

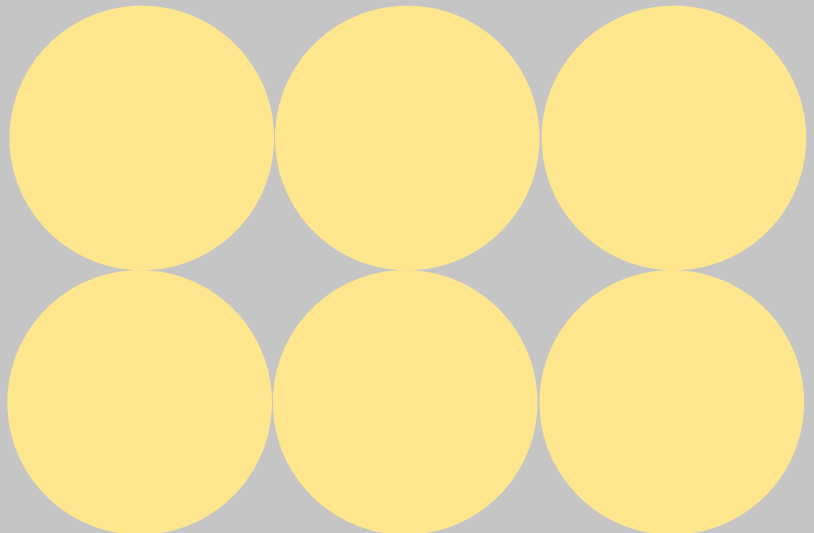


Legal Data
Intelligence™

Expanding From Early Case to Early Data Assessment: Leveraging Legal Data Intelligence for Dispute Avoidance and Strategic Response

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Contents

- Summary 2
- Introduction: Why EDA Now? 3
- EDA in Context: Corporate Legal vs. Law Firm Perspectives 3
 - Corporate Legal 3
 - Law Firm..... 4
- The LDI Framework for EDA: Initiate, Investigate, Implement5
 - Grounded in Data Mapping.....5
 - Phase 1: Initiate5
 - Phase 2: Investigate 6
 - Phase 3: Implement..... 6
- Applications of EDA by Use Case.....7
- Regional Considerations: US vs. UK..... 8
- Key Stakeholders and LDI Roles..... 9
- The Role of Legal Data Intelligence (LDI) Professionals 9
- Best Practices and Practical Workflows.....10
- Benefits of Early Data Assessment 11
- Conclusion: The Road Ahead..... 11

Summary

Law firms and legal departments are sitting on a gold mine of legal data. That data, when properly organized and analyzed, offers unparalleled insights into dispute outcomes, risk exposure, and cost modeling. It's the value of these insights that has led to an evolution from Early Case Assessment (ECA) to Early Data Assessment (EDA). While ECA focuses on an isolated case, EDA shifts the analysis from one case to an overarching, proactive, data-informed legal strategy. By incorporating the principles of Legal Data Intelligence (LDI), EDA empowers organizations to understand and manage legal risks from the earliest possible moment. This white paper outlines the framework, practical applications, and cross-jurisdictional considerations of EDA, with a focus on how legal professionals can leverage this approach to improve efficiency, reduce costs, and deliver strategic value.

Introduction: Why EDA Now?

Legal professionals increasingly face data-intensive environments where traditional, reactive strategies are no longer sufficient. The shift toward proactive, data-driven decision making is essential.

Early Case Assessment is the process of quickly evaluating the facts, key legal issues, and potential risks of a matter shortly after it arises. It typically involves an initial review of data, preliminary legal analysis, and early budget forecasting to inform overall strategy. Traditionally aligned with the [Electronic Discovery Reference Model \(EDRM\)](#), ECA occurs immediately following data ingestion and processing, and guides further, more detailed analysis of data. While ECA often includes establishing culling criteria, in practice these criteria are usually confined to the negotiated discovery parameters and the comfort level of the legal team managing the discovery process. Within this limited scope, ECA doesn't consider broader analysis of a company's legal data, which may contain critical information, and it may miss opportunities to utilize available ediscovery tools for other types of strategic examination.

