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How to Effectively Manage the E-Discovery Process in Complex Commercial Litigation

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by Kent J. Schmidt

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E-discovery has transformed the way we handle complex commercial litigation over the last 25 years. New technology brings emerging challenges as well as opportunities. In this episode, Dorsey Partners Kent Schmidt, Kate Johnson, and Dorsey Director of Knowledge Management/Innovation Caroline Sweeney discuss ways to manage expenses and burden of collecting, reviewing and producing massive amounts of e-discovery.

Transcript

Voiceover
Welcome to another episode of the SharkCast on litigation risks management where we explore why businesses are so frequently sued, and how to mitigate and navigate the dangers lurking in the risky waters. Join us now as we welcome our host Kent Schmidt, Litigation Partner at the law firm of Dorsey & Whitney.

Schmidt
Welcome SharkCast listeners. I'm very glad you joined us today for an interesting conversation on a matter that is pertinent to litigation management. One of the most critical steps in managing commercial litigation is addressing the topic of eDiscovery. eDiscovery is something that entails not just the production of documents and all types of formats of documents, including electronically stored information, but analyzing the documents, preparing for trial and deposition, figuring out where the gold mine is and to be able to manage the entire process. That is to say cases are sometimes won and loss

over documents and by extension the winner more often than not in commercial litigation is the party that has a better handle on ESI and understanding where the documents are and how to use the documents effectively in litigation. So to help me unpack some of these concepts relative to ESI, I've invited two longtime friends and colleagues, Kate Johnson and Caroline Sweeney. First, I'll introduce Kate Johnson. Kate and I have had an opportunity to work together on complex litigation over the years. It's a pleasure to welcome you not as a Co-counsel in the case, but as a friend and a guest on the podcast. Welcome aboard, Kate.

Johnson
Thanks so much for inviting me.

Schmidt
Thanks for being here. Caroline Sweeney is, I've also worked with her for many years and I'm not going to try to summarize exactly what Caroline does, but I'm gonna give you her title. Her title is director of Knowledge Management and Innovation. Caroline, can you give us a, what we call an elevator pitch, of what it is that you do at Dorsey in your capacity as Director of Knowledge Management and Innovation.

Sweeney
Sure, I'm happy to and thanks also for inviting me to participate in today's podcast, this is one of my favorite topics, as you know, so I'm eager to chat about it. I actually think of my position or my job as kind of having three integrated areas. Helping attorneys and staff identify expertise and resources so that we can more efficiently and cost effectively deliver services to clients. Then there's an innovation piece which has to do with evaluating, introducing and even developing applications that, innovative applications, that enhance client service delivery. And then finally there's the eDiscovery functionality which falls kind of under the actually both of these umbrellas and I have overall responsibility for our eDiscovery services, which entails everything from working with clients and legal teams at preservation, legal hold, all the way through to trial presentation. So lots of familiarity in dealing with a lot of different types of data and eDiscovery matters. So happy to talk more about that.

Schmidt
Excellent. Well, that sounds like a lot falls under that August title of yours. Today, what we'd like to do is first get an overview of the sort of life cycle or the timeline, if you please, of the eDiscovery process. Why don't we start with you, Caroline, how would you sort of divide the half dozen or so phases of an eDiscovery process from the very beginning of the case until the case is finally over, either through trial or settlement?

Sweeney
Sure. And actually, there's a very good visualization of this. If you were to go to edrm.com, I believe it is or .org. But the Electronic Discovery reference model, which really lays out what this process is, so you start if you will, on the left hand side of the EDRM, which is where we're doing identification and preservation and legal hold around potential data sources and then it moves into the processing, early data assessment, review and production of data, and then finally to the presentation and resolution of a

matter. So that kind of gives you the very, I would say very high level maybe in between you know between production and trial presentation. You also have the stage where I would say the attorneys, because now so much of the document review is done by contract attorney reviewers, right? But when you get postproduction, that's where I would say the legal team is really digging in and doing fact development and working with the document collection to really build out your case. And then of course the trial presentation piece of it.

Schmidt
Thanks for that overview. So now another way in which document review and ESI has changed is, it is often the case that the way these services are billed, the way clients pay for these services, is completely different than when we had 15 or 20 lawyers and paralegals at a client's offices, all billing by the hour. Generally speaking, what's the norm today in terms of billing for document review and ESI management?

