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Exposing Context:

E-mail threads reveal the fabric of conversations.

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Every document reviewer has experienced it — you are reading an e-mail in a review set and wondering if there was a reply, and then another reply, and so on. Or perhaps the e-mail was at some point forwarded to someone else.

How do you find these related e-mails? How can you understand the entire conversation without them? Absent a process to collect all the e-mails in the chain, you are left assuming that at some point later in the review you will be reading this e-mail again, and again, and again — as the e-mails higher up the chain begin to emerge, together with another copy of the one you are reading.

Processes for collecting and grouping all messages in an e-mail chain, called e-mail threading, are now readily available.

Survey

Last fall, we surveyed, on behalf of The eDiscovery Institute, 13 electronic data discovery providers who offer threading technology.

The results suggest that e-mail threading technology can reduce legal review time and cost by more than 33%. (The eDiscovery Institute is a non-profit organization that measures the relative merits of discovery technologies and methods.)

Weapon?

Will e-mail threading become one of the biggest weapons in the war on escalating discovery review costs? Yes! As more attorneys gain more experience with e-mail threading and its benefits, its use will become ***de rigueur*** in any litigation of significance.

An e-mail thread is a series of connected e-mail messages created when recipients reply to or forward messages. While there are many different implementations, in its most basic form it involves associating the initiating e-mail with all subsequent replies or forwards, so reviewers can examine all messages within the thread at the same time.

Many threading tools flag the last e-mail in the chain and confirm that it contains all of the text of the previous e-mails in the thread.

In the threading survey, the average number of e-mails per thread was 4.9, with individual respondents reporting e-mails per thread that ran as high as 11 on specific projects.

Being able to focus on the one e-mail that contains all of the message content without having to read (or worry about) earlier ones creates some obvious advantages — especially when your review software has bulk tagging features that permit users to tag all e-mails in the thread with one click.

While cost reduction typically is the most discussed advantage of e-mail threading, there is also a qualitative improvement to the review when the same reviewer understands the complete conversation within the context of the entire thread at the time of making relevance and privilege determinations.

THREE WAYS

There are three general ways e-mails are associated into threads. One involves the use of metadata not normally seen by the user — fields such as the MesssageID and Reply to MessageID.

The second involves an analysis of metadata fields such as Date/Time Sent, Subject, and From that are commonly displayed to the user.

The third is based on an analysis of the textual content in the body of the e-mail.

Not all e-mail threading software use all three methods, nor do they use the same methods in the same way — so be aware of several features or functions that may vary from one provider to another:

• *Forwards* : When an e-mail is forwarded, it may be treated by the software as a new e-mail for purposes of certain metadata and some threading systems — and the system may have difficulty associating the forwarded e-mail with its original thread.

• *Confirm inclusion of text from earlier e-mails* : Some but not all of the threading tools will confirm or verify that an e-mail actually contains all of the text originally contained in e-mails that appeared earlier in the thread.

• *Difference highlighting* : Some systems will highlight the differences between different e-mails in the thread, permitting reviewers to focus on the differences.

• *Blind copies* : Some systems will consolidate individual bcc recipients in a single field.

• *Threading paper-based e-mail* : Some programs do a better job than others of associating even scanned paper copies of e-mails into threads.

• *De-threading:* Does the product "de-thread" or break a thread into its component systems — to make it easier to prepare the detailed privilege logs that some courts require? In other words, is there a separate privilege log entry for each of the earlier e-mails in a thread when claiming privilege on an e-mail?

• *Support for other review programs* : Many (but not all) support exporting thread identification data to other third-party review applications.

• *Delivery model* : Some respondents provide threading as a component of their services, others license software that permits others to perform threading. Some (e.g., Equivio and OrcaTech) are available in a software development kit for integration into other programs.

• *Pricing* : There is a range of pricing options available, including per gigabyte, per item, per custodian, and per page as well as unlimited software licenses.

No Silver Bullet

E-mail threading is a powerful cost containment tool, but it is not sufficient in and of itself. It is used to best advantage in conjunction with other tools.

Lawyers selecting threading technology will also want to consider other features or parts of the overall offerings; for example:

• *E-mail analytics* that make it easy to determine the parties or domain names with which given custodians were communicating.

• *Near deduping or concept clustering* that permits the grouping of like e-mail threads.

Vendor Resources

Company Names	Website	Offering
Anacomp	**www.anacomp.com**	eDiscovery Services / CaseLogistix (Equivio Integrated)
Capital Legal Solutions	**www.capitallegals.com**	Part of eZReview® product, termed "Email Analytics"
Clearwell Systems	**www.clearwellsystems.com**	Clearwell E-Discovery Platform
Daticon EED	**www.daticon-eed.com**	CompareVue (own development along with Equivio)
Equivio	**www.equivio.com**	Equivio>EmailThreads
InterLegis	**www.interlegis.com**	Discovery360 Reviewer
Kroll Ontrack	**www.krollontrack.com**	ETMetric (available as standalone component or as part of Ontrack Inview)
Logik	**www.logik.com**	SimLogik, ThreadField
OrcaTec	**www.orcatec.com**	OrcaTec email threading
Recommind	**www.recommind.com**	Insite Legal Hold; Axcelerate eDiscovery
TCDI	**www.tcdi.com**	Internal Product - (not named)
Trilantic	**www.trilantic.co.uk**	Equivio
Valora	**www.valoratech.com**	Email Thread Grouping & Email De-Threading

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