

The Evolution of Legal Data – Then To Now



There has been a long-standing disconnect between the legal sector and modern technology, but more firms are now implementing tools to sharpen their processes.

Several factors have facilitated the urgency for change, seeing technology now play a crucial role in litigation processes.



Technology reduces risk of human error



Amount of data in cases is increasing



Increase in data types to consider



Automation is speeding up processes

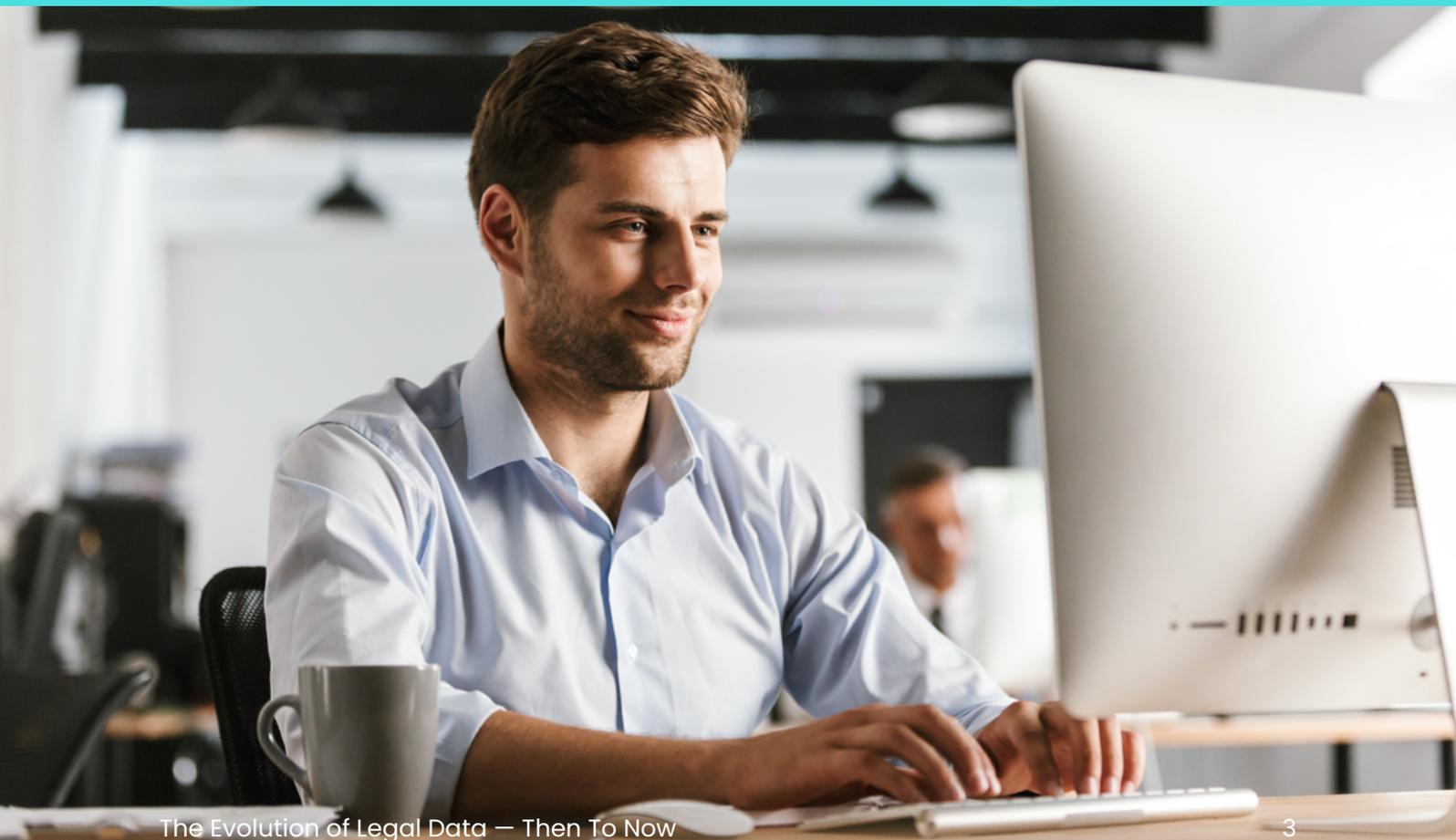


Active learning means technology is becoming smarter

Throughout this guide, we'll analyse the evolution of data in law, starting with traditional manual reviews before journeying through the modern eDiscovery process.

