

Breaking e-Discovery Barriers in Puerto Rico

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Abstract — *Electronic discovery is the process of producing Electronically Stored Information (ESI) in the context of a legal process. ESI includes emails, files, social media, and website content among others. The different types of sources that generate data have been rapidly increasing. Therefore, it is highly important to manage the discovery process accurately to avoid negative legal and financial repercussions. However, most companies in Puerto Rico do not have a solution or understand the consequences of lacking a robust e-discovery solution, mainly due to the lack of available information and resources on the subject. To mitigate this existing problem, the eDiscoverypr webpage was created. The primary purpose is to educate viewers and provide them with valuable data on the subject.*

Key Terms — *Blog, e-Discovery, ESI, Repository.*

INTRODUCTION

The process of identifying, preserving, collecting, preparing, reviewing and producing electronically stored information (ESI) in the context of a legal process is called e-discovery. Electronic information is considered different from paper information because of its intangible form. Electronic information is usually accompanied by metadata, which can play an important part as evidence (for example the date and time a document was written could be useful in a copyright case). As the request for different types of data increases, so does the importance of having a robust e-discovery solution in place. However, most companies do not possess nor have an understanding of the legal and financial repercussions of not having a solution [1]. Unfortunately, this is the case for many

organizations in Puerto Rico that lack knowledge and resources on e-discovery.

eDiscoverypr was created as a way to provide a solution for the lack of available resources and information on e-discovery in Puerto Rico. eDiscoverypr is a blog style webpage designed to serve as a repository, where viewers can comment, share, and collect data regarding e-discovery. The website is focused on educating viewers and providing them with valuable data; especially for Information Technology and Legal professionals. The information and tools available on eDiscoverypr are also directed for students and other communities of interest. Furthermore, eDiscoverypr provides necessary and reliable information to consumers about the benefits and importance of having a strong e-discovery solution in place.

Creating a user friendly navigation system is key for allowing all types of users to access the information quickly and effectively. The collaboration with industry professionals, associations and educational institutions has made eDiscoverypr a comprehensive source for to electronic discovery education in Puerto Rico.

LACK OF RESOURCES

We are living in the age of information, where the amount of sources that generate data have been rapidly increasing from mobile applications, social media, and devices, to more traditional sources like emails and search engines. It is evident that as individuals, in both the work and personal environment, we are constantly generating data that could potentially be subject to a legal process. The topic of e-discovery is still a fairly new frontier in the vast legal landscape. The exponential increase in the amount of data being generated, and how this

impacts the legal process, is something both small practices and global law firms now face frequently [2]. According to an analysis conducted by the University of California at Berkeley, 93% of all information today is created in an electronic format; the American Records Management Association (ARMA) has estimated that more than 90% of records created today are electronic [1].

To mitigate the process of identifying, collecting and reviewing the necessary data for a legal representative (to properly analyze and construct a legal argument and defense), organizations must possess an e-discovery software. E-discovery means leveraging a number of workflows and technologies to help get through the discovery process quickly and efficiently [2]. However, many organizations are not aware of the use and importance of implementing this type of software. The 2016 Legal Technology Survey Report conducted by the American Bar Association's Legal Technology Resource Center revealed that the number of law firms involved in cases requiring e-discovery rose to 45% in 2016 [3]. However, many of those firms are failing to use e-discovery technologies. "Lack of a proactive e-discovery process can lead to fines, unfavorable judgments, and increased operating costs; while also eroding corporate resources and damaging reputation" [4].

The lack of available resources and information on e-discovery is currently one of the primary reasons why there is a low percentage of organizations that possess an electronic discovery solution [5]. The absence of resources on this subject has affected current and future students, as well professionals in the field, by not providing them with a space or platform where they can interact, build professional relationships, share useful information and contribute to the visibility of e-discovery. Building memorable connections in the e-discovery industry is important for everyone. Not only do you get the opportunity to meet people on a personal level, but you develop an ongoing communication that will benefit both parties [6]. At the moment, the resources available on eDiscovery in Puerto Rico are

very limited and mainly focused on information about legal professionals in the field. As a result, individuals like small and medium business owners, students and young professionals, are forced to outsource information and resources on eDiscovery.

The career opportunities available within the field are also a primary reason for the development of eDiscoverypr. According to studies made by Robert Half Legal, there has been an increased in litigation, this creates a demand for lawyers and legal professionals skilled in litigation support and e-discovery. In a more than two billion dollar industry, eDiscovery professionals are becoming more and more in demand.

