

## Balancing In-House and External eDiscovery Resources

May, 2011

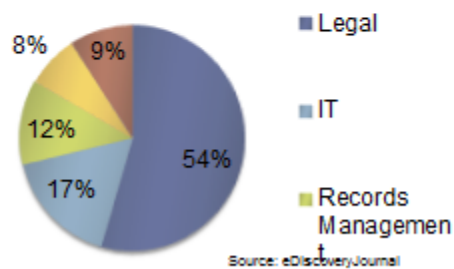
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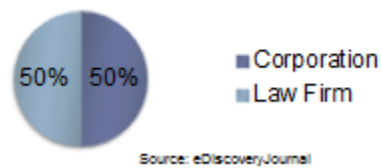
### Owning eDiscovery Not As Simple As It Seems

- ▶ High costs and high risks of eDiscovery have corporations wanting to take more control, but confusion abounds

#### Who Owns eDiscovery in Your Organization?



#### Who Owns Document Review?



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# Optimization Requires Herding Moving Parts



Formalizing In-House Activities

- Defensible preservation & collection
- Faster, more intelligent decision-making



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# Managing The Client, Firm, Provider Triangle

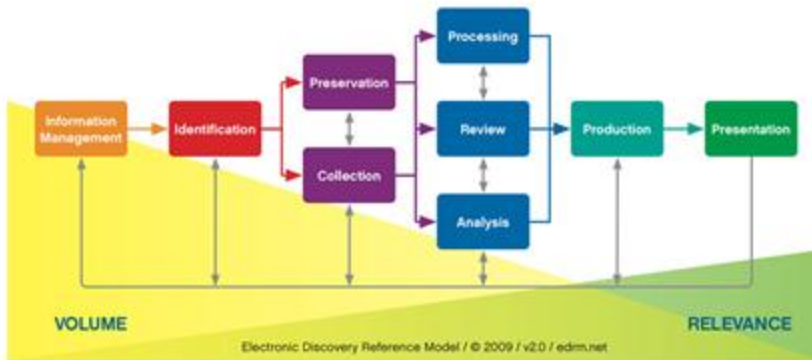


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# EDRM Is The Standard Process Description