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Manual review — an outdated document discovery method

The modern legal professional must deal with many forms of information, data and evidence to build their case. Manual review simply means manually reviewing this information.

Manual reviews require consistent human input, which can lead to issues when working with large quantities of data.

With the rate at which new data is created — [roughly 2.5 quintillion bytes a day](#) — and the importance of data in many modern cases, new methods are required to keep pace with the ever-changing litigation landscape.

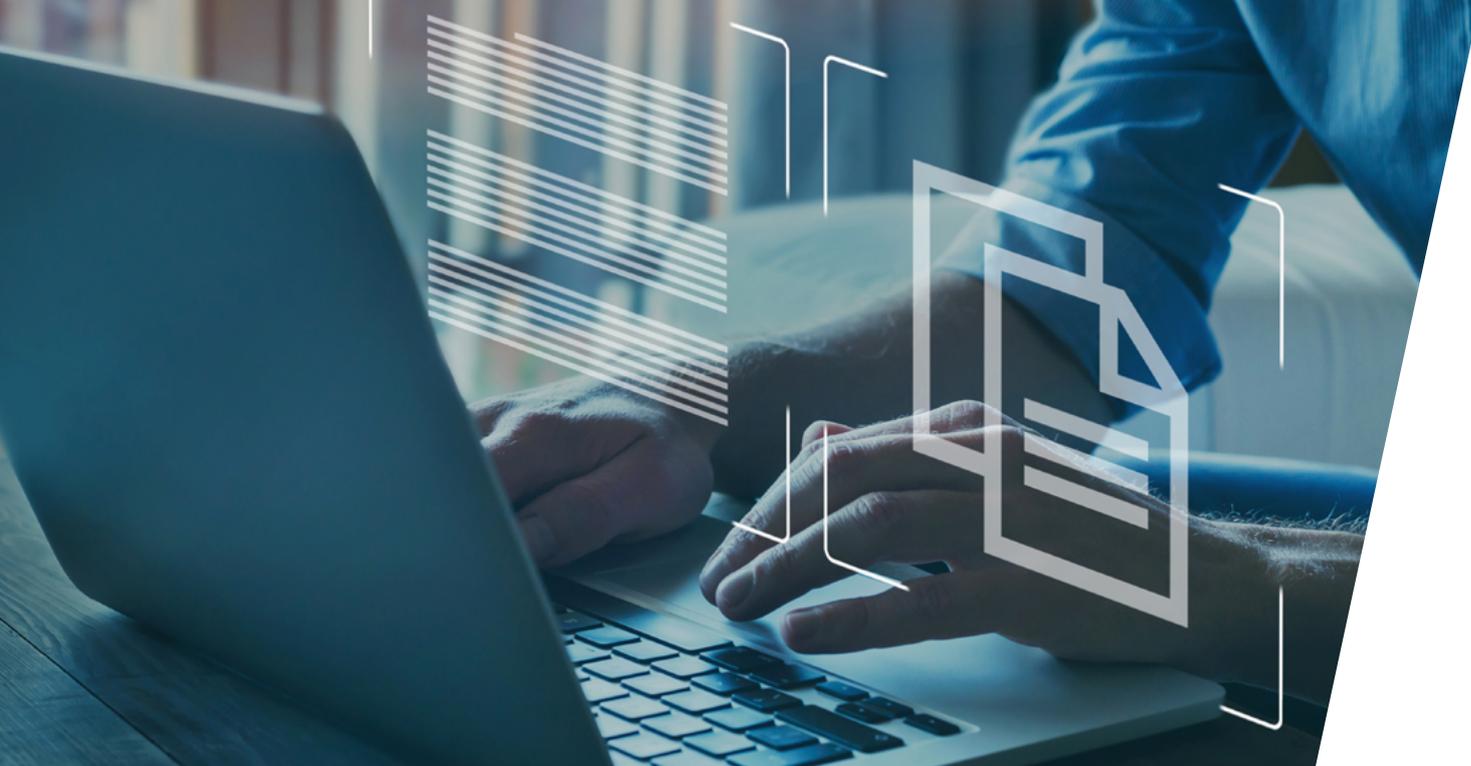
As the world becomes more digital, manual reviews can become hugely time-consuming and put large amounts of pressure on legal professionals. Pressure — combined with human input — results in a greater risk of error, which could damage your firm.

