



Lighting the Way: 2021 Ediscovery Trends & Everlaw's 2022 Predictions





Introduction

Who is the modern legal professional of the 2020s? Gone are the days of printing out hundreds of documents and putting them into binders to prepare for a trial, running from client meetings to the courtroom, and catching flights all over the world. Business as usual is no longer the usual for legal professionals.

Today's modern legal professional works from home, perhaps with a dog barking or cat meowing in the background. They conduct depositions from their living room and send Slack or Team messages to their colleagues about important client information. They go into the office just once a week to pick up some mail or to attend the relatively rare in-person client meeting, and attend remote court hearings from anywhere in the world. They filter through terabytes of data and craft narratives that bring sense and structure to increasingly fragmented digital evidence.

The day-to-day for modern legal professionals has changed dramatically, and the legal industry has no choice but to adapt in order to keep serving their clients' needs during this period of radical change. Luckily, the appropriate cloud-based technology to address these issues is now widely available and is being put to good use.

Legal professionals are leveraging cloud-based solutions to do everything from expediting the review process and enhancing remote collaboration to creating more efficient workflows, lowering litigation costs, and more. In 2021, we witnessed three significant shifts in the legal landscape and how legal services are delivered. These include:

- **Leveraging ediscovery technology for scenarios beyond litigation.**
- **Cloud solutions providing scalable security in a remote-first world.**
- **Optimizing ediscovery workspaces for virtual collaboration.**

Cloud solutions were previously considered optional for legal organizations. However, the past couple of years have proven that the cloud is an obligatory part of any growing organization.

This report will provide an in-depth analysis of 2021 user trends and behaviors on the Everlaw platform, as well as predictions for what is to come in 2022.

According to a November 2021 [Above the Law](#) survey, 53% of law firm employees indicated that their firms would allow lawyers and law firm staff to work remotely on a full-time basis once the offices reopened, and **70% would allow attorneys and staff to work remotely part-time once reopened.**

Looking Back on 2021

Legal work has begun to pick up as law offices, companies, and government entities have started to recover from the initial shock of the global pandemic. With a renewed sense of back-to-business mentality, here are some key trends we saw in 2021.

Ediscovery Beyond Litigation

The scope of ediscovery technology has expanded dramatically. Applications of ediscovery software are broadening as legal professionals across all industries begin to realize that ediscovery software can solve problems in areas well beyond litigation. At the same time, the importance of automated and collaborative pre- and post-review processes are coming to the forefront as technologies provide solutions that move further left and right on the **EDRM**, such as early case assessment, case narrative drafting, deposition preparation, and trial presentation tools.

Professionals no longer need a Frankenstein-type solution where every step in the EDRM requires a different piece of software or separate solution. Instead, they are looking for ways to have fewer solutions that manage more aspects of legal work.



Emphasizing Early Case Assessment

There's a huge and unmet need for simple and low-cost ways to reduce data volumes at the onset of a matter. Motivated by the immense growth in global data size (with **79 zettabytes of data** created, captured, copied, and consumed in 2021) and the inevitable trickle-down into review volumes, Everlaw launched Early Case Assessment (ECA) in the spring of 2021. Everlaw ECA allows users to run searches across their data, view documents (texts, images, natives, and metadata included), and promote the data that is most relevant to their matter for a more thorough review.

In its first year of launch, **over 300 ECA projects were created, and 22 million documents were promoted** from an ECA project to an Active Review (regular) project, exemplifying that many legal organizations need a lower-cost environment to prioritize the documents that are relevant to the matter for review.

Streamlining and Simplifying Legal Holds

Legal holds don't have to be cumbersome. In a recent Everlaw poll, 77% of respondents still use manual processes, like spreadsheets and emails, to send and track legal holds. And here's the thing — **compliance with a legal hold is critical** to avoiding court sanctions and fines mandated by law. Having an automated solution in place makes this process quick, efficient, and most importantly, defensible.

