tier law firm and have just finished talking to all the appropriate people in the organisation. As well as the obvious target of lawyers in the litigation teams, there has been interest from the commercial groups, who increasingly find electronic material dominating M&A work, as well as the employment teams and their ever pressing need to wade through the morass of emails in the background of harassment and discrimination claims. I'm working to a plan jointly agreed with the IT director, worried that his help desk team are increasingly fielding calls outside their agreed scope and the head of the firm's risk management group, concerned that the firm is possibly leaving itself open to accusations of naivety at best and incompetence at worst. Now that the interviews are completed, I can pull together the conclusions and recommendations emerging from the analysis of all issues raised, and suggest a framework of policies, document templates and practical measures to enable the firm to meet its obligations and reduce the risks. But that will have to wait until tomorrow when I'm back on their site, for now the train is pulling into Waterloo, and it's time for my day to really start.

I've set aside the morning to catch up on various requests for help and information that I've received over the past few days.

First is a law firm outside London that needs a copy of all the data on a client's laptop so they can examine it for potentially relevant documents and emails, whilst the client continue to use the machine for his business. I found a couple of forensic companies that do the copying work, known as "imaging", obtained quotes and advised on which I thought was best value for money. The imaging should be taking place that morning, so I spend a while contacting the representative from the forensic firm, the client and the law firm's IT department, to make sure they will all be at the same place at the same time.

Next up is a mid-tier law firm who wanted to know if it was possible to retrieve deleted text messages from a mobile phone. Again, I've gone to my contacts and found a firm that can do the work, though in this case there is a big proviso, in that success in this area depends very much on the type of phone and what has been done with it. I touch base with the vendor and find out that this time around, they have

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been able to pull back the required data, so I phone the lawyer to tell her the good news and arrange for the return of the phone and its contents.

On to a lawyer in a regional firm, who has just received a letter from the opposing side in a dispute, proposing a protocol to be adopted for electronic disclosure. It is the first time that he has had to deal with such issues and I'm able to talk him through what is being suggested, spot a couple of areas where he needs to get clarification, and push back on one part on the grounds that the work required would be disproportionate. We agree to talk again in a week's time, and that, if needed, I can join him at the first case management conference to "talk techie".

Then I'm involved in a conference call with a commercial organisation in the Midlands that is facing the possibility of litigation. They have contacted me via a EDD vendor who has referred them to me an independent consultant who can give them advice. In this case, it is not so much as advice, far more basic education. The call is with the organisation's in-house counsel and their IT department. They haven't brought in their legal advisors yet, but I expect they will be on the next round of discussions.

I spend some time taking them through the basic concepts of the litigation lifecycle and point out where electronic material add pressures which can overwhelm an unprepared team. Then I explain the different kinds of tools available to help with the problems, making sure they know enough to compare "apples" with "apples" at each of the different stages. Finally I take them through potential issues in data collection and explore how effort up front can be repaid manyfold "downstream" by reducing the amount of data that needs to be processed and stored. If this case progresses, then I might end up as their project manager, making sure that the various members of the project all work together.

In the past I have seen projects bringing together in-house counsel, the client's IT department, one or more law firms, the external team conducting the data harvesting and initial processing, a scanning and coding bureau to look after the paper element of the collection and the vendor supplying the litigation support tool the data will reside in. With so many voices in the room at once, there is a significant potential for confusion and that is where I step in to make sure the client's interests are met and the project runs smoothly and as quickly as possible.

I finish that conversation just in time to join in another conference call, this time on behalf of a UK law firm that is involved in a case with a partner US firm. They both need to collect data from the client who is based in Germany and London and need advice on what issues might trip them up. The actual logistics of collecting the information are relatively simple, it looks as though we won't have to resort to restoring back-up tapes. Of more pressing need are the restrictions imposed by German data protection legislation. We debate the points and the client agrees to take up specific issues with the Information Commissioner. However, in order to progress the case, lawyers from both sides of the Atlantic arrange to go to the data in Germany, and then see if they can take the information out of the country at some stage.

On to the final call of the morning. A lawyer in a firm I help in London, has received a quote from a vendor and wants some advice on how reasonable it is, and what

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points she should watch out for when negotiating on price and services. I take her through the quote and use my knowledge of the market to re-assure her that she is being offered a fair price (though she's quite upset at that verdict) and identify a couple of places where she might push back on costs. It seems this aspect of the case has caught the firm a bit unawares and they are now having to go back to the client and explain why the disclosure is going to cost more than was first thought. At least next time, possible costs will be discussed up front and the client's expectations set at a more reasonable level.

Time to move on, I grab a sandwich on the way and go to the office of a law firm where I am running a larger electronic disclosure project. The firm uses an in-house litigation support tool and there are project meetings that afternoon to co-ordinate the next round of collection and loading of client data into the software. A significant element of the project is based on paper material which, after being scanned in the UK, is being coded and reviewed offshore for both relevance and privilege. We go through the process being implemented to ensure quality and how the sampling by UK based lawyers of the calls from the offshore company will be carried out. Then it's back to the knotty problems surrounding the next phase of electronic data collection from clients. We have mapped out the location of most of the data "silos" within the international organisation but now need to address how we extract information from a series of databases. Email and Word files are comparatively easy to deal with, but databases present a whole new set of challenges, however with some brainstorming and direction from me, we get a protocol established in the end.

I've taken a lot of notes during the afternoon and later on will use them to update the project's Action Point Register. This is a core document that shows all the tasks involved in the project, when they need to be completed by, and who is responsible for carrying them out. A bit of a shock for lawyers the first time they have an action allocated, but an invaluable way of ensuring the project runs smoothly and within its time and budgetary constraints.

Time to squeeze in a final call at the end of the day with the organisers of an upcoming conference on electronic disclosure management. I'm one of the speakers on a panel session and the purpose of the call is for us to agree the general themes of our discussion. There's a while before the actual event so we are fairly relaxed about the whole thing.

On the train home, and I should be conscientious and do a bit more work on an article I'm writing, but the lure of a cat nap proves to be too much to avoid. With years of practice behind me I wake up just before my station, a short drive home, and I fall across the front door in time for a relaxing drink before dinner in the back garden watching the sun go down. "How was your day?" asks my partner, "Oh, just the normal stuff" I reply. "Good" she says, "It's your turn to cook".

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