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Project: *Technology – Legal Service Providers*

Automated Causation Assessment And Document Management In Mass Tort Claims

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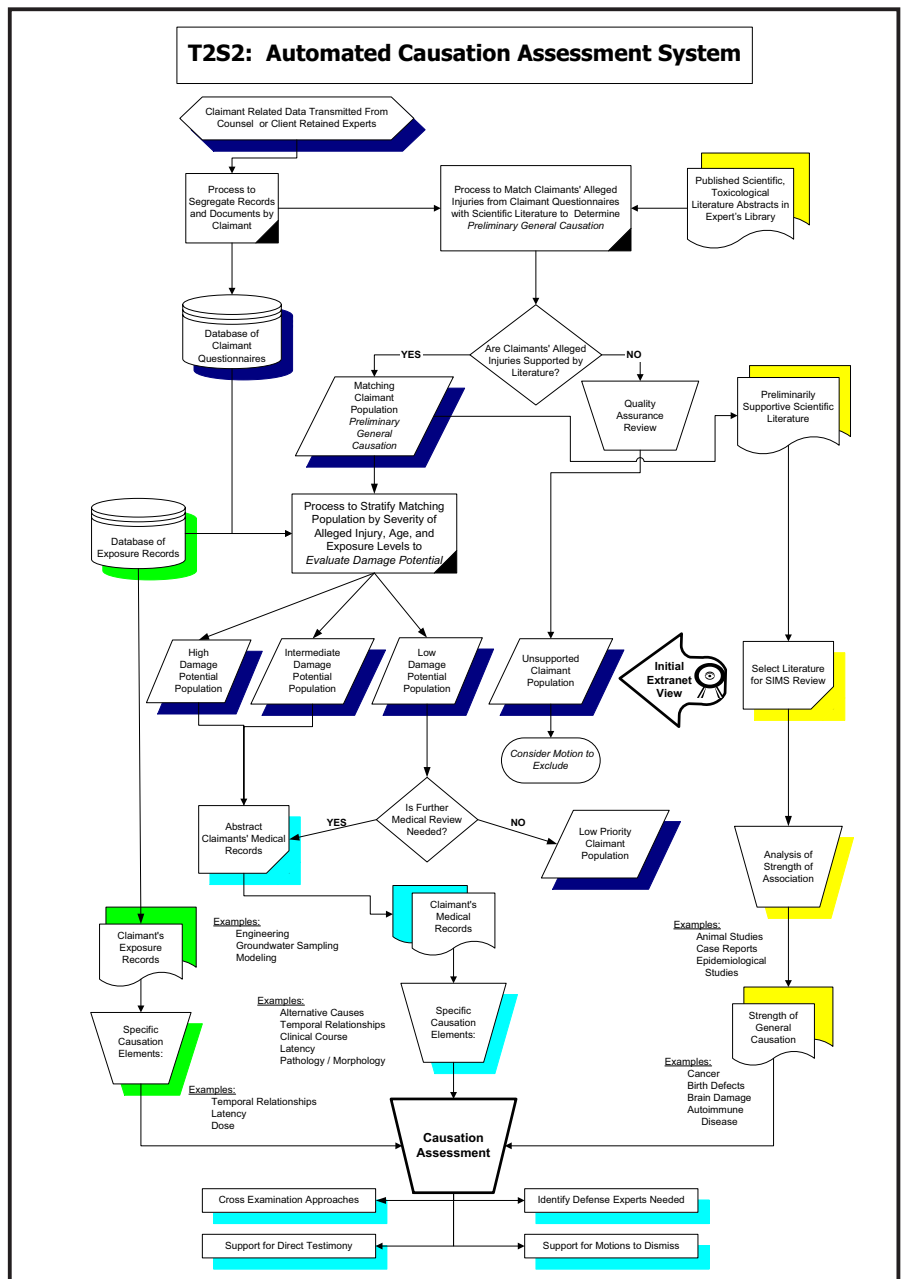
Mass tort claims present counsel with daunting amounts of medical, exposure-related and legal data. Database management systems, now widely available, have reduced the quantity of intense manual labor formerly required to sort and categorize such matters.

New applications of current technology present further opportunities to handle these claims far more effectively than in the past. The fusion of the medical and scientific acumen of experts, experienced and adept in causation assessment and mass tort issues, with the current algorithmic proficiency of computational systems that may be accessed through an extranet, is creating a new generation of document management with specialized analytical capability. Modern computing and Internet tools may be combined with sophisticated document management and thoughtful, deliberate integration of that data with medical and scientific information, algorithms and decision analysis. The resulting system has the ability to handle millions of pages of documents and to evaluate automatically the causal relationships between alleged exposures and diseases claimed, and to stratify individual claims in various ways, including by severity of risk.

Using the platform of a secure extranet environment, attorneys may review all or any limited components of the data and produce related analyses, as well as make such information available to others, including co-counsel or expert witnesses, at their discretion. The algorithmic system allows attorneys to determine what relationships they would like to focus on, whether those between claimant data and exposure, or claimant data and causation, in accord with their priorities, and permits them to tailor the programming accordingly.

Let us take, as an example, a case of water contamination by trichloroethylene, TCE. The period of exposure lasted from 1973 to 1991, in a small city. Plaintiffs include 10,000 claimants who lived in the area for varied periods of time, drank and bathed in varied amounts of the water, and who suffer from many medical conditions that they allege are due to the TCE exposure. Defendants include corporations for suspicion of dumping TCE (or, allowing it to be dumped), the water company for not detecting or relaying information about contamination, and the city for providing toxic water, or for failing to warn and failing to inform. Defense counsel for the water supply company and the corporations may be most interested in which claimants were directly exposed to the allegedly contaminated water, when, and for how long. The corporations or their experts may focus on general and/or specific causation. The city's counsel may be interested in the full text of

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medical and toxicological literature most relevant to the chemicals at issue. All of this data and analyses may be produced through an expertly supervised and maintained outsourced extranet, using an application such as the T2S2©. This will enable the work to progress rapidly and effectively, minimize the need for ordering additional hardware or software, maximize efficiency and reduce unnecessary transaction costs. Built-in analytical capacity of the system yields rapid, accurate answers to critical claimant issues, reducing meaningless review, permitting counsel to focus on key claims, and potentially, mitigating damages by ensuring the best review of relevant claims.

Law firm management consultant Edward Poll observed in his *Attorney and Law Firm Guide to the Business of Law* (ABA Publishing

2002): "When a firm offers an extranet to a client, the firm is saying the client is important enough for the firm to create a virtual office exclusively for this matter; and, as if that weren't enough, it is also giving the client a virtual key to that office to come or go as he or she pleases." With the power of modern computing, adding analytical capacity to such a framework allows the attorney to assess quickly the status of the claim and to maximize all resources, time, effort and money. Thus, the consistent access to data on a central database combined with expert-provided analysis enables the very best collaborative work among all of the experts, and permits the law firm to deliver the highest quality services. It is today's technological solution that mitigates damages and expedites the effective disposition of toxic tort claims.