In 2021, Everlaw released Legal Holds, a solution that integrates directly into the rest of the Everlaw platform with no additional cost. It streamlines the process of tracking notifications and custodian acknowledgments. With Everlaw Legal Holds, your team is one user-friendly integration away from a legal hold process that is simple, secure, scalable, and defensible.

77% of respondents still use manual processes, like spreadsheets and emails, to send and track legal holds.

"The ECA module is excellent and provides cost savings... [Everlaw's] analytics enabled us to quickly cull through 4.5 million emails in a very short time frame."

Ken M.
Mid-Market Firm

Alternate Applications of Cloud Ediscovery

Cloud ediscovery is not just for litigation. Any organization can use solutions like Everlaw to hunt down information, secure sensitive files, and collaborate on urgent, data-intensive matters. Depending on the matter at hand, some teams might leverage predictive coding across all their projects, while others might run a few searches, redact a couple of documents, and be good to go.

RESPONDING TO FREEDOM OF INFORMATION ACT (FOIA) REQUESTS AND PUBLIC RECORDS REQUESTS

With features like powerful search, automated redactions, and secure, shareable document production, responding to records requests is made much, much simpler. Over the last eight years, the U.S. Department of Justice has been fielding more than **70,000 FOIA requests** seeking federal documents and personal data each year. Passing top-level security certifications (like FedRAMP and SOC 2 Type 2) encourages government agencies to move away from on-premises to cloud ediscovery solutions not just for litigation but for public records work as well.


CONDUCTING INTERNAL INVESTIGATIONS

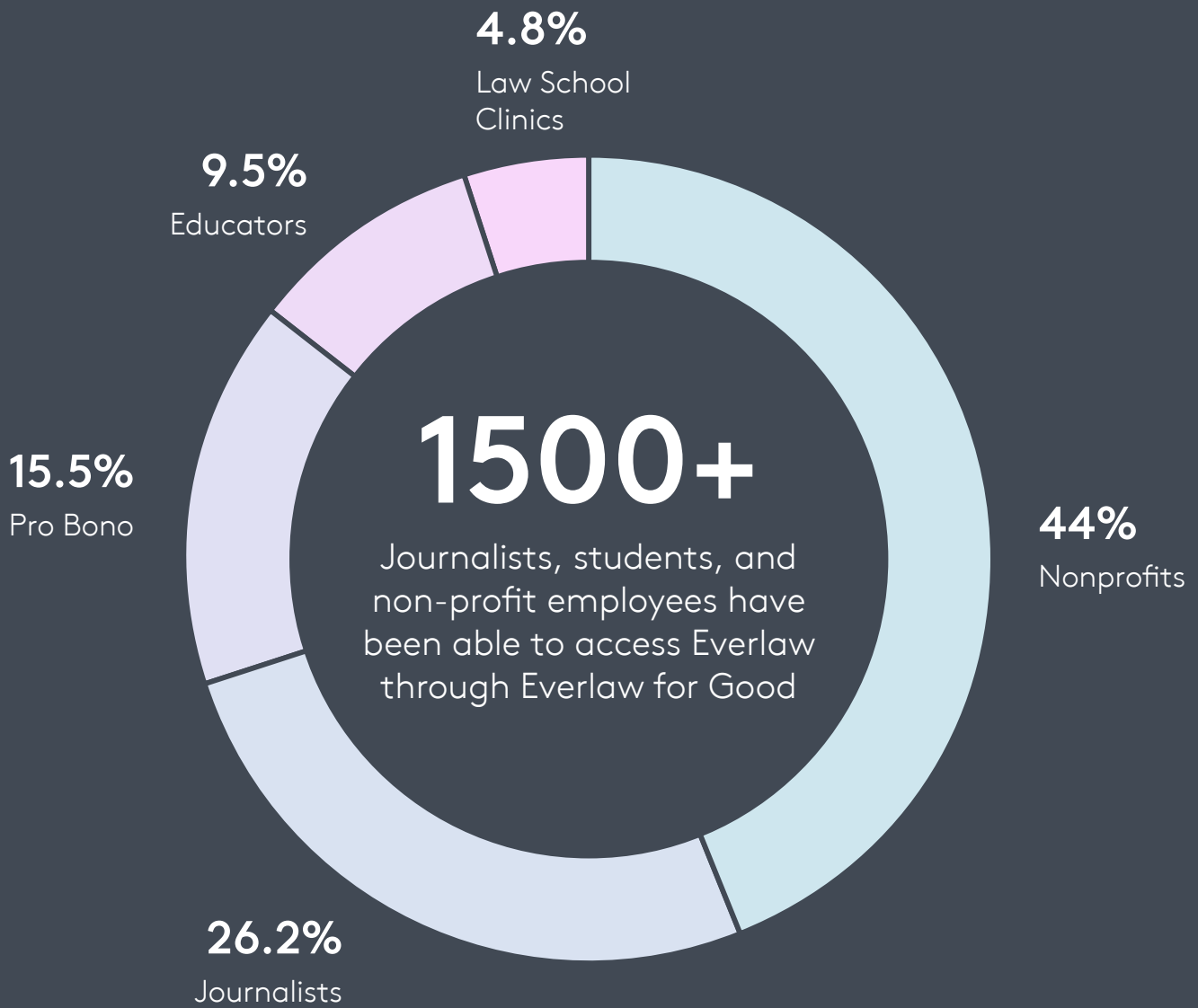
Corporate legal teams increasingly leverage ediscovery software for internal investigations and risk management. With tight deadlines, resource constraints, and a wider variety of relevant file types like Slack and O365, corporate internal investigations require features like easy-to-use cloud connectors, APIs, and automated legal holds.

