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E-disclosure, litigation and investigation support

November 2015

Disputes and investigations disclosure: working smarter

Background

The evidence collection, review and disclosure stage of a dispute (whether in an arbitration, tribunal or litigation) can be the most costly, time-consuming and pressurised stage of a dispute.

From identifying custodians, document and email repositories to reviewing the documents for relevance, the process can be challenging, especially in more complex cases.

Delivering flexible solutions

Clients have informed us that they are looking for flexible, efficient, cost-effective, high quality support of their disclosure process.

CMS has the right blend of tools and resources to deliver an excellent end-to-end solution for you, combining:

- Leadership and expert advice on strategy from your CMS partner;
- Secure online transfer of data from your teams (using **CMS Collaborate**);
- A proven review platform (**CMS Evidence**) to allow for efficient review of potentially relevant materials – including advanced analytics, early-case assessment tools and predictive coding capability;
- A flexible team of paralegals (our **Legal Services Unit 'LSU'**) to carry out bulk review tasks;
- Experienced subject matter-expert lawyers to support and supervise both the disclosure process and each review, and to guide the review team;
- Professional project management and process resource to ensure that each review follows the required process (and to help put any required processes in place) and that reviews are delivered on-time and on-budget;
- Technology resource to redact and produce the final bundle of documents that is disclosed (**CMS Evidence**); and
- Online platform to share bundles of evidence being disclosed along with any agreed metadata from the review process (**CMS Collaborate**).

We have successfully handled many large-scale and complex disclosure processes for other clients, with a combination of:

- Careful and considered initial set-up, including the strategic input and technical legal guidance of a partner – to cover the approach for the specific review, the review criteria in terms of what we need to disclose and what we can withhold, what escalations are needed for queries, exceptions or issues and how to manage quality control through the review; and
- Agreed check-points and controls to ensure that the review remains on track and that you are up to speed on progress and any issues.
- Our solutions can be used for the whole range of document review and disclosure purposes - from traditional litigation disclosure to regulatory investigations and international criminal proceedings.

Legal Services Unit

The Legal Services Unit (LSU) is CMS' in-house team of paralegals that focuses on helping our clients and lawyers manage the process driven or volume elements of transactions and projects in a cost-effective way.

The LSU currently has 26 members and two managers (senior qualified lawyers) and we are actively growing the team. If different or additional resources are required, we can flexibly increase the size or experience of the team in three ways:

- by expanding our own team if the flow of work justifies it – the team is actively growing;
- by using contract paralegals/lawyers;
- by partnering with your preferred LPO provider (and CMS also has its own strategic relationship with Integreon if you need us to help) for large scale exercises or for multi-language reviews.

Benefits:

Reducing costs by resourcing review exercises using paralegals rather than lawyers, without any reduction in quality or speed; Integrated into CMS and part of your legal team supporting the team you know and trust – no need to engage a third party supplier; Flexible resource – scalable depending on your needs; Experienced team of reviewers who have used CMS Evidence platform.

CMS Evidence

Our CMS Evidence service is a cost-effective electronic evidence gathering and review capability that provides support for the collection, hosting, forensic analysis, review and distribution of evidence to our clients.

We provide tools and expert consulting (ie; case assessments) and management and review of electronic and physical evidence (ie; eDiscovery). The investigation and disclosure stages of many contentious matters are not only necessary but are often the most expensive. CMS Evidence gives our lawyers and clients quicker access to critical information and saves more than 50% compared with the historical outsource model. CMS Evidence can also help manage reviews in many different languages that may be needed in international cases or investigations.

Unlike other external providers, electronic documents can generally be loaded straight into CMS Evidence at no data volume charge. Specialist data management fee earner time for the preparation and loading process is charged at rates that ensure the client is paying minimal volume loading fees.

Hard copy documents that need to be scanned are generally scanned by one of our preferred contractors, who will also OCR the documents (to make them word searchable) and manually index them. We are able to provide quotes for this work as required.

When combined with the LSU to provide a cost-effective review team and CMS Collaborate to provide the online document portal, CMS Evidence can provide a very powerful solution.

Benefits:

Less expensive than using external service providers; Part of CMS – no need to introduce external suppliers to the relationship during the early stages of a dispute; Consistent approach to evidence gathering and analysis.

CMS Collaborate

Having a secure online platform for sharing documents can be very useful for international cases or investigations as documents can be accessed irrespective of geography or time zone

CMS Collaborate is a flexible, secure extranet platform that can be used for applications as varied as datarooms, online bundles of evidence and case tracking and reporting tools.

We have implemented HighQ's Collaborate platform, which is an industry leader in the legal services sector. In addition, with over 350 active sites, we have the in-house expertise to use the platform to meet a variety of challenges for clients.

For example, for a major dispute we used CMS Collaborate to host the bundle of evidence for the client, counsel and witnesses along with the metadata identified from the review exercise (dates and types of documents etc) saving printing time and costs and providing a central library of the key evidence in the case. We have also used CMS Collaborate to share documents with the court and other parties to a litigation.

Benefits:

Improved access to documents, witnesses have access to background information when they need it, along with reduced print production costs.

Our team



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John Craske heads our Legal Services Unit. John has many years of experience with managing legal and business change projects and, specifically with the LSU, designing streamlined processes and managing a skilled paralegal team to support disputes and other areas.



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Chris Baldwin leads our CMS Evidence business group. Chris has more than 20 years in the litigation support industry and has a wealth of experience assisting clients with managing document review exercises.

Full CVs for the team can be provided on request, along with sample CVs for our paralegal team.



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