

ZAPPROVED GUIDE

9 BEST PRACTICES FOR EARLY CASE ASSESSMENT



The top ways to drive down discovery costs and make better case strategy decisions

More than 90 percent of cases filed settle before trial. Those are good odds, but it can be challenging for organizations to determine which cases fall within the small percentage that will proceed to trial.

While you can't predict the future, you can use early case assessment (ECA) to gain a more thorough understanding of a matter. However, ECA is only as effective as the efforts and technology that a litigant devotes to it. When you have an effective legal hold process that combines logical processes with the latest in ediscovery technology, you can take your ECA process to the next level and make the most informed, cost-effective decisions about whether to settle or proceed to trial. You can work with your organization to deploy the following tools to streamline and optimize the ECA process.



1 Evaluate your strategy

The cost of discovery depends on how much data your organization has. Before litigation arises, take steps to corral your data stores:



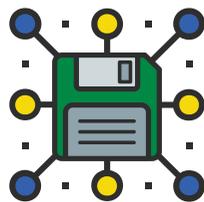
use a data map to identify sources and custodians



destroy any data that no longer has value

If you have reviewed your data and set disposition schedules that your organization adheres to, you'll limit the amount of redundant, obsolete, or trivial data that you must sift through to access the relevant information.

2 Implement strong preservation protocols



ECA quality depends on how reliably your organization has preserved potentially relevant data. Sending legal hold notices is not enough; you must follow up to confirm that custodians have reviewed the terms of the hold and are consistently abiding by them. Periodically remind custodians of their need to adhere to the hold until it is released. Otherwise, you'll face gaps in your data collection process that may raise your costs and could even lead to spoliation sanctions. The best method of reinforcement is to use technology that automates the processes of initiating, sending reminders, and tracking legal holds.

3 Conduct thorough custodian interviews

Custodians often have the best ideas about managing a massive discovery project. By implementing a formal, thorough, and consistent custodian interview process, you can learn the basic facts of the case. Custodians can help you determine who is involved in the matter, how much and what type of data to look for, where to find that data, and whether there are any key documents that might help or harm your case. You can use automated tools to capture interview information and organize it into an actionable format for counsel.

4 Partner with your IT department

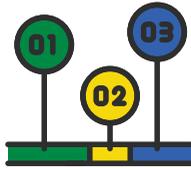
The earlier you involve IT in a matter, the sooner you'll identify and access the critical information that you need. By collaborating with IT, you can develop a fuller understanding of the data landscape and the costs and burdens of accessing any data, particularly if it's stored offsite or on backup devices.

5 Analyze data in place

Learning about your data prior to collection helps you begin the ECA process without disrupting business operations. Analytics tools can give you valuable insights, such as the volume of documents, the languages in a collection, and the percentage of file types in the corpus.

You can reduce costs by eliminating irrelevant data, such as standard system files or duplicates, from the collection prior to review. You can also assess the potential cost of each stage of discovery more effectively.

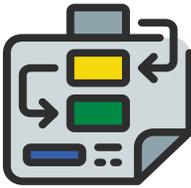
6



Collect data in phases

A phased approach is essential to limiting the amount of data that you must collect. Early collection targets should include the data sources—emails, customer databases, instant messages, contracts, etc.—that are most critical to your case. Once you’ve finished collecting the initial phase, you may have all the information you need to determine whether to settle or proceed.

7



Apply advanced analytics

As you’re collecting documents, you can apply more advanced tactics to further refine the data set. For example, analytics tools can create a timeline of activities in the case, pinpoint keywords or concepts to help focus searches and legal strategies, visualize relationships between people involved in the matter, and group similar documents. In general, analytics can help you uncover the most relevant documents and accelerate your decision-making process.

8

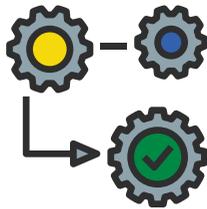


Use reports to assess risks

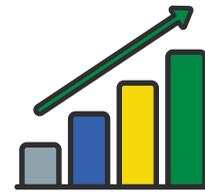
ECA tools can run reports that inform your ongoing cost-benefit analysis. These reports may help you discern trends and anomalies that might otherwise be hidden, or they might reveal potential costs that make you rethink your settlement strategy. Using report findings, you can create a data-backed strategy for meet-and-confers that can help you negotiate a narrower scope of discovery or convince opposing counsel to accept your settlement offer.

9 Apply these lessons to future incidents

You can use what you've learned through ECA to:



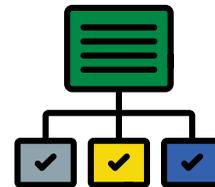
expedite future matters



achieve continuous improvement



reduce outsourcing costs



enable faster responses

When a new matter involving overlapping legal issues or custodians arises, you can get ahead by revisiting the centralized data repository you've created, leveraging your hard work of collecting and culling. This way, you can start your analysis before you spend time collecting even one byte of new data.

About ZDiscovery

Designed specifically for corporate legal teams, ZDiscovery® is an intuitive and powerful ediscovery platform for managing litigation response from legal holds through processing and review.

ZDiscovery is backed by ironclad security and unrivaled customer support, giving your in-house team confidence and control to operate defensibly and efficiently while reducing legal costs.

Preservations & Legal Holds

Legal Hold Pro® provides a complete system to effortlessly initiate legal holds, manage custodian communications and compliance, and confidently oversee a defensible preservation process.

- Quickly send, track, and report on legal holds
- Defensibly preserve and collect data
- Streamline litigation response

Processing & Document Review

Digital Discovery Pro® gives corporate legal teams the power to significantly reduce ediscovery costs and resolve matters faster.

- Process and cull data in-house
- Gain rapid insights into matters
- Easily review documents with intuitive filters and search tools



What Sets Us Apart

- Software that puts customers first
- SOC 2 Type 2 certification provides third-party validation of our data security protection
- Gold-standard customer support, hands-on training, and educational resources
- Annual events for ediscovery's best and brightest
- Community of 350+ corporate customers



About Zapproved

Founded in 2008, Zapproved builds easy-to-use litigation response software designed to help corporate legal teams drive down costs, reduce risk, and build a better process. With our unwavering commitment to keeping our 350+ corporate customers ridiculously successful, we are proud to have earned a 99% retention rate.