This burden of risk can weigh heavily above the heads of your firm's staff, often increasing the time they take to review documents to avoid missing key elements of information. This is where [document review software](#) comes in.

A firm's success depends on its use of time, resources and costs. Technology can help businesses thrive in these three areas.

Document review used to involve junior lawyers being shut away in a room for hours on end. But thanks to advancements in AI and technology, this process is now more straightforward.





Moving towards automation – efficient eDiscovery

Thanks to the power of [eDiscovery](#) software, lengthy processes such as manual document review can be greatly accelerated. Firms can therefore keep pace with the ever-growing quantities of electronically stored information (ESI) that modern cases present.

Managed document review services enable you to filter through large batches of information, handle bigger workloads and bring the most relevant information to the forefront at a much faster rate.

The software can help with more extensive reviews with time-sensitive deadlines, streamlining the process by bringing relevant documents to the reviewer's attention based on predetermined metrics.

Manual review

- ☒ Time-consuming
- ☒ Risk of human error
- ☒ Only done during work hours
- ☒ Resource-heavy

Automated review

- ☑ Faster process
- ☑ Can deal with large amounts of data
- ☑ Option for 24/7 review
- ☑ Relevant documents highlighted first

What is eDiscovery?

Electronic discovery (eDiscovery) refers to the identification, collection and production of electronically stored information (ESI). Usually, it comes from a request for production in a lawsuit or investigation.

Watch the video below for more information:



Emerging data types

One key reason manual review is obsolete is the emergence of new digital data. Whether it's social media posts or WhatsApp messages, many different data sources contribute to the cases we see today.

Many modern cases have been won and lost on producing relevant ESI. There have been several examples when disclosure of electronic material has been key to the result of a case.



A good example is the [Forse v Secarma Ltd case](#), in which the claimants (Secarma Ltd) accused the defendants (who were IT consultants for the claimants before the case) of deliberately attempting to move employees to a rival company.

By the time the claim was made, there had been 28 resignations from Secarma, representing almost half the workforce. Most of those who resigned joined Secarma's competitor, Xcina. An injunction was obtained by Secarma, prohibiting Xcina from a range of activities, including enticing any other employees to join their company.



The main evidence in support of the injunction application came in the form of WhatsApp messages, with the court finding that the MD of Secarma worked closely with a former colleague to plan a team move of 21 employees.

Evidence in the form of ESI was found in a group chat called 'Order of the Phoenix,' in which pseudonyms were used to disguise identities. The plan was referred to as a 'bowling championship' to mask their intentions.

The twist was that members discussed how to close down the group and delete its contents given the potential 'legal consequences due to the non-poaching clauses.'

This case was a fine demonstration that WhatsApp messages — among all other forms of ESI — can be used as evidence and lead to critical decisions in the courtroom.

A highly-publicised example of a case with ESI at its forefront was the [‘Wagatha Christie’ case](#) between Coleen Rooney and Rebekah Vardy.

The case began with an elaborate social media sting and had a running theme of data spoliation throughout. Eventually, a 313-page bundle of evidence was released, which included several screenshots from Instagram and WhatsApp, resulting in Rooney winning the trial.

With the importance of managing data continually growing, it’s vital to be able to handle digital information on a large scale.

What can be used as evidence?



