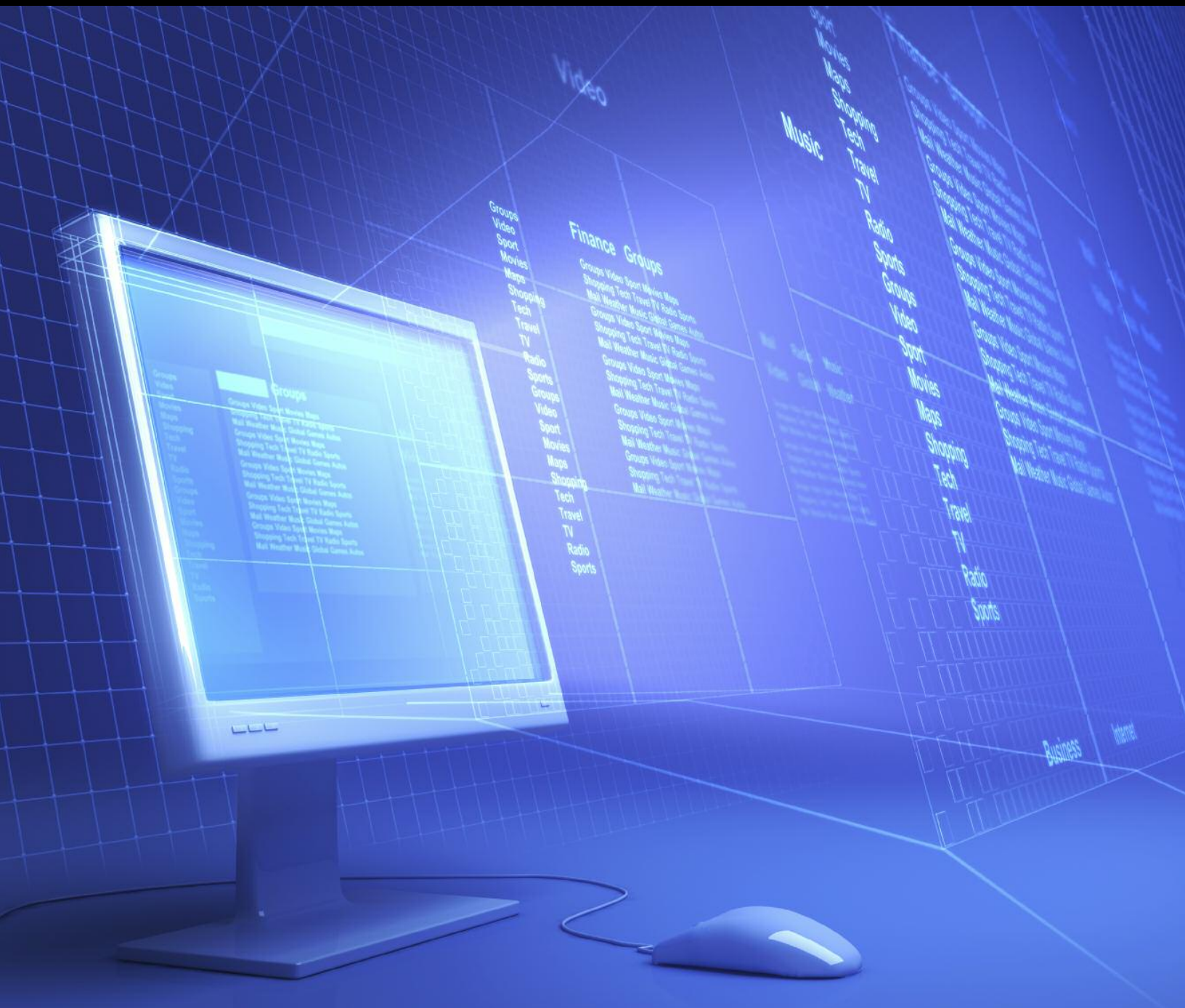


# DyKEMA

# LUMEN LEGAL

NEW LIGHT ON HUMAN POTENTIAL™

## Discovery Management Solutions



# Dykema-Lumen — Discovery Management Solutions

Dykema and Lumen Legal are proud to team together to deliver a new solution for discovery management in complex litigation. If you are serious about controlling your litigation budget, the Dykema-Lumen team should be your *preferred* discovery partner.

