At the Crossroads

Andy Kass

I went down to the crossroads
Tryin’ to catch a ride
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Nobody seemed to know me,
Everybody passed me by….

-- from “Crossroads” by Robert Johnson

Many of us have heard Eric Clapton’s version of the blues standard quoted above. Robert Johnson, the mysterious blues legend, wrote from experience about trying to move on but getting stuck in place for reasons beyond his control.

For a long time (in law technology years), Concordance and Summation were the two standards for document review. Both accepted delimited text for form and column viewing of metadata or coding, images for viewing, and OCR or extracted text for content search. Both provided means for coding, designating and producing documents. Both could be used by individuals or by local network groups.

Time and tide wait for no one, and so it was with document review software: electronic discovery became the standard of document review because that’s where most of the information was to be found. With the greater volumes, local networks which had grown as a development of personal computing gained size and complexity and, over time, returned to the data center. Even with gateway shims such as FYI Server and WebBlaze, Concordance and Summation began to slip because they were simply not built for distributed use.

As we approach Legal Tech New York 2014 (February 4-6 at The Hilton in New York), these industry stalwarts truly are at a crossroads.
**Summation** was purchased, first by Wolters Kluwer and then by AccessData. *Summation Enterprise* was their its SQL-based product, but in trying to preserve the original product’s rather arcane interface, performance and other issues dogged this release and it never really caught on even with entities having the infrastructure to support it. AccessData has introduced an ambitious *Summation Pro* series to replace *iBlaze* and fundamentally changed the support structure, cutting out the tribe of Summation Certified Trainers and controlling all training and support; a reading of litsupport forms shows that this strategy has yet to gain traction.

Under LexisNexis’s auspices, *Concordance* has continued refining its “classic” product with *Concordance Image* and *Concordance Native Viewer* accessory applications. It still has a solid niche in small-to-mid-sized firms, and continues to be pretty widely used for local review and quality checking. Over time, however, this flat-file system will be an ever smaller percentage of the document review software market; the fact that the entire database must be taken down for maintenance, coupled with multi-site access available only using FYI or Citrix, keep *Concordance* stuck at the crossroads.

Development of the enterprise-level *Concordance Evolution* has not gone as well; after a long series of focus groups, programming efforts and wire-frame demos, *Evolution* was pulled back from a premature introduction in 2012 and redone almost from the top into the fall of 2013.

The result is a comprehensive and capable application, rooted in SQL Server and modern indexing and rendering technology. The web client (which, like *Summation Pro* and kCura’s *Relativity*, plugs into Internet Explorer only) can securely pull up document data for a case wherever there is Internet connectivity. The administrator has global view and control of all databases, server, cases and users. Better yet, some of the best things about *Concordance* (tagging, combined searches from history, saved searches, etc.) have been retained and updated.

Here’s the hard part: while LexisNexis has been toiling away at *Evolution*, a new generation of software has arisen to eat its lunch: kCura *Relativity*, iConect *XERA*, Reveal Data *InControl*, Xerox/Lateral Data *Viewpoint*, and Catalyst, among others, utilize the scalability, performance and ready access provided by modern datacenter-based tools. Some, such as *InControl* and *XERA*, are browser and platform agnostic.

The market has moved on in other ways: while much of the time, standard pre-review culling is sufficient (by date range, custodian, location, file type, and keyword), today’s massive ESI discovery necessitates the increasing use of technology-assisted
review tools to augment or be integrated with document review software. Concept clustering, near-duplicate analysis, metadata entity extraction, and trainable relevance analysis are all moving closer to the center of the document review process in larger cases. With respect to LexisNexis’s position with *Evolution*, I think about the NYC Marathon runner a few years back who turned into what he thought was the path to the Central Park finish line, only to realize that it was still several hundred yards away down a different entry.

The heartening news for LexisNexis is that this runner persisted, and wound up winning anyway. And that is what is required to remain relevant in the discussion of document review platforms: stay in there, keep improving, keep showing users whose success depends upon it how this software offers a more efficient, effective and usable solution to managing massive document reviews.

The Tip Sheet is at the crossroads, too. In months to come, watch for broader discussion of ediscovery and review topics.

See you at Legal Tech!

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*The views expressed in this Concordance Tip Sheet are solely the views of the author, and do not necessarily represent the opinion of U.S. Legal Support, Inc.*

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The Concordance Tip Archive (all the way back to October 2005!) lives on at our Web Site, [http://www.uslegalsupport.com/concordance-archive](http://www.uslegalsupport.com/concordance-archive). Feel free to leave me a note, a comment, a suggestion or a Tip request. While you’re there, don’t miss our Resources page, which lists the Tip Sheet Archive and our current CLE offerings ([http://www.uslegalsupport.com/litigation-services/resources/](http://www.uslegalsupport.com/litigation-services/resources/)), and of course, check into all the other great things U.S. Legal Support can do for you....

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