

Understanding And Controlling EDisclosure Costs

Understanding and controlling eDisclosure costs is crucial for UK litigators. This guide details the six cost stages, the multiplication chain, and ten control levers. It covers budgeting, reading provider quotes, and common mistakes to help manage disclosure expenses.

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EDISCLOSURE COSTS · A GUIDE FOR UK LAWYERS Understanding and Controlling e Disclosure Costs The Multiplication Chain, and How to Break It COMPUTER FORENSICS LAB

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM FULL CHAIN-OF-CUSTODY DOCUMENTATION

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§ 06 · THE DOMINANT TERM The review population: the biggest lever

§ 07 · THE CONTROL S Ten control levers LEVER WHAT IT DOES 1 · Assess before you collect In-place volume reports, sampled richness and overlap measurement turn scoping 2 · Scope collection tightly Targeted, documented collection of tiered custodians and sources; forensic imaging 3 · Cull at processing de NISTing, global deduplication, date bounding and hit-tested terms applied where 4 · Thread and near-duplicate Review inclusive thread tails and cluster near-duplicates; routinely a third off the 6 · Stage the exercise Core scope now, extensions behind evidence-defined triggers; money follows the 7 · Negotiate terms with data Hit reports and sampled relevance rates in the exchange; negotiated culling terms 8 · Run hosting hygiene Promote selectively, archive released tranches to cold storage, decommission at 9 · Engineer the review Propagation, batching, decision trees, pace monitoring and

seniority-matching; buy 10 · Buy well Itemised scenario quotes on stated assumptions (expansion factor, hosting term,

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§ HOW A SPECIALIST LABORATORY CAN ASSIST Working with Computer Forensics Lab
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Questions and answers

Our last disclosure bill was multiples of the estimate. What usually causes that?

In order of frequency: no expansion assumption (processing and hosting arrive at double the planned volume); promote-everything workflows feeding the hosting meter; a review population never actually derived, just discovered; scope creep nobody re-priced; and pace assumptions review reality did not honour. All five are visible in advance to a budget built from the chain with monthly actual-versus-assumed reporting, which is the guide's practical prescription.

Is TAR actually cheaper, or just fashionable?

On populations above roughly 40,000 to 50,000 documents, prioritised review with a validated stopping point reliably reviews a fraction of the population for equivalent or better recall, and the saving scales with volume; on small populations the setup and validation overhead can equal the saving. The economics are estate-specific: ask the provider to model both workflows on your measured population, with the validation design and its cost included, and decide on the arithmetic.

Are e Disclosure costs recoverable from the losing party?

In principle yes, as costs of the proceedings, subject to the usual tests: reasonably incurred, reasonable in amount and proportionate, policed through budgeting and assessment. Practically, recoverability tracks discipline: itemised spend flowing from recorded scoping decisions and a budget that matched the DRD recovers well; indiscriminate collection and unexplained hosting years recover badly. Spend as if every line will be assessed, because the winning scenario is precisely that it will be.

What does hosting really cost over a matter?

Multiply promoted gigabytes by the monthly rate by honest duration, then add user licences: 200 GB at £12 with a 24-month life is £57,600 before anyone opens a document, which is why the promote-selectively and archive-on-release habits repay themselves so quickly. The number most matters get wrong is duration: budget on the realistic life of the litigation, not the hoped-for one.

Should we push for fixed fees?

Fix what is measurable, cap what is estimable, and leave truly contingent stages unit-priced with variance reporting: fixed collection and processing against a defined scope works well; fixed review of an unmeasured population transfers a risk the provider will price defensively, and you will pay the insurance either way. The scenario-sheet discipline gets most of fixed pricing's benefit (comparability, predictability) without buying anyone's risk premium.

Do costs arguments really move courts?

Measured ones do. The regime is built around proportionate cost, judges manage budgets as a core function, and a party arriving with itemised chain arithmetic, sampled yields and a staged alternative supplies the material a costs-focused court wants to work with. What does not move courts is an adjective: the companion proportionality guide and this one are two halves of the

same submission. cflab. u k · e-disc ove r y. u k ©2026 Computer Forensics Lab Ltd ·cflab.uk
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