

TOP- 5 EDD BEST PRACTICES

Ron Best
Dir. Legal Info Systems
Munger, Tolles & Olson
May 27,2009, Salt Lake City

BEST PRACTICE #1

Focus on Process Improvement

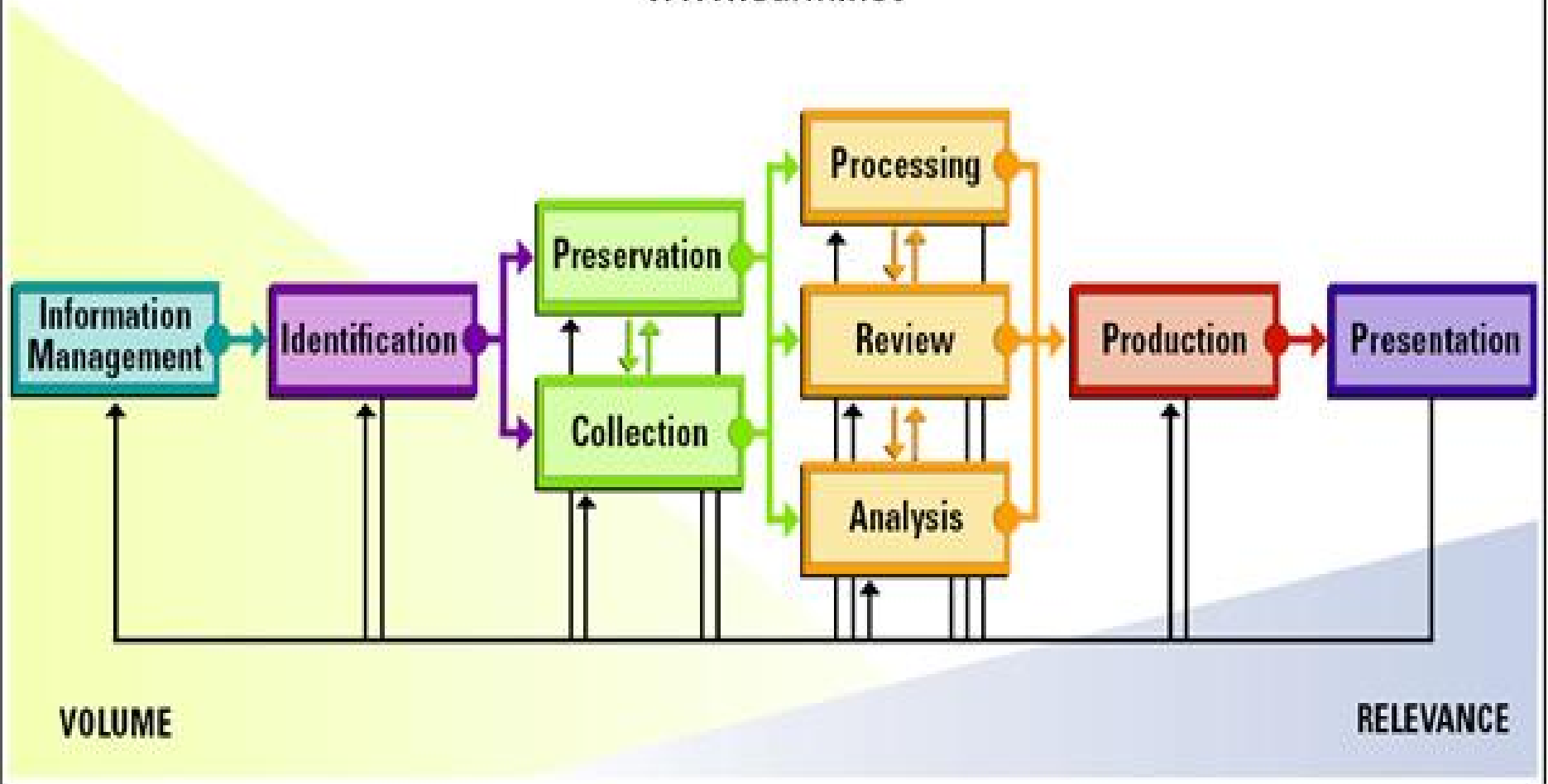
- More routines, fewer emergencies
- “Run it as if you own it”
- What in a name? Workflow, Standards, Processes, Guidelines, Practice Aids
- 6 Steps to an Effective Workflow Program

