



The *Privity* Electronic Discovery Service From Commonwealth Legal

Overview

Commonwealth Legal's *Privity*¹ Electronic discovery service has successfully captured and converted millions of pages of documents for large corporate clients and major law firms across Canada, successfully competing against Canadian and large American electronic discovery businesses.

What sets Commonwealth Legal apart?

- Our understanding of the legal process and how lawyers work
- Our full-service capability to integrate electronic and paper discovery processes
- Our commitment to investing in our company's people, technology, and training
- Our constant focus on customer service
- Our unique *Privity* Electronic discovery service, offering the most reliable and cost effective electronic discovery anywhere
- Our ability to store and host in Canada over 100 Terabytes of data² in one of the most secure data facilities in the world³

Electronic discovery encompasses many different tasks and involves the use of highly trained experts, a variety of specialized software, and robust hardware, networking, telecommunications and security facilities.

¹ Privity: "Privacy; secrecy; confidence; A connection, or bond of union, between parties, as to some particular transaction; Private knowledge; joint knowledge with another of a private concern."

² A Terabyte is approximately one trillion bytes. The books in the largest library in the world, the U.S. Library of Congress, contain about 20 terabytes of text. One Terabyte of data can fill a stack of paper almost 50 kilometers high.

³ Our impregnable physical security features include card key and biometric (fingerprint) access with battery backup, 24-hour on-site security, Fire, bullet and shatterproof glass, State-of-the-art heat and smoke laser detection system, Intrusion detection systems, Reinforced building structure, Electrical power conditioning to eliminate surges and transmission noises, Multiple Internet firewalls, Backup generator power, Diverse and redundant fibre networks, Redundant air conditioning system, Dust and pollutant controls, and a Static-free floor and sub-floor. Our Data Security is based on Kerberos authentication, Dynamic passwords, VPN and Managed Cisco Pix Firewalls.



Services⁴

Service	Explanation
<p>Consulting</p>	<p>At the first sign of impending litigation, or at any time before trial, Commonwealth Legal is available to advise you and your client with respect to the best practices of electronic discovery. Our President, who is well known as a lawyer and technical adviser to the Canadian Judicial Council, was cited by the Ontario Superior Court of Justice as a discovery expert in <i>Wilson v Servier Canada Inc.</i> Dr. Felsky was publicly speaking about electronic discovery ten years ago (before it became fashionable) and has now advised some of Canada's largest law firms and companies on their electronic discovery strategies. These include:</p> <ul style="list-style-type: none"> • Preservation of data to avoid claims of spoliation • Working with client IT professionals to understand the scope of the project and the available resources • Working with opposing counsel where appropriate to facilitate exchange of documents • Working with the judiciary to ensure acceptance of discovery protocols
<p>Data capture</p>	<p>While some clients simply send us media such as CDs, hard drives, backup tapes or even complete computers, in many cases Commonwealth Legal's assistance may be required to plan and properly execute a forensic capture of computer data. We accomplish this data capture without booting up the target computers, to ensure nothing on the hard drive is in any way altered by our capture process. Then, an exact bit-by-bit mirror-image of the drive is made (including slack space) to forensic specifications onto our own capture media. Throughout the entire process, chain-of-custody is maintained with inventory logging procedures and labeling to ensure the maximum reliability of the data that is eventually extracted for use in court.</p> <p>We have data capture staff available locally in Calgary, Toronto and Montreal.</p>
<p>Backup tape restore</p>	<p>Backup tape restore has become notorious in the industry as contributing to the high cost of electronic discovery. There are several inescapable reasons why tape restores can be a costly process:</p> <ul style="list-style-type: none"> • In sophisticated IT environments, <i>all</i> the tapes for certain dates and servers must be restored in order to access folders or files relating to specified custodians or topics.

⁴ Electronic discovery is a rapidly developing area, and Commonwealth Legal is always working to improve its services with the latest proven technology. Though this list of services is accurate today, we reserve the right to change services offered and our pricing structure without notice.