Even though the role of an e-discovery professional has and will continue to evolve, some of the main responsibilities continue to be focused on educating and assessing clients on ESI policies, as well as assisting in the collection and analysis of ESI. The salary range for e-discovery professionals is also inviting, offering on average a starting salary of \$57,000 in lower markets and up to \$250,000 for management positions in markets like New York. Some professionals even say that e-discovery has become a positive boom that has led to the creation of new and exciting opportunities within the litigation support.

eDiscoverypr is helping increase the interest of individuals looking for a legal or technology related career. Many of the articles available focus on presenting readers with the realities and advantages of becoming an e-discovery professional.

METHODOLOGY

eDiscoverypr is the first electronic discovery platform designed as a repository, focused on being a centralized resource for information and networking in the Puerto Rico market. Its purpose is to increase and create awareness on e-discovery, build professional relationships, foment local services, and attract more individuals in to this field of study and careers from a legal or technology standpoint.

Educating and providing reliable resources for businesses, professionals and non-professionals is key for the development of e-discovery education. eDiscoverypr is also intended to be a platform for legal assessment, to protect organizations and individuals during legal proceedings. It is a starting point for developing a set of best practices focused on e-discovery. While some people believe that e-discovery can be accomplished adequately and less expensively in a reactive mode once a legal action has started, professionals suggest that being proactive about e-discovery is ultimately less costly, it reduces the risk of spoliation, improves the chance of winning legal actions, and is less disruptive to both IT and legal [1].

Understanding the full process of e-discovery will help increase the cost predictability in e-discovery, which is one of the main concerns for many organizations [7]. Another challenge faced by legal professionals, in and outside of Puerto Rico, is mastering the ever expanding body of knowledge in the discipline of e-discovery [8]. eDiscoverypr facilitates this type of information by providing a library of articles, news, videos and available courses regarding the e-discovery process.

Development

The website was developed in Wordpress, an open-source content management system (CMS) based on PHP and My SQL. To be able to build the website on this platform some minimum requirements had to be met. Users are required to have host support for PHP version 7 or higher, MySQL version 5.6 or MariaDB version 10 or higher, as well as https support.

The platform enables user to fully customize using a number of templates ranging from websites, blogs, portals and applications, in addition to offering a number of standard features. However, the system also allows for plugins to be added, increasing the functionality of the template. The source code can be extended and/or modified, making the platform very flexible, while empowering users to have complete control over the usage of the website. The host used for this project

supports the latest versions of PHP and MySQL on a server running version nginx 1.12.0.

eDiscoverypr was developed on a blog style template with some customizations. The up-dates feature two slideshows that add animation and enhance visual appeal for the user.

User interaction, friendliness and overall feel has been a priority since the beginning of the development of this website. To ensure this objective was accomplished, a static sidebar was integrated to the webpage design. The sidebar holds a total of five sections, each with its own functionality. However, the sections that add the most interactive value are the Social Media buttons, the Twitter Timeline, and the Event Calendar, that are described on the result section.

To increase the visibility and further promote the website, social media accounts were created. Facebook, Twitter and LinkedIn were strategically chosen as they are the three most prominent platforms available today, reaching a wide range of demographics from various age groups, educational, and professional levels. Incorporating social media increases user interaction, enabling them to reach out to individuals as well as groups with similar interests. The second important feature is the Timeline for the Twitter account. It was added as part of the sidebar so users could have a quicker, more accessible and updated view of the activity in the account. The third feature is the Event Calendar, which allows users to track and share upcoming events adding yet another level of interaction.

Navigation

The navigation of the website was designed as a seamless and user friendly interaction. To be accomplished, a universal form of navigation was incorporated based on a simple design that allows users to access information quickly, from any section in the site. Universal navigation by definition refers to the links provided in subsites or microsites pointing to the main website or specific sections of an organization's main website. Universal navigation refers to the use of hyperlinks to connect subsites to a main website owned by an organization;

the concept behind the navigation design for eDiscoverypr is essentially the same. The features that mimic this style of navigation are the header and the sidebar. These features stay in place regardless of the segment in which the user finds himself. A diagram of the Navigation functionality is shown in Figure 1.

RESULTS

User experience has been a priority in the creation of eDiscoverypr, creating a webpage that was esthetically pleasing, informative, and easy to navigate. To achieve this, a few animation features were added to the homepage creating a more appealing, as well as interactive, interface. Studies show that 65% of people prefer to read a UX optimized site over a plain webpage [9]. The navigational flow was also designed to be simple and straightforward. The following is an overview of the website’s sections and functionalities:

Homepage

When accessing the website, the first thing viewers will see is the homepage, designed to be modern and appealing to users, as shown in Figure 2. There are two slide shows that provide animation to the website. The first slideshow feature the most important post, regardless of the time in which it was posted. The second slideshow focuses on presenting the most recent post, allowing viewers to easily access more information without the need of navigating through the website.