Step 1.
EDUCATE

UNDERSTAND

Electronic Discovery Reference Model

www.edrm.net



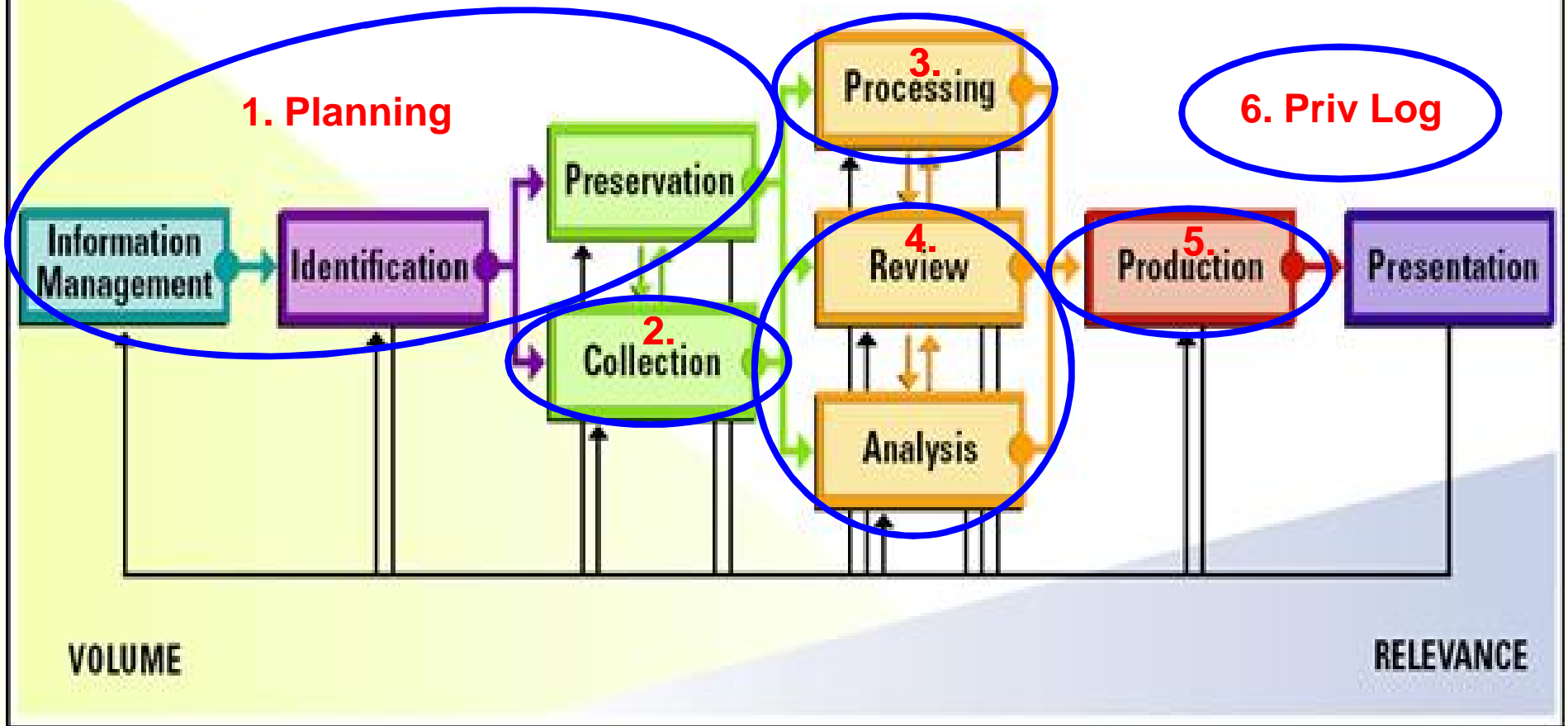
VOLUME

RELEVANCE

SIMPLIFY

Electronic Discovery Reference Model

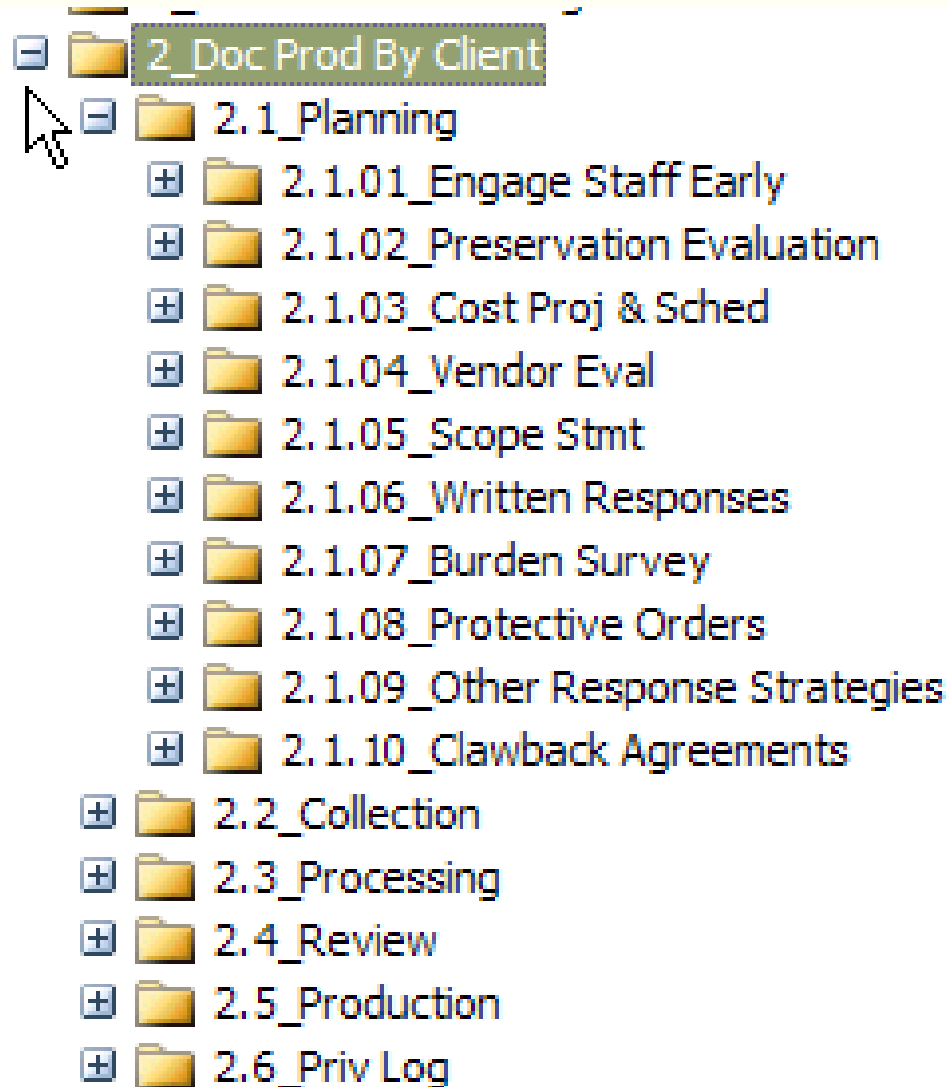
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PREPARE TOOLS & ORGANIZE

- [-]  90001-04000 - Firm-Forms
 - [-]  1_Playbook (CSS) 
 - [+]  .Introduction
 - [+]  1_Case File & Team Mgmt
 - [+]  2_Doc Prod By Client
 - [+]  3_Doc Prod To Client
 - [+]  4_Law & Motion Support
 - [+]  5_Depo Support
 - [+]  6_Fact Analysis
 - [+]  7_Trial Support

PREPARE TOOLS & ORGANIZE



PREPARE TOOLS & ORGANIZE

Shortcut in FileSite
Shortcut in FileSite

2_Doc Prod By Client

- 2.1_Planning
 - 2.1.01_Engage Staff Early
 - 2.1.02_Preservation Evaluation
 - 2.1.03_Cost Proj & Sched
 - 2.1.04_Vendor Eval
 - 2.1.05_Scope Statement
 - 2.1.06_Written Responses
 - 2.1.07_Burden Survey
 - 2.1.08_Protective Orders
 - 2.1.09_Early Mtg / Other Contac
 - 2.1.10_Clawback Agreements

2.1.03_Cost Proj & Sched		
Edit Time	Author	Description
Mon 4/13/2009 8:44 AM	BESTRS	.BCKGRND--Worksheet-CostProj&Sched
Mon 4/13/2009 8:43 AM	BESTRS	.BCKGRND--Model-CostProj&Sched
Tue 2/17/2009 10:29 AM	BESTRS	.TRAINING--Slideshow-CostProj&SchedModel
Mon 1/26/2009 10:01 AM	BESTRS	.BCKGRND--BillRates2009
Mon 1/26/2009 10:00 AM	BESTRS	.BCKGRND--BillRates2008
Wed 11/12/2008 4:05 PM	BESTRS	.PLAY--Cost Proj & Sched
Wed 11/12/2008 4:02 PM	BESTRS	.BCKGRND--SampleUpdateReport

PREPARE TOOLS & ORGANIZE

Name: 2.1.3 Cost Projection & Scheduling Context: 2.1 Doc Prod By Client / Planning

Summary: Client production projects, whether large or small, typically involve at least several major phases, one or more vendors and multiple personnel. With discovery costs being dominated by review expense, personnel running such projects should analyze suggested approaches via the Firm's Cost Projection & Scheduling model. The discipline of modeling helps identify major cost drivers and set letterhead and client expectations about cost, timing and workflow. Use of the model also encourages early discussion about alternatives and provides project management structure during execution.

Contact Info: Kim McKay, Glenn Shubb, Ron Best, Bill Travis. E-mail: **SUPPORT** for staffing.

Considerations: The expense of preparing a project model is no more than a few hours of billable time. Once built, the model provides cost and time projections that can vary by assumption, documentation of key early assumptions, a framework for examining alternatives and changes, and a project management report for personnel running projects to identify, assess and escalate any significant deviations. The model has been in use by the CSS team since 2006 and is continually updated to improve accuracy.

Model Phases: Document productions have many moving parts (see www.edrm.net), which are simplified in the model to six major project phases:

- → (1) Planning → → → → (4) Review
- → (2) Collection → → → → (5) Production
- → (3) Processing → → → → (6) Privilege Log

These six phases mirror the organization of the CSS Playbook on recommended production approaches.