Sweeney
Well, I would say that there still is hourly billing, but the push has been to reduce that hourly billing rate from a law firm associate or paralegal to a lower contract attorney rate. What we also see in the industry and is unique about what we do here at the firm is that we'll bill on a per document basis. And what I think our clients appreciate about that is that provides predictability. So once we have gone through that collection, processing, early data and analysis stage and we have identified, okay, this is the corpus of documents that we're actually going to be reviewing the client has an understanding of these are our per document cost and that predictability is something that I think is, is very much appreciated. So we see the per document pricing out in the market as well.

Schmidt
And you really couldn't do that with a hard copy document review. You can do that with electronic documents, so.

Sweeney
Yeah, it's definitely more, more challenging, but even nowadays you would typically take all that hard copy, to the extent that it even exists still, and turn it into electronics so that you can leverage the technology and these review platforms to facilitate the review process and then that can lend itself to the per document pricing at that point.

Schmidt
Very good. Kate, you had something to add?

Johnson
I was going to add that I have found that clients really appreciate with the per document pricing. Being able to give them a maximum spend. Once, once we know the total number of documents that we're going to have to review, there are a lot of things that we can do and I'm sure we'll talk about to reduce the total number of documents that we have to review.

Schmidt

Okay.

Johnson
But if we know the maximum number of documents, we can give them a cap or the maximum we expect to spend, and there's an opportunity to improve that. Rather than having a surprise…

Schmidt
Okay.

Johnson
…when the review ends.

Schmidt
Kate, you're one who manages large volume document review projects and also has the first line of communication with the in-house counsel, who is concerned about the process, but also concerned about the bottom line and how, how much it's going to cost. What are some ways in which you can give the client predictability and guidance on how to view the cost of ESI?

Johnson
Sure. So it really depends on what the project we're doing consists of and what we know about the documents. But in a standard litigated matter, we generally will know the maximum number of documents that we need to review based on the number of documents we've collected. And we can further refine that understanding through early data assessment and other techniques to get an understanding of how many documents we think we're going to have to review and as Caroline mentioned, we often do per document pricing for the document review. So then I am able to tell the client, here's the maximum we anticipate spending on the document review. We can improve on that by using various techniques to limit the number of documents we actually have to review at the end of the day, but it's not going to go above this number. And that's a level of predictability that can be really helpful to clients, if they're thinking about what they're going to spend on the litigation and how it's going to affect their bottom line.

Schmidt
Well, that's a good segue to the next topic I'd like to cover. So in our process, let's assume we gathered all the documents. We've started receiving documents from the other side, their document production. We've shaken the trees, so to speak, to make sure that we have all of the ESI from the client. And now we begin the process of trying to understand what we have, what we're going to produce, the good, the bad and the ugly in terms of our documents and their helpfulness in the case. And so, Kate, can you talk to us about how that process unfolds when you have literally hundreds of thousands of documents in various forms, but a lot of e-mail, of course. And you've got depositions on calendar, say, you know, 60 days out, there's no way possible to have someone review all of those documents, or even a small team. How do we go about understanding what documents we have and organizing them in a manageable system to be able to use them to the maximum benefit in litigation?

Johnson
Sure, so the, I think the thing that comes to mind for most people first is using search terms and using search terms is a very accepted way of managing documents. We've been using search terms as long as we've been doing electronic discovery, I think, and there are a lot of tools that help you develop good search terms. So you can do sampling and use various tools to make sure that you're using search terms that get you to the kinds of documents that you want. There are limitations to search terms, though. They don't always find the kind of context that you're looking for. People talk about things in unusual ways sometimes, so there are other tools that we can use as well, that can fall into the realm of what we call technology assisted review. And so that can look like actual predictive coding, where the computer tells you, I think these documents are responsive or meet some other criteria that you're coding on, or it can be something a little less certain, I suppose, in terms of using algorithms to help you identify likely responsive documents that you're then actually reviewing but the computer is helping you pull those documents to the front of your review so you don't spend two months reviewing documents and then at the end of your review, find the documents that actually matter. The goal is to bring them to the front of the review so that you see them early, and there are a number of ways to get to that point, but the tools are very effective at finding documents that you might be interested in, based on similar documents that you've coded and identified to the tool.