Sidebar

The sidebar has multiple functionalities that deliver considerable value to all types of viewers. This feature stays accessible at all times while users navigate through the website. The sidebar has four sections:

- Twitter Feed
- Archive and Event Calendar

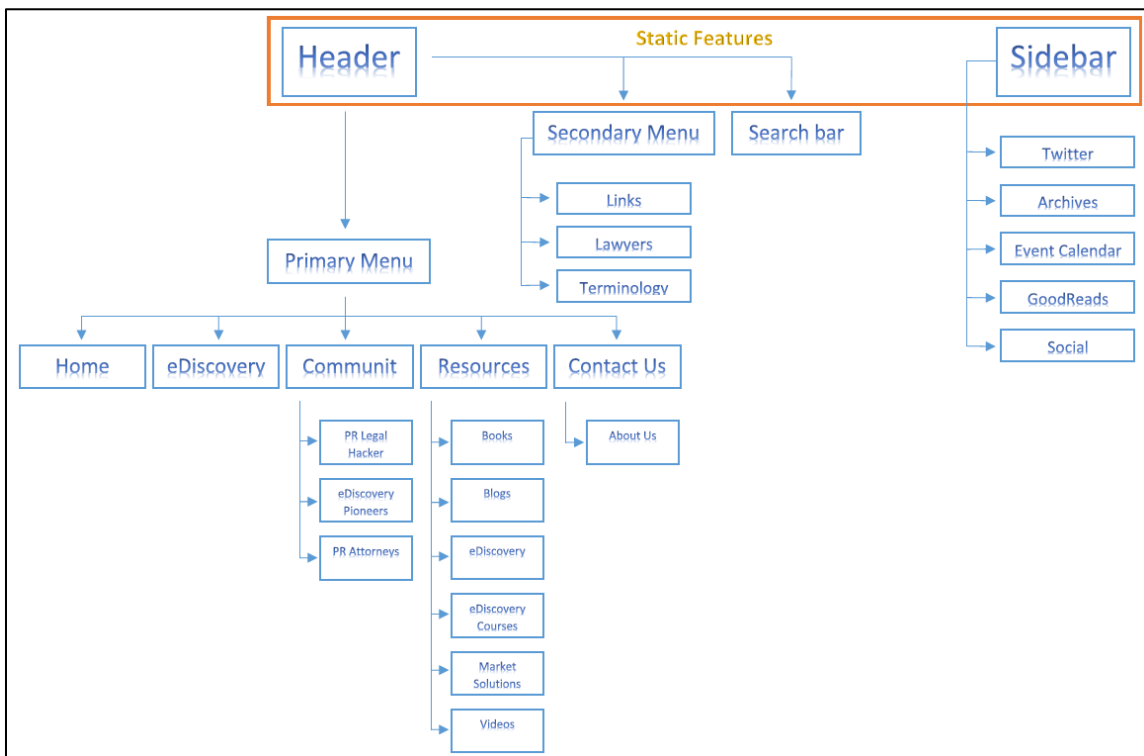


Figure 1
Navigation Flowchart



Figure 2
Preview of the Homepage and First Slideshow

- Good Reads
- Social Media

The first section is the Twitter feed. This feature is located at the top of the sidebar where users can find the latest tweets by eDiscoverypr. Users can click anywhere in the twitter feed area and will automatically be redirected to eDiscoverypr's twitter page. However, users do not have to click on the links to view the content, they can have a quick look by hovering the cursor over and scrolling up or down on the section, which allows them to see a preview of the latest tweets posted in a condensed form. A visual representation is shown in Figure 3.

The second section has two features:

- Archive
- Event Calendar

The Archive section provides users a quick and efficient way of accessing posts from previous months and years. Once users click on this feature, a dropdown menu will appear, displaying the months, year and number of posts. User then selects the post from the list.

The Event Calendar offers users an additional system to search old post, not displayed in the home page (this feature uses the same pointer as the search bar in the homepage, it is a functionality

incorporated in the Wordpress platform). Users will see the date in bold, representing that a post was uploaded on that date. Users can access the posts by clicking on the date. This includes arrows in the bottom where users can go back and forth between months, to view the past and upcoming posts and events, as shown in Figure 4.