Model Features: With many large, complex production projects at the Firm, the model is designed for flexibility and analysis, with the following features:

- (1) Standards - information about industry norms on key cost drivers.
- (2) Assumptions - ability to document inputs.
- (3) Variable Inputs - ability to change drivers and see the effect on phase and overall cost.
- (4) High-Low - can display a range based on different assumptions.
- (5) Scenarios - can run 2 different High-Low scenarios at a time.
- (6) Summary Report - linked high-level report with charts for letterhead/client use.
- (7) PM Form - linked report of all key assumptions for managers to track during project execution.

Step 2.

ASSIGN

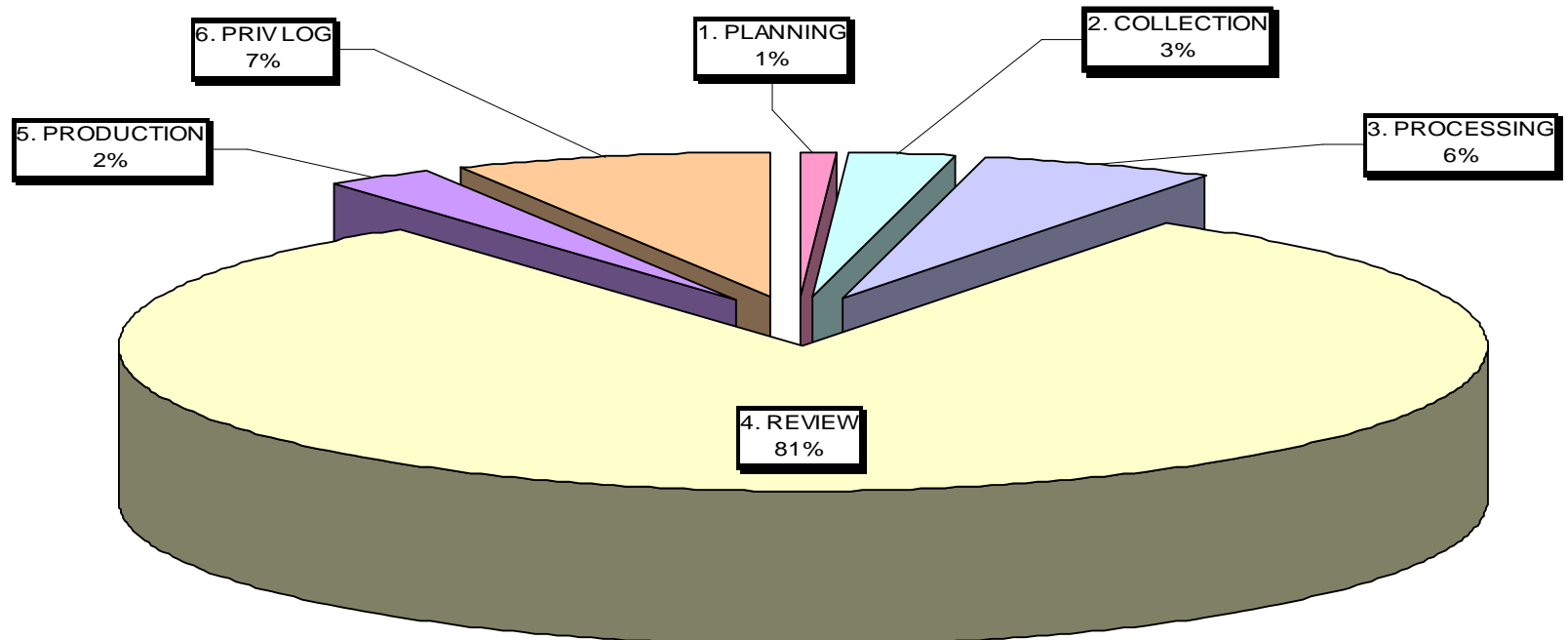
Step 3.

PLAN

PLANNING -- COST

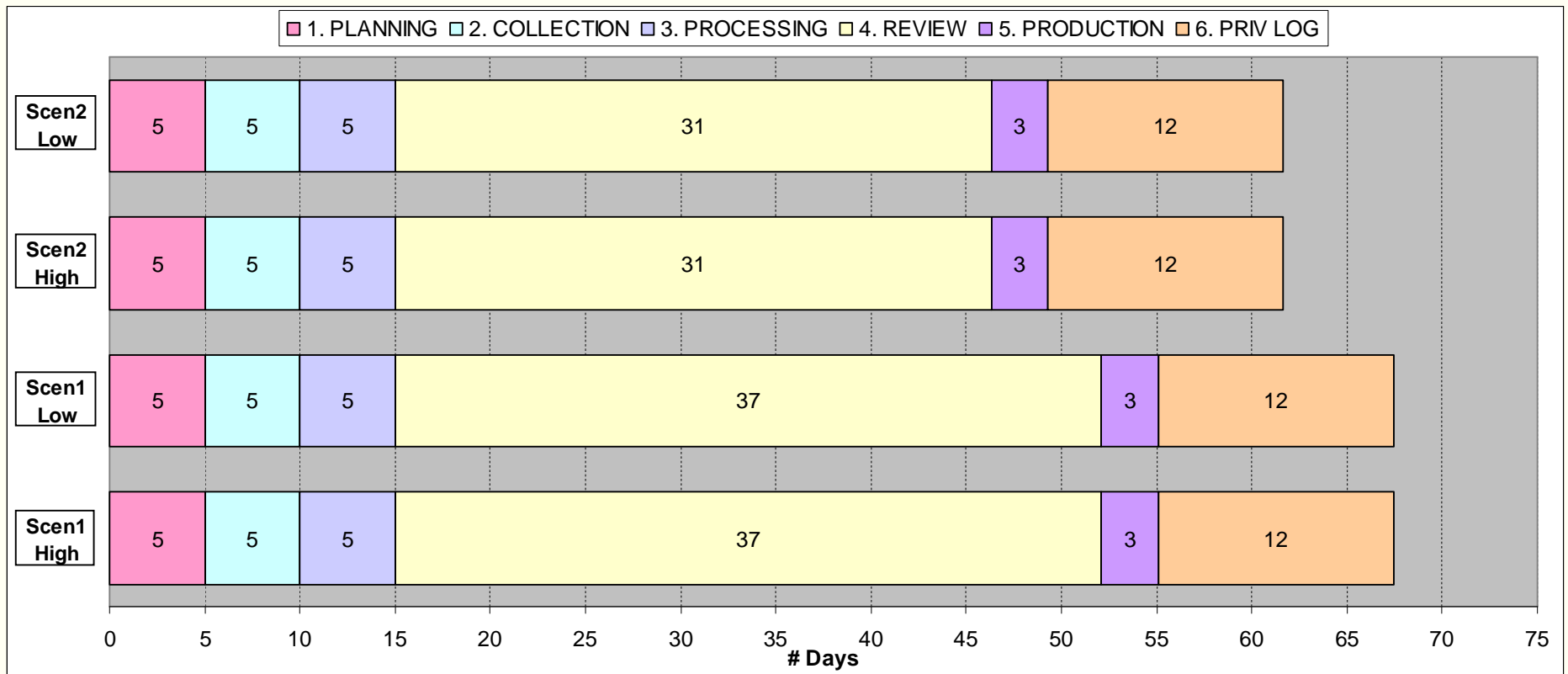
	A	B	C	D	E	F	G	H
1	CLIENT - MATTER (00000-00000)							
2	SUMMARY #1 -- COST BY PHASE							
3		\$727,486	\$727,486	Total Cost Estimate			\$611,360	\$611,360
4	PROJECT PHASE	Scen1-High	Scen1-Low	PRIMARY COST DRIVERS			Scen2-High	Scen2-Low
5	1. PLANNING	\$5,250	\$5,250	DRIVERS: (1) # Days, (2) Hrs per Day, (3) Bill Rate			\$5,250	\$5,250
6	2. COLLECTION	\$18,550	\$18,550	DRIVERS: (1) # Custodians, (2) GB per Custodian, (3) Time & Rate To Collect			\$18,550	\$18,550
7	3. PROCESSING	\$40,539	\$40,539	DRIVERS: (1) Hit Rate From Filtering, (2) Processing Cost Per GB, (3) Paper Vol, Process, Cost			\$40,539	\$40,539
8	4. REVIEW	\$590,755	\$590,755	DRIVERS: (1) Review Levels & Volume, (2) Pace, (3) Bill Rate, (4) Resp/Priv Rates, (5) Proj Mgr			\$474,628	\$474,628
9	5. PRODUCTION	\$17,990	\$17,990	DRIVERS: (1) Volume			\$17,990	\$17,990
10	6. PRIV LOG	\$54,403	\$54,403	DRIVERS: (1) Volume, (2) Pace, (3) Bill Rate			\$54,403	\$54,403