Service	Explanation
	<ul style="list-style-type: none"> In order to restore multiple tapes, there must be a system set up to host the restored data. This system may have to accommodate many Gigabytes or even Terabytes of data and maintain the original file structure of the backed up data.⁵ Over the years, a business might have used many different tape formats, hardware and software to perform their backups. In order to properly restore these tapes, a vendor must have access to a variety of legacy hardware and software. Backups are usually performed nightly, weekly, monthly and annually. Depending on the litigation, it may be necessary to restore backup tapes that are essentially duplicative, to ensure the “smoking gun” is not missed from an incremental backup.
<p>Server, workstation or hard drive restore</p>	<p>Original client data must be carefully moved from computers or hard drives to our data processing servers. The original equipment is inventoried and safeguarded in our secure <i>Privity</i> facility and is generally not used for processing.</p>
<p>Detailed Inventory of files</p>	<p>In smaller cases, involving a few CDs, one hard drive or one backup tape, we can provide clients with a hard copy detailed inventory of all files by file type, including size and an estimate of the number of pages. In larger cases, a printed inventory is not feasible, and is replaced by reports generated from our <i>LawScreen</i> service.</p>
<p><i>LawScreen</i> Key-word searching or filtering</p>	<p>Unless custodians have gone through manually and selected files and folders that are relevant to the litigation (not generally the recommended practice), we know that large volumes of restored and captured data will be irrelevant, for many different reasons. Our Commonwealth Legal <i>LawScreen</i> service includes the following processes:</p> <ul style="list-style-type: none"> Filter out (with client approval) non-document files such as executables, DLLs, 0-byte files, and identify files that cannot be processed as documents (e.g. audio and video clips) Filter out documents outside of relevant date range Prioritize processing of certain file types, with client approval, e.g., e-mail <p>Search the full text of all restored documents for keywords, names, phrases or numbers provided by counsel to significantly narrow down the scope of documents to be processed further⁶</p>

⁵ We also offer a unique “remote restore” service in which your client’s staff may restore their own tapes to our secure *Privity* server. At present, Commonwealth Legal can handle over 100 Terabytes of data. Rather than a tape restore fee, the remote restore option is charged by the Gb. Please call for more information.

⁶ Our *Privity* electronic discovery service uses enhanced full-text search processes that include the following features on a global or selective basis: wildcard truncation, number indexing, database field indexing, grammatical stemming, phonetic searching, adjustable fuzzy logic searching, customized stop word list, customized thesaurus, plain language search, document comparison search and many others. We have not yet found an “artificially intelligent” search



Service	Explanation
Primary de-duplication	<p>There are often vast numbers of files on backup tapes and servers that are duplicates. In computer terms, true duplicate files have an identical unique number, called a hash value. We never delete duplicates, but we flag them as duplicates and only run one copy through our <i>Privity</i> process, saving on processing charges.</p>
<i>Privity</i> Processing	<p><i>Privity</i> processing itself is a three-step process that (a) extracts the ASCII text from all document file types, to enable full text searching for the end user; (b) captures file properties relevant to the litigation process such as file path and name, date, e-mail “from, to, date and subject” fields, and document properties as saved by the author; and (c) converts (optionally) all native files into single-page TIFF image format to enable annotation, fast review without the need for specialized software, and the ability to produce documents electronically to opposing counsel without confidential “metadata.” We also Bates number the images with your customized prefix. Blowbacks or electronic copies can be provided with or without the number burned in.</p> <p>What sets Commonwealth Legal’s <i>Privity</i> electronic discovery service apart?</p> <ul style="list-style-type: none"> • Recognition of over 350 file types including Exchange, Outlook Lotus Notes, ZIP files, Microsoft Office • Cost-saving features such as elimination of blank pages in spreadsheets • Maintenance of parent-attachment relationships in e-mail • Handling of “date code” field to eliminate incorrect dates • Built in workflow and quality control processes and error detection • Easy scalability for faster throughput • Superb integration with IPRO load files to ensure compatibility of e-discovery output with scanned images from paper • Flexible design and focus on production environment • Excellent support and product development
Create load file	<p>Once the relevant documents have been processed, Commonwealth Legal organizes all the ASCII text, database information and image files into the proper structure to load into your preferred litigation database tool such as Summation, Concordance, JFS Litigator’s Notebook, Ringtail or virtually any other software product.</p> <p>Customized work can include such processes as folder and image file restructuring, renumbering or extraction depending on the end use.</p>

engine that is more powerful or more accurate than the application of our experience and real intelligence. Please call to discuss the benefits of our *LawScreen* service.



Service	Explanation
Data normalization (optional)	<p>If your practice dictates, you may require names to be formatted in certain ways, for example: Lastname, Firstname. This enhances searching, browsing and reporting capabilities. With e-discovery, since names are captured from e-mails, they may appear differently. For example, Karl Leung, whose name would normally be coded as Leung, Karl, might appear frequently as kleung@hotmail.com. In those situations where consistency is required, Commonwealth offers a normalization service.</p>
Secondary de-duplication	<p>Once files have been processed, we can assist counsel in flagging duplicates or near duplicates that were not considered exact replicas in the primary de-duplication process.</p>
Database delivery	<p>Once the relevant files are prepared and ready for import into the client's preferred software, we can provide you with several options for making the completed work accessible to you for final review.</p> <p>We can load images and data onto the Commonwealth web hosting service for easy access to multiple users</p> <p>We can post your data on our secure FTP site for downloading</p> <p>Depending on the volume of data, we will burn CDs, DVDs, or provide you with hard drives</p>