Sweeney
You can also utilize things like concept clustering. So once you start to locate the documents that are important, you can then have other documents in the population that you haven't looked on or that or you haven't looked at or that haven't hit on search terms to figure out; are we leaving documents behind or is there other, are there other documents that are also responsive based on the conceptual content of the documents? And Kate was referencing the technology assisted review. So, there's a number of other types of tools we can use, things like e-mail threading where you, you know, you might have a series of e-mails where there's a lot of back and forth between people and you can identify those and only review the most complete version of those e-mails, which can have a pretty dramatic effect on your document population. So there's a number, besides search terms in the predictive type of technology that Kate was mentioning and e-mail threading, there's a number of different tools that you can utilize to really narrow your population for review.

Schmidt
How often do you see parties exchanging search terms in terms of their search for responsive documents? Is that in your experience becoming more of the norm of increasing the likelihood that that's something that the court will require or others parties will insist upon?

Sweeney
In our experience, that is very standard, very typical that there is that transparency in terms of, these are the search terms and sometimes even exchanging, these are the number of documents that hit on those particular terms. And then that opens the way for

further negotiation in terms of, you know, this particular search term is bringing back thousands of documents and we might be able to refine it or we've sampled and we know that it's bringing back non-responsive content, can we drop it? So and courts are very supportive of that transparency, wouldn't you agree, Kate?

Johnson
That's right and I, in my litigated matters, have any number of ways that we handle search terms. I don't like negotiating search terms. I would rather tell opposing counsel, these are the search terms we used. If there are additional search terms you would like, let us know and we will look at those and see if we agree. As opposed to going back and forth to trying to reach agreement on what those search terms should be, which can be a protracted process that often doesn't come to a good result in terms of the effectiveness of the terms, but I think the Sedona Conference really promotes the idea of cooperative discovery. And my experience has been the more that you can communicate openly with opposing counsel about the foundational aspects of how you're getting them documents, the more you can avoid disputes down the line and discovery motions on issues that could have been resolved through cooperation and negotiation.

Sweeney
And avoid having a judge intervene and say, dictate, these are the search terms that you will use. That can also come back to kind of haunt you, I think.

Schmidt
Sure. Let's talk for a few minutes about some of the deliverables that have to come out of an ESI process. We've gotta often prepare a privilege log, which is a very tedious process. In California, we have a relatively new requirement of preparing an index for what documents are responsive to particular request for production. And the other thing that happens all the time, in my experience is, it's very helpful to have a binder of documents related to an upcoming deposition. So all the documents relating to this witness that we're going to depose in a couple of weeks so that we can do a very careful review and start selecting exhibits for that deposition. Kate, can you talk about how those deliverables are being prepared and produced in connection with complex litigation?

Johnson
Sure, so starting with privilege logs, there's the standard privilege log that I think a lot of us are used to, where you provide certain information about the document: who received it, who sent it, perhaps the subject line, the date and then you draft a description of the document and you try to provide enough information in that description. So opposing counsel can understand the basis for the privilege claim without revealing the substance of the privileged information itself. And as you referenced Kent, I think the process of drafting those descriptions can be incredibly time consuming and expensive and difficult to do in a way that is actually useful. My preferred privilege log these days is what we call a metadata log, and so you largely provide the same information, but you don't actually draft a description of the document and so we will export the metadata of the document, so all of the information that's stored about that document. So if it's an e-mail, the recipients, the sender, the subject line, the date, and then we include the basis for the

privilege claim, whether it's attorney-client privilege, work product, or some other privilege. And then opposing counsel can review that information, determine if there are entries that they need more information about to understand the privileged claim and request that information. I find that to be.

Schmidt
Does generate in an Excel spreadsheet?

Johnson
Exactly, yes. So we generate that in an Excel spreadsheet out of our document review database and it can be sent to opposing counsel with very, very little manipulation or effort beyond that. There's still a review process. We still do a second level privilege review to make sure we're sure of those privileged claims and have properly identified our privileged documents, but we're not taking the time to draft a vague description that is of very little used to anybody. I've found that to be a more efficient and effective way to explain the privilege. I often can tell more about a document on a privilege log based on the file name or the subject line of the e-mail, than I can tell from the description that an attorney has drafted.

Sweeney
We're seeing those become fairly commonplace and actually being addressed in kind of the ESI protocols that parties might exchange on how they're going to conduct discovery, eDiscovery and it's becoming a standard piece of that, those ESI protocols to utilize the metadata privilege log.