Photos



Videos



Text messages



Call logs



Emails



Social media posts



Documents



Databases

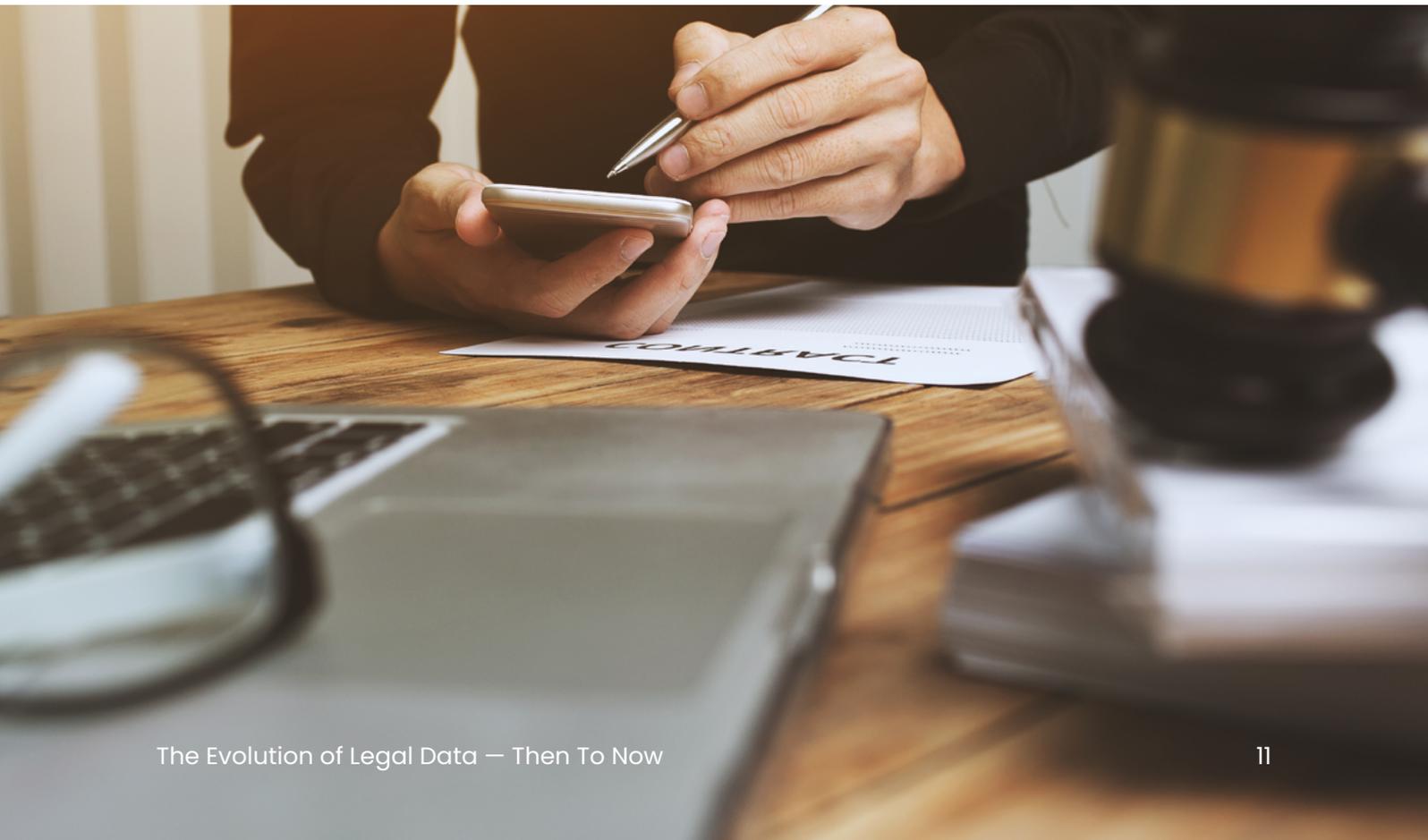
Dealing with metadata

It isn't just the ESI you can see on the surface which you might have to deal with. [Metadata describes the data behind the data](#) and can be hugely beneficial to legal professionals looking to paint a timeline of events.

When proving the credibility of digital evidence, metadata can play a crucial role. Metadata describes the characteristics, origins, usage and validity of electronic evidence. It attaches itself to ESI, helping legal professionals figure out the who, what, when and where of files.

Metadata can include author identity, file date creation and who previously accessed the file. You can use the digital footprint outlined by metadata to see when it's been accessed and who has made alterations.

It can count as evidence in modern cases, as it often leaves information that can be cross-referenced with a claim or defence. Alongside this, missing metadata can also be considered evidence. ESI without metadata is incomplete and may indicate that a file has been tampered with purposefully.





Working with high volumes of data

The sheer amount of data involved in contemporary cases makes manual review unrealistic. With the help of software, you can ensure data is a help — not a hindrance — to your firm.

