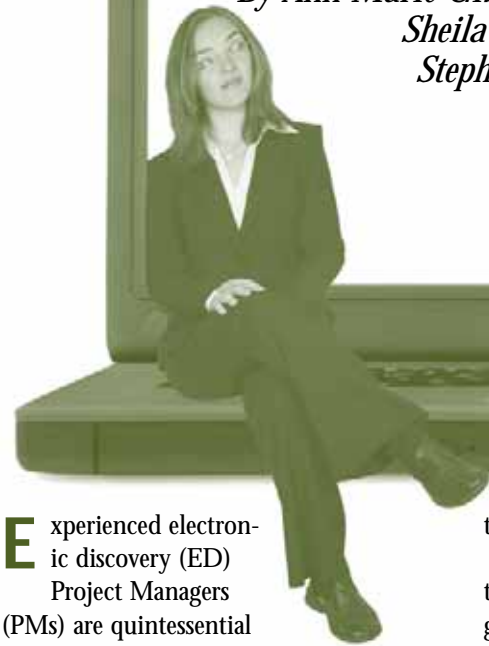


The Project Manager

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Experienced electronic discovery (ED) Project Managers (PMs) are quintessential multi-taskers. They see the big picture and understand each separate task that is integral to project success. By splitting a project into manageable elements, PMs work to control the process to ensure a positive outcome for all stakeholders, law firm, client and service provider alike. Excellent communication skills, both written and verbal are vital to the PMs pivotal role of keeping all parties apprised of the project status. PMs should also be critical thinkers who exercise good judgment, are resilient, perform under pressure and manage change confidently.

To succeed on behalf of the client, a PM must have a thorough understanding of technology and the legal context in which it will be deployed. Using this combined expertise, PMs guide clients through each ED phase, mindful of costly pitfalls that can derail a project. Successful PMs focus on managing

the following key project elements:

Scope—Often overlooked, scoping is the process of defining the overall project goal. A PM needs background information regarding the matter and a copy of the complaint as well as known and projected deadlines to develop a fundamental understanding of the case.

Collectively, this information forms the foundation for a preliminary cost/benefit analysis and development of a case specific strategy. PMs can leverage knowledge and experience gained working on similar matters to perform these initial tasks. Decision makers need reliable cost information to factor into their case evaluations as this issue greatly impacts a party's position on settlement.

Budget—Awareness of the costs related to fulfilling legal obligations and meeting strategic objectives is needed throughout the lifecycle of the matter. ED project expenditures often represent the single largest line item in a litigation budget. Without this information, clients cannot continually

evaluate settlement options and corporations cannot realistically fulfill their reporting requirements.

A PM needs to create a budget that can be used not only for settlement and reporting purposes, but in defense of cost/burden arguments as well. Budgets should be updated and communicated throughout the engagement as assumptions and strategies change. Continual review of the budget also permits concomitant refinement of selected strategies.

Strategies—A case without a strategy is bound to be disjointed. A PM with expertise in management, technology and litigation is in an excellent position to assist with the development and implementation of electronic discovery strategies. When decision-making stakeholders are not familiar with the nuances of electronic discovery, PMs must also assume the role of educator. The PM can advise on how to leverage technology, create efficient workflows and follow best practice principles for ED projects.

Schedule—ED projects that proceed without the benefit of a coherent strategy often encounter scheduling problems. It is imperative that all project deadlines, known and projected, are communicated to the PM. Savvy PMs will ask for deadlines when none are provided, but they are not clairvoyant.

There is a common misconception that electronic discovery processing involves nothing more than a simple push of a button to load data, and in the blink of an eye, a review database is ready. In reality, it involves much more.

A PM should provide realistic time frames for task completion. Each stakeholder, law firm, client, and service provider, must understand that completion of certain steps are contingent on actions taken by others. If a stakeholder fails to fulfill these obligations, the entire schedule may be compromised. Superior PMs will be able to propose alternative solutions when this happens, but clients should expect these last minute changes to be more time consuming and costly.

Documentation—Whichever strategy is selected, appropriate documentation must be created and maintained to demonstrate that the decisions were made in good faith and are legally defensible. Courts increasingly are looking for detailed information to support arguments that specific courses of action should be permitted or prohibited.

A PM can contribute to this effort by diligently tracking case data and maximizing report utilities on document review tools. A PM may also be responsible for documenting changes to project specifications. Given how little stakeholders know about a project in the developmental phase, all parties should expect project specifications to change. Change orders should be prepared and distributed to minimize misunderstandings about modified expectations and related obligations.

Risk Management—Electronic discovery is fraught with risks. Prospectively, PMs should identify case-specific vulnerabilities that can hinder a stakeholder from implementing the “ideal” solution due to real world considerations. Throughout the lifetime of the project,

PMs must constantly evaluate whether deployed strategies continue to be successful or need to be altered. Proposed alternative solutions will allow the project to proceed to outcome without compromising the integrity of the overall objective.

Resource Allocation—A PM should be the hub of an ED project communication center. Project workflow often fluctuates. If all stakeholders are communicating properly, the PM will be able to requisition necessary human and technical resources to meet deadlines. Experienced PMs anticipate resource needs as projects move from processing to review and production. Downtime may affect ED projects and the PM should be mindful of how delays will impact project progress. Affected parties should be alerted to the change and resources maximized.

Critical Team Members—Essentially, a PM is the glue that holds a project together. When an ED project morphs from 10 GB to 100 GBS, an experienced PM understands the impact on all stakeholders and will act quickly to initiate requisite changes in strategy, budget, schedule and resource allocation to keep the project on track. As ED projects become more challenging with diverse data types, increasing data volumes and an increasing emphasis on cost control, expect stakeholders to look to talented PMs as valuable members on their ED project teams.

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She speaks on electronic discovery issues and is a member of the Identification, Preservation and Collection EDRM Metrics 2 and Code of Conduct working groups. Her JD is from George Washington University

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Sheila Mackay is VP for Professional Services at DÆGIS, responsible for management of the Consulting, Client Services and Project Management teams. As a member of the Consulting group she assists clients in managing electronic discovery. Additional responsibilities include marketing, product development and strategic business planning.



She is a frequent speaker regarding electronic discovery issues and has written and published many articles. Subjects she has addressed include the strategic use of technology, the impact of the amended FRCP, document retention, litigation holds and document collection. She is an active Sedona and EDRM member. Her BA is from Saint Anselm College, Manchester, NH.

Stephanie Ma is Client Services Manager for DÆGIS, directing the Project Management team. She is responsible for overseeing all Project Managers and assisting them in prioritization, preparation, and coordination of project workflow based on client specifications. She is also responsible for assessing incoming data and providing internal reports to various



departments as required, interfacing with other internal resources on behalf of client requirements, interacting with client case teams, and communicating special needs, project plans, and budgetary issues.

She was formerly a litigation technology specialist for Bingham McCutchen LLP, working with law firm partners, associates, paralegals and IT staff to manage multiple case projects for litigation. Her BA is from the University of California at Berkeley, CA.