Dykema is a leading national law firm with offices in Michigan, Illinois, California, Texas, and Washington, D.C. Dykema has an unwavering focus on client service and value that has defined our purpose and propelled our growth. We bring decades of experience in handling the most complex types of litigation and government investigations. The firm also serves as national counsel for clients who have litigation exposure throughout the United States. Through this experience, Dykema has developed a unique focus on the discovery management value proposition, utilizing process management, technology and deployment of the most cost-effective employed and contracted legal personnel. The goal is to deliver results that achieve clients' sophisticated litigation objectives through more efficient ways of streamlining their legal work, all without sacrificing either excellence or their bottom line.

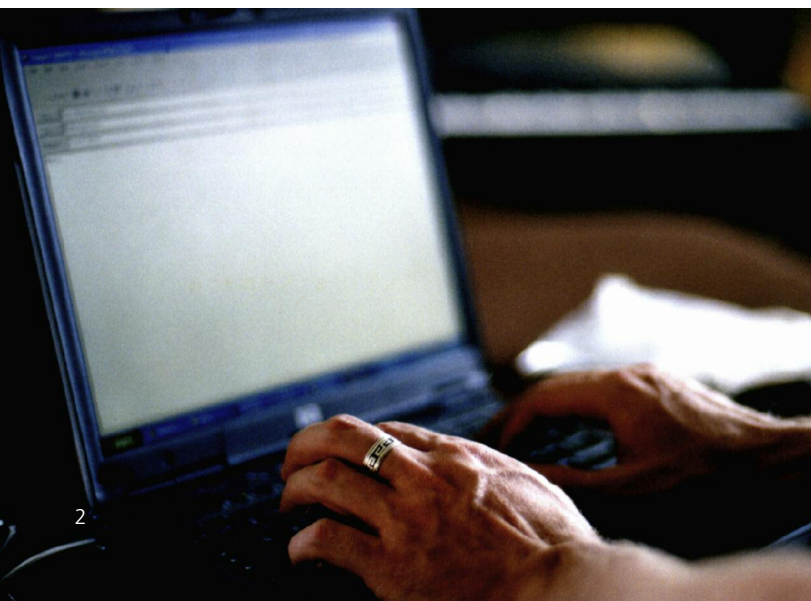
Lumen Legal is a global team of attorneys, paralegals and staffing service professionals who have provided corporations and law firms with high-value human resource and legal service

solutions that raise efficiency, reduce costs, preserve quality and drive business success. Lumen is headquartered in Royal Oak, Michigan, and has locations in California; Florida; Georgia; Illinois; Indiana; Kansas; Massachusetts; Minnesota; New Jersey; New York; North Carolina; Ohio; Pennsylvania; Tennessee; Texas; Washington, D.C.; and India.

## Why Dykema-Lumen?

Discovery, particularly electronic discovery, represents the most time-consuming and expensive part of the litigation or investigation process. In addition, the method and organization of how data is gathered in discovery can substantially impact success at trial. If companies approach this process carelessly, they may waste time and money reviewing completely irrelevant data and may face severe sanctions for discovery abuse or spoliation of evidence. In fact, mistakes in the discovery process have resulted in severe costs to companies — sometimes more than the amount at stake in the lawsuit or investigation. And using outside counsel does not guarantee discovery effectiveness. Many law firms have traditionally handled discovery as part of a single package of bundled services, relying on highly compensated full-time attorneys who have varying levels of experience and are often from disparate parts of their firms.

The Dykema-Lumen team believes that *unbundling* the discovery management process can drive significant savings and efficiencies, result in faster conclusions, support better outcomes, and give clients greater flexibility in approaching costly lawsuits and investigations. Our team provides discovery management value, allowing companies the freedom to deploy the best and most suitable trial counsel, including specialized boutique firms that may not be able to ramp up for large-scale discovery projects. Dykema also delivers value by controlling discovery costs and making them more predictable.



As an early proponent of unbundling discovery management, Dykema has developed proprietary processes for data collection, processing and filtration, review protocols, quality control, and data production. It combines these with both leading edge and industry standard techniques to deliver more efficient management of cost and complexity at each stage of the process.