Schmidt
Another area I'd like to talk about is hiring contract lawyers to do nothing but review documents for extended period of time. That's become the norm for super high volume document productions. I've been on a number of cases where we've had a team of contract attorneys brought in for that purpose. Caroline, can you talk for a minute about how we essentially impart the complexities and nuances of a very complicated piece of commercial litigation to a team of document review specialists. So that they have enough knowledge about the case to start identifying what documents are responsive, relevant, helpful, particular to an issue, and can then produce a very helpful and usable work product.

Sweeney
Absolutely. So it's really all about project management. So as you alluded to earlier, one of the things that we require is to have the Kate or the lead attorney on the project or on the matter, draft a protocol, a review protocol giving some background on the case explaining who the parties are, the timelines, the issue. And then defining these are the categories of information we're going to be looking for. So typically, of course it's is this document responsive or non-responsive, is the document privileged or non-privileged and going through and giving the documenting for the reviewers, the criteria around those different categories of information that they're going to be looking for. Or tagging documents for. And it's also very commonplace to include things like issue codes, this document talks about these particular issue codes. Or we're flagging for witness kits so

that we can quickly pull together witness kits and what have you for depositions after the review. So what we'll do is we'll have that review protocol and then we'll bring the team together and we'll have the lead attorney walkthrough that protocol, explain it, answer questions from the document review team.

We'll also pull up sample documents and have the lead attorney walkthrough the sample documents and say now I would call this document responsive and this is why and this is how I would issue code it and this is why it's privileged or non-privileged. And that's all very standard when you're working with review vendors, when you're working with law firms that are employing similar methodology that we do. And then what we'll do is we'll give our contract attorneys a small batch of documents to review, once we've gone through the training and we'll release them for the day. And then we have legal team members go through and quality control and validate. And sometimes that leads to, gosh, we didn't explain this well enough. Or gosh, we're finding things in these documents that we hadn't anticipated, we need to revise our protocol. And then we come back together the next day, again with the legal team and the contract review team and we kind of go through that feedback and articulate any of the changes that we've needed to make to the protocol as a result of this process. And then it's essentially we move forward with conducting the review. Our standard operating procedure, and this is somewhat unique from talking to others in the industry, but our standard protocol is to utilize this what's called continuous act of learning. So as we are taking documents for responsiveness and non-responsiveness, the computer is also going out and saying, hey, we think these are the responsive documents here, look at these first and then when we find that there are differences between how the human reviewer and how the computer is reviewing a document or tagging a document, we'll escalate that to the legal team and have the legal team resolve that. So we go through that iterative process throughout the review and do that ongoing quality control.

Schmidt
That's an amazing technological backstop to, you know, what is I'm sure, good work to begin with, that just makes it go from, you know, good to great, very interesting how the human side and the artificial side interact like that.

Sweeney
Well, and I think that's so important to having a defensible process, right, because that way the legal team really does have oversight in terms of how the review is being conducted, what we're seeing in the review and understanding we're able to quickly escalate key documents, have them confirm key documents. So a very effective process, I agree.

Schmidt
Hey, let me ask you this because I know you've taken dozens and dozens of depositions over the years and you know how critical documents are to key depositions. How does this ESI process come to pay dividends when it comes time to take important depositions in a case?

Johnson

I think the starting point is being very thoughtful about the process that Caroline was just talking about, in terms of how you train the reviewers and what you ask them to do. Issue codes that you give them to apply or witness kit codes that you give them to apply. You can set yourself up for the next stages of the case in your initial document review for the case by thinking through what you are going to need and coding for those things in the first instance. And then you can use the coding that has been applied to find the key important documents, the documents that you can confront a witness with and get them to admit something that their employer does not want them to admit. And you can also use all of the technology that we've been talking about to find more documents like that. Because your case will change as you get through the documents, you start to understand the facts better. You understand the things that your client didn't know about or didn't appreciate the significance of at the moment, but once you're in the heat of litigation, you understand better. If you have a number of documents that are useful or important, you can leverage the technology options to locate other documents that are similar to that. In addition to just kind of standard looking at the documents that were in that person's possession. Sometimes it's a small enough number of documents that you can look at all of them. It usually isn't, and so that's when you're looking to use the technology to help you do that. And it can be very difficult to sort through the number of documents that we see in a lot of our litigated matters. But thoughtful planning at the start puts you in a good position to do that.

Sweeney

I was just going to say, I think so often we're in a hurry to, we've got to get this review going and we don't take that, people don't take that time upfront to really think through strategically how they can leverage the technology, how they can familiarize themselves and write a better protocol. And that's so important to the process.