INVESTIGATIVE JOURNALISM

Sifting through thousands of documents efficiently can't be done without ediscovery software. Everlaw offers innovative ediscovery resources to qualified nonprofits, law school clinics, and journalists by eliminating the cost barrier. Through the **Everlaw for Good** program, over 1,500 journalists, students, and nonprofit employees have had access to Everlaw. Indeed, journalists make up more than a quarter of all Everlaw for Good participants, including organizations like The New York Times and the **San Francisco Chronicle**.

“I tell this to my friends who are investigative journalists who have to sift through lots of documents: once you learn Everlaw’s software, it’s such a lifesaver. It gives you an ability to do things and to operate at a scale and a complexity — as a solo, freelance journalist — that I never could’ve done on my own.”

 **Burt Helm**
Business Journalist, *The New York Times*



Cloud Solutions Provide Scalable Security in a Remote-First World

The number of law firms that use cloud-based computing **has increased from 76% to 88%**. As working from home becomes more accepted, legal teams and organizations face issues surrounding security and accessibility of data and are turning to cloud solutions to address the shift to remote work.

Security Is Still Number One

Controlling sensitive client data or internal company data is extremely critical. When organizations are looking for a cloud solution, they verify its security by checking for key security certifications like **FedRAMP**, ISO 27001:2013, Cyber Essentials Plus (CE+), SOC 2 Type 2, and others. Everlaw checks all those boxes. But security goes beyond the security of the cloud infrastructure. Certain abilities within platforms, including location whitelisting, enabling single sign-on, and other administrative settings, allow organizations to strengthen their data security.

SAFEGUARDING DATA BASED ON GEOGRAPHIC LOCATION

Location whitelisting ensures that users can only access a project based on the country or IP address from which they sign in. This increased level of security is a popular choice among Everlaw users. In 2021, there was a 181% increase in the number of projects that use location whitelisting.

PROTECTING CONFIDENTIAL INFORMATION WITH REDACTIONS

Redacting sensitive, confidential, or privileged information is crucial to maintaining firm and client security. In 2021, we saw an enormous increase in redactions (see the next page), especially for image and spreadsheet redactions. This is likely due to the increase in data uploaded to the Everlaw platform in general, as well as the introduction of whole-page redactions and other methods of accelerating redactions. In addition, a greater variety of file types means more redactions across those file types.