Lumen brings to the process 20 years of experience as a best-in-class legal staffing and consulting company with a reputation for identifying and deploying the highest-quality contract attorney reviewers. Lumen can quickly staff projects of any size and in nearly any location, expanding or downsizing staffing levels as dictated by the changes that inevitably occur in discovery projects. Lumen has effectively tapped into the emergent market for using experienced legal professionals on temporary assignments, particularly in the Midwest. This provides ultimate flexibility without incurring the substantial costs associated with employing a fixed staff of in-house or law firm attorneys.

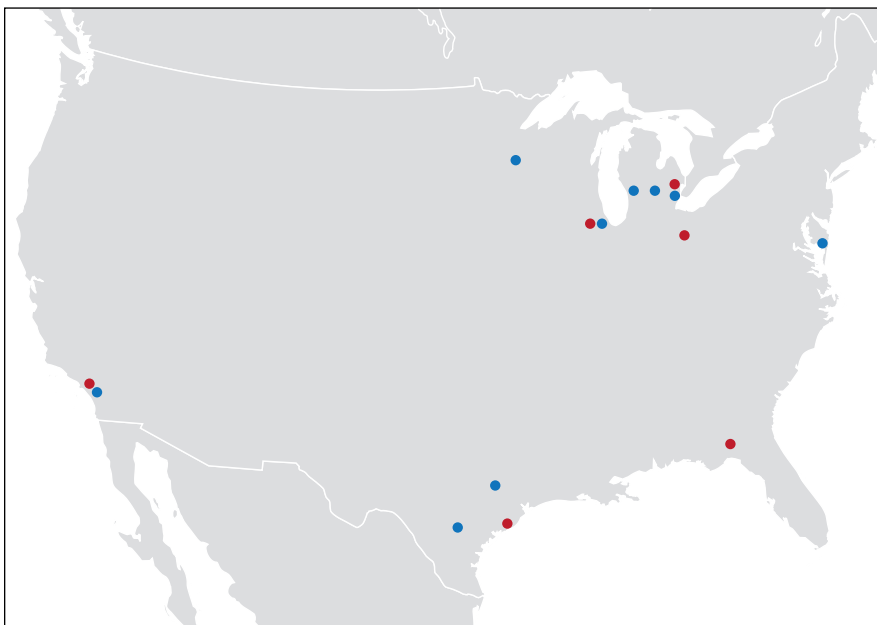
The Dykema-Lumen team's approach makes it the logical choice for discovery management. We are uniquely focused on *efficiently* navigating through what is often the most costly phase of litigation and investigation matters. We have established protocols for acquiring data and identifying a discovery plan at the earliest stages of a lawsuit or an investigation, reducing

the amount of data to review and then directing the review process to the appropriate and lowest-cost attorneys, who are dedicated to the review process. They are trained and supervised by Dykema attorneys who have decades of experience in large-scale discovery projects.

## How are savings and efficiencies realized?

Dykema-Lumen Discovery Management Solutions can immediately help control discovery management costs, long before litigation begins, by auditing data management policies and procedures and making recommendations that will minimize costs if a lawsuit arises. When a lawsuit or investigation commences, the Dykema-Lumen team streamlines the discovery management process at the planning, acquisition and review stages. By employing analytics and other appropriate techniques such as technology assisted review (TAR) before a general review begins, Dykema can significantly reduce the volume of data that legal professionals must review and evaluate. This directly translates to a reduction in data hosting charges, review hours and, consequently, bottom-line savings. Dykema's arsenal of tools to reduce data volume includes protocols for identifying sources of potentially relevant information within organizations and limiting the scope of document production. Once data is identified,

### Locations of Dykema and Lumen Offices



#### Dykema

Ann Arbor, MI  
Austin, TX  
Bloomfield Hills, MI  
Chicago, IL  
Dallas, TX  
Detroit, MI  
Grand Rapids, MI  
Lansing, MI  
Lisle, IL  
Los Angeles, CA  
Minneapolis, MN  
Washington, D.C.

#### Lumen Legal

Chicago, IL  
Columbus, OH  
Houston, TX  
Los Angeles, CA  
Royal Oak, MI  
Tallahassee, FL

Dykema limits information destined for review by performing statistical analyses of search terms and file types. Dykema applies both industry standard and its own analytical tools before any data is migrated to a review platform. Applying these analytics *before* processing reduces the volume of data examined – with a cascading reduction in review costs.