ECA is often associated with litigation-specific tasks and begins after a dispute has emerged. Therefore, it does not lend itself to proactive thinking about management of data within scope and the ability to draw strategic business insights from its analysis. This is where Early Data Assessment takes this concept further. EDA is the systematic process of identifying, organizing, and analyzing data at the earliest stages, utilizing information from historical data to help drive the legal strategy, often before a formal case has begun. It includes data mapping, information governance alignment, and historical data analysis to model outcomes, costs, and risks. EDA applies not only to litigation, but also to investigations, compliance audits, and dispute avoidance efforts.

Where ECA is a case-specific snapshot, EDA is a strategic roadmap.

EDA in Context: Corporate Legal vs. Law Firm Perspectives

Corporate Legal

Early Data Assessment gives corporate legal departments a distinct advantage because the data involved pertains directly to their own matters, systems, and internal communications. This tailored scope allows legal teams to extract insights that are immediately relevant to their organization's litigation profile and operational context. In-house counsel can use EDA to assess actual risks based on how similar issues have historically unfolded within the business. This leads to more accurate scoping of legal exposure, informed case strategy decisions, and faster go/no-go determinations on litigation and settlement pathways.

Internally, EDA also supports more strategic coordination across business units and enables legal teams to act preemptively. By spotting patterns in custodianship, data volumes, and communication styles, legal departments can refine document retention policies, improve litigation readiness, and enhance internal training. It also enables General Counsel to present risk and potential legal costs in terms the C-suite understands, embedding legal decision-making into broader business strategy. For corporate legal teams, EDA is not just a litigation tool—it's a gateway to smarter governance and more aligned enterprise risk planning.

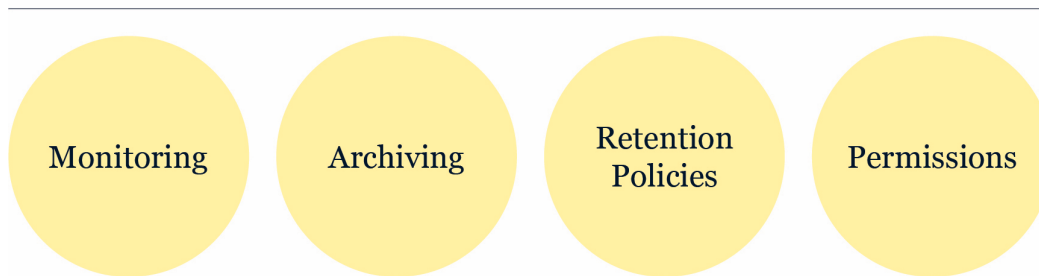
Law Firm

External legal advisors often create value in a different manner—by applying EDA across data sets involving multiple clients in the same sector. While these exercises can uncover useful benchmarks and sector-level patterns, the insights are less tailored to any one client’s unique operating environment. For example, disclosure risks or proportionality considerations flagged in aggregate data may differ significantly from what a particular client faces based on their record-keeping systems, internal workflows, and communication habits. External counsel must therefore interpret EDA results through a layer of generalization, which—although valuable—may limit the precision with which they can guide litigation strategy or early case assessment.

In law firm practice, EDA is typically narrower in scope and relies heavily on alignment between the legal team and the client. Achieving such alignment is challenging, as it requires a fundamental shift in mindset from both parties. This involves more proactive data management, greater openness to sharing data, and a deeper understanding of the long-term value that early data assessment brings, not just for expected litigation, but for future legal matters as well.

Clients are often understandably hesitant to broadly share their data for early analysis. However, by the time law firms are instructed on a specific matter, it is usually too late to fully leverage advanced data management practices. Proactive data mapping can reveal inconsistencies in data monitoring, archiving, retention policies, and permissions. These factors are often referred to as the four parameters of data. When combined with insights gained from prior matters, this proactive approach facilitates more productive collaboration between firms and their clients, optimizes litigation strategy, reduces unnecessary efforts, and improves outcomes.