181%

Increase in the number of projects that use location whitelisting from 2020 to 2021

Year over year, [REDACTED]

[REDACTED] image redactions increased by **3,095%**. [REDACTED]

[REDACTED] Spreadsheet redactions increased by **632%**. [REDACTED] Metadata redactions increased by **29%**. [REDACTED]

[REDACTED] The average number of redactions increased by **2,456%**. [REDACTED]

[REDACTED] Each project on Everlaw has an average of **108,098** redactions. [REDACTED]

Head in the Cloud: Attorneys Move to Cloud Platforms in Massive Numbers

We witnessed quite a few breakups this year — between customers and their previous ediscovery providers, that is. Legal organizations are deliberately moving data from ongoing matters to cloud solutions like Everlaw, where it's easier to have surefire control over data. Since 2020, **data migrations** from other platforms to Everlaw have increased by 186%. Our dedicated Data Operations team migrated almost 30 TB of customer data from other ediscovery platforms to Everlaw (at no additional cost), with the **average size of each matter being nearly 40 GB**. Many of these migrations originated from older legacy, on-premise platforms like Relativity, IPRO, and eDiscovery Point.

About **30 TB** of customer data was migrated to Everlaw in 2021.



186%

Increase in data migrations
on Everlaw since 2020.

Optimize Your Ediscovery Workspace for Virtual Collaboration

Where in the world are your colleagues? As teams grow in size and become geographically dispersed, and as legal professionals spend more time on ediscovery platforms, these tools must accommodate and facilitate remote collaboration. Tools like Everlaw should make work easier, not harder, so having the flexibility to customize your workspace is critical to easing the burden of legal work. Also, the general trend is pointing toward **more remote meetings** (meetings held over Teams or other video conferencing software), during which major business decisions are being made. This directly translates to an increase in discoverable audio and video data and a need to redact or censor private information. As a result, the ability to review various file types is becoming increasingly necessary.

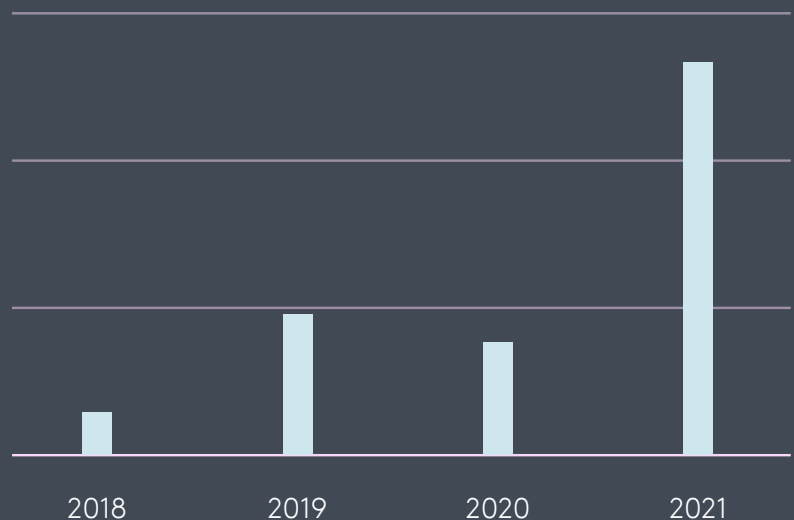
Handling a Variety of File Types: It’s Not Just Emails Anymore

