

JMBM Finds Key Documents Among Millions For Millions

The Challenge

Dr. Gary Michelson, a respected spinal surgeon and inventor, selected Jeffer, Mangels, Butler & Marmaro LLP (JMBM) to represent him in a large intellectual property suit against Medtronic Sofamor Danek, a subsidiary of Medtronic Inc. The suit involved more than twenty different claims between the parties, and Michelson's lawyers faced a search of nearly fifty million pages of documents – along with mastering multiple contracts and patents, as well as tracking dozens of pleadings.

The “old-fashioned” approach of manual review was quickly dismissed, as it was too slow, cost-prohibitive and ineffective in this case. The firm had very little time to review millions of pages and needed an easy, efficient way to search and manage all of the information required for depositions, motion practice and trial preparation. To find the most relevant documents in a large collection of electronic information within an established four month timeframe, JMBM sought the help of high-powered discovery technology.

The Solution

JMBM often relies on technology to strengthen its efforts in preparing for and presenting cases. The firm previously used forensic tools for data recovery, as well as database management programs and trial presentation software. However, the complexity, sheer number of electronic documents and the looming deadlines that JMBM faced in the Michelson case required the firm to consider and employ several new technologies to aid in expediting a very thorough discovery process. “We needed to quickly find the needle in the haystack,” said Dan P. Sedor, partner, JMBM. “Knowing that we’d recover a lot of junk along the way, we required a solution for sorting out irrelevant documents and managing the relevant ones.”

The firm looked at several solutions to manage the discovery process. Forensics Consulting Solutions, Inc., an industry leader in e-discovery and litigation support services, recommended that JMBM consider an innovative software application, called Attenex® Patterns®, to quickly and effectively locate only the most relevant documents.

With a team of several people, including partners Dan Sedor; Stan Gibson; director of information systems Vince Klein; and information systems manager Greg Williams, the firm selected Attenex Patterns over other solutions including a Boolean search technology proposed by Kroll OnTrack.

“We were particularly impressed with the document mapping function in Attenex Patterns,” said Sedor. “Attenex Patterns enabled us to quickly gain a visual understanding of the entire review corpus, displaying how the documents relate to each other, as well as the offering the ability to both find and browse similar documents using a key concept.”

“Forensics Consulting Solutions’ guidance in finding and recommending an effective electronic discovery solution combined with their hands-on approach in working with us and Attenex every step of the way was extremely helpful,” said Sedor. “The support we had to ensure that we were maximizing the efficiency of our electronic discovery review was invaluable.”

Challenge:

Review millions of pages within an established four month timeframe.

Solution:

Use Attenex Patterns to quickly and effectively locate only the most relevant documents.

Results:

In less than four months, and at a significantly lower cost than other approaches, the team successfully sifted through 44 million pages of electronic records, locating essential documents and one very important spreadsheet that ultimately led to a half-billion dollar verdict.

“Attenex Patterns is a great solution for complex litigation involving large amounts of electronic discovery because it enables legal professionals to rapidly and efficiently review, analyze and organize responsive electronic materials. We have not seen any other product that offers such unique features, and it comes along with a dedicated group of individuals and partners who are excited about Attenex’s products and functionality.”

- Dan P. Sedor, Partner, JMBM

The Results

“Using Attenex Patterns, we were able to meet deadlines for the use of electronic discovery in numerous depositions, summary judgment motions, trial preparation and trial,” said Sedor. “The costs of the electronic review, including hardware and software costs, as well as attorney review time, were significantly less than using a more traditional approach, and the end result for our client was a half-billion dollar verdict and one of the largest patent awards of the year.”

In preparation for the discovery process, JMBM assembled a team of associates, summer associates and paraprofessionals. In a dedicated electronic review conference room, these professionals used seven computers loaded with Attenex Patterns to review data in 1,000 document batches from 9 a.m. – 8 p.m., six days a week. Taking less than four months, the team successfully sifted through about 44 million pages of electronic records, locating essential documents and one very important spreadsheet that would ultimately lead to a huge win for Dr. Michelson.

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- Dan P. Sedor, Partner, JMBM

“The Workbench module was essential to reducing the amount of data running through Attenex Patterns, which in turn helped to speed up the document review process and control costs associated with document review,” said Sedor. Moreover, the firm found Attenex Patterns’ combination of search and a dynamic visual interface to be much more intuitive and interactive than a standard Boolean search.

Within only a few weeks of starting the review process, JMBM began seeing huge reductions in data set size and the location of good documents. Ultimately, JMBM found the ‘needle in the haystack,’ uncovering a crucial spreadsheet used to demonstrate Medtronic’s intention to coerce Michelson into an unfavorable settlement. “We were pleased to be able to complete our electronic document review efficiently and on a timely basis, and most significantly, that it yielded very important evidence in the case,” added Sedor. The jury found Medtronic Sofamor Danek liable for numerous counts of patent infringement and breaches of contract, awarding Dr. Michelson approximately \$570 million in punitive and compensatory damages.

“Attenex Patterns is a great solution for complex and high stakes litigation involving large amounts of electronic discovery because it enables legal professionals to rapidly and efficiently review, analyze and organize responsive electronic materials,” closed Sedor. “We have not seen any other product that offers such unique features, and it comes along with a dedicated group of individuals and partners who are excited about Attenex’s products and functionality.”

About JMBM

Jeffer, Mangels, Butler & Marmaro LLP is one of the most innovative law firms in the Western United States. The firm has more than 150 accomplished attorneys representing a variety of practices that span all areas of commercial and business law. JMBM’s mission to deliver strategic, customized solutions – instead of simply employing an army of attorneys – results in tremendous client success and satisfaction.

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