With [90% of the world's data](#) created in the last two years, and that volume expected to double every two years moving forward, it's vital to adopt modern methods to cope with this increase in information.

One case [Altlaw assisted with](#) initially had over a million-and-a-half documents. Time and cost were pivotal issues in reviewing this case, making it the perfect project to demonstrate the power of RelativityOne's active learning capabilities.

Following filtering, keyword and concept searching, around 600,000 documents were left to review, reducing the time spent on the case significantly. Even more time was then saved by the prioritised review process ensuring reviewers are served the most relevant documents first.

In the meantime, active learning was working in the background, analysing decisions and improving its accuracy as a result.

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Prioritised review continues until the relevance of the documents being reviewed begins to falter. Then, the process moves to coverage review. Coverage review consists of reviewing documents that the system is unsure about. The system analyses your decisions on these documents and subsequently learns from them.

Businesses can also help with the speed of analysing data by ensuring their data is of [high quality and accurate](#).

463 ZB

463 billion terabytes of data will be created every day by 2025

[Raconteur](#), 2020

1.6

Each person will have an average of 1.6 networked mobile devices and connections come 2023

[Cisco](#), 2020

\$229.4 billion

Big Data is going to be worth \$229.4 billion by 2025

[Strategic Tech Investor](#), 2021

3x

Connected devices will be three times the global population by 2023

[Cisco](#), 2020

How RelativityOne works



**1.5 million
documents**



 **Relativityone**



**600,000
documents**

Understanding international data

In some global cases or corporate cases with international offices or cross-country clients, it's necessary to decipher documents in multiple languages. Thankfully, software is available to support document review across several languages, even when dealing with large batches of documents.

The traditional approach to a multi-language review often involves exporting foreign language documents from a system and sending them to a third-party translator. Once this has been done, the translated documents are reintegrated into the system.

This is a resource-heavy and slow process, which can still take multiple days, even with an expedited service.



With RelativityOne's [Relativity Translate software](#), this process can be taken from a matter of days to just minutes.

All tasks are automated and are part of an established workflow, that can be completed within a few clicks.

The translated documents then feed into automatic review workflows and reviewers can proceed to analyse them, just as they would with English documents. Translated documents also stay linked to their originals and can easily be exported together.

You should note that these translations are not admissible in court. Translations that are deemed relevant will need to be sent off to a human reviewer.

What are the benefits of translation software?



Time savings



Reduced costs



Increased accuracy



Enhanced simplicity



**Reduced risk
(data governance)**



Introducing active learning

RelativityOne's eDiscovery software grows with your business. Thanks to the power of [active learning](#), the software starts to identify documents of importance on your behalf.

So, what is active learning? It's a special case of machine learning in which the learning algorithm can interact with an existing data source to label new data points with design outcomes.

The active learning system provides reviewers with what it judges to be the most relevant documents to their particular case.

Rather than being trained or previously configured, the system learns and adapts during the review process. Its judgement of what files are relevant is based on a reviewer's decisions during the review process.

Each document tagged for review improves the system's understanding of your needs. Therefore, the more documents you review, the more intelligent and accurate the system becomes.

The documents which the active learning software identifies as the most relevant are pushed to the front of the review queue, helping review teams make the most of their limited time.

What are the benefits of active learning?



Dramatically reduce time spent reviewing irrelevant documents



Know when a project is done (as soon as document relevance tapers off)



Minimise setup and admin time with your systems



Can be integrated with other leading legal technology



Did you know?

At 10,000 documents, RelativityOne can begin its active learning process. This ensures the technology can begin sorting documents based on your initial preferences.



What is active learning?

Active learning allows a system to learn and adapt during the review process. As time goes on and more documents are reviewed, its judgement of relevant files improves.

As far as the benefits of active learning go, these are just the basics. Lawyers still struggle to wrap their heads around active learning, with these tools and technologies often eluding the most capable legal executives.

The legal sector has had a long-standing disconnect with technologies that seek to improve time-consuming traditional processes. But times are changing.

If you want to learn more about the power of active learning and what modern technologies can do for your firm, access our Luddite's Guide to Active Learning on our website below.

[Get the latest insights](#)



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