The Four Parameters of Data



EDA strengthens client relationships and improves internal decision-making. It allows law firms to deliver quicker, more accurate budget forecasts, enabling clients to better manage their legal spend. Unlike traditional ECA, which typically focuses on analyzing data after litigation has arisen, EDA involves proactively assessing data before litigation is even anticipated. Methodologies for this early assessment may include historical analyses such as date-range assessments, keyword searches, domain analysis, and communications mapping across key custodians.

Leveraging proprietary analytics tools and dashboards in EDA can also differentiate a firm’s value proposition in client pitches and RFP responses, highlighting a data-driven approach to legal services. Furthermore, EDA supports early motion practice, strategic discovery planning, and collaborative initiatives with corporate clients aimed at reducing litigation costs and improving overall efficiency.

The LDI Framework for EDA: Initiate, Investigate, Implement

The EDA process is built around three stages that follow the [Legal Data Intelligence model](#): Initiate, Investigate, and Implement. These phases provide a structured approach to transforming raw legal data into actionable intelligence.

Grounded in Data Mapping

A foundational component that underpins each stage of EDA is data mapping. Data mapping refers to the process of identifying where data resides, how it flows between systems, and which individuals or departments are responsible for it. In the legal context, this involves pinpointing key custodians, categorizing structured and unstructured data sources, and understanding how data is stored, accessed, and archived across the organization. Effective data mapping allows legal and IT teams, and ediscovery/digital forensic service providers to respond rapidly to legal holds, discovery requests, and regulatory inquiries. It also supports defensible scoping decisions by linking matter types to data types and volumes observed in past cases. When done proactively, data mapping enhances not only discovery readiness but also broader compliance, cybersecurity, and information governance initiatives. As mentioned earlier, it is important to remember the four parameters of data – monitoring, archiving, retention policies, and permissions –which could affect the effectiveness and defensibility of every litigation discovery case.

Phase 1: Initiate

The first phase, **Initiate**, focuses on identifying the key data points that can inform what a new matter may entail based on prior experience. Many of these data points may already reside in existing accounting, billing, or financial systems, while others may require new workflows to ensure the data is captured at the most effective point in the matter's lifecycle. Legal teams should work collaboratively with IT and Legal Operations to assess data availability, standardize inputs, and close visibility gaps early.

Relevant data points will vary by organization and industry, but several commonly applicable categories have proven consistently valuable for early analysis. These include:

- Type of matter, where use of a well-structured taxonomy helps ensure accurate comparisons across similar disputes
- Amount at issue, initially based on pleadings and refined as claims or demands are updated
- Identity of opposing counsel, since historical performance and strategy may inform risk and cost

Other key data points might include:

- Jurisdiction, which may impact timing and procedural posture
- Form of action (e.g., individual litigation, class action, multidistrict litigation (MDL), or regulatory matter)
- Quantitative discovery metrics such as the number of custodians involved, the volume of data collected, processed, and reviewed, and the duration of the matter

Financial indicators also offer valuable insights. These include fees paid to outside counsel, expert and consultant fees, and the ultimate outcomes, such as settlements agreed to or verdicts rendered, which together help define a realistic exposure range. Collectively, these data points form the foundation for strategic modeling and informed decision-making during the earliest phases of the matter.

During the **Initiate** phase, it is also important to assess the current state of data readiness: What data is already available? What needs to be captured in future workflows? Where are the gaps?

Phase 2: Investigate

The second phase, **Investigate**, is about data preparation and normalization. LDI professionals work with internal stakeholders to locate, validate, and structure the relevant data. Collaboration with IT and Legal Operations ensures access to both structured and unstructured data sources, while Finance contributes cost metrics and timekeeper data. Outside counsel can provide contextual insights that enrich raw data with narrative understanding. To support long-term scalability, organizations should implement consistent naming conventions, tagging practices, and intake workflows. This phase may also incorporate advanced technologies such as machine learning and AI, which can assist in clustering similar matters, identifying outliers, and detecting early risk indicators.

