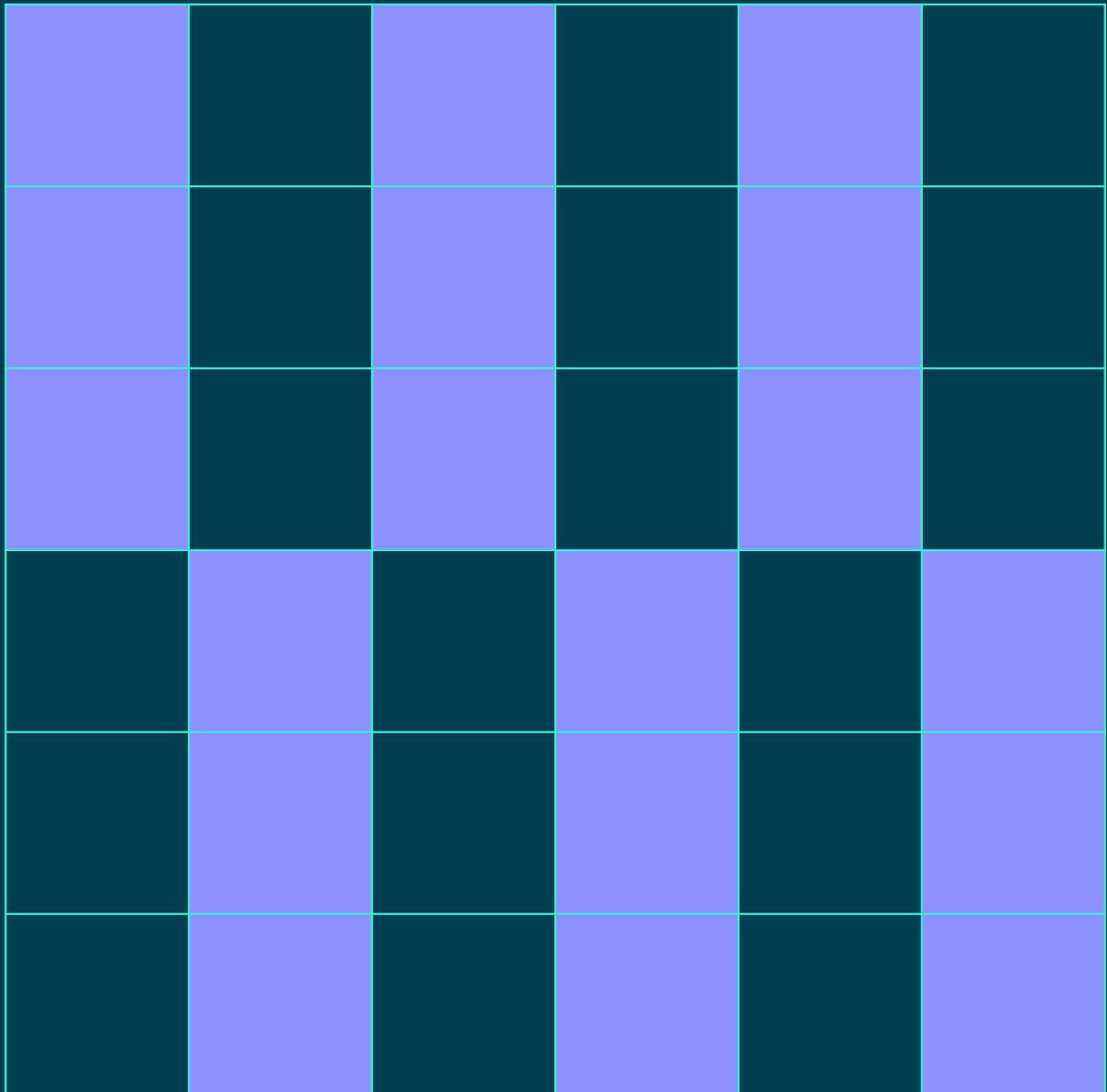


Selecting the right eDiscovery partner



In this guide we share important considerations and questions you can ask to assess the criteria for selecting your ideal eDiscovery partner.

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eDiscovery can seem like a complicated process, especially without the right team by your side. Choosing the right eDiscovery partner can greatly impact your success in every case.

To help you, we have compiled important considerations and questions you can ask to assess the criteria for selecting the ideal partner.

Experience, resources and capacity

For months and even years, your eDiscovery partner will need to act as an extension of your team, working alongside you and supporting you throughout your matter. For this reason, we believe it's important to consider both financial and non-financial factors, such as experience, resources and capacity, that will impact the overall value of the service.

What matters

You need a team with a balance of legal, eDiscovery and technology expertise. You need workable solutions for shifting priorities from experts who work when you do. Your eDiscovery partner should be able to demonstrate that you will be supported by a team that has experience:

1. As practising lawyers who understand what is happening at your end
2. As eDiscovery experts who know how to help you solve the challenges ahead
3. As technologists who can develop custom solutions to unique problems
4. On matters like yours, with a track record of delivering the right solution and positive impact.

