Early case assessment

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Early case assessment, refers to estimating risk (cost of time and money) to prosecute or defend a legal case. Global organizations deal with legal discovery and disclosure requests for Electronically Stored Information "ESI" and hard copy paper (printed or bound) documents on a regular basis.

Over 90% of all cases settle prior to trial. Oftentimes an organization will find they need or want to settle a case, for whatever reason, only to find they wish they did before they spent so much time and money on the case. Legal discovery costs are usually the most burdensome financially to both plaintiff and defendant. Often, and during cases in the United States, an opposing party will strategize on how to make it as difficult as possible for you to comply with the discovery process, including time and cost to respond to discovery requests. Because of this, organizations have a continued need to conduct early case assessment to determine their risks and benefits of taking a case to trial without painful settlement discussions.

Many service organizations, law firms, and corporations refer to early case assessment differently. While there are many software-based tools available on the market, most software companies claim their software provides early case assessment. Consultants, also known as experts hired by the corporation or law firm on a case, manage cases on a risk basis. Matthew Blake, an expert in early case assessment, refers to early case assessment as a managed process that requires customization to each case and the client involved. There is never any circumstance where the process can be managed by a single software with limited or no professionally managed process.

The early case assessment lifecycle will typically all of the following and look something like the below: 1. Determine the risk of win and lose for the overall case; 2. Placing and managing a legal hold on potentially responsive documents (paper and ESI) in appropriate countries; 3. Preserve information abroad; 4. Gathering and collecting relevant information for attorney and expert document review; 5. Processing potentially relevant information for purposes of filtering, search term, or data analytics; 6. Information hosting for attorney and expert document review, commenting, redaction; 7. Production of documents to parties in the case; 8. Reuse of information for future cases.

See also

- Legal hold
- Discovery (law)
- Electronic Discovery

External links

- Federal Judicial Center: Materials on Electronic Discovery
- The Electronic Discovery Reference Model -- an industry group working on standards
- International Law Discovery & Disclosure Group "ILDD" A group of global experts writing and speaking on early case assessment
- Savings From Early Case Assesment Solutions -- eDiscovery Software Solutions and Services
- Early Case Discovery -- Early Case Discovery provides early case assessment software and services
- Early Case Assesment Solutions -- eDiscovery Software Solutions and Services

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