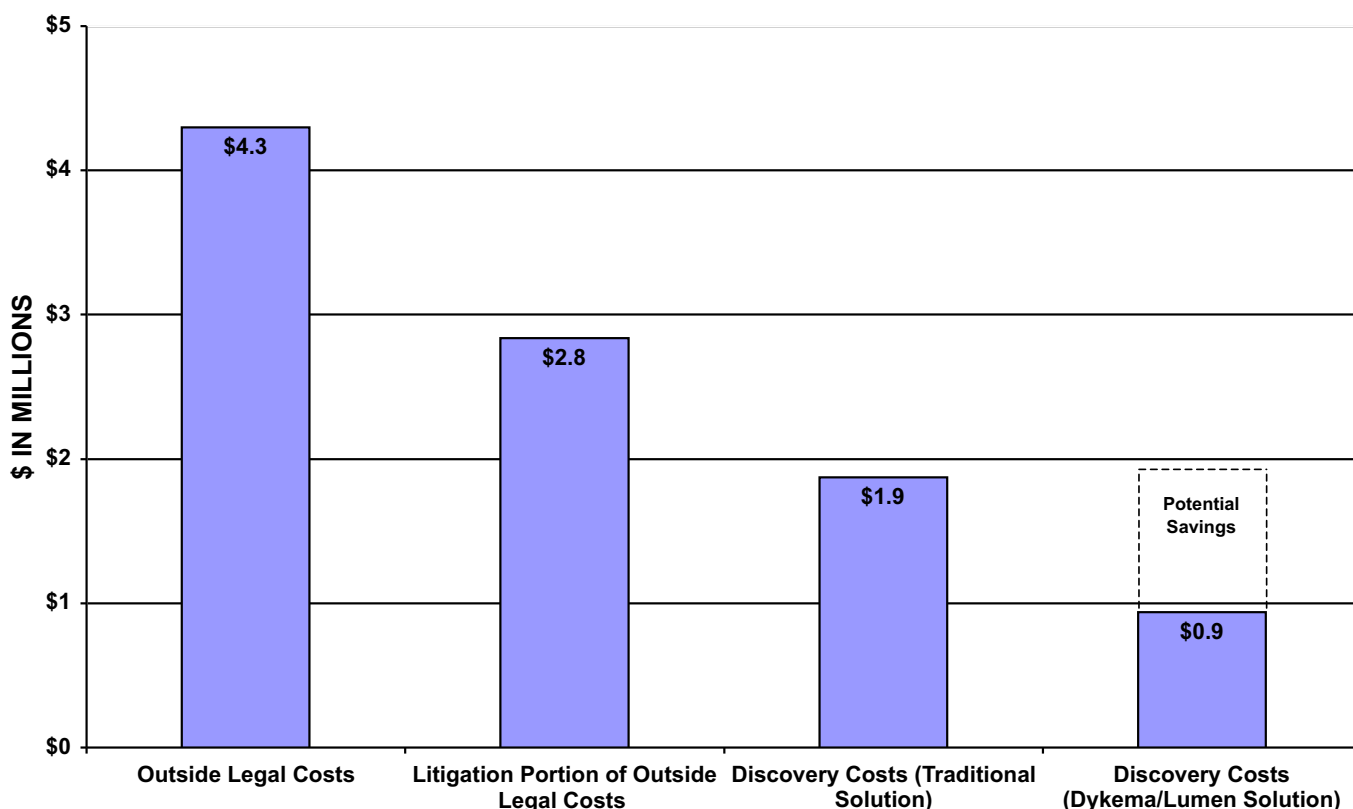
Dykema and Lumen then team together during the review process, resulting in a faster, more robust data review, at a fraction of the cost of a traditional model that uses law firm associates. Unlike the associates who conduct review at most law firms, Dykema-Lumen review attorneys are dedicated to *your* project and are not attempting to balance work from other clients. Lumen's attorneys are trained, directed and supervised by

Dykema's attorneys, employing sophisticated and proven methods for screening, training, providing feedback, complying with review procedures, and monitoring process and control. For example, Dykema has developed statistical analyses to identify the best and most productive legal professionals and maintain the highest level of review accuracy through project completion.