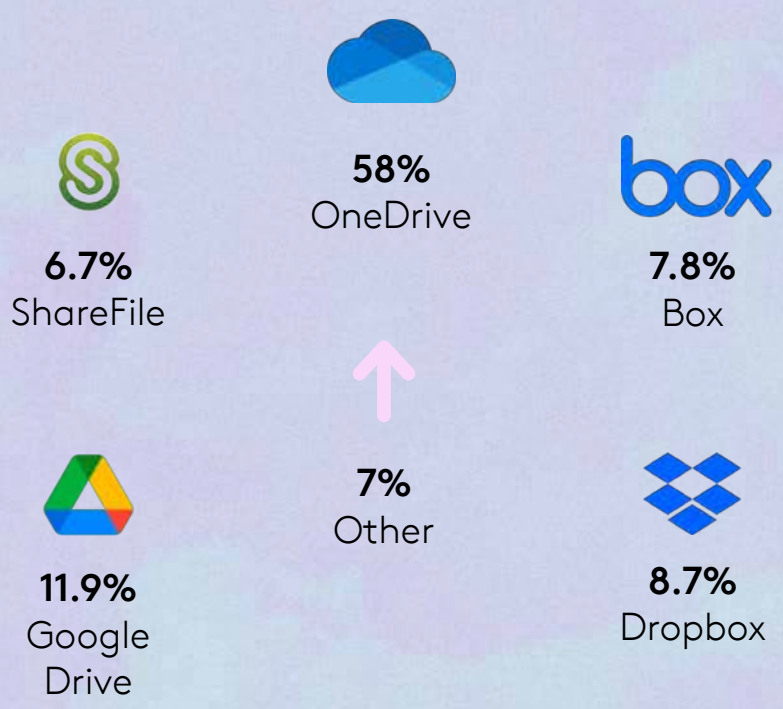
Today, courts are conducting trials via video conference, lawyers are deposing witnesses from thousands of miles away, and new forms of communication, from instant messages to meeting recordings, are working their way into litigation as evidence, not just tools. The rapid adoption of Zoom, Microsoft Teams, Slack, and other cloud-based platforms that likely would have taken years happened within **the last 18 months**. With this massive increase, cloud connectors are a must for uploading this data in a manageable way. In 2021, **58% of all uploads from cloud connectors to Everlaw came from OneDrive**. In addition, audio and video files are increasing in volume: in 2020, just over 38,000 hours of audio/video files were transcribed, compared to 2021, where 133,000 hours were transcribed — **a 250% increase**. In response to the rise in the number of audio/video files, Everlaw launched audio/video redactions in 2021, eliminating the need to use third-party software to redact A/V files and keep all review work in one secure location.

133,341 hrs

Length of time of files transcribed – a 250% increase from last year.

That’s the equivalent of watching the TV show Suits 995 times.





Ping Me and I'll Shoot You a Message: Virtual Communication Between Legal Professionals

Lawyers use Slack, too! As client data types are expanding to include more communication platforms and channels, lawyers, paralegals, litigation support personnel, and all legal professionals are also leveraging these communication platforms for increased efficiency, transparency, and collaboration. As a result, virtual collaboration is happening in the legal industry as well, including within legal tools themselves:

SHARING IMPORTANT DOCUMENTS IN-PLATFORM

It's easier and more secure to keep legal work in one safe place, which explains the shift to sending messages via Everlaw, where users can share searches, binders, deposition transcripts, notes, and more. In 2021, there was a 44% year-over-year increase in the number of in-platform messages sent.

COLLABORATING WITH EVERYONE ON YOUR TEAM

Coordinating a review of documents can be tricky, especially when it's done virtually. As a result, we saw a **51% increase in the number of assignment groups created in 2021**, which provide a simple way to organize reviewers and assign documents for review. Another crucial part of collaborating is inviting any and all of your coworkers (including outside counsel and expert witnesses) — **one project alone had 768 users**.