Schmidt

We're talking about all types of tricks and double checks and so forth. Let me throw something out and see if either of you have ever done it. I'm gonna confess that I've done it from time to time when I am facing a huge bunch of documents and I'm just running a bunch of search terms, trying to figure out what's in there, every once in a while I'll just throw in a bunch of profanity in the search request. And you know what it's paid off. Here's a logic behind it. Sometimes when people are using profanity, it's when something that they're really mad or upset about something. And sometimes if you throw it in there, you will find that critical document that has escaped all the other search terms and there's more taking a look.

Sweeney

Standard…

Schmidt

I don't known have you ever done that before?

Sweeney

…Standard technique and investigations, yeah.

Johnson
Yeah. I have done that and I have also used variations on mistake or error or things like that. Very early in my career I had the pleasure of finding, during a random sample review, a document in which the opposing party described something they had done as one of the worst mistakes they've made in the history of the company. And you can be assured that we use that document a lot. Thinking through how people communicate and how they communicate when something has gone wrong is a really powerful way to think through creative ways to find documents that might otherwise not have much content but could be very useful.

Sweeney
And on a related note, there are other techniques like if you're working on a matter where someone left the company and you're trying to understand, were they sending proprietary information or taking proprietary information before they left the company. Or recruiting other sales people to come to their new company. Using things like social network analysis to see who is communicating with whom, you know, was Caroline Sweeney sending documents to carolinesweeney@gmail.com, that kind of stuff can be, you can cut to the chase very quickly with those types of tools to get the answers or start you on the path to getting the answers to the questions you have.

Schmidt
We talked a lot about how ESI has changed over the past 25 years or so. What's your prediction as to how things are going to change in the future? It seems like we can't talk about any topic in law or business today without talking about ChatGPT, which is the hot topic right now. You've talked about predictive coding. Where do you both see ESI going in the next decade or so?

Sweeney
Well, I can tell you that I've been at a few conferences in the last couple of months where we've been talking about the integration of ChatGPT, natural language processing into the eDiscovery process. I've been beta testing some tools that allow you to upload documents and have ChatGPT summarize what they tell you. I think there are going to be, and I don't think this is 10/15/25 years out, I think this is in the next five years. There are going to be some dramatic changes to how we utilize those technologies to conduct document review. You know, to be able to say to ChatGPT, I'm going to be deposing this individual. This is what the deposition is about. Help me find the documents that I want to use as exhibits and ChatGPT is going to be able to help you do that.

Schmidt
What do you think, Kate, you and I are going to be forced to an early retirement by ChatGPT, when it comes to eDiscover?

Sweeney
You're still needed.

Schmidt

Oh, thank you, I needed that.

Johnson
We should maybe invest in language learning models so that when we are put out of a job we'll have something to fall back on. You know, I too have been hearing of folks trying to train ChatGPT to, for example locate more difficult to identify privileged documents, where the privileged is contextual or, you know, work product is much harder to identify in a document collection than it's than a kind of a typical standard attorney-client privileged communication. I don't know how likely I think that is to be successful in the short term. But I think the way I have seen the technology evolve to be helpful to us in my 13 years of practice, I wouldn't be surprised to see improvements to the tools we have, certainly that can that can help us with things like identifying contextual or difficult to identify privilege as well. You know, I certainly have seen document review change drastically in the 13 years I've been practicing. I did start my career flying down to Texas to review, 1,000 bankers boxes of document. But I haven't done that in a very long time and I have really come to be an evangelist for things like continuous active learning after starting out incredibly skeptical of those technologies. I think the other thing that we're going to see, and we're already seeing is challenges and opportunities based on the way that people are communicating for business purposes these days. Particularly with the pandemic, we saw an explosion of use of chat platforms and other communication tools, Microsoft Teams, Zoom, things like that, that create their own challenges for eDiscovery. I think the technology often develops faster than the eDiscovery techniques to capture, review and collect that technology. And so I think we're going to continue to see that evolve.

Sweeney
I can think of two review platforms that have already introduced this and we're going to be introducing it shortly, but the ability to automatically categorize documents as they're loaded into the platform. So these are your e-mails. These are your invoices. These are PowerPoint presentations or strategic planning documents. So those changes are coming and that's going to have an impact on how we can organize and facilitate expedite review.