The Dykema-Lumen team thus offers increased efficiency and improved accuracy in the discovery management process when compared to the conventional "bundled" model. Our solution makes discovery a turnkey process. It enables trial counsel to identify critical issues much faster, develop a more effective strategy and potentially resolve matters on more favorable terms at an earlier stage.

## Legal Department Expenditures Per \$1 Billion of Revenue

Discovery Management is the single largest line item of outside legal department costs. The Dykema-Lumen unbundled solution lowers this line item by \$100 per hour or more, making more budget dollars available for trial and other litigation strategies.



Sources: Hildebrandt Int'l 2008, Law Dept. Survey; Fulbright & Jaworski 2008 Litigation Trends Survey; ie. Discovery, Inc. Discovery Expenditures Study

## What can you expect to save?

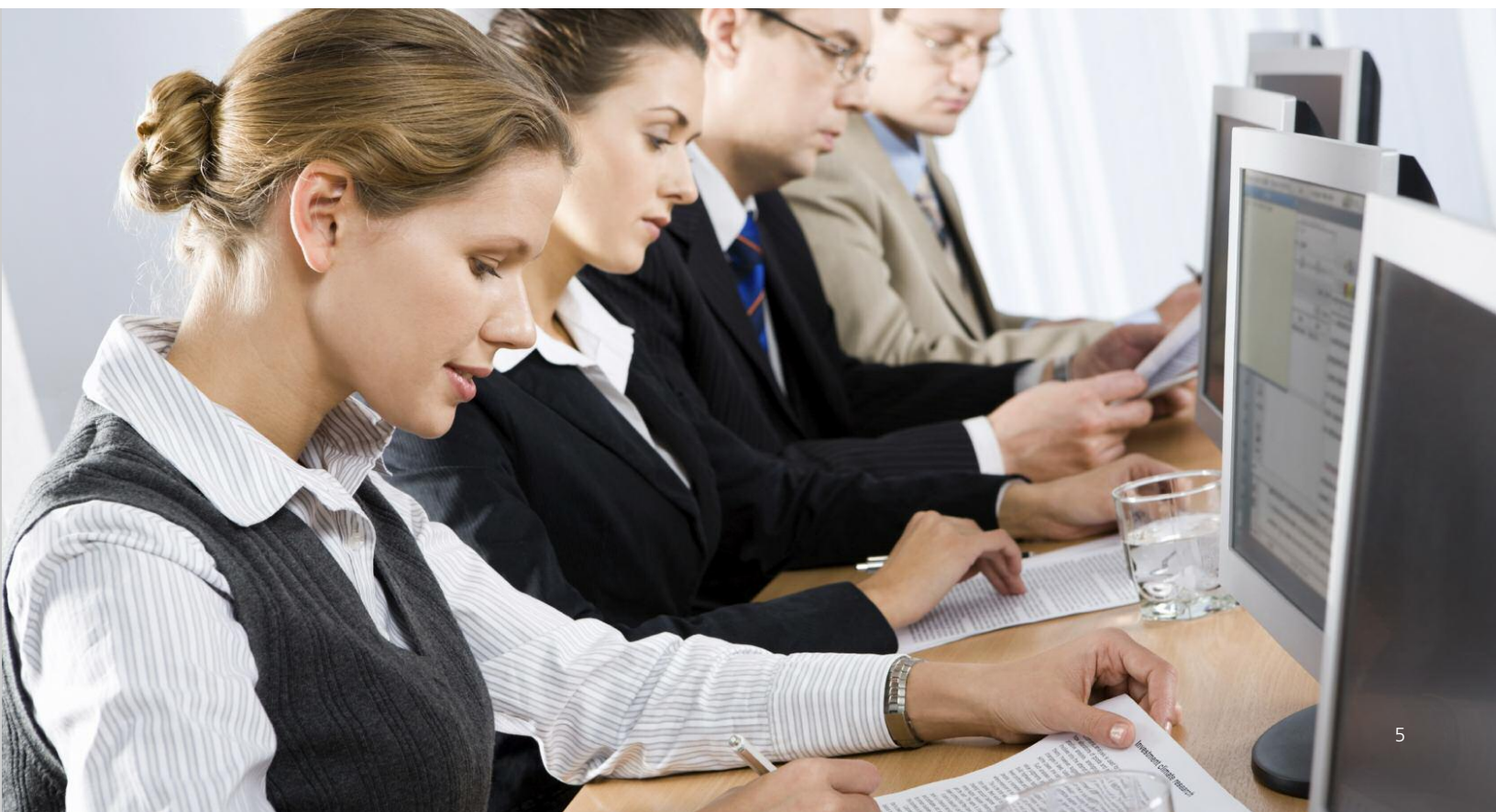
Utilizing the combined skills of Dykema-Lumen personnel (billed at competitive Midwestern rates) can result in cost savings of well over **\$100 per hour** when compared with the hourly rates charged for the most junior full-time attorneys at other firms. The Dykema-Lumen approach includes not only the services of licensed contract attorneys but also planning, data acquisition, training and constant supervision by the most senior Dykema attorneys. Additionally, Dykema's planning protocols, data analytics and in-house file assessment can reduce the amount of data to be reviewed by **60% or more**. These savings are scalable to most discovery projects.

