



E-Discovery Update: Transition to Sophisticated but Reasonably Priced Platform

The American Bar Association has estimated that, as of 2018, discovery costs account for more than 80 percent of total litigation spend, or \$42.1 billion a year. This number is predicted to rise as data volumes continue to increase. Using inefficient software can be costly because of increased data load time and attorney time spent trying to locate pertinent information. In an effort to more efficiently manage electronically stored information (ESI) and streamline attorney review, Phillips Lytle has adopted an Open Text™ data management and review platform called Axcelerate™. Axcelerate is a cloud-based, proprietary product of Open Text Corp., a global company that specializes in developing software to manage structured and unstructured data of large companies, governments and professional organizations. Axcelerate has advanced analytics, machine learning, visualization and predictive coding capabilities that can be used for litigation, compliance and other data analysis needs. With Axcelerate, the firm can:

- Quickly identify key facts, relationships and documents at the early stages of data review, for more effective early case assessment. This can result in more effective identification of relevant data, custodians and date ranges;
- Speed up document review by using the platform's tools to push responsive documents to the forefront through an iterative, machine learning process, which reduces client

costs (Phillips Lytle has already seen client savings of hundreds of thousands of dollars in document review costs);

- Increase accuracy of relevance and issue tagging;
- Automate redaction of sensitive information and creation of an initial privilege log;
- Generate various document review, data set richness and other reports to improve efficiency, oversight and reporting to clients; and
- Provide secure access to confidential data to co-counsel, clients and expert consultants without the need to have them come to our physical office.

All of these Axcelerate features are offered at very competitive pricing. As a result, Phillips Lytle's Axcelerate platform can be used cost-effectively on a wide range of matters. And, unlike other e-discovery products, there is no processing fee to import new data and no monthly user fees. A number of clients have performed side-by-side comparisons with other products and have expressed interest in transitioning their data from existing vendors to Axcelerate.

For questions on and assistance with e-discovery, please contact Anna Mercado Clark, Partner, at (212) 508-0466, aclark@phillipslytle.com; John G. Schmidt Jr., Partner, (716) 847-7095, jschmidt@phillipslytle.com; or the Phillips Lytle attorney with whom you have a relationship. ■

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