The pursuit of truth and justice in government legal proceedings has grown enormously complex, due to the explosion of growth in both personal and corporate data. Electronic discovery — or e-discovery — of evidence for litigation, investigation and congressional inquiries has become a vast, time-consuming process, leaving legal teams at risk of overlooking information critical to their case or expending huge sums of money on ineffective discovery processes.

Until recently, government lawyers and their staffs have relied on a patchwork of singular e-discovery tools to help assemble and review information from siloed sources. But government organizations are facing a breaking point where they need more modern solutions to comb through the growing mountains of data, says Angela Kovach, Senior Federal Solutions Architect at Everlaw.

The challenge with e-discovery is that the list of digital file types has become exhaustingly long. More than ever, government organizations need agile capabilities to collect, view, search and redact both new and legacy file types. In the course of an investigation, legal teams can be required to review hundreds of thousands of digital files (including audio, video and messaging files) which are critical for understanding their case, and often they do not have the necessary technology resources.

According to a 2019 Deloitte report, the large volume of data housed in different repositories, and the inability to manage it, has increasingly become a mission-critical challenge for government agencies. Digital evidence continues to consistently change, evolve and grow. For example, 60% of those who responded to the Deloitte survey noted that they are required to collect and process data from mobile resources, such as smartphones or tablets, and many of them identified a lack of sufficient technology solutions as a roadblock.

It is incumbent on legal professionals to understand, and ultimately make the transition to, tools that simplify and enhance the review process. Yet, for those who depend on e-discovery solutions, there is a sense that efforts to improve e-discovery technology have been left behind in the pursuit of other modernization efforts.

This may be in part because, “on-premise systems required a significant investment in infrastructure, storage and maintenance, and it can be difficult for agencies to accept the need to pivot away from those legacy solutions,” says Kovach. However, as the overall technology landscape evolves, the need for more modern e-discovery systems has grown increasingly apparent.

While the burden of the expense for those improvements may seem initially daunting for an agency to manage, the continuing cost of sifting through documentation with outmoded tools can be detrimental to justice, she explains.

Modernizing the e-discovery process
Fortunately, a new generation of more powerful, cloud-based software-as-a-service (SaaS) solutions are available to integrate e-discovery and litigation tools onto a single platform. This integration and power, combined with the cloud’s added agility to scale up and down as data needs fluctuate, means organizations can simplify the collection and processing of data, search through and review even nontraditional file types, and reduce the number of hours needed for e-discovery as a whole.

The federal government can cut down significantly on costs, time and complexity of mining through massive troves of documents to make digital evidence reviewable, says John Carr, Director of Federal Programs at Everlaw.

Everlaw has developed a solution “that allows you to uncover evidence at a much faster and easier pace so that legal teams can spend a lot less time digging around for evidence, and more time building a stronger case,” Carr says.

“Up to this point, e-discovery tools have required a number of separate add-ons and applications in order to review a variety of even the most common federal data formats,” adds Kovach. “Many departments purchase external tools to process the data, and from there import information into an e-discovery solution.”
“We have designed a versatile tool that legacy e-discovery systems cannot match,” she explains. Using automation and artificial intelligence tools, Everlaw’s search function currently operates five times faster than any cloud provider today, and 10 times faster than older on-premise systems.

“Today, lawyers don’t need just a couple binders worth of stuff,” adds Carr. “It’s hundreds of email inboxes they have to go through and social media sources. Bad actors are communicating differently. Having a modern platform that handles all of these different kinds of data is going to help them to uncover and build a better case.”

**Accelerating collaboration**
Additionally, the shift to remote-based work has elevated the need for collaborative tools. Legal teams need the ability to build a case without always being in a meeting.

“Everlaw’s platform is focused on collaboration,” Kovach says. The platform is built with messaging and task management features, and a real-time word processing functionality where attorneys and their teams can work together on documents.

“It not only saves time to download case documents, but it also removes security concerns of pulling out information to external sources,” she says. “You’re keeping everything securely within the platform and really able to work with one another in a centralized location.”

Often what is missing is getting IT and legal teams together to discuss their collective challenges. These two departments can have their own communication silos that prevent them from understanding how each would benefit by moving away from legacy infrastructure.

“Meeting together is a step in the right direction to solve a variety of challenges, including wasted time, costly maintenance and storage and tool duplication that hampers modernization,” Kovach says.

**Win-win for the mission**
Modernizing the e-discovery process using a cloud-based platform also provides advantages to government CIOs. It can reduce overall IT operation costs as well as align with the White House’s current **Cloud Smart Strategy**. It makes it easier to assure stronger security compliance.

Everlaw’s recent FedRAMP authorization makes this the first cloud-native software solutions of its kind to reach this level of security authorization, giving agencies longer-term confidence that evidence can be managed securely.

“At Everlaw, we are focused on creating a solution for legal teams that help them access both the technology and the digital evidence they need in a secure and collaborative environment,” Carr says.

Everlaw’s solution is also designed to assist federal legal teams with government investigations, case building, FOIA requests, and Freedom of Information Law (FOIL) workflows and congressional inquiries.

“Lawyers frankly may not care how infrastructure is laid out. But they do care that their day-to-day workload is easier,” says Kovach. If department leaders start to itemize total expenditure, storage costs, infrastructure costs and human resource costs, they can begin to have a more meaningful conversation around e-discovery technology.

That conversation needs to include the total cost of maintaining legacy systems to handle today’s rapidly scaling data environment. Moving to a platform designed for that environment promises to be a win-win for agency legal departments — and their IT departments.

**Learn more** about Everlaw’s cloud-native e-discovery solution, and how federal agencies can expedite procurement for quick access to cloud tools.