Phase 3: Implement

The third phase, **Implement**, transforms the prepared data into usable insights. Depending on the organization's level of maturity, this may begin with manual spreadsheet analysis or progress to more sophisticated tools such as Power BI, Tableau, or fully integrated legal analytics platforms. High-maturity organizations often utilize centralized data warehouses that support dashboarding, benchmarking, and predictive modeling.

Key goals of this phase include developing reusable templates for matter intake, defining [key performance indicators \(KPIs\)](#) such as time to resolution and discovery cost per custodian, and setting up automated alerts for high-risk scenarios. Perhaps most importantly, this phase establishes a feedback loop in which insights from current and past matters inform future planning, governance, and strategic alignment. The result is a dynamic, institutional knowledge base that grows in value over time.

Applications of EDA by Use Case

EDA offers significant value across a range of legal use cases, including litigation, investigations, and broader dispute avoidance.



In litigation, the early identification of custodians and data sources is critical. EDA enables legal teams to avoid unnecessary data overcollection, reduce review volumes, and optimize legal spend. By modeling likely timelines, cost ranges, and discovery burdens based on historical data, legal professionals can offer more accurate forecasts and tailor their strategies accordingly. This early insight not only improves outcomes but also enhances collaboration with opposing parties and courts on proportionality arguments and case management plans.

In internal and government investigations, EDA plays a central role in managing urgency and complexity. Investigations often involve volatile data sources such as chat logs, mobile communications, or ephemeral messages. EDA helps legal and compliance teams rapidly scope custodians, map critical data systems, and prioritize preservation. It also supports the early identification of potentially problematic behavior through pattern recognition and historical trend analysis. The ability to act quickly and knowledgeably during the investigative window can materially affect the resolution trajectory, including regulatory outcomes or self-disclosure strategies.

Beyond litigation and investigations, EDA serves as a valuable tool for dispute avoidance. By analyzing data across a portfolio of matters, organizations can identify recurring claims, systemic procedural breakdowns, or departments that generate frequent legal exposure. These insights can inform compliance training, contract redesign, or operational controls. EDA enables legal teams to move upstream, using data to not just react to disputes, but to prevent them altogether.

One of the most critical lessons emerging from EDA implementation is the importance of starting early, ideally as soon as a subpoena is received or an investigation is launched. At this initial moment, decisions made around data scoping, custodians, systems, and communications can have a disproportionate impact on cost, defensibility, and overall strategy. Delaying EDA increases the risk of overcollection, rushed analysis, or incomplete preservation, all of which can impair downstream outcomes. Legal teams should consider EDA not as a reactive step but as a default starting point for any matter involving data. It is never too early to engage data stakeholders, begin mapping systems, and start extracting insights from past matters to guide immediate response strategies.

Regional Considerations: US vs. UK

While the principles of EDA are broadly applicable, regional legal environments shape how the framework is adopted and implemented.

In the United States, a high volume of litigation, expansive discovery obligations, and a mature market for legal operations have accelerated the adoption of early assessment methodologies. US litigation often emphasizes discovery proportionality under Federal Rule of Civil Procedure 26(b)(1), making early insight into data volume and custodial scope especially valuable. EDA supports early meet-and-confer discussions, ediscovery strategy, and proportionality arguments, which are critical to litigation cost control.

In the United Kingdom, EDA has always formed part of regulation, given how terms such as proportionality have been covered in Rule 1 of the Civil Procedure Rule since 1999. For example, the development of the disclosure pilot scheme which led to Practice Direction 57AD emphasized early identification of key issues and documents, aligning well with EDA principles. Practice Direction 57AD (PD57AD) builds upon the principle of proportionality first established in Rule 1 of the Civil Procedure Rules, and places strong emphasis on early, efficient engagement with disclosure-related issues.

