Multi-Matter Discovery Repositories:
Rein in Litigation Costs by Eliminating Repetition and Duplicative Work

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Rein In Your Litigation Costs

If you are learning the piano or studying a foreign language, repetition is a good thing. But if you are a corporate counsel managing electronically stored information (ESI) in e-discovery, it is not—especially if your company, like many others nowadays, has large quantities of ESI and multiple legal matters.

In that event, repetition becomes a multiplier of cost. For each instance in which you store a document, you incur cost. Each time you load and process a document, there is cost. Whenever your legal team reviews a document for privilege, there is cost.

Wouldn't it make much more sense to be able to store a document once and use it in as many different matters as you need it? Wouldn't it be more cost-efficient to load and process the document just once, to review it for privilege just once, and to store it just once?

For corporations that want to rein in litigation costs by eliminating repetition and duplication, multi-matter repositories provide the means. With a multi-matter repository, the same document can be used in multiple matters, regardless of whether the matters are concurrent or successive. Loading and processing occurs just once, and all metadata, coding calls, privilege calls and redactions adhere to the document.

The benefits to a corporation are several. Most directly, a multi-matter repository saves money by eliminating duplicate costs. In addition, a multi-matter repository gives corporations greater control over and insight into all of its legal matters. Further, a multi-matter repository reduces the likelihood of mistakes due to vendor hand-offs and of exposure due to inadvertent disclosures of privileged or confidential information. And when a new case comes along, you get a running start out of the gate.

The Traditional ‘By the Case’ Approach

The 1970s comedy troupe Firesign Theatre is credited with coining the name, “Department of Redundancy Department.” But for corporate legal departments fighting to control e-discovery costs, redundancy is no laughing matter. Yet that is exactly how e-discovery typically works.
Traditional e-discovery is a matter-centric process. From a litigator’s point of view, that makes sense. Lawyers handle specific matters—whether they are lawsuits, government investigations or something else—and their focus is on producing the documents that are relevant to that matter.

Thus, documents are traditionally collected, processed, searched, reviewed and produced solely for the matter at hand. When the matter is complete, all of the work that has taken place during the e-discovery process is effectively tossed into the trash.

While the by-the-case approach may make sense for litigators, just the opposite is true for corporate legal departments that manage multiple legal matters. Often within corporations, there are core custodians and documents that will relate to any number of legal matters. When a document is used once in litigation, it makes little economic or practical sense to start from scratch the next time it is needed.

How a Multi-Matter Repository Differs

A multi-matter repository is designed to address the need of a corporation to manage data across multiple matters. It combines a core repository—used for global administration, access and monitoring across all matters—with individual project databases for each separate matter.

In the typical set-up, a multi-matter repository uses four types of databases:

- **Core repository**: Think of this as the mother ship. It is the central repository of all your processed records. It provides one-stop access to global administrative features and to information on all current and historical matters.

- **Case sites**: Each matter gets its own database where review and production are performed. All case sites share standardized procedures, design and workflows for consistency across matters.

- **Case production sites**: These are the databases that house the productions, both outbound and inbound, associated with each individual case.

A multi-matter repository saves corporations money by eliminating waste and enhancing efficiency.
Core production repository: Here is kept a repository of all your outbound production records for all matters, searchable by case, custodian and date range.

Once documents are loaded into the core repository, the process of copying them to individual case sites is fast and simple. Users run searches against the repository to identify the documents they need. They then move the documents into the folder for the particular case. Copying begins immediately and documents are available for review within minutes.

Built-in safeguards ensure that document families are kept together and that duplicate records are copied just once. Because the document is the same, all tagging is saved to the same record and can be associated with one or multiple matters.

Cost Savings from a Multi-Matter Repository

For corporate legal departments, the overarching benefit from a multi-matter repository is reduced costs. Not only do you eliminate the duplicative costs that result from redundant file processing and storage, but you also retain the value of legal and technical work in which you have already invested.

Consider just one common scenario: Outside counsel in a pending lawsuit conduct a review and determine that a document is privileged. Later, for a separate case, different lawyers at a different outside firm conduct a privilege review and review the same document a second time. Not only have you paid twice for a decision that need be made just once, but you also have risked that they will reach inconsistent results.

With a multi-matter repository, corporations can avoid this kind of redundancy and see savings at every step of the e-discovery process:

- One-time processing. Documents are processed and loaded into the central repository just once.
- Single-instance storage. Pay to store just one copy of a document, even if it is used in many cases.
- One-time conversion. Conversion of a document to an image for production or redaction needs to occur only once.
One-time privilege review. Privilege and other tags can be shared across cases, for consistency and reduced review costs.

Reuse redactions. Reuse redactions across cases, saving on review costs and inconsistent productions.

For any corporation engaged in multiple legal matters, the savings from using a multi-matter repository can quickly add up.

**Other Advantages of a Multi-Matter Repository**

Cutting costs is important, but it is not the only advantage a corporation can gain by using a multi-matter repository. Other key advantages include:

- **Fewer mistakes:** With no vendor hand-offs and standardization across matters, you dramatically reduce the possibility of mistakes, delays and inconsistent tagging—the kinds of mistakes that can result in privilege waivers or sanctions.

- **Powerful ECA functionality:** With key documents already available in your repository, you can gain valuable insights early in the process.

- **Global administration and reporting:** Manage and track all of your legal matters from a single interface.

- **Global production tracking:** Easily see and track all instances when a document was produced across all your cases.

- **Global data workflows:** Set and customize automated procedures to standardize data management across all matters.

- **Global fields:** Standardize fields and values across all your databases and for all your records.

- **Rapid ramp-up:** New cases can be started quickly, enabling review teams to start working without delay.

Generally, a multi-matter repository will be flexible in its design and allow for customization of procedures, workflows and other elements to suit a corporation’s particular needs.
It Bears Repeating...

There are times when repetition provides benefits and times when it produces waste. In e-discovery, there is no question but that repetition is a waste. It raises a corporation's costs and diminishes its investments in work product.

A multi-matter repository saves corporations money by eliminating waste and enhancing efficiency. It allows corporate legal departments to store documents once and deploy them as needed across multiple legal matters. It enhances corporate oversight of legal matters and simplifies tracking and reporting across all cases.

Perhaps best of all, a multi-matter repository may keep your legal department from ever being labeled the Department of Redundancy Department.

About the Authors

John Tredennick is the founder and CEO of Catalyst. John is passionate about the role of search in e-discovery. Before founding Catalyst in 2000, he was a trial lawyer and litigation partner. John has been a frequent speaker on legal and technology issues for more than 30 years. He's also written and edited five best-selling books and countless articles on litigation and technology issues.

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