

Big Data

The challenges of Big Data in litigation

If recent figures are accurate, it appears that digital data is as transient as the dew on the grass. As yesterday's news is today's history, it seems the quality and relevance of data and information is quickly consigned to the backburner and replaced by the latest most reliable and significant data.

According to a somewhat surprising statistic from IBM, 90% of all the data in the world today has been generated over the last two years alone. The vast majority of this so-called 'Big Data' is accessible digitally and on the internet and available to a large proportion of the population. And this data is increasing exponentially every minute of every day.

In the 21st Century, information is key to all successful businesses: they rely, for instance, on consumer insights to accurately identify the needs of potential customers and clients. Furthermore, intellectual property, social media interactions and the like are critical issues for businesses and other organisations maintaining a successful business today.

But this Big Data - encompassing huge amounts of information about both individuals and groups - brings stark new challenges. Petter Bae Brandtzæg of research organisation, SINTEF ICT, warns: "*Vulnerability and data protection are the dark sides of our new entry into huge data sets and registers.*" The ease with which the internet can be accessed and the prevalence of Bring Your Own Devices show just how easy it is to acknowledge the rapid growth of data, and that the implications should not be ignored by business organisations.

Big Data and E-Discovery

Aside from issues such as privacy, there are important implications for e-disclosure in potential litigation - particularly in the post-Jackson era. Is 'old' information dating back more than a couple of years or so no longer valid? A critical question is: of all the data available and potentially relevant to a given case, how much is actually structured, significant and necessary for a potential litigant to rely on, or to disclose to the other party?

Knowing and identifying what data is meaningful and necessary for the purposes of litigation is critical. Sorting out the dross from the important data is no simple task.



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Since 1 April 2013, parties to litigation are required to submit a disclosure budget in advance of the first case management conference. This means recognising and establishing:

- How many computers, hardware and other devices (including personal devices) must be investigated;
- How such devices will be accessed;
- What - and how much - data needs to be accessed;
- Identifying what data and other information is potentially required for the purposes of litigation;
- The potential cost to clients of carrying out the above.

With the exception of perhaps the smallest and most straightforward of cases, the above tasks require expertise that the majority of law firms and chambers do not possess in-house.

In short, it's potentially a Herculean challenge and one already recognised the other side of the Atlantic: a recent survey by e-discovery vendor FTI Technology revealed that 64% of in-house lawyers called Big Data their biggest e-discovery challenge.

How can Legastat help you? Legastat is at the forefront of helping organisations with their e-disclosure challenges both cost effectively and within required time constraints under the CPR. We have access to specialist resources, technology partners and digital forensic and e-discovery experts to identify relevant data for e-disclosure purposes for our clients.

Whether your requirements relate to small e-disclosure projects or large-scale electronic evidence involving many devices and huge amounts of Big Data, we have in-depth experience and the technological strength to work on your behalf within the CPR and to budgetary restraints.

We are proud to be part of the Government framework for Electronic Disclosure Services and Hard Copy review services for government (RM924).

About us

Legastat are experts in reprographics and specialist litigation support for the legal sector.

Located in the heart of legal London we've been trusted to deliver a professional and efficient service since 1953.

Top law firms, corporations, government agencies, small law firms and sole practitioners rely on us to meet their litigation support

and disclosure obligations on time, accurately and cost-efficiently.

At Legastat we put our customers' needs, quality and confidentiality at the heart of everything we do.

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