In a recent case, the discovery management savings realized by the Dykema-Lumen team exceeded \$800,000 when compared to similarly situated parties employing traditional bundled discovery management.

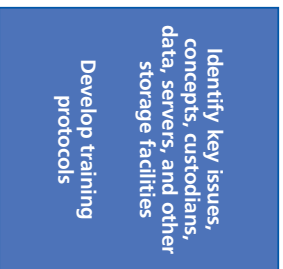
By partnering with the Dykema-Lumen team, you can proactively control the most significant part of your litigation budget; implement an efficient, consistent and controlled discovery management process; and enjoy the freedom to more intelligently deploy your litigation resources.

## Dykema-Lumen Discovery Management Experience

- Antitrust and other large-scale class actions in the pharmaceutical, sports, healthcare, automotive product, industrial chemical, food, financial services, art publishing and retail industries
- Grand jury, FBI, state attorneys general and regulatory investigations involving companies in the industrial chemical, mineral, food, building product, sports, commodities manufacturing and entertainment sectors
- Merger transactions that led to second requests by regulators; civil investigative demands; and litigation impacting clients involved in the healthcare, retail, utilities, energy, automotive product, marine, software, energy, sports and entertainment industries
- Securities litigation and arbitration involving brokerage firms, brokers, customers and issuers
- Product liability litigation encompassing automotive, pharmaceutical and consumer products
- Environmental matters, particularly those related to the energy sector



## Strategic Planning



**Dykema-Lumen plan for success:**

Dykema is a nationally recognized trial law firm and serves as national discovery counsel for a number of Fortune 500 companies.

Dykema has the resources and expertise to alone, or in conjunction with outside trial counsel, map out a plan to efficiently and effectively identify relevant data.

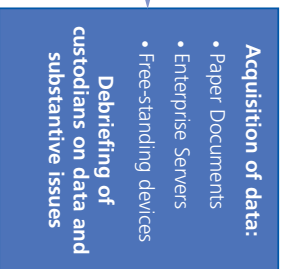
Lumen applies Six Sigma methodologies to effectively manage the project to maximize the efficiency of the team. This results in scalability of team size and ease in knowledge transfer amongst team members.

On-going meeting rhythms to ensure consistent communication and assess progress against goals.

Compilation of project protocols in coding manual and issue tracking.

Compensation system design with goals and proper incentives tied to project goals.

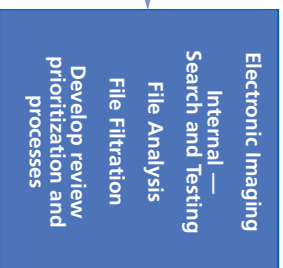
## Location and Acquisition



**Dykema-Lumen has developed and implemented a team approach:**

- Upfront training on corporate organization, culture and processes; substantive issues and efficient data acquisition — aimed at obtaining all relevant data as quickly as possible, with minimal disruption of business and with a single “pass.”
- Coordination with national network of e-discovery vendors to quickly image, process and return original data utilizing standard protocols.
- Rapid deployment of data acquisition teams.
- Efficient use of legal resources — with more senior attorneys debriefing custodians and junior attorneys locating sources of relevant data.

