Fitting a Solution to Meet the Needs of a Workflow In-House

Your law firm just purchased a license for e-discovery software. Now what? Software implementations can be a substantial challenge for a variety of reasons, including lack of executive buy-in, poorly defined requirements, gaps between software and business objectives, and underestimating the impact of change for end users.

These challenges can be mitigated with proper planning. Here are steps you can take to ensure your solution meets the needs of your workflow when implementing your solution in-house.

CONSIDER BUSINESS OBJECTIVES

Software implementation projects can become mired in unforeseen challenges, distractions and delays, so it's important to keep a high-level focus on the business objectives you are trying to achieve and to communicate them to stakeholders throughout the process. Define success with your stakeholders and the project team at the outset, and be transparent about project goals and how they will help measure and meet success criteria.

ESTABLISH PROJECT TEAMS

When assigning a project team, it is helpful to devote some members to implementation and documentation. These two teams should be tasked with setting project goals, timelines and milestones, and they should have the authority to move things forward and be flexible when appropriate. These teams also ideally involve members who assisted in evaluating the solution.

It is critical that IT be involved at the beginning of the process; they will have insight into how your project fits in with the many other projects on their plate. One way to solicit buy-in is to communicate how e-discovery can lessen IT's workload through more effective litigation hold assistance and/or data analytics.

Don't underestimate the need to select team members who have effective communication skills and who are adaptable to various stakeholders' preferences.

SET REALISTIC TIME FRAMES

Many organizations are overly optimistic when determining go-live dates despite possible limitations and unanticipated challenges. Monitor progress and interdependencies throughout the project to set and reset expectations as necessary.

DEVELOP A STRATEGIC TECHNICAL CHECKLIST

Following hardware specifications set forth in a vendor's installation guide seems like an obvious place to start in developing your technical checklist, but you should consider the specifications in relation to your goals. Your technical checklist — including your hardware acquisition and validation plan — will depend on your ultimate goal. If performance and accessibility are high priorities — and they usually are in e-discovery software implementation projects — your hardware specifications might go beyond the minimum vendor requirements. Understand what you really need to make the software perform well for and be accessible to all users, and update your checklist accordingly. It is useful to poll internal and external stakeholders — including key clients — at the outset of the project to identify and prioritize common objectives or to validate what you already know the system should support. Knowing this will inform your hardware acquisition and validation strategy. At the same time, be aware that security concerns might affect speed and accessibility. Be prepared to work closely with IT to troubleshoot and resolve issues as they arise.

CREATE PROCESS DESIGNS AND SPECIFICATIONS

Before thinking about your rollout, it is essential to develop your processes and specifications. As a first step, recognize how the new platform will affect your current processes. In some cases, you might introduce a new platform while using existing processing and production tools. However, many firms want to complete their updated processes and specifications before or while rolling out the platform. One approach is to develop and test specifications in a pilot case, whether using your own testing environment or a hosted environment in the vendor's data center. Consider workflows necessary for the litigation technology team and the end users. Decide team members' responsibilities, determine what might be missing in the current process, and decide what technical specifications can be developed for repeatability and defensibility.

Designing your process can be the most time-consuming and administratively burdensome part of a rollout. Prepare for this phase with the following in mind:

- **Build a Team:** Select a process development team with a strong lead. The team should include stakeholders who bring various perspectives, including litigation support, project management, associates, review attorneys, IT and data analysts/loaders.

- **Keep Things Moving:** Maintaining momentum is easier said than done since one of the most challenging tasks in implementing a new solution is working with team members who could have overriding case demands.

- **Keep It Simple:** Start with a high-level workflow and progressively break down the pieces into bite-sized chunks to avoid instituting a process that is overly complex. Avoid trying to account for every possible scenario. Focus on a process that is likely to address 80 percent of your needs. Don't get lost chasing down the 20 percent of "what ifs."

SHOULD YOU RUN A PILOT TEST CASE?

Finding workflow issues *after* a formal software rollout can cause backtracking, redos and headaches. Many law firms run a pilot test first to verify that the implementation is ready for a full rollout. A pilot run gives the firm an opportunity to discover previously unknown issues and tweak workflows before introducing the platform to the entire firm.

If you elect to conduct a pilot test, consider the following to find a suitable case that will provide an opportunity to learn the process "in practice" while trying to avoid extreme time pressures or complexities:

- **Data Volume:** Determine the ideal data volume for your pilot. If too small a document population, you might not get a true test. If too large, you could find yourself buried in time commitment and workload.

- **Data Types:** Know which types of data you need to work with during the pilot. Are all email messages sufficient or do you also need loose files? What format of email is best for the pilot? Should you include scanned paper?

- **Case Deadlines:** If you have tight or non-negotiable production deadlines, find another test case. However, you will likely want to test production materials as part of your pilot.