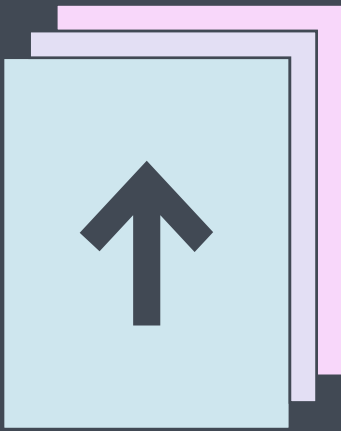
TACKLING REMOTE DEPOSITIONS AND TRIALS

Using cloud-based post-review tools like Storybuilder is useful when managing depositions and court appearances remotely. There was a 225% increase in deposition transcripts uploaded to Everlaw and a **41% increase in the number of drafts created**. In addition, nearly 300,000 documents were added to timelines. 2021 also heralded the launch of **Storybuilder by Everlaw**, a no-cost version of Storybuilder.



44%

increase in number
of in-platform
messages sent



225%

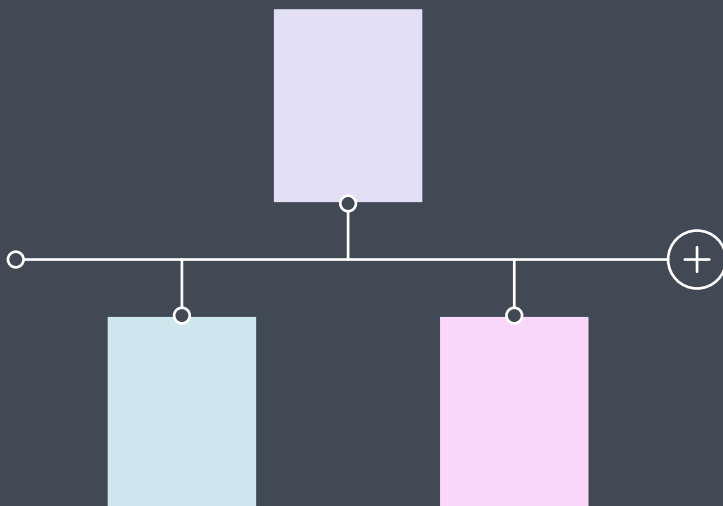
increase of deposition transcripts uploaded to Everlaw year over year.

2021

Saw the launch of Storybuilder by Everlaw, a no-cost, collaborative narrative building and trial preparation platform.



storybuilder
by everlaw



300k

documents added to Storybuilder timelines.

Make Your Virtual Workspace Your Own

It's just as important to organize your virtual workspace as it is to organize your real-life desk or filing cabinet — especially when you're viewing thousands of documents for multiple matters. This year, two impactful product releases gave users the ability to save views in the results table and filter in the results table. These two essential features give users a high-level view of their documents, making it easier to understand their data and share their personalized view of the data with other team members. These highly requested features illustrate that as legal teams' needs change, **technology providers must listen and respond to those needs as quickly as possible.**^w

Eliminate Manual but Critical Tasks with Workflow Automation

Leveraging automation speeds up the fundamental parts of discovery. Everlaw released two impactful features in the last year that accelerate common (but time-consuming) tasks: production QA, a way to automatically check documents that are to be produced for privilege or other factors, and suggested metadata redactions. In fact, **in 2021, 20% of all metadata redactions were suggested.** This suggests (no pun intended) that legal professionals are beginning to rely more on automation technology for routine legal work.

"Everlaw is one of the easiest document review programs I have used. Everlaw allows me to have control over my document set and empowers me to make the important decisions about how the documents are reviewed and produced."

Brooke
Attorney
Mid-Market Law Firm

2022 Predictions

Based on what we saw in 2021, here's what we see coming around the corner in 2022. COVID forced people to consider new technologies and paradigms, which can be beneficial in many ways. We will likely see an increase in dispute resolution, regulation, and the following:

A GREATER VARIETY OF FILE TYPES (VIDEO, MOBILE, CHAT) MEANS LONGER AND MORE COMPLEX REVIEW PERIODS.

Recorded video conference calls are discoverable evidence, and if you've ever been a participant in one, you know how long meetings can take (people ramble!). Automated transcription will become crucial for parsing through audio/video data. Also, the need to collect, process, review, and produce structured mobile device/app, chat, and message data types will accelerate as data volumes increase in size.