PD57AD paragraph 6.4 sets out a detailed framework for assessing whether disclosure is **reasonable and proportionate**, considering:

- Complexity and nature of the issues
- Importance of the case (including non-monetary relief)
- Likelihood of probative documents existing
- Volume of documents
- Ease and cost of searching and retrieving documents
- Financial position of each party
- Need for expeditious and fair resolution

For a given legal matter, ECA is promoted by way of initial disclosure of key documents, the use of the Disclosure Review Document (DRD) as a collaborative tool, outline of list of issues for disclosure and certain guidance hearings, allowing for resolution of disputes before they escalate. Such mechanisms push parties to assess the scope and relevance of disclosure early. We are witnessing a broadening of scope from the traditional ECA to the greater EDA, given how the understanding of proactive data management is increasing.

While litigation volumes are lower in the UK compared to the US, the importance of data-driven investigation and disclosure strategies is growing, particularly in response to regulatory pressure from bodies such as the Financial Conduct Authority (FCA), Competition and Markets Authority (CMA), European Commission, and Serious Fraud Office (SFO). Furthermore, General Data Protection Regulation (GDPR) and data protection laws create additional impetus for organizations to implement strong data mapping and governance practices, making EDA a critical compliance tool.

Although regional nuances exist, the overarching trend is clear: EDA enables legal teams in both jurisdictions to make better informed, faster decisions while enhancing defensibility, transparency, and client trust.

Key Stakeholders and LDI Roles

Successful implementation of EDA hinges on the involvement of the right stakeholders. Legal departments cannot work in isolation; collaboration across business units is critical. Legal professionals bring the substantive expertise needed to evaluate privilege, interpret risk, and guide strategic decisions. IT plays a central role in identifying, accessing, and preserving relevant data sources, as well as implementing the infrastructure required for analytics and automation. Finance teams contribute insight into legal spend, budgeting, and forecasting, enabling a more holistic view of litigation cost drivers. Compliance stakeholders help align EDA activities with regulatory obligations and internal policies. External counsel provides tactical input, jurisdictional insight, and historical benchmarking.

In addition to traditional roles, EDA elevates the importance of emerging legal operations positions. [Legal Data Intelligence Analysts](#) are tasked with interpreting structured and unstructured data and transforming it into meaningful insights. Legal Technologists design and manage the systems that support scalable data workflows and integrations. Legal Operations Managers serve as the linchpins for cross-functional collaboration, ensuring consistency in intake, tracking, reporting, and communication. Together, these professionals operationalize the Legal Data Intelligence framework, turning EDA from a concept into a repeatable, results-driven process.

The Role of Legal Data Intelligence (LDI) Professionals

LDI professionals serve as the connective tissue between legal expertise, technology, and data strategy. Their role is not only to understand how data flows within legal workflows, but to architect and optimize those workflows for maximum value. LDI professionals bring a multidisciplinary perspective, often combining legal training, data analytics experience, and familiarity with ediscovery, compliance, and information governance systems.

These professionals play a critical role at every stage of the EDA lifecycle. In the initiation phase, they help define the data strategy, recommend technology solutions, and ensure appropriate data capture. During the investigative and implementation phases, they drive data normalization, ensure metric consistency, and generate meaningful dashboards and reports. Perhaps most importantly, LDI professionals serve as internal evangelists and change agents, helping teams adopt data-centric thinking and shift from reactive to proactive legal operations.

As organizations mature, LDI professionals also take on more strategic responsibilities. They develop KPIs, lead post-matter reviews to refine benchmarks, and oversee governance models that ensure continuous improvement. Their ability to speak both legal and technical languages makes them invaluable collaborators for General Counsel, CIOs, and legal operations leads. By embedding LDI professionals into core legal processes, organizations unlock the full promise of Early Data Assessment.

Best Practices and Practical Workflows

Implementing EDA requires a deliberate, repeatable methodology that integrates data governance with matter strategy. Best practices begin with the creation of a standardized matter intake process that captures essential metadata and key context at the outset of a new issue. This includes tagging matters consistently according to type, business unit, jurisdiction, and expected cost or exposure. A consistent taxonomy ensures comparability across historical data and improves the quality of downstream analysis.