DOC PROD PROJECT -- COST PERCENT BY PHASE



PLANNING -- TIME

	A	B	C	D	E	F	G	H
1	CLIENT - MATTER (00000-00000)							
2	SUMMARY #1 -- COST BY PHASE							
3		\$727,486	\$727,486	Total Cost Estimate			\$611,360	\$611,360
4	PROJECT PHASE	Scen1-High	Scen1-Low	PRIMARY COST DRIVERS			Scen2-High	Scen2-Low
5	1. PLANNING	\$5,250	\$5,250	DRIVERS: (1) # Days, (2) Hrs per Day, (3) Bill Rate			\$5,250	\$5,250
6	2. COLLECTION	\$18,550	\$18,550	DRIVERS: (1) # Custodians, (2) GB per Custodian, (3) Time & Rate To Collect			\$18,550	\$18,550
7	3. PROCESSING	\$40,539	\$40,539	DRIVERS: (1) Hit Rate From Filtering, (2) Processing Cost Per GB, (3) Paper Vol, Process, Cost			\$40,539	\$40,539
8	4. REVIEW	\$590,755	\$590,755	DRIVERS: (1) Review Levels & Volume, (2) Pace, (3) Bill Rate, (4) Resp/Priv Rates, (5) Proj Mgn			\$474,628	\$474,628
9	5. PRODUCTION	\$17,990	\$17,990	DRIVERS: (1) Volume			\$17,990	\$17,990
10	6. PRIV LOG	\$54,403	\$54,403	DRIVERS: (1) Volume, (2) Pace, (3) Bill Rate			\$54,403	\$54,403



Step 4.
TRACK

Step 5. RED FLAG VARIANCES

**(immediately . . .
. . . really!!!)**

Step 6.
FEEDBACK

SUMMARY-- 6 STEPS FOR EFFECTIVE WORKFLOW

- (1) **Education** - (a) learn the EDD workflow, understand the major steps and issues; (b) simplify for modeling; (c) prepare and organize tools
- (2) **Responsibility** - assign a manager for each project; people drive success
- (3) **Planning** - (a) define and outline approach, by phase, (b) prepare cost information, (c) prepare timing information, (d) circulate for risk assessment, comments, modification and approval or consensus
- (4) **Tracking (routine execution reporting)** – (a) monitor all key who, what, when, where why, how info; use standard logs by same phase as planning
- (5) **Raise Red Flags (exception reporting)** - escalate all key variances from plan, particularly if involve known cost drivers; reassess risk/cost
- (6) **Feedback** - (a) for project, improve plan; (b) for process, improve tools

BEST PRACTICE #2

Measure to Manage – Proj. Model

- “If you can’t measure it, you can’t manage it.”
[Peter Drucker]
- Review and Select Alternatives
- Project Costs & Time – Model vs. Budget
- Early Case Assessment – Data, Sampling, Merits

Model vs. Budget

- Dynamic predictor
- Designed for ongoing updates
- Explicit inputs and variables
- Review periodically and revise
- Roll with reality
- Stay ahead of major variances
- Static statement
- Immediately out of date
- Padding (for uncertainty)
- Rebudgeting expensive
- Set it . . . and forget it!
- Point fingers later

GETTING STARTED – PROJ MODEL

- (1) **Understand** - Learn the EDD workflow
- (2) **Simplify** - Distill for discussion/use with attys, add value
- (3) **Build** - ID cost drivers (attached), construct financial model, add summaries, reports, charts
- (4) **Test** - Find flexible users willing to try and give feedback
- (5) **Train** - ID who will use, teach them, practice, oversee use
- (6) **Deploy** - Use, integrate with project mgmt, improve with experience