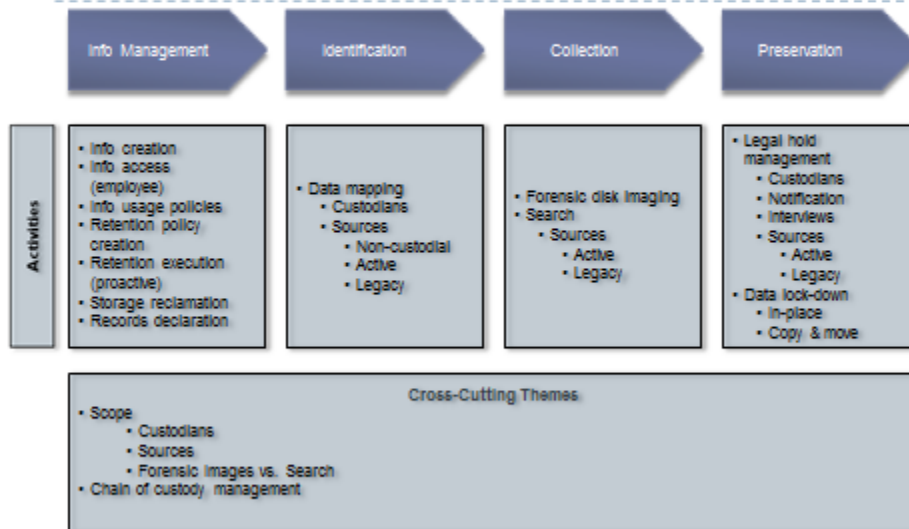
## Electronic Discovery Reference Model



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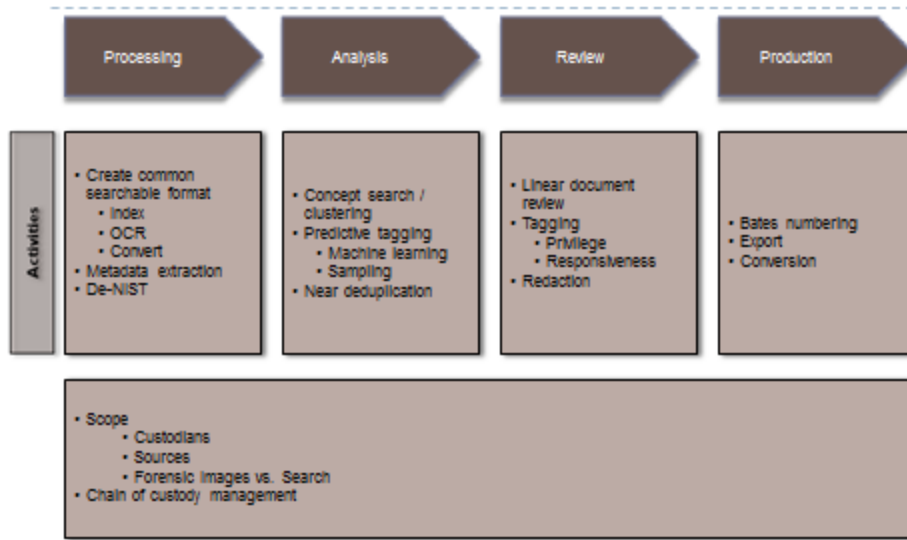
## Breaking Down The eDiscovery Process



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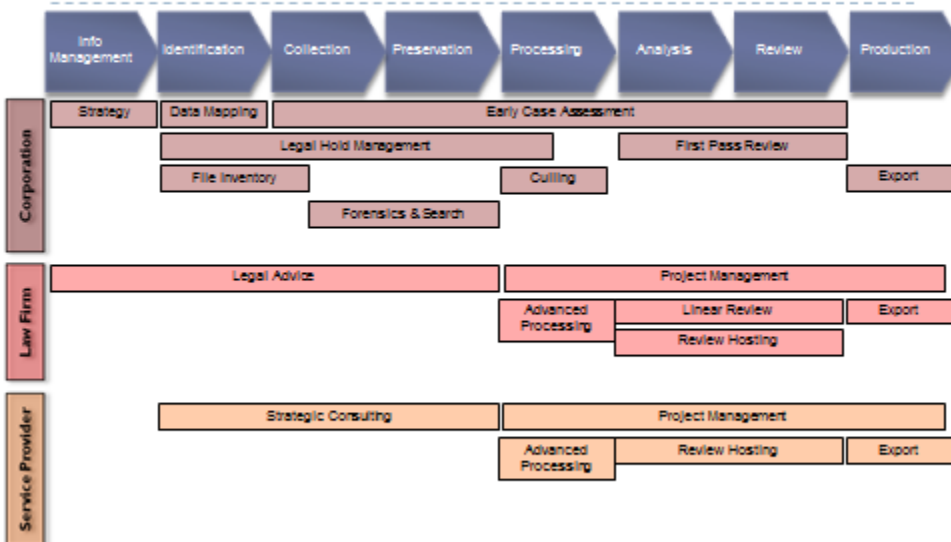
# Breaking Down The eDiscovery Process



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# Assigning & Tracking Activities Throughout The Process



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## What Leading Organizations Take In-house

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- ▶ **In-house legal hold management**
  - ▶ Notification through lock-down
- ▶ **Focus on defensibility**
  - ▶ Chain of custody
  - ▶ Forensics meets search
    - ▶ Collection of custodian-ambiguous sources
  - ▶ Metadata management
- ▶ **ECA = near-term business impact**
  - ▶ Cost reduction
  - ▶ Faster, more informed decisions

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## In-House Doesn't Exclude External Resources

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- ▶ "In-house" refers to corporate control and responsibility
- ▶ External resources provide valuable benefits that can supplement internal efforts
  - ▶ Experienced with expert testimony
  - ▶ Documentation methodologies
  - ▶ Experience working with litigators
  - ▶ Legal expertise

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## Set Clear Roles and Responsibilities

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Legal

- Approve retention and disposition policies
- Execute eDiscovery strategy, e.g. relationship with law firm(s)
- Conduct pre-review of discovered data
- Manage the cost of legal review
- Identify custodians for legal hold



IT

- Choose technology to execute retention, collection, preservation, and review of electronic information (whether for litigation or other investigation needs, e.g. compliance)
- Create budget for technology to support legal, compliance, and business units
- Manage security of the IT and information environment



Business

- Define and communicate information needs and consumption points.
- Communicate lifecycle value of information, e.g. how long knowledge assets maintain value
- Classify information assets

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## In 2011, You Should...

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- ▶ Define *Your* eDiscovery Process
- ▶ Get Alignment of the Team Players
- ▶ Ensure Defensibility of In-House Activities
  - ▶ Preservation, Collection, ECA
  - ▶ Marry forensics and search
- ▶ Strive for Efficiencies with Law Firms and Providers
- ▶ Lay the Groundwork for Predictability
- ▶ Prepare In-House Framework
  - ▶ Decide what activities to own
  - ▶ Be prepared to make informed decisions on internal vs. external resources

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