

## **Firm Thinks Outside of the Box to Avoid Discovery Bind**

*By: Paul Lyons*

The discovery process is often a difficult process, riddled with high costs and many informational barriers. Recent developments in technology are frequently blamed for the expansion of the process as the proliferation of computers made everything from emails to digital metadata discoverable and new discovery mechanisms are often exceedingly complex and more expensive than the typical means employed to gather documents and information in order to comply with discovery requests.

In most electronic discovery situations, firms or corporations will seek the assistance of outside counsel to assist in maintaining and producing electronic records for litigation. This process is often extremely expensive. The California based firm, Fenwick & West LLP, established their own mechanism for providing an efficient and inexpensive solution to clients' electronic discovery problems.

Faced with litigation involving discovery of almost 100 million files and an additional multi-million dollar price tag for e-discovery, Fenwick & West was asked to find a different approach. Thinking outside of the box, the firm established its own mechanism for documenting, locating and retrieving client files. The firm established FIND (File Identification Narrowed by Definition), an in-house system that identifies documents based on searchable data, which can then be reviewed by lawyers. Primarily the work of Chief Technology Officer Matt Kesner, the process utilized a trial and error approach that saw IT employees working directly with lawyers to determine how the system would work. Kesner also noted that a number of off-the-shelf software tools were utilized in establishing the search and retrieve program.

The IT department at Fenwick & West expanded itself in order to house the new system. Kesner noted that new space consisting of ten new servers and additional work machines and infrastructure was built to house client data. The

new system even spawned the creation of a new group in the firm. The Practice Support Group is an eight member IT team that works directly with lawyers and their clients to use the FIND system to retrieve information necessary for a lawsuit. The Practice Support Group is a major player in Fenwick & West's newest practice area, Electronic Information Management. The FIND system has been used in litigation matter for the past five years and the firm hopes to expand its use into other areas of practice.

Fenwick & West's FIND system is an innovative approach to confront the growing complexity of electronic discovery. At a cost of around \$1 million, the FIND system made file sorting and retrieval more efficient, and thus reduced the need for outside, more expensive, help.

**Source:**

Mary Pratt, *Law firm develops in-house system to deal with discovery requests*, COMPUTERWORLD, Mar. 17, 2008, [http://www.computerworld.com/action/article.do?command=viewArticleBasic&taxonomyId=18&articleId=312605&intsrc=hm\\_topic](http://www.computerworld.com/action/article.do?command=viewArticleBasic&taxonomyId=18&articleId=312605&intsrc=hm_topic).