## Pre-Processing and Data Management



**Once data is identified and secured, Dykema deploys its proprietary resources:**

- File analysis to identify key data files.
- Identifying and pre-testing of search terms of Dykema’s in-house systems and developing file custodian and temporal limits to negotiate or to seek through motions in court.
- Determining the extent to which advanced tools, such as predictive coding, can be used to enhance accuracy, increase speed and decrease cost for segments of the data set; moving appropriate data into that workflow.
- High level review of raw production set to channel the most critical custodians or files to the review team members with particular expertise or training; development of meaningful and powerful coding protocols that facilitate the fastest, most accurate review – on the first pass.

## Distributed Hosting



**Dykema-Lumen will:**

- Negotiate favorable hosting rates with vendors, understanding basis of billing.
- Set up reviewing sites at multiple, scalable locations, taking advantage of available, low cost facilities.

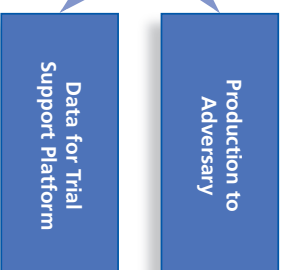
## Review and Coding



**Dykema-Lumen provides:**

- Best in industry training program for front line reviewers, based on acquired intelligence from early stages of review and acquisition.
- Unique algorithms to monitor efficiency and accuracy of reviewers.
- Prioritizing by custodian/data type to assist with trial strategy and streamline continued data review.
- Continuous feedback loop with contract reviewer to identify and refine mechanical and substantive review issues.
- Protocols for automated processing of certain data, including pre-annotations and flagging of potentially privileged material.
- Best in industry licensed attorneys who, unlike law firm associates, are able to devote all of their resources to document review.
- Internal training and screening of contract attorneys.

## Production



- Automated protocols to segregate privileged and other critical documents for additional review.
- Design of an effective interface to allow rapid search for and identification of critical documents.
- Efficient and well designed databases to support your trial objectives.

## Discovery Management Solutions Success Story

**Type of case:** Multiple-defendant, class-action antitrust lawsuit with a “bet the company” level of exposure.

**Role:** Served as counsel for one of the defendants and led electronically stored information (ESI) discovery negotiations, including keyword search terms, date limitations, format and metadata, for all clients.

**Data profile:** Potentially responsive data included live and archived personal storage (PST) files, network shares and local computer data for 54 custodians and work groups. There were approximately 1.5 million data items (emails and files), equal to more than 4 million document pages.

**E-discovery advantage:** Coordinated data collection activities by interfacing directly with the client’s IT personnel, including working with the client’s backup team to ensure that backups on a TSM system (designated in the litigation as “not readily accessible”) were preserved, while successfully arguing that such tapes were not discoverable under Rule 26 of the Federal Rules of Civil Procedure.

**Services provided:** After the data was secured, use of real-time analytics on sample data sets collected from “most representative” custodians at management and operational levels of the organization facilitated:

- Testing proposed search terms (including key words and proximity limitations) and negotiating search terms that reduced the scope of the project by approximately 20% over the initially proposed terms
- Identifying data types for more efficient non-standard production (for example, in native as opposed to TIF format)
- Developing search concepts for automated pre-annotation, thus eliminating the need for repetitive coding by attorney reviewers
- Tracing electronically the lines of communication within the data set to eliminate non-essential data custodians, making review unnecessary for tens of thousands of items

- Reducing the size of the data set and the scope of metadata facilitated the pre-processing of many emails and other files. This further reduced the volume of data loaded on the third-party web-hosting platform by approximately 60%. The data set required very little processing by the vendor, creating lower per-gigabyte processing costs

**Result:** When compared to other defendants (half of which were represented by major international law firms), the client was first “off the line” with ESI production, was able to meet each court-mandated production stage with time to spare and was not the target of costly discovery motions filed by the plaintiffs.

**Cost saving:** The client enjoyed a 50% to 75% savings over the discovery costs of similarly situated defendants. Additionally, the design of the data structure and user interface made the company’s data set by far the most accessible (as noted by the expert witnesses performing data analysis).

### Summary of estimated savings compared to conventional ESI collection, processing and review:

Reduction of data set through filtration, pre-processing, and automated coding and production	\$540,000
Reduction in review platform vendor fees	\$82,000
Optimal utilization of attorneys processing reduced data set	\$180,000
<b>TOTAL SAVINGS</b>	<b>\$802,000</b>

For more information, please visit [www.dykema.com](http://www.dykema.com) or [www.lumenlegal.com](http://www.lumenlegal.com).

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