

SAN FRANCISCO

Daily Journal

July 23, 2008

Paperless Office Makes Light of Digital Demands

One Small Firm Embraces Technology and Sees an Upside in Efficiency With E-Discovery



Todd M. Schneider embraces technology at his San Francisco law firm. "There has been an uproar — people saying, 'Oh my goodness, e-discovery is so expensive,'" he said. "It seems more expensive to print everything on paper than to simply look at (documents) on a computer and stick them on a disk."

By Dhyana Levey
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SAN FRANCISCO — Oh the Swoes of e-discovery.

The modern age of e-mail, back-up tapes and other sources of electronic information has elicited much angst among lawyers, who must grapple with a deeper, wider, more digitized pit of information in the discovery process.

But plaintiffs' attorney Todd Schneider with Schneider Wallace Cottrell Brayton Konecky in San Francisco doesn't understand the extent of litigators' agitation surrounding e-discovery.

TECHNOLOGY

"There has been an uproar — people saying 'Oh my goodness, e-discovery is so expensive,'" he said. "It seems more expensive to print everything on paper than to simply look at (documents) on a computer and stick them on a disk. In my own office, we do everything paperless."

Sure, he and other attorneys say, litigators can torment opposing counsel by requesting hard to reach digital documents that cost extensive time and money to find.

And that's why its necessary for discovery rules to catch up with technology. Earlier this year California found it necessary to draft guidelines similar to the federal rules that took affect in 2006. The proposal, cosponsored by the Judicial Council with support from consumer attorneys and defense counsel, sets protocol for when the accessibility of electronic data is disputed.

Schneider says these guides are needed to even the playing field (see related story below).

But so far the increased demand for digital information has simply lightened his small firm's load, he said.

Any information that enters

the office — including paper documents that are immediately scanned into electronic documents — is placed into an easy-to-search electronic log.

This "all paperless all the time" method also applies to case information. Schneider said he and an opposing party exchanged more than 15 million pages of documents electronically during a case that began in September 2005.

"Never a scrap of paper," he said. "Obviously, not having to print is a huge cost to avoid. At about 4 cents a page, there's millions of dollars saved."

Going through hundreds of paper documents is time consuming and expensive, agreed Eric Sinrod, a partner at Duane Morris and a writer on information technology.

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If used efficiently, he said, digital material speeds up the discovery process and decreases costs. But the explosion of information technologies, which change year by year, can overwhelm a litigator simply trying to satisfy an opposing party's request.

Sinrod said he has seen cases of a party simply settling to avoid going through the discovery process — made more burdensome by the inclusion of electronic information.

"There are times when the cost of e-discovery can dwarf the issue of the lawsuit," he said.

But it's often in both sides' interest to streamline the chore. "If you can agree with the other side about what to search for, it's pretty simple," he said. "You can get right where you want to go with a laser beam."

Companies like Cisco Systems, a multinational networking and communications technology corporation, are trying to direct that laser beam by employing more staff with specific knowledge of e-discovery.

While digital information can allow lawyers to

collaborate quickly and more accurately, simply finding it or requesting it properly can become an enormous task.

"It's easier to find the needle in the haystack, but the haystack is bigger," said Neal Rubin, Cisco's vice president of litigation.

And the ability to navigate that haystack comes with great rewards.

"A plaintiff who knows how to effectively search through e-discovery can find the traditional smoking gun," said Mike Kelleher, an attorney for Folger Levin & Kahn in San Francisco who works for both plaintiffs and defendants for complex technology-related litigation. "The key piece of evidence is much easier to find electronically than in warehouses of boxes."

Of course, technology must be set in place to give law firms the ability to collect and direct electronic information.

Schneider's office uses its own internal case management program for in-house matters. But there's plenty of technology out there a firm can buy off the shelf to go paperless, he added.

He uses CaseMap case management software

from LexisNexis to process information from litigation coming into his office. The license for the software is about \$500.

His office uses CT Summation litigation support software to exchange data between parties during cases. An initial 3-Node iBlaze CT Summation purchase is around \$5,000.

An office can spend far more than this on ink and paper for a single case, Schneider said. But he hasn't yet done an official cost analysis to compare his paperless system.

"The world is electronic," Sinrod said. "We are moving away from paper records and it's easier to get access to important information than ever before."

However, e-discovery is still in a transitional process, he added. The rules regarding what is appropriate for litigators to request are still being developed and set. "We're getting there," Sinrod said. "If done properly, e-discovery can facilitate the legal process. It certainly has its advantages."

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