



Choosing the Right Document Management Software for your Firm

by Greg Wayment

I have often thought that the bane of my paralegal career has been trying to find the best software solution for managing large document productions. At my firm, it is not uncommon to have a case with 300,000 or 400,000 pages of formally produced (Bates numbered) documents, and I have had some cases with a million or more pages. It is crucial that the documents are accessible to multiple people to be able to review them, do targeted searches, make annotations, and look at them chronologically. The key documents become deposition exhibits, which become trial exhibits, which propel the narrative of the case.

When I started my career as a paralegal in 2005, most firms in Salt Lake were transitioning away from paper productions. That is not to say that I didn't have plenty of productions made by paper, nor is that to say that I haven't spent my fair share of time manually Bates numbering documents by typing in numbers on labels, printing them out (eighty Bates numbers to a page), and sticking them on the pages in the lower right hand corner. After I had prepared a set, I'd run them through the copy machine, produce the copy, and then keep the pages with the stickers in my files.

There were some hassles with this. Firstly, a lot of space was wasted storing boxes and boxes of paper. Searching and finding documents was a hassle. And once I had a case where I spent weeks redacting production documents by hand (think box of black markers and a notepad put under the documents so I didn't color my desk).

A little side note: the terms "control number" and "Bates number" are generally used interchangeably. I've always preferred the term Bates, which was actually a brand name and was named after the inventor of the stamp, Edwin Bates. In the late 1800s, Edwin obtained several patents for the Bates stamp. Basically each time the stamp was pressed down onto a sheet of

paper, a wheel would rotate incrementally through numbers. The original Bates stamp could print numbers ranging from 0000 to 9999. After so many "punches" you would have to press the stamp against an ink pad. For large productions, this was very time consuming and messy.

Back in 2005 most Salt Lake firms were getting steered towards either Summation or Concordance. Price wise, they were about the same. My recollection is that Summation was supposed to be a little more robust but was also not as friendly to use. Most firms chose Concordance, mine chose Summation so I'll speak more to the experience of using that.

The original Summation was fairly simple in terms of layout and deployment but never quite felt as intuitive as one would have liked. Basically your screen was divided in half. On one half of the screen you would have a "column" view that was similar to a spreadsheet. On the other half of the screen, you would have an "image" view where you could see the document. Each document or page was called a "unit." All documents had to be in either TIFF or JPEG format and would exist in specific folders on your server. As you would scroll through the column view, the image viewer would look to or link to the underlying TIFF or JPEG image and show you the document.

Summation did have a feature that would allow you to load some native documents, e-mail files for example, but you had to switch to a different viewer and it complicated the review process.

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Also, if you wanted to be able to search through the actual text of the documents, you would typically have an e-discovery vendor that had more robust software that allowed them to extract the text and create TXT files that would coordinate with the TIFFs or JPEGs. This process was commonly called OCR'ing, and very few firms had the ability to do this in-house.

The strengths of both Concordance and Summation were that you could have all your Bates numbered documents in one place, you could search through them, and you could type into the column view (typically called coding) and then you could use that coding for searching, sorting, deposition preparation, etc. The weaknesses were they were expensive, the accuracy of the OCR searching was not that great, and to truly use it well, you'd have to have lots of coding done, which was labor intensive and monotonous.

Concordance and Summation are still around. In 2006, LexisNexis acquired Concordance and continues to develop, support, and sell the software. And, in 2010 AccessData, a local company based in Lindon, acquired Summation. I don't know about modern Concordance, but the product currently being offered by Summation has little if anything in common with the Summation of 2005.

So where are we today? Last summer, the Paralegal Division put together a salary survey to ask questions about compensation and also to explore other trends in the paralegal profession. One of the questions that I specifically asked be added to the salary survey was, "What software does your firm/you currently use to manage large formal document productions (Bates numbered docs)?" Of the 122 respondents, forty-three either skipped the question or didn't respond. Forty answered that they use Adobe, eleven answered that they use Concordance, eleven answered that they use iPro, two answered that they use Summation, two answered that they use Relativity, and thirteen answered that they use some other software.

I was surprised at the number of paralegals who didn't answer or skipped the question. Maybe this would suggest that they are not involved with managing document productions. More likely, many paralegals that skipped that question are using Adobe. Around November 2006, Adobe released version 8.0 of their software which had a Bates numbering function. This was actually a momentous event for paralegals (but one that largely went uncelebrated – ha). But, it really did change everything because for the first time, electronically, you could add Bates

numbers to several thousands of pages, in a matter of seconds.

So let's talk about managing document productions with Adobe. The strengths are primarily that it's inexpensive, although you do have to have a professional version. But it's easy to use, and very commonly used, and as we discussed earlier, you can Bates number thousands of pages in a matter of seconds. You can download Adobe Reader for free (and most people have it on their computer) so anyone can look at documents produced this way.

The weaknesses are you can't search through them globally, unless they are combined into one PDF. And even then, the PDF has to be OCR'd, which some professional versions will allow you to do on the fly. OCR'ing PDFs on your desktop can be time-consuming and not all that accurate. Most firms that rely on this system of document management have their assistants create an index, which is labor intensive. I've also found that PDFs can get unstable if they are too big (either in page count or data size) so you run the risk of losing your documents.

We did get several respondents reporting that they use what I consider to be the current industry leaders: Cicayda (Reprise), iPro (Eclipse), and Relativity (One). My original intention was to talk about each of these three individually and discuss their strengths and weaknesses, but they all work in a similar fashion (with some nuances) and they are all vastly differently than the document management programs from fifteen years ago. So I'll discuss the strengths and weaknesses of these databases in a more general sense.

To begin with, what I'd consider to be a leap forward is that rather than purchasing the software and hosting it in-house on your server, these new databases are typically hosted on their servers and accessed via the internet. This is useful because you don't have to have the space, or manage it, internally. Also, this allows for anyone with the address and the proper credentials to be able to access the database.

Some additional strengths are: robust ingestion, advanced searching capabilities, document relationships, and other analytics. For the most part, they all have good support and typically invoice by breaking out matters by client, so that firms can more easily pass those costs along.

Some weaknesses are: they can be expensive to set up and host monthly and they can be difficult to navigate for new users. Sometimes there can be a delay or lag when moving from

document to document. And it creates a perpetual monthly cost for clients.

There still are some firms using Summation and Concordance, but I'd chalk this up mostly to legacy use. Most original users of Summation and Concordance bought server-based licenses. Around 2010, they switched from a server-based model where you paid a support cost every year to a subscription model that was expensive.

Now, both Summation and Concordance are offering cloud-based solutions and have very similar features to the others. One other industry leader that I should mention (and we did have one person respond that he or she uses it) is Ringtail, which has never had much presence in Salt Lake.

I haven't found the perfect software for my firm yet. For me, the three most important criteria that I am constantly evaluating

are: cost, support, and functionality. All three of those things are very important and I weight them almost equally. I have personally found that using a locally-hosted version of iPro or Relativity offers more accessible and direct support. It might make sense for larger firms to work directly with the database providers or host the software on their own servers, but I have found this usually requires them to hire database engineers to deploy them. For smaller or mid-size firms, having someone else managing the import/export of data, and be there to answer questions can be invaluable.

Another suggestion, even though it's a bit hectic to learn multiple platforms, is to try three or four until you find one that works best for you and your firm. My hope is that if we continue to embrace the newest technology, not only can we keep pace with the explosive amount of data being produced, but we more effectively use that data to propel the narrative of each case.

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