- **User Expectations:** Identify your ideal users for the pilot. A blend of case team users, including those who are tech-savvy and those less so, will likely provide the best real-world results.

Because problems could be much larger than you anticipate, a pilot affords you the opportunity to identify and resolve issues with processes or specifications that could be significantly more costly to fix with a wider rollout. A pilot also allows you to focus on a small group of users, so when changes are made, only those users are affected. You're also able to tweak training and support issues prior to a full implementation. ILTA

- **Document, Document, Document:** The documentation team should shadow the process development team and create form templates for all documentation so there is a consistent and structured standard for documentation. Keep the documentation simple and concise.

TEST, TEST, TEST

Your physical checklist should have you "kicking the tires" on all aspects of the software, including printing, saving documents and files, remote accessibility and performance. Create a staging environment in advance of production to test performance. A staging environment might not be as robust as the production environment, but it should flag any performance issues.

KNOW YOUR TOOLBOX

Project teams will benefit from understanding the tools on a deeper level than pressing buttons per the manual. Although training might be time-consuming, the team will develop a sixth-sense understanding of how the tool works, which will empower them to provide thoughtful and adaptable solutions.

DESIGN A TRAINING PROGRAM

Comprehensive training of the litigation technology teams, including IT, can greatly improve the success of your implementation. Determine what you are trying to achieve with training. Most platforms are fairly intuitive — even to those who are less tech-savvy — so a linear review without the use of analytics can be demonstrated and retained by most users in a short amount of time.

If users are searching and using advanced analytics to prioritize a review, a training program that shows all functionality at once can be overwhelming.

Offering refresher courses is one way for attorneys to learn more about the application as needed. Other training vehicles, such as on-demand webinars, user guides and "how to" videos, can offer users what they need without overwhelming them. Use materials created by your provider as your starting point and modify them to fit your environment and workflows.

JUST-IN-TIME TRAINING

Vorys elected to do just-in-time training on Viewpoint. As the litigation technology team brought users on board, the case was evaluated so functionality needs were understood. Training was limited to what they needed at the time and was conducted one-on-one deskside or via a webinar. This allowed the firm to adjust the training for each user and save the attorneys valuable time. Just-in-time training also saves the litigation technology team time because training programs do not need to be updated every time a new software release comes out. ILTA

DEVELOP YOUR USER SUPPORT MODEL

You will need to determine how you will provide ongoing user support for the platform before the rollout. Determine whether you will utilize internal resources, external resources or a combination of both. If you are planning to be the user support center, know your capabilities and resource availability (or constraints) ahead of time, understand what the platform provider offers and identify where gaps lie. Answer the following questions:

- Does support include email, phone calls, instant messaging, etc.?
- Is support provided 24/7 or only during business hours?
- Can remote access to a user's desktop be used for troubleshooting and demonstrations?

Create a "self-help" system such as a knowledge base or a list of frequently asked questions. Also consider what traditional support materials will be provided, including procedure manuals and quick reference cards.

CONTINUALLY IMPROVE AND FOSTER GROWTH

Imagine one year has passed since your rollout. How do you build upon initial success? There are several best practices that can be considered.

First, foster healthy ecosystems both internally and externally. Look to create a wave of enthusiasm for continuous improvement within the team and the firm. Create forums of exchange that focus on solutions, but avoid unnecessary complaining. Some examples of fostering that environment are technology expos, lunch-and-learn sessions and internal case studies.

Second, it is helpful to create a retrospective process so you and your team can build on lessons learned. Here are some specific actions you can take:

- Encourage your entire team to look for opportunities to improve processes, and solicit feedback on an ongoing basis. This includes deep-dive discussions with the

hands-on analysts to understand granular pieces of the process.

- Create a support forum that involves the process and documentation teams. Develop supplemental training and support materials based on user feedback, including an internal email alias for communicating issues. (But don't forget that nothing can replace face-to-face interaction and resolution when feasible.)
- Know when to escalate an issue to more experienced resources.
- Schedule regular discussions with your provider's development team and with fellow firms that have the application to discuss issues, recommend product enhancements and share best practices and workflows.
- Follow up with attorneys. Walk the halls of your firm to check on the overall experience and to identify trends and concerns.
- Incorporate feedback into your documentation. Consider consolidating and recording this feedback on a frequently asked questions page, and distill it into your standard documentation (including a refresh of internal forms and reports).

Third, don't underestimate the value of metrics. At a minimum, keep accurate tabs on your budget and review rates per hour to compare how long it takes to do a task now versus the time it used to take. These and other important metrics (*e.g.*, documents reviewed, gigabytes processed or pages produced per hour) will help you measure efficiency. Track attorney adoption as well, including the number of users and the number of cases involved. When designing your metrics, ask yourself what is most important for the attorneys to understand regarding the status of litigation support work on their cases from both timeline and completeness perspectives.