AUTOMATION TECHNOLOGY WILL INCREASINGLY INFLUENCE DECISION-MAKING.

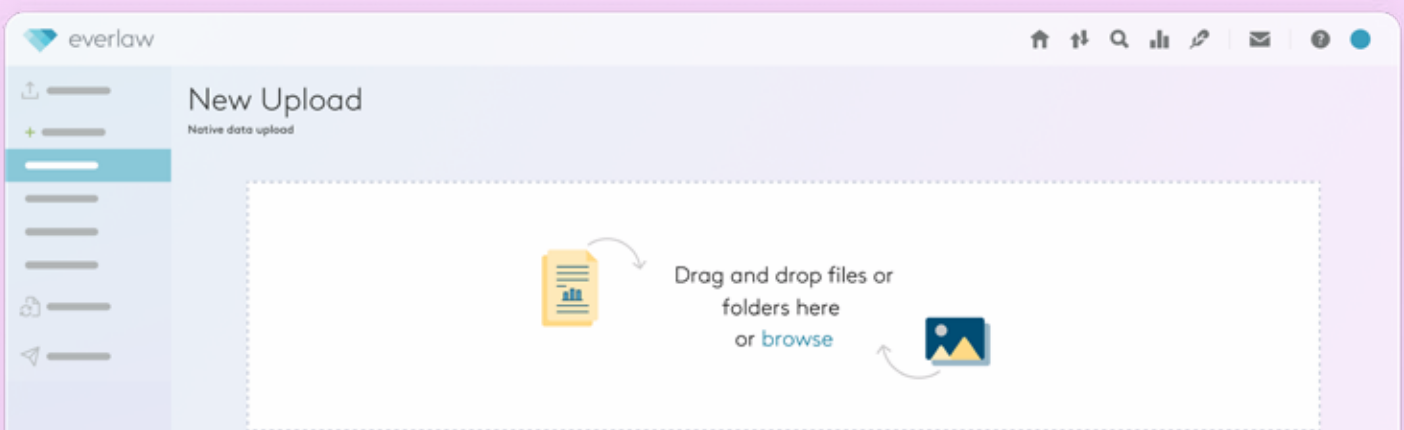
Whether it's prioritizing documents to review by leveraging predictive coding, or assigning documents out to multiple people to review, legal teams will increasingly be relying on automated technology to speed up cumbersome processes. We've already seen an increase in certain workflows, like legal holds and redactions, and we expect this to continue into 2022.

MORE ORGANIZATIONS RELYING ON CLOUD SERVICES WILL RESULT IN MORE DISCOVERABLE DATA FROM UNUSUAL SOURCES.

In the next year, more companies will be consuming cloud SaaS (software-as-a-service) platforms (e.g., Salesforce, Google Workspace, Box, DocuSign) to help solve business problems. Again, this will result in more discoverable data, and legal teams will need an efficient way to review data and information from these cloud services. Software providers will need to keep pace with the new file types and provide a way to easily upload and view these unusual file types.

REMOTE WORK ISN'T GOING ANYWHERE, AND COLLABORATION IS STILL PARAMOUNT.

Remote depositions, hearings, and trials are here to stay. Fewer lawyers will be traveling to hearings and motions, and more legal work will be done virtually, as has already been the case. That being said, collaborative features like real-time editing and secure sharing of documents must be part of any ediscovery software platform. This evolving work style will be pervasive by the end of the next year.



Some Final Thoughts on 2021

We saw a lot of changes in 2021, especially those surrounding remote work and increased reliance on cloud platforms. As a result, 2022 brings with it a slew of varied and increasingly essential data types, with more emphasis on security and remote collaboration. For more information on how Everlaw will turbocharge your ediscovery and narrative-building process into 2022 and beyond, [request a demo](#) today.

