

## E-Discovery in Environmental Litigation *A multi-year case goes to trial*

### The Challenge, Part I: The Trial Exhibits

The case required trial exhibits from the 1.4 million pages of documents we had collected, processed, coded, and stored. Even simply creating the index of exhibits was likely to be prohibitively difficult in the short time prior to trial. Each of the 14,400 exhibits required a date and description to comply with procedural rules. Writing these descriptions could have taken our client months.

### The Solution

Our e-discovery team devised a custom system to automate the process of generating the list the client required. Using information we had coded in advance and metadata pulled from the documents and folders themselves, we were able to generate titles and descriptions for the 14,400 exhibits in only one week.

### The Challenge, Part II: The Missing Records

Unbeknownst to our client, 300,000 pages of financial records had been overlooked by their legal team and not flagged as relevant. This was significant case evidence and also represented 29,000 additional exhibits to be prepared prior to trial. The deadline to produce these exhibits and the list of descriptions was the next day. Opposing counsel had proven their desire to fight over procedure rather than facts, and they would undoubtedly take advantage of this missed deadline.

### The Solution

Rather than blindly process documents like widgets, as documents came in our team observed what we received and sought to add value. Noticing that similar documents had been flagged as relevant, our team notified the law firm about the overlooked records. The legal team scrambled to recover. We were able to immediately provide the missing documents, and using the automated solution we had developed for the case, provide the 29,000 new exhibits and descriptions within 24 hours.

### The Outcome

Because of our early involvement in the process, we were able to anticipate problems and provide customized solutions for this client. We saved the attorney countless hours of work and substantial embarrassment and procedural complication. After one day of a trial expected to last weeks, the opposing counsel settled.

### From the Attorney

"ArcherHall has been instrumental in helping the State of California collect and produce literally millions of pages of documentation spanning over six decades relating to an environmental insurance coverage court case. The e-discovery team recommended cost-effective and efficient plans of action to accumulate this information and digitize it and then produce it to multiple insurance company defendants, all of which helped achieve favorable settlements with multiple defendants in this still on-going litigation. They have been available at all hours of the day, when needed, and have always provided support in a professional and cheerful manner. They have keenly and always anticipated potential technical problems, always being ready with multiple recommendations to solve problems as they arose and always delivering the technical and logistical support needed to solve any problem."

## The Situation

Our client was a state agency involved in decades long litigation regarding an even older environmental issue. The long history of the matter meant a large volume and variety of documents, with new relevant documents generated daily.



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