

# The Metropolitan Corporate Counsel®

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## Civil Justice Reform – Legal Service Providers

### Maximizing Web-Based Solutions To Extend Your Files Beyond Your Office With Increased Control And Decreased Cost

*The Editor interviews Bettina L. Riveros, Attorney and Litigation and Matter Management Services Product Manager, Corporation Service Company® (CSC). Questions about this interview can be addressed to her at briveros@cscinfo.com.*

**Editor:** In the focus on civil justice reform in this issue of *The Metropolitan Corporate Counsel*, we interview the Hon. Lee H. Rosenthal. She describes the new package of rule amendments proposed by the Federal Judicial Conference Civil Rules Advisory Committee, which she chairs, for governing discovery of electronic information. Among other issues, the proposed rule amendments address the area of sanctions related to a loss of electronically stored information sought in discovery.

**Riveros:** Managing and retaining electronic documents is a topic of critical interest to in-house counsel. My colleague Jennifer Kenton and I spoke at a program this past winter hosted by the Baltimore Chapter of the Association of Corporate Counsel on e-document retention and recovery solutions. The program provided practical tips for looking at, managing and retaining documents without feeling like you've arrived at the library to look for one book only to find all the books are on the floor. It addressed solutions for managing documents, understanding the components of disaster recovery and applying them to document retention.

**Editor:** What are a few of the challenges that in-house counsel face today in managing their files?

**Riveros:** In-house counsel today face ever



Bettina L. Riveros

increasing risk associated with ever growing volumes of litigation, compliance and document retention requirements. These challenges are compounded by budget pressures that require in-house counsel to do more with less.

In addition, our increasingly global economy requires more and more legal teams to be geographically dispersed. The distances between their physical locations present a myriad of logistical challenges that must be addressed to ensure that they can quickly collaborate and coordinate consistent responses to litigation.

The matters in-house counsel handle can also have a broad geographic reach. For example, complex tort litigation may involve thousands of separate cases being simultaneously filed in multiple jurisdictions. Not only is speed required to ensure that court deadlines in each case are met, but also responses among all the cases need to be coordinated in a strategic manner to

ensure that the company's long-term interests are safeguarded.

Whenever cases are accompanied by intense interest by the press, the company's legal response needs to be coordinated with its public relations response. In addition, the defendant can anticipate more lawsuits in more jurisdictions will follow. Immediate notice of any and all related lawsuits needs to be communicated throughout the legal team for an effective response in each new suit as soon as it is filed, as well as a coordinated assessment of the new suit's impact on the related pending actions.

Increased risks also continue to arise on the compliance front. In the aftermath of Sarbanes-Oxley, document and record management has moved from being a good practice to becoming critical for business executives and corporate counsel who may face personal exposure for failure to meet their compliance obligations.

**Editor:** How are Internet-based solutions revolutionizing the way in-house counsel manage their files?

**Riveros:** The practice of law has undergone a revolutionary change in the past 15 years. Mobile phones, email, handheld devices and electronic filings all demand instant accessibility, review and response. CSC® has capitalized on Internet-based solutions to provide instant access to service of process via our newest service *CSC Same-DaySOP™*. Lawyers and legal professionals can receive real-time notice of new service of process and review the electronic documents from their home, hotel, handheld device or other locations worldwide.

For clients with matter management needs, our fully integrated *CSC Power-Brief™* application provides the next layer of features, providing the entire legal team an integrated solution for managing their files.

Online matter management tools and revolutionary collaboration capabilities allow instant sharing of documents and other information that enable legal team members to look at the same pages with each other at any time from any location. One of the most compelling features of these collaboration tools is the ability to wall off more sensitive or privileged files.

These Internet-based solutions save in-house counsel time and costs by enabling them to strategize among themselves, as well as with outside counsel and experts, in a more effective manner.

