



Learning Curve

Attorneys are struggling with gleaning relevant information from mountains of emails and other electronic communications.

During an administrative hearing last year, Tampa attorney Edward de la Parte Jr. was given a deadline to produce emails and other documents pertaining to the case. There was nothing unusual or unfair about the request, but it still sent him and his staff into overdrive and overtime.

“We were representing about nine different government and private utility clients, and we were given a very broad request,” de la Parte says. “The clients all collected the documents as best they could, but we were stuck with the fact that a lot of the nine clients had different formats and files that they used to keep



▲ Edward de la Parte

their digital documents, ranging from WordPerfect to Word, and then different kinds of email systems, some proprietary, some general. Having to get all of that information translated into formats that could be processed and reviewed was just very difficult. It’s

like the wild, wild west now. You have to be prepared for anything.”

The firm’s staff got it all done — and on time — but the case highlights the issues Florida attorneys face as the judicial system becomes more and more electronic. The roots of e-discovery requirements stem from the Sarbanes-Oxley Act of 2002, which forces businesses

to retain certain digital documents. Also, in 2012, the Florida Supreme Court approved rules pertaining to e-discovery and producing electronically stored documents in civil cases.

De la Parte, a shareholder at de la Parte & Gilbert, says the shift from paper to digital documents requires attorneys to keep up with the technology — whether they want to or not.

Lawyers may still be adapting, but e-discovery has created business opportunities for some software entrepreneurs who’ve created programs to help lawyers sift through mountains of electronic documents faster.

Phillip R. Davis, as president of SDI Environmental Services in Tampa, spent a good part of his career offering technical expertise to attorneys and testifying as an expert witness at trials involving water supply and groundwater contamination. He learned along the way that many of the attorneys he worked with struggled at navigating the e-discovery process.

“When they get large volumes of information dumped on them, they have problems,” Davis says. “The technology is changing so fast that it’s really hard for them to keep up.”

Davis created ThunderCloud,



◀ Phillip R. Davis’ ThunderCloud crunches e-discovery materials into a searchable database.

which crunches e-discovery materials — including everything from social media posts to 1,000-page documents — into a searchable database that theoretically even tech-deficient attorneys can use.

Davis' company is one of a slew that's selling data-searching services to attorneys struggling to find relevant information within the gigabytes and sometimes terabytes of information that must be evaluated during a typical case. Some companies sell software that helps attorneys search the data. Other companies take the data, park it in a cloud, search it and report back on what was found.

This year, the Florida Bar introduced the Practice Resource Institute, a website that helps attorneys with technology and other aspects of managing a law practice. The institute was a priority of Florida Bar President Gregory W. Coleman, who says 59% of the Bar's more than 90,000 members work in firms of five attorneys or fewer and don't always have access to IT departments like many larger firms have.



▲ Kevin D. Johnson

Kevin D. Johnson, a shareholder at Thompson, Sizemore, Gonzalez & Hearing in Tampa and chair of the Florida Bar's Special Committee on Technology/Office Tools and Resources, says there have been

“growing pains” as attorneys — and their clients — learn how to do business and litigate in a digital world.

“Even very experienced lawyers who know a lot about electronic discovery can still get tripped up from time to time — especially if the client doesn't understand its own systems,” Johnson says. “It's a matter of knowing your client's systems and thinking creatively about where things might be stored from your opponent.”

Johnson says helping attorneys navigate e-discovery is one of the topics being considered by the Florida Bar's Vision 2016 Commission, whose members were tasked in 2013 with studying and reporting back on the future of practicing law. The report is due next year. 