Schmidt
All very interesting. It'll be fascinating to watch this unfold before our very eyes. Well, that's about all the time we have to talk shop. But we've now come to the point and the podcast where we like to turn from discussing litigation, risk management and managing the litigation process and talk a little bit about you as individuals. So I'd like to ask you each if you have any hobbies or skills you'd like to learn in the next five years. If you're like me, you sometimes just feel they're not enough hours in the day. And if you had just a little more time, what would you like to tackle or learn or develop as a hobby in the next five years?

Sweeney
Well, I guess I have two existing hobbies that I feel like, you know, I love to read and I feel like I spend so much time business reading, that I don't get to read as much as I like

just for enjoyment. So I'm really trying to make an effort to get back on reading for fun. I love to travel. And as luck would have it, we have a daughter that is living in Italy and so that opens up opportunities and she's going to be living there since she's marrying somebody from Italy, she's going to be living there for a while, it seems.

Schmidt
What part?

Sweeney
Outside of Turin/Torino.

Schmidt
Oh, that's beautiful.

Sweeney
Yeah, it is very beautiful. So spending more time traveling and exploring, not just Italy itself but more of Europe. And then the other thing I really want to take up, I tried many, many years ago, I'm going to go back to it is golf. I feel like that would be a good hobby to have.

Schmidt
A little frustrating from time to time, but it's never a bad day.

Sweeney
Yeah, I don't know how successful it is, but we'll see.

Schmidt
Yeah, it's never a bad day when you have…

Sweeney
Good exercise if nothing else, right? Walking around on a golf course and fresh air.

Schmidt
Yeah, I took golf up fairly late in life, I think my early 40s. And was hot and heavy with it for a number of years, and then sort of got burned out and then, you know, go back and visit it from time to time just enough to get out there a few times a year.

Sweeney
Yeah, I have a brother and a son who are golf fanatics, and my husband also enjoys it. So I thought, okay, maybe it's time that I jump on this bandwagon.

Schmidt
Can't beat him, join them. How about you, Kate, what's on your horizon for tackling a new hobby or expanding an existing hobby?

Johnson
So one of the things I learned a few years ago was that I found it very therapeutic to have a hobby that I was bad at. I have spent my life quitting the things that I am bad at, if

I have decided that I will not get better at them and a few years ago I took a pottery class, I actually took a couple of pottery classes and I am terrible at throwing pots on a wheel. But I loved doing it because it didn't matter if I was good at it, it mattered that I was enjoying doing it. So my, I am not good at anything artistic at all, so my current plan is one of the things that I like to do pre pandemic was go to one of my local florist shops that offer classes on leaf making and they are no longer offering classes. They shut down the education component during the pandemic and decided not to resume it, but I think I have the basic mechanics down, so I've decided that I'm going to when I go out for a walk down by the river or out to a park, start to gather materials and see what I can do on my own. I am sure it will be hideous and I will find it therapeutic and satisfying.

Schmidt
Wow, that sounds amazing. So not just wreath making, but sourcing the original materials, not going to some store to buy the materials, but sourcing them yourself. That's pretty cool.

Johnson
That's, my theory is that maybe it will help me get out and go for a nice scenic walk more frequently. We'll see how long I keep it up though.

Schmidt
Well, you know, going back to what Caroline said, I think, I can't remember who was it said that golf is a walk ruined. So if, working for your weeds, I guess is a walk with even a greater purpose so.

Johnson
There you go.

Schmidt
That's great. Well, that's all the time we have for today, returning once again to our topic of managing ESI, let me ask you both to give really the last word. What's the one take away that you'd like the Shark Cast listeners to hear about ESI?

Johnson
I think from my perspective, early planning is the key to success, whether it is internally for a company planning how they're going to manage their data or whether it's at the start of a litigation and planning how you're going to handle your document review. That early planning pays off a great deal at the end of the day.

Sweeney
And I would say it's probably education and making sure that you're educated on what the options are, what the technology is, how you can apply that so that you can effectively manage any discovery project.

Schmidt
Caroline, Kate, thank you for joining us today. I enjoy the conversation from beginning to end and look forward to continue to work with you on various ESI and complex litigation

matters in the coming days.

Sweeney
Likewise.

Johnson
You too.

Schmidt
That's all the time we have for today. Thank you for listening. I'm indebted to the extraordinary team at Dorsey for making this podcast and episode possible. For resources on this and other litigation risk, go to litigationrisks.com. Where more information can be found, including a book on managing litigation risks written by yours truly. Until next time my friends, this is yet another reminder that there are a lot of sharks swimming out there in the murky waters, so swim safely.

Voiceover
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