**Editor: When more lawsuits related to a common subject matter are filed, how can technology help corporate counsel to manage the incoming service of process?**

**Riveros:** Corporate counsel need to make sure that service of process quickly gets into the right hands and is dealt with appropriately, so custom distribution and accountability are critical. With CSC's leading edge technology, service of process and litigation documents can be delivered electronically to a company's corporate law department, outside counsel and even insurance carriers. For example, corporate counsel can specify that all personal injury litigation in a certain jurisdiction is electronically routed to specific outside counsel, while garnishments are sent to a designated outside vendor. Alternatively, corporate counsel may review all service of process themselves first and then quickly assign to other legal team members for handling.

CSC's technology helps counsel to preserve an excellent audit trail to help them manage service of process. It enables corporate counsel to receive email notification of process as well as instant online access to their service process details, history and documents. Additionally, CSC PowerBrief enables real-time electronic tracking and email notification of newly served court cases, pending court dates and other deadlines. CSC can even provide electronic reminders if documents remain unopened or unattended to. Its features are invaluable in helping in-house counsel to monitor the work that is being done on a particular matter.

**Editor: What are some of the benefits of electronically managing the incoming service of process?**

**Riveros:** You no longer have to waste time

and money transferring litigation documents from your registered agent to critical members of your team. How often do documents take days to get through the company mailroom until they land on the right desk?

With CSC PowerBrief, clients can get imaged service of process delivered and circulated among their entire team within minutes of receiving the original service of process. CSC scans and uploads all service of process and attached pleadings into our electronic, web-based tool for immediate on-line access. The result is an instant reduction in the paper flow. The entire legal team benefits from less time and money spent dealing with all that paper.

Our clients have an added benefit in the disaster recovery area. Our system scans and stores all of the service of process on CSC's secure servers so this information is not lost in the event of a natural or man-made disaster at the client's facilities. Unlike a hard copy service of process environment, if your systems are shut down or an associate has misplaced a document, CSC has electronically captured and stored your SOP, and it is available for instant access.

**Editor: Can information about incoming service of process be integrated easily with information housed in law department's other data management systems?**

**Riveros:** Yes. If a client has an internal litigation and matter management system – no problem. If CSC is the client's registered agent, we can provide XML data streams of service of process information including the document file itself, directly into the client's matter management system. CSC can provide field-to-field mapping of data and eliminate time-consuming and expensive data entry, significantly reducing the client's costs.

**Editor: Can service of process and management tools be customized to meet a law department's particular needs?**

**Riveros:** Yes. CSC PowerBrief can be customized to create matter folders, define matter and document field labels, and implement user and document level security.

At CSC, we have placed a strong emphasis on customization and believe that a client's matter management application should be flexible enough to mirror how you have organized your legal department and not the other way around.

**Editor: What are some of the areas in which a matter management solution can be extended beyond basic litigation management services?**

**Riveros:** With CSC PowerBrief's flexible and quite familiar file and folder structure, a law department can use its matter management system to manage all of its documents and information, beyond simply litigation. Contracts, insurance documents, garnishments, discovery, real estate, deals and more can be stored and managed.

CSC PowerBrief is simple to implement because it requires no additional software, no site license fees, no IT involvement and no implementation charges. It is flexible enough to be used across the entire legal team.

**Editor: Please give some examples of how a matter management solution can improve collaboration and communication.**

**Riveros:** CSC PowerBrief allows a legal team to share documents and strategy on matters, create virtual private workrooms, and collaborate on message boards with everyone on the team. The secure, real-time, electronic work environment enables the team to access their documents, meet, strategize with outside counsel and formulate a response from anywhere at anytime.

For example, a corporate legal department may want CSC to immediately notify outside counsel each time the company is served with a particular type of litigation, such as an asbestos complaint. They may want to ensure that the response to all of these complaints includes the same information. CSC provides that capability.

**Editor: How does a matter management solution strengthen a law department's ROI?**

**Riveros:** By eliminating the delays and costs associated with distributing and tracking hard copies, a company's legal team can have everything it needs at its fingertips in a seamless, paperless, and cost-effective solution. To mitigate risk, corporate counsel can segregate high exposure cases for closer scrutiny and supervision. They can also use tracking and auditing features to make sure that all matters are handled properly. In addition, they can use reporting tools to analyze data on similar cases to optimize settlement and use budgeting and financial management tools to track and contain legal expenses.