Finally, celebrate success. You and your team will deserve it. ILTA

BE THE CHANGE! ENSURE LONG-TERM USER ADOPTION

You've rolled out your review platform with robust workflows, training materials and support. Now how do you get users to adopt it and move away from the old way of doing things?

Years ago, when discovery was paper-based, the solution was to throw more bodies at the review. The more people you used, the more documents you could get through in a day to meet your production deadline. This model resulted in more billable hours and revenue for the firm. While this model shouldn't be in practice in the world of electronic information, it still plays out this way in many firms.

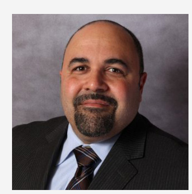
What can you do to help create a shift in this paradigm? One way is to prepare examples of quantifiable success. Keep them in your back pocket for when you need them. Another method is to develop a time and cost estimate up front. Showing attorneys how you can meet deadlines and how much money you can save the client in review costs by leveraging technology will encourage adoption. Also consider your users' cultural differences and views on technology. Getting lawyers comfortable with technology can measurably help with adoption. Finally, show your attorneys what other firms are doing. In general, law firms prefer to follow precedents while remaining competitive with their peers. ILTA

About the Author

Julie Brown is the Litigation Technology Executive Manager at Vorys, Sater, Seymour and Pease LLP. She has worked in legal technology for more than 20 years and currently manages Vorys' litigation technology department, which provides in-house support, training, processing, advanced analytics and production of e-discovery. Julie serves on ILTA's Litigation and Practice Support Peer Group Steering Committee, and she received ILTA's 2011 Distinguished Peer Award for Litigation and Practice Support. Contact Julie at jkbrown@vssp.com.

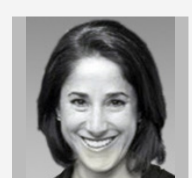
About the Author

Stephen Dooley is an experienced leader in developing teams and solution to address the practical needs of the discovery process. With over 20 years of industry experience, he currently manages the electronic discovery and litigation support department at Sullivan & Cromwell LLP. Stephen actively participates in supporting the growth and education of the legal community by serving as a Steering Committee member of ILTA's Litigation and Practice Support Peer Group and as a board member of ECALSM. Contact Stephen at dooleys@sullcrom.com.



About the Author

Rachel Teisch oversees global marketing for Xerox Litigation Services, the electronic division of Xerox, including the Viewpoint all-in-one e-discovery platform, OmniX hosted review, CategoriX technology-assisted review, managed review, consulting and professional services offerings. She has 15+ years of experience in marketing and business development, including over 10 years in e-discovery enterprise software and services. Prior to joining Xerox Litigation Services, Rachel was the head of global marketing for CloudShare, a cloud computing company. Contact Rachel at rachel.teisch@xls.xerox.com.



VORYS' APPROACH TO WORKFLOW DESIGN AND SPECIFICATIONS

There are different approaches to developing workflows and specifications. The litigation technology team at Vorys was tasked with identifying workflows within Lateral Data's Viewpoint. Each individual on the team was assigned an area on which to focus. Some areas included:

- Analyzing data and building a review strategy
- Building views
- Case set up and security
- Loading data and images
- Near-duplicate analysis
- Printing and saving documents
- Standardizing forms, fields and tags
- Redacting documents
- Relationship and domain analysis
- Using automation for review

The team's overall objectives included developing a workflow to create standard "views" (*i.e.*, folders of documents) in Viewpoint with consistent specifications, as well as a workflow for end users accessing standard views. The firm needed to:

- Establish a standard that could be implemented across cases, as standards increase user satisfaction and reduce training and support time

- Provide consistent end-user experiences with Viewpoint across cases while providing the flexibility some cases might require

Vorys developed specifications for its standard views and a workflow for litigation technology to set up views after processing or loading data. As part of this process, Vorys had to evaluate if its users needed different standards for different case sizes and determine how and when workflow could be automated through templates. Once the litigation technology standards and workflow were created, each member of the litigation technology team presented their recommended workflows and specifications to the rest of the team. Documentation was given to team members to see if they could follow it through to completion. If they could do so accurately, the documentation was deemed sufficient; if not, it was modified until it could be followed without additional direction.

This approach to workflow design worked extremely well for Vorys. ILTA

10 STEPS FOR A SUCCESSFUL ROLLOUT

1. Stay focused on your business objectives
2. Define success
3. Establish project teams and roles
4. Develop technical and physical implementation checklists
5. Design your process
6. Test the platform, your workflow and processes
7. Run a pilot using a live case
8. Develop a training program
9. Implement your user support model
10. Continually improve and foster growth in your organization

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