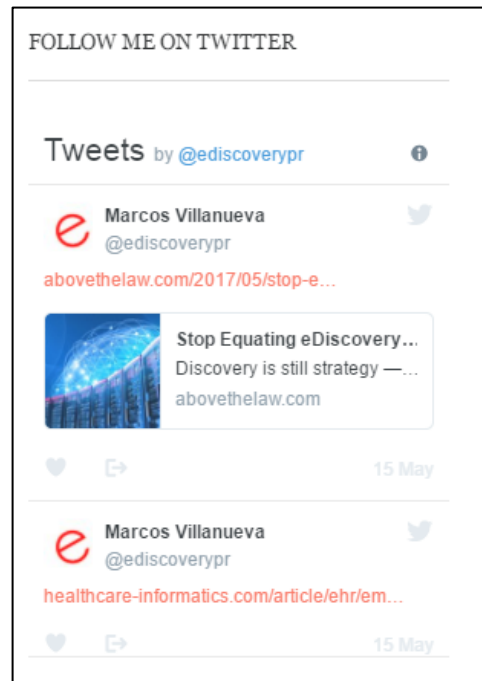


Figure 3
Twitter Feature within the Sidebar

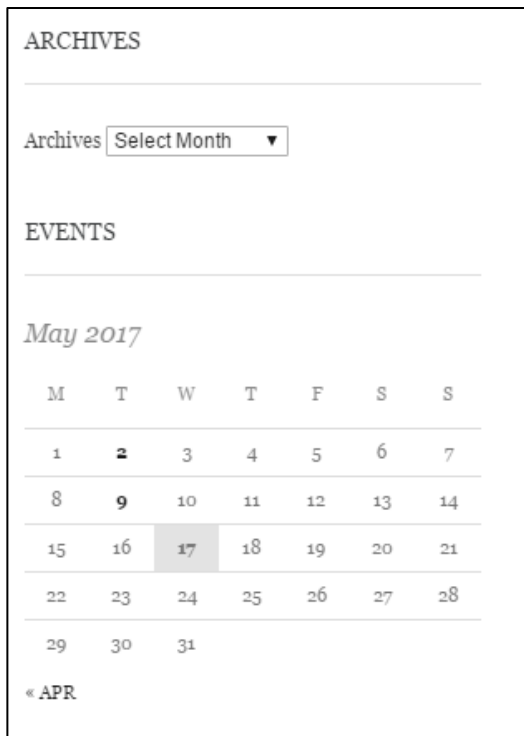


Figure 4
Archive and Event Calendar within the Sidebar

The third section is the GoodReads segment. This section provides users with a list of books, magazines, and articles related to e-discovery and associated subjects that have been built-in to this segment. GoodReads is a social media application that allows users to search and read e-books and other format electronic reading material. Users have the ability to offer reviews, as well as ratings and provide recommendations to share with others in the platform. The application is easy to access, users can click on any of the books in the list to access the application and view more information about their selection, including a full description of the book, author information, date published, and more. An example of this section is shown in Figure 5.

The last section within the sidebar focuses on social media. Here, users can access three different social media accounts that were created strategically to reach a broader audience from different generations.

- Facebook
- Twitter
- LinkedIn

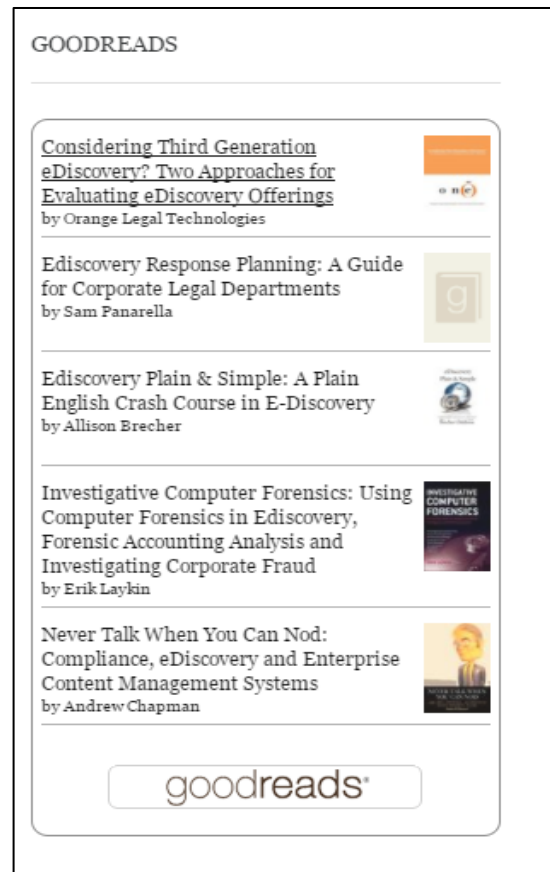


Figure 5
GoodReeds Section View within the Sidebar

Header

The header section is comprised of the eDiscoverypr logo, the search bar, and two menu panels. This section has two main menus. The primary menu, which is directly below the site's logo, has the main buttons required to navigate from one section of the site to the next. The secondary menu located next to the search bar function (to the right) serves as a shortcut to some of the most recent and important information in the site. The header as the sidebar, stays accessible to users at all times as they navigate through the site.