UNDERSTAND

Electronic Discovery Reference Model

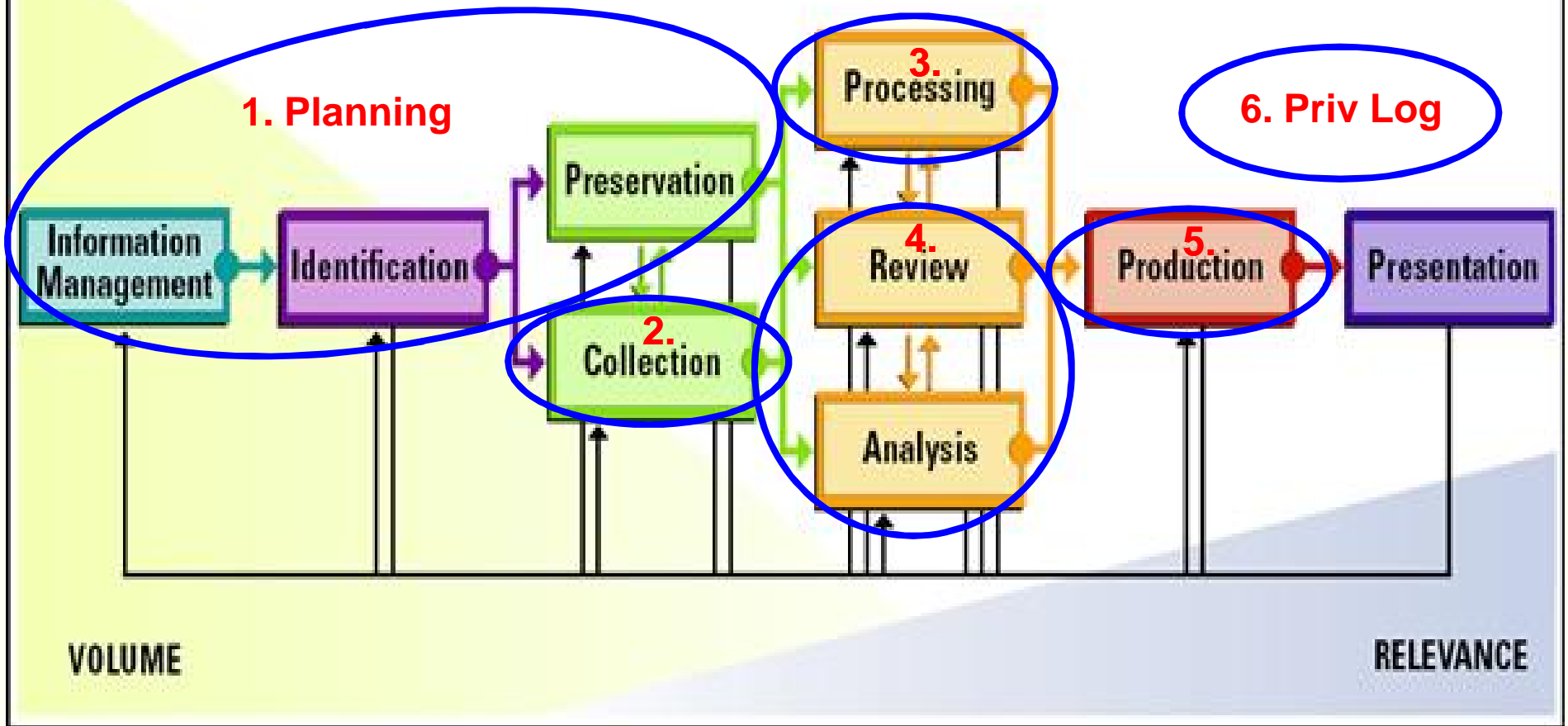
www.edrm.net



SIMPLIFY

Electronic Discovery Reference Model

www.edrm.net



BUILD

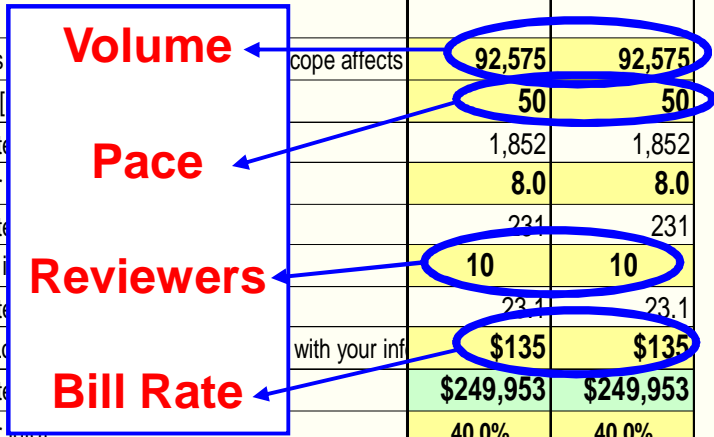
	A	B	C	D	F	F	
1	CLIENT - MATTER (00000-00000)					SCENARIO#2	
2	DOC. PROD. COST EST. & SCHED. / PROJECT OUTLINE					KEY ASSUMPTIONS & COST INFORMATION	
3		\$727,486	\$727,486	Total Cost Estimate	\$611,360	\$611,360	
4	Doc Prod Project Step	Scen1-High	Scen1-Low	Explanation of Assumptions & Results -- IMPORTANT INFO!!	Scen2-High	Scen2-Low	
5	1. PLANNING	\$5,250	\$5,250		\$5,250	\$5,250	
6	PHASES	HIGH-LOW		ASSUMPTIONS			
7	# Days	5	5	input; xx per xxx [replace with your info]; [std 5 days, range 4 - ?? depending on scope and complexity]	5	5	
8	Hrs per day	3.0	3.0	input; estimate per case team; [replace with your info]	3.0	3.0	
9	Avg Bill Rate	\$350	\$350	input; xx per xxx; [replace with your info]; [Std \$350 blend between staff and case atty]	\$350	\$350	
10	Planning Costs	\$5,250	\$5,250	calculated	\$5,250	\$5,250	
11	2. COLLECTION	\$18,550	\$18,550		\$18,550	\$18,550	
12	# Days	5	5	input; xx per xxx [replace with your info]; [std 5 days, range 4 - ?? depending on scope and complexity]	5	5	
13	Custodians (Group1)	11	11	input; per [insert person or info; reference detail]	11	11	
14	E-file GB per Custod.	5.0	5.0	input; approx. average; [replace with your info]	5.0	5.0	
15	Paper Boxes per Custod.	0.5	0.5	input; estimate .5 box per xxx; [replace with your info]	0.5	0.5	
16	Custodians (Group2)	2	2	input; source #2; [replace with your info]	2	2	
17	E-file GB per Custod.	3.0	3.0	input; [replace with your info]	3.0	3.0	
18	Paper Boxes per Custod.	0.5	0.5	input; estimate .5 box per xxx; [replace with your info]	0.5	0.5	
19	Custodians (Group3)	1	VARY	input; source #3; [replace with your info]	1	1	
20	E-file GB per Custod.	2.0	2.0	input; [replace with your info]	2.0	2.0	
21	Paper Boxes per Custod.	0.5	0.5	input; estimate .5 box per xxx; [replace with your info]	0.5	0.5	
22	Custodians (TOTAL)	14	14	calculated	14	14	
23	Total E-File GB	63.0	63.0	calculated	63.0	63.0	
24	Pgs per GB	70,000	70,000	input; std 65,000 - 75,000 (e-mail alone could go up to 100,000)	70,000	70,000	
25	Pgs per e-file Record	10.0	10.0	input; std 9 - 11 for e-files (can vary widely)	10.0	10.0	
26	Pgs per Paper Doc	4.0	4.0	input; std 3.5 - 4.0 for paper	4.0	4.0	
27	Pgs per Box	2500	2500	input; std 2500	2500	2500	
28	E-File Pgs	4,410,000	4,410,000	calculated	4,410,000	4,410,000	
29	E-File Records	441,000	441,000	calculated	441,000	441,000	
30	E-File Boxes	1,764	1,764	calculated	1,764	1,764	
31	Paper Pgs	17,500	17,500	calculated	17,500	17,500	
32	Paper Records	4,375	4,375	calculated	4,375	4,375	
33	Paper Boxes	7	7	calculated	7	7	
34	Collection Costs	\$18,550	\$18,550	input; 2 hours atty time @ \$425, 1 hr consultant @\$325, 1 hr par @ \$150 per custodian; [replace with your info]	\$18,550	\$18,550	