Organizations should define a core set of data points that are captured consistently across all matters. These data elements serve as the foundation for meaningful analytics and predictive insights. Tools like dashboards and data visualization platforms can help stakeholders understand trends and performance metrics in real time. Metrics such as time to resolution, average discovery cost per custodian, and frequency of discovery disputes help legal teams track efficiency and target areas for improvement.

Workflow diagrams can provide practitioners with clear guidance on the logical progression of EDA activities, from matter initiation to resolution. For example, an EDA workflow may begin with a trigger event, such as the receipt of a subpoena or the launch of an investigation. Legal Operations initiates an intake form, IT maps the data landscape, and Data Analysts extract benchmarks from prior similar cases. Legal and Compliance then align on risk and resourcing decisions based on this synthesized view. This approach enables rapid, defensible, and transparent action, especially when legal teams are under time or regulatory pressure.

A critical pillar that supports effective EDA is a strong information governance framework. Information Governance (IG) refers to policies, processes, roles, and technologies that ensure legal data is properly managed, protected, and disposed of throughout its lifecycle. IG provides the foundation for data mapping, defensible deletion, legal hold implementation, and risk classification, activities that are essential to the success of EDA.

Without mature IG practices, legal teams may struggle with incomplete or inaccessible data, redundant repositories, and lack of visibility into what data exists and where.

Robust information governance enables organizations to know what data they have, where it is stored, who owns it, and how long it should be retained. These capabilities are crucial not only for litigation preparedness but also for compliance with privacy and data protection laws such as GDPR, California Consumer Privacy Act (CCPA), and other jurisdictional requirements. EDA initiatives can align closely with IG programs to identify high-risk data, reduce unnecessary data volumes, and improve the speed and precision of legal response.

Furthermore, IG promotes collaboration across departments. Legal must work closely with Records Management, IT, Privacy, and Compliance teams to ensure that policies governing data classification, retention schedules, and access controls are clear and consistently applied. This collaboration improves the quality and reliability of EDA outputs and positions legal teams to offer more strategic counsel to business units.

By institutionalizing information governance as a core component of the EDA strategy, organizations can achieve greater transparency, efficiency, and defensibility. IG is not just a compliance checkbox – it is a strategic enabler that transforms how legal data is leveraged to anticipate risk and drive smarter decisions.

Benefits of Early Data Assessment

EDA delivers measurable benefits for both corporate legal departments and law firms. At its core, it enhances predictability, allowing legal teams to model likely outcomes based on real historical data. This predictive capability enables more accurate budget planning, resource allocation, and client communication. EDA helps identify and reduce unnecessary data collection and document review, which in turn drives significant cost savings.

Beyond efficiency, EDA improves the defensibility of legal decisions. By documenting the rationale behind early case strategy and discovery scoping, organizations can demonstrate proportionality and good faith in discovery processes. Legal teams are also able to provide clearer explanations and visualizations of risk to executive stakeholders, which improves alignment and trust.

Perhaps most importantly, EDA transforms legal departments into proactive, strategic contributors to the business. Rather than reacting to disputes after they arise, legal teams can analyze historical patterns, engage in preventative measures, and guide decision makers before problems escalate. The long-term impact of EDA is cumulative the more it is used, the more data is captured, refined, and reused, amplifying its strategic value with each iteration.

Conclusion: The Road Ahead

EDA represents a pivotal shift in the practice of law—from reactive firefighting to proactive insight generation. By adopting Early Data Assessment as a core function, legal teams position themselves as data-driven problem solvers who can drive strategic outcomes across litigation, investigations, and compliance. The integration of Legal Data Intelligence principles enables organizations to create a scalable, repeatable system for understanding and controlling legal risk.

Looking ahead, legal teams should focus on building their internal capacity for EDA, refining workflows, and investing in the people and technologies needed to unlock the full potential of their legal data. Cross-functional collaboration, particularly between Legal, IT, Finance, and Compliance, must become routine. Organizations that embrace EDA will not only manage legal costs more effectively but also increase their strategic value to the business. They will be better prepared to respond to legal challenges, protect against regulatory exposure, and inform high-stakes decision making. The call to action is clear: now is the time to shift from data accumulation to data intelligence.