The primary menu consists of the following five buttons:

- Home
- e-discovery
- Community
- Resources
- Contact Us

As users explore the e-discovery button, they will find the definition of e-discovery and e-discovery Software according to Gartner IT Glossary, in addition to other subject related terms. The purpose of this section is to familiarize less experienced viewers with the terms commonly used in e-discovery with the determination of making this webpage accessible and user friendly to all audiences.

The community option has the objective of showcasing the people and groups that are encouraging, promoting and making an impact on e-discovery in Puerto Rico. This section is divided in three sub-categories.

- PR legal Hacker
- e-discovery Pioneers
- Lawyers.com

The first sub-category is the PR legal Hacker group. This organization forms part of a larger cluster of electronic discovery professionals and enthusiast. eDiscoverypr has joined forces with PR Legal Hackers to recruit members that will be part of the Puerto Rico chapter that is currently in the process of being developed by the Board of Directors. At the moment, the group has 57 members and counting.

The second sub-category, called e-discovery Pioneers, highlights the individuals who are making a difference in e-discovery by transforming and innovating in the field. These are people who have created and developed e-discovery courses and have set the standard towards continued education. Some of the pioneers featured in this section include those that have designed new search algorithms for e-discovery solutions.

The last sub-category within the community button (Lawyers) takes viewers to Lawyers.com. This is a free website designed as a directory that provides users with a list of attorneys that specialize in the practice of electronic discovery in Puerto Rico.

Resources is the fourth button in the primary menu. Here users can access a vast amount of information on topics related to e-discovery. The resources available in this section include books,

articles, Blogs, channels, and videos all related to e-discovery. Furthermore, as part of this section users can find information on e-discovery courses that are available in Puerto Rico, as well as free tools to assist small and medium business in the process of selecting the right solution according to their business needs. It is eDiscoverypr's objective to educate, inform, and provide the necessary tools to find the right e-discovery solution.

The last button of the primary menu is the Contact Us option. Here viewers are able to send direct emails to the eDiscoverypr administration regarding inquiries, technical issues, comments, and recommendations. Studies show that 44% of website visitors will leave a company's website if there's no contact information or phone number [5].

The secondary menu (upper right of home page) is designed to serve as a quick access to the most important and relevant resources of the blog. It is comprised of three quick access buttons.

- Links
- Lawyers
- Terminology

A summary of the most important and helpful resources can be found in the Links button, allowing users to engage in a quick and accessible form of navigation. Like in the "Resource" option of the main menu, "Links" includes categories such as Books, e-discovery Courses, articles and Blogs.

The Lawyers section acts as a directory with a list of 15 of the top lawyers that specialize in electronic discovery and digital forensics in Puerto Rico's metropolitan area, specifically in San Juan. Each lawyer that is listed in this section includes a brief description and a direct link that allows users to access the attorney's website from eDiscoverypr.

As a way of helping viewers of all fields and levels to get familiarized with the most common terms used in eDiscoverypr, the Terminology button was created. This option is composed of definitions on the most common terms specific to the field of electronic discovery. There is a total of 17 terms defined in this section.

CONCLUSION

One of the biggest challenges that companies and professionals face is trying to keep up with the rapid pace in which the IT world changes. The lack of information available on e-discovery, especially in the Puerto Rican market, and the time it takes to search information in reliable sources, has evidently affected the performance and everyday tasks of professionals and nonprofessionals in this field. Because of this deficiency (as a way to mitigate this problem and close the gap that currently exists between the lack of information and resources available on electronic discovery to the public in Puerto Rico) the eDiscoverypr blog style website was created. The content available in eDiscoverypr is intended to interest not only IT and Legal professionals but all audiences in general that are looking to broaden their knowledge on this topic. Whether it is to make an informed decision before purchasing a solution that best fits their needs, pursuing a career in this field, or just learning about the subject, eDiscoverypr has the resources available. Viewers will also be able to stay ahead and well informed of the latest news and developments by periodically reading, sharing, and commenting on posts, while creating professional networks.

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