BUILD -- Processing

	A	B	C	D	E	F
34	3. PROCESSING	\$40,539	\$40,539		\$40,539	\$40,539
35	# Days	5	5	input; xx per xxx [replace with your info]; [std 5 days, range 4 - ?? depending on scope and	5	5
36	E-FILES					
37	% Hit Rate From Culling	20.0%	20.0%	input; varies widely based on collections [insert detail, can model Sys File, Expansion and De	20.0%	20.0%
38	GB Loaded to Review Tool	12.6	12.6	calculated	12.6	12.6
39	E-File Pages Loaded	882,000	882,000	calculated	882,000	882,000
40	E-File Records Loaded	88,200	88,200	calculated	88,200	88,200
41	E-File Boxes Loaded	353	353	calculated	353	353
42	Record Detail Group1	77,000	77,000	calculated	77,000	77,000
43	Record Detail Group2	8,400	8,400	calculated	8,400	8,400
44	Record Detail Group3	2,800	2,800	calculated	2,800	2,800
45	Load Fees	\$0	\$0	input; not used, included in ALS Project Supervision and QC	\$0	\$0
46	Processing Fees	\$33,320	\$33,320	input; xxx on-line review with special pricing (\$400/custodian and \$2200/gb); [confirm terms	\$33,320	\$33,320
47	TOTAL E-File Processing	\$33,320	\$33,320	calculated	\$33,320	\$33,320
48	PAPER					
49	% of Paper to Process	100.0%	100.0%		100.0%	100.0%
50	Pgs	17,500	17,500		17,500	17,500
51	Docs	4,375	4,375	calculated	4,375	4,375
52	Scan/OCR per pg	\$0.150	\$0.150	input; \$0.15 per [insert person/vendor] (\$0.12 scan, \$0.03 OCR); [replace with your info]	\$0.150	\$0.150
53	Scan/OCR Cost	\$2,625	\$2,625	calculated	\$2,625	\$2,625
54	Objective Coding per doc	\$0.850	\$0.850	input; \$0.85 per doc per [insert person/vendor]; [replace with your info]	\$0.850	\$0.850
55	Objective Coding Cost	\$3,719	\$3,719	calculated	\$3,719	\$3,719
56	Vendor Load Fee per page	\$0.050	\$0.050	input; per xxx to load to review tool; [replace with your info]	\$0.050	\$0.050
57	Load Fees	\$875	\$875	calculated	\$875	\$875
58	TOTAL Paper Processing	\$7,219	\$7,219	calculated	\$7,219	\$7,219

BUILD -- Review (First Level)

	A	B	C	D	E	F
59	4. REVIEW	\$590,755	\$590,755		\$474,628	\$474,628
60	E-File records to review tool	88,200	88,200	linked input	88,200	88,200
61	Paper docs to review tool	4,375	4,375	linked input	4,375	4,375
62	Total Records	92,575	92,575	calculated	92,575	92,575
63		\$7.86	\$7.86	calculated; TOTAL COST PER RECORD	\$6.60	\$6.60
64	E-File pages to review tool	882,000	882,000	linked input	882,000	882,000
65	Paper pages to review tool	17,500	17,500	linked input	17,500	17,500
66	Total Pages	899,500	899,500	calculated	899,500	899,500
67		\$0.81	\$0.81	calculated; TOTAL COST PER PAGE (given pg/doc assumpt.)	\$0.68	\$0.68
68	Total boxes to review	353	353	linked input	353	353
69	REVIEW -- Level 1					
70	Review 1 - Record Qty	92,575	92,575	calculated input; 1st-Lev. Rev. 100% of all e-files	92,575	92,575
71	Pace Records/Hr	50	50	input; estimate per case team (need to firm up); [50	50
72	Reviewer Hrs Needed	1,852	1,852	calculated	1,852	1,852
73	Hours per day	8.0	8.0	input; estimate per case team; [replace with your	8.0	8.0
74	Reviewer Days Needed	231	231	calculated	231	231
75	Reviewers	8	8	input; estimate per case team [replace with your i	10	10
76	Project Days Needed	28.9	28.9	calculated	23.1	23.1
77	Avg Hr Bill Rate	\$180	\$180	input; High/Low--\$180 for staff attorneys; Hi-2/L	\$135	\$135
78	Review 1 Cost	\$333,270	\$333,270	calculated	\$249,953	\$249,953
79	Resp. Rate (non-priv)	40%	40%	input, estimate per case team; [replace with your info]	40.0%	40.0%
80	Responsive Records	37,030	37,030	calculated input	37,030	37,030
81	Responsive Pages	359,800	359,800	calculated input	359,800	359,800
82	Responsive Boxes	144	144	calculated	144	144
83	Priv. Rate	4.0%	4.0%	input; estimate per case team, average legal involvement [std 2.5%, range 1% - 5% given co	4.0%	4.0%
84	Privileged Records	3,703	3,703	calculated input	3,703	3,703
85	Privileged Pages	35,980	35,980	calculated input	35,980	35,980
86	Privileged Boxes	14	14	calculated	14	14



BUILD -- Project Management

	A	B	C	D	E	F
127	Review -- Proj. Mgmt.					
128	Project Supervision & QC	32	32	calculated input; estimate 110% of Level 1 review project days	25	25
129	Case Attorneys	1	1	input; xx per case team; [replace with your info]	1	1
130	Bill Rate	\$425	\$425	input; per case team; [replace with your info]	\$425	\$425
131	Hrs per day	5.0	5.0	input; estimate per case team; [replace with your info]	5.0	5.0
132	Additional Hours	0.0	0.0	input, not used (std: include travel, training; estimate)	0.0	0.0
133	LH-PM Cost	\$67,623	\$67,623		\$54,099	\$54,099
134	Staff Attorneys	1	1	input; xx per case team; [replace with your info]	1	1
135	Bill Rate			input; per case team; [replace with your info]	\$180	\$180
136	Hrs per day			input; estimate per case team; [replace with your info]	6.0	6.0
137	SA-PM Cost	\$34,368	\$34,368		\$27,495	\$27,495
138	Paralegals	1	1	input; xx per case team; [replace with your info]	1	1
139	Bill Rate	\$150	\$150	input; per case team; [replace with your info]	\$150	\$150
140	Hrs per day	7.0	7.0	input; estimate per case team; [replace with your info]	7.0	7.0
141	PAR-PM Cost	\$33,414	\$33,414	calculated	\$26,731	\$26,731
142	ALS Specialists	1	1	input; xx per case team; [replace with your info]	1	1
143	Bill Rate	\$150	\$150	input; per case team; [replace with your info]	\$150	\$150
144	Hrs per day	6.0	6.0	input; estimate per case team; [replace with your info]	6.0	6.0
145	ALS-PM Cost	\$28,640	\$28,640	calculated	\$22,912	\$22,912
146	TOTAL Proj Mgmt Cost	\$164,046	\$164,046	calculated	\$131,237	\$131,237

PLAYERS

#People

Rate

Hrs/Day

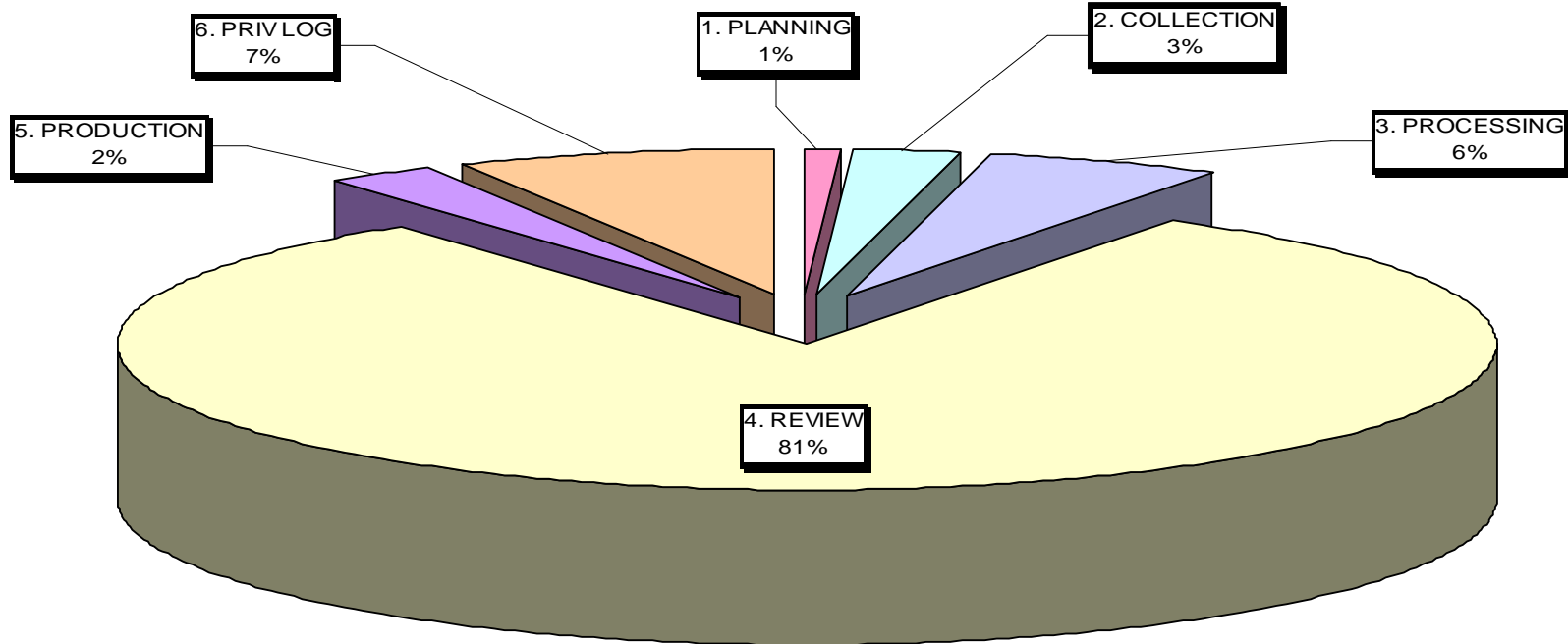
BUILD -- Production & Priv. Log

	A	B	C	D	E	F
147	5. PRODUCTION	\$17,990	\$17,990		\$17,990	\$17,990
148	# Days	3	3	input; xx per xxx [replace with your info]; [std 3 days, range 2 - ?? depending o	3	3
149	Responsive Pages	359,800	359,800	linked	359,800	359,800
150	Production cost per page	\$0.05	\$0.05	input; per ADI for branding and tiffing [need confirm]; [replace with your info]	\$0.05	\$0.05
151	Personnel Cost / Other Fees	\$0	\$0	input; included above in Proj Supervision & QC calculation	\$0	\$0
152	TOTAL Production Cost	\$17,990	\$17,990	calculated	\$17,990	\$17,990
153	6. PRIV LOG	\$54,403	\$54,403		\$54,403	\$54,403
154	Privileged Pages	35,980	35,980	linked	35,980	35,980
155	Privileged Docs	3,703	3,703	linked	3,703	3,703
156	% Reduced 2nd Level Review	60%	60%	input; estimate 60% for downgrades and non-responsive based on Levels 2c a	60%	60%
157	Privileged Docs For Log	1,481	1,481	calculated	1,481	1,481
158	Logging Pace docs/hr	5	5	input; typical std is 5; range from 2 - 10 (all phases incl.); [replace with your info]	5	5
159	Logging Hrs Needed	296	296	calculated	296	296
160	Hours per day	8.0	8.0	input; estimate; [replace with your info]	8.0	8.0
161	Logging Days Needed	37	37	calculated	37	37
162	Loggers (Staff Attorneys)	3	3	input; estimate; [replace with your info]	3	3
163	Project Days Needed	12	12	calculated	12	12
164	Avg Hr Bill Rate	\$180	\$180	input; estimate average rate; [replace with your info]	\$180	\$180
165	Personnel Cost	\$53,323	\$53,323	calculated	\$53,323	\$53,323
166	Export cost per page	\$0.05	\$0.05	linked input (same as 5. Production)	\$0.05	\$0.05
167	Processing Cost	\$1,079	\$1,079	calculated	\$1,079	\$1,079
168	TOTAL Privilege Log Cost	\$54,403	\$54,403	calculated	\$54,403	\$54,403

BUILD -- Atty/Client Cost Summary

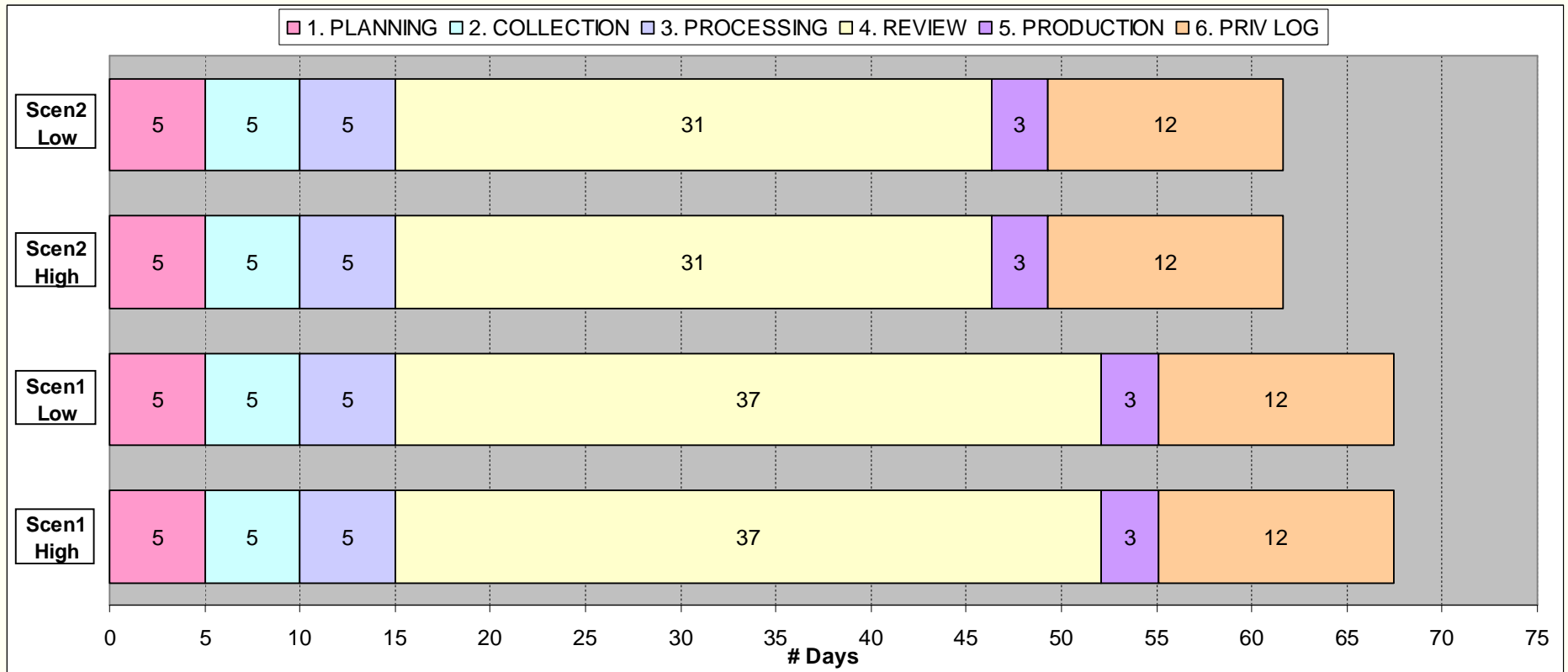
	A	B	C	D	E	F	G	H
1	CLIENT - MATTER (00000-00000)							
2	SUMMARY #1 -- COST BY PHASE							
3		\$727,486	\$727,486	Total Cost Estimate			\$611,360	\$611,360
4	PROJECT PHASE	Scen1-High	Scen1-Low	PRIMARY COST DRIVERS			Scen2-High	Scen2-Low
5	1. PLANNING	\$5,250	\$5,250	DRIVERS: (1) # Days, (2) Hrs per Day, (3) Bill Rate			\$5,250	\$5,250
6	2. COLLECTION	\$18,550	\$18,550	DRIVERS: (1) # Custodians, (2) GB per Custodian, (3) Time & Rate To Collect			\$18,550	\$18,550
7	3. PROCESSING	\$40,539	\$40,539	DRIVERS: (1) Hit Rate From Filtering, (2) Processing Cost Per GB, (3) Paper Vol, Process, Cost			\$40,539	\$40,539
8	4. REVIEW	\$590,755	\$590,755	DRIVERS: (1) Review Levels & Volume, (2) Pace, (3) Bill Rate, (4) Resp/Priv Rates, (5) Proj Mgr			\$474,628	\$474,628
9	5. PRODUCTION	\$17,990	\$17,990	DRIVERS: (1) Volume			\$17,990	\$17,990
10	6. PRIV LOG	\$54,403	\$54,403	DRIVERS: (1) Volume, (2) Pace, (3) Bill Rate			\$54,403	\$54,403

DOC PROD PROJECT -- COST PERCENT BY PHASE



BUILD -- Timeline Summary

	A	B	C	D	E	F	G	H
1	CLIENT - MATTER (00000-00000)							
2	SUMMARY #1 -- COST BY PHASE							
3			\$727,486	\$727,486	Total Cost Estimate		\$611,360	\$611,360
4	PROJECT PHASE	Scen1-High	Scen1-Low	PRIMARY COST DRIVERS			Scen2-High	Scen2-Low
5	1. PLANNING	\$5,250	\$5,250	DRIVERS: (1) # Days, (2) Hrs per Day, (3) Bill Rate			\$5,250	\$5,250
6	2. COLLECTION	\$18,550	\$18,550	DRIVERS: (1) # Custodians, (2) GB per Custodian, (3) Time & Rate To Collect			\$18,550	\$18,550
7	3. PROCESSING	\$40,539	\$40,539	DRIVERS: (1) Hit Rate From Filtering, (2) Processing Cost Per GB, (3) Paper Vol, Process, Cost			\$40,539	\$40,539
8	4. REVIEW	\$590,755	\$590,755	DRIVERS: (1) Review Levels & Volume, (2) Pace, (3) Bill Rate, (4) Resp/Priv Rates, (5) Proj Mgr			\$474,628	\$474,628
9	5. PRODUCTION	\$17,990	\$17,990	DRIVERS: (1) Volume			\$17,990	\$17,990
10	6. PRIV LOG	\$54,403	\$54,403	DRIVERS: (1) Volume, (2) Pace, (3) Bill Rate			\$54,403	\$54,403



COST MODEL -- MAJOR DRIVERS

PLANNING	COLLECTION	PROCESSING	REVIEW	PRODUCTION	PRIV LOG
Data Assessment Time & Rate	Number of Custodians	% E-Files and Paper Collected to Process	% E-files and Paper Processed to Review	% E-file and Paper Volume to Produce	Volume of Priv. Docs
Preservation & Hold Time & Rate	GB/Pages per Custodian	E-File & Paper Doc Counts & Pages	Level 1 Review - Doc Quantities	Production Cost per Doc or Page	Downgrade Rate
Budget Prep Time & Rate	Avg Pgs per GB	Fees for E-file Analytics & Processing	Level 1 - Pace, Hrs/Day, # Review, Bill Rates	Branding Fees per Doc or Page	Logging Pace
Vendor Eval Time & Rate	Avg Pgs per E-File & Paper Doc	Fees for Paper Scanning and OCR	Output -- %Resp, %Non Resp, %Priv	Personnel Costs	Hrs per Day and # of Loggers
Plan Preparation Time & Rate	Box Equivalents	Fees for Paper Objective Coding	Level 2 & 3 Review - same variables	Other Fees	Bill Rates
Formal Response Coordination Time & Rate	Interview/Collection Time & Rate per Custodian	Fees for Paper Load to Review Tool	(d) Proj. Mgmt - Type & #Staff, Time, Rates		Processing Costs per Doc or Page

COST MODEL -- USEFUL FEATURES

- (1) Phases** - Organize model and roll subtotals by project phase; incl. Proj. Mgmt.
- (2) Standards** - Try to build in standards or best practice info
- (3) Assumptions** - Need to be able to record “why” on key drivers
- (4) Vary Inputs** - Build so can vary one input to see effect
- (5) High-Low** - Build to display a range side-by-side
- (6) Scenarios** - Helpful if can run two separate scenarios
- (7) Summary Reports** - Build to include linked high-level summaries
- (8) Proj. Mgmt Worksheet** - Use assumptions to drive PM workflow

BEST PRACTICE #3

Create Vendor Partnerships

- Perfect Client-Firm-Vendor Data Handoff's
- Perfect Chain-of-Custody Documentation
- Perfect Reporting
- Develop Value-Add Features & Sensible Pricing Models

BEST PRACTICE #4

Track & Respond

- “Protect the Process”
- **Execution Tracking:** Preservation, Collection Sets, Custodians, Sources, Vendor Processing, Load Batches, Search Sets, Review Batches, Responsiveness Coding, Issue Coding, QC Batches, Productions, Clawbacks, Downgrades, L&M Exhibits, Depo Exhibits, Trial Exhibits
- **Exception Reporting:** Missing Acknowledgements, Collection Follow-Ups, Missing Custodians & Sources, Volume Overruns, Processing Failures & Exceptions, Excluded Search Material, Pending Review Items, Large Variances, Inadvertent Disclosure, Broken Families

Sample Collection Log Information

[CLIENT NAME - MATTER NAME (00000-00000) -- MTO COLLECTION LOG

NOTE: To insert new items, highlight row 5, right-click/select "Insert"

#	WHY?	LOG DATE	LOGGER	REQ BY	REQ DATE	CUSTODIAN	SOURCE	DESCRIPTION	DATE RANGE
21	InitDis	04/01/09	T. Mennett	J. Rantanen	4/1/09 7:42 PM	Doc+John	Exchange Server	all e-mail	1/1/04 - 12/31/08

ORIG LOCATION (network path)	ACTION (tracking)	STATUS (tracking)	COMMENTS
	COLLECT		

COLLECTED BY	MTO REY DB	MTO LOCATION

BEST PRACTICE #5

Keep the Goal in Mind

- Process of Lawyering – 4 Simple Things
- EDD Is About Getting the Facts
- How We Get Data Can Affect “The Story”
- Leverage Prior Work Product