Your eDiscovery partner also needs a sufficiently sized team available 24/7 to assist you during high-demand phases of the project, ensuring that quality and accuracy are never compromised.

In the worst-case scenario, insufficient experience, resources, and capacity can result in mistakes that pose risks and lead to higher costs or wasted time for both the provider and your team during the review and correction process. Conversely, in the best-case situation, inexperience typically causes tasks to take longer than they would if handled by a more skilled expert.

How to assess experience, resources and capacity

Some questions you can ask to help assess these criteria:

1. Who are the consultants I will work with daily and who will handle most of my project?
2. What recent experience do they have managing similar matters?
3. Can you provide examples of relevant matters you have worked on?
4. Do you have clients we could speak to about their experiences?
5. What is the size of the team supporting the consulting team?
6. Who are they, where are they located, and what is their experience in eDiscovery?

Process and technology

Your eDiscovery partner ought to leverage advanced technology for innovative and creative problem-solving. Most standard eDiscovery solutions do not fit the Australian market well and require significant modifications to operate efficiently. Without these adjustments, workflows can slow down and become more susceptible to errors and risks.

What matters

You need a rapid start with a configured review workspace, advanced custom workflows, and a responsive team with deep legal and eDiscovery experience. The data landscape is constantly evolving, presenting new challenges to legal review teams every day. It's reassuring to know that you've engaged an expert team with a proven history of identifying, scoping, and addressing these challenges.

How to assess process and technology

Some questions you can ask to help assess these criteria:

1. What technology do you use to deliver your services?
2. Why have you selected that technology over others in the market?
3. What innovations have you developed that improve how your team or clients execute their work?
4. Do you have access to any other technologies that might be able to assist us with this matter?



Information security

Law firms are well-known targets for cybercriminal activity, and their eDiscovery partners are equally vulnerable. It's crucial to confirm that your eDiscovery partner has a robust information security framework and a proven track record of implementing and upholding it.

What matters

Although you can't eliminate all cybersecurity risks, you deserve the confidence that any provider handling your sensitive data takes every precaution to mitigate them. The fallout from a cyber incident can be both disruptive and costly. Therefore, it's essential to have the right technology and a robust organisational culture to effectively minimise these risks.

How to assess

Some questions you can ask to help assess these criteria:

1. Can you share your relevant security and certification documentation?
2. Who are the key stakeholders for managing information security policies and procedures?

Commercials and fees

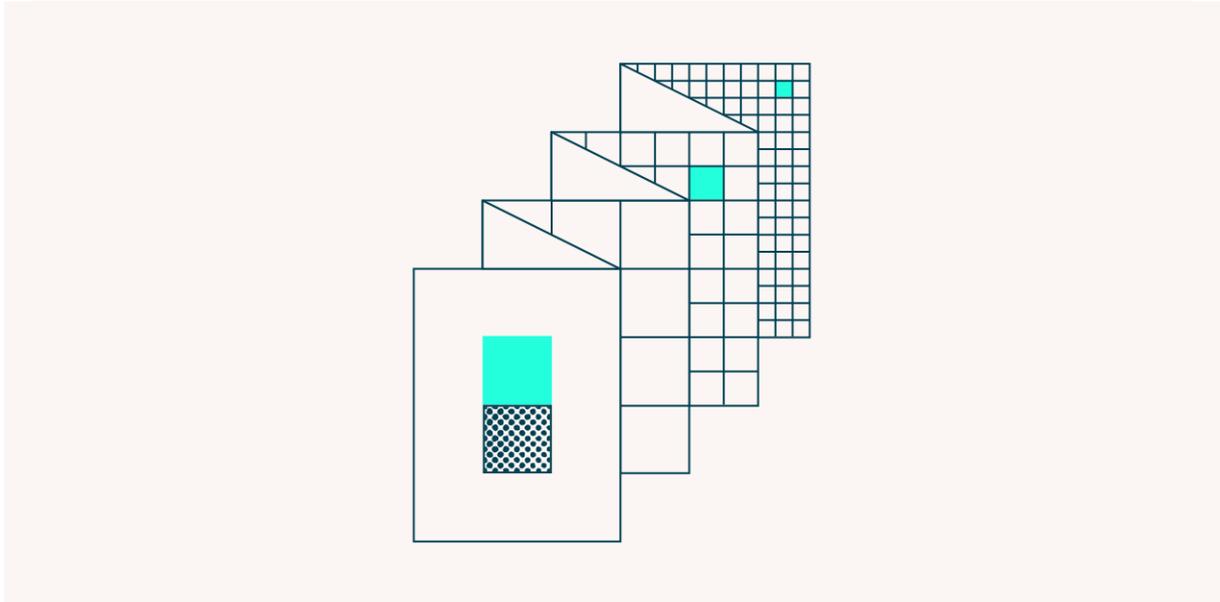
The commercials and fee-structure should be evaluated alongside the previously mentioned non-financial factors. Providers lacking in some or all these areas may compensate by significantly reducing certain rates. Additionally, you or your client can incur extra indirect and consequential costs when engaging a provider who is deficient in these areas. Often, these costs can exceed the proposed savings from the reduced rates. This is particularly true for smaller matters, where the difference in monthly estimates could be hundreds of dollars. Just one wasted hour of your time could negate those savings.

What matters

To provide a comprehensive commercial billing model, a good eDiscovery partner should take the time to understand your specific needs and requirements for each matter. This understanding should extend beyond the number of GB and users involved; it should also consider the matter type, length, duration, recent milestones, and upcoming deadlines, among other factors. We recommend checking whether other providers actively seek this information from you and how they utilise it. If they only focus on Gigabytes (GB) and users, it may indicate a lack of understanding regarding how their services may practically interact with your work matter.

In recent years, many eDiscovery businesses have attempted to enter the Australian market or aggressively increase their market share through heavily discounted offerings. We believe that these models lack long-term financial viability. In the past year, several of these companies have exited the Australian market, while others have significantly restructured their businesses or softened their aggressive approach, supporting our speculation. If you are offered a severely reduced commercial offering, it is important to consider the motivation behind it.

Finally, it is important to consider not only the unit rates in isolation but also how much each potential partner may be charging in any given month. There is no guarantee that a provider with a lower unit rate will be cheaper than one with a higher one, especially when considering some of the aforementioned factors.



How to assess the commercials and fees

Some questions you can ask to help assess these criteria:

1. What are your fees for processing data?
2. What are your fees for uploading data to the review platform?
3. What are your fees for hosting data in the review platform?
4. What are your fees for providing support to our team throughout the matter?
5. Are there any other fees that we are likely to be charged for which we should be made aware?
6. How and when are these fee types likely to be billed?

Helpful resources

As specialists we continually invest in R&D and best practice so we can advise our partners with confidence. These insights culminate in helpful [resources](#) and [references](#) for lawyers and decision-makers.

Data Identification Questionnaire

Our questionnaire aims to help you quickly and accurately identify data potentially relevant to your matter. The information captured from key stakeholders will facilitate the development of a collection plan and enable its swift and defensible execution.

[Learn what to consider](#)

Draft Exchange Protocol (Australia)

This reference is used by our teams on most disputes in most jurisdictions within Australia. The template provides a starting point for developing a protocol that governs the exchange of documents for Australian disputes.

[Learn what to consider](#)

Practice direction by jurisdiction (Australia & UK)

Reference our index of all Australian and UK eDiscovery practice directions.

[Learn what to consider](#)

Learn more

Negotiating a document exchange protocol with opposing party	↗
Getting the most out of your eDiscovery partner	↗
Limiting risks of data self-collection	↗

AI or otherwise, when new challenges arise, we find practical, accurate and defensible solutions.

Our growing AI capabilities

- 

Chat
Summarise, translate and label documents using natural language prompts.
- 

Scan
Recognise and tag objects in images and convert them to structured, searchable data.
- 

Mass Action
Prompt, record and reuse multiple document review queries simultaneously.
- 

Extract
Capture and populate data from templated forms into structured, searchable data.
- 

Validate
Review, summarise and fact check document references to supporting evidence.
- 

Transcribe
Extract audio and video files and organise them into searchable transcribed data.
- 

Compare
Review and summarise document similarities or differences in a structured, searchable format.
- 

Translate
Translate and maintain context in documents in their original format in up to 100 languages.
- 

Chronology
Organise, link, track and review an automated sequence of events from documents.
- 

Review (aiR)
Locate material related to legal issues important to your case strategy.

Leverage AI on your next matter. [Our solutions >](#)

Solutions and impact

<p>Collecting data from Microsoft 365 quickly and defensibly</p> <p>Dispute, Collect, Regulatory, Investigation, Locate</p> <p>Read</p>	<p>Leveraging continuous active learning in large scale document review</p> <p>Dispute, Analyse, Review, Sky Solution</p> <p>Read</p>	<p>Migrating an active eDiscovery project from another provider</p> <p>Dispute, Regulatory, Investigation, Process, Sky Solution</p> <p>Read</p>
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[Client success ↗](#)

You need a team with the right balance of legal, eDiscovery and technology expertise, this is who we are.

Our expert team of lawyers and technologists are available to assist you with navigating all stages of your matter, from the first meeting, through scoping, to completion. We focus on technical solutions